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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0379; Directorate Identifier 2013–SW–067–AD; Amendment 39–17870; AD 2014–12–09]

RIN 2120–AA64

Airworthiness Directives; Agusta S.p.A. (Agusta) Helicopters

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for Agusta Model AB412 helicopters. This AD requires inspecting the main transmission lubricating system oil outlet hose (hose) for damage, and, if required, replacing the hose. This AD is prompted by reports of damage found on the hose. These actions are intended to prevent loss of main gear box (MGB) lubrication, which could lead to failure of the MGB and subsequent loss of control of the helicopter.

DATES: This AD becomes effective July 7, 2014.

We must receive comments on this AD by August 18, 2014.

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

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov*. Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the foreign authority's AD, any comments received, and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this AD, contact AgustaWestland, Product Support Engineering, Via del Gregge, 100, 21015 Lonate Pozzolo (VA) Italy, ATTN: Maurizio D'Angelo; telephone 39–0331–664757; fax 39–0331–664680; or at *http://www.agustawestland.com/technical-bullettins.*You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Tyrone Millard, Aviation Safety Engineer, Rotorcraft Standards Staff, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *tyrone.d.millard@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments prior to it becoming effective. However, we invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that resulted from adopting this AD. The most helpful comments reference a specific portion of the AD, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit them only one time. We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this rulemaking during the comment period. We will consider all the comments we receive and may conduct additional rulemaking based on those comments.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Emergency AD No. 2013–0282–E, dated November 27, 2013, to correct an unsafe condition for Agusta Model AB 212, AB 412, and AB 412EP helicopters. EASA advises of two reports of oil leakage from the main transmission lubricating system oil outlet hose, part number 70–061L275W210A, caused by damage on the hose. EASA further states an investigation has not determined the root cause, but that relative movement between the data plate and the hose assembly may have been a contributing factor. EASA advises that if not corrected, this condition could lead to transmission lubricating system failure and reduced control of the helicopter.

As a result, EASA Emergency AD No. 2013–0282–E requires inspecting the portion of the hose accessible through the cargo hook opening for damage within 10 flight hours, and every 100 flight hours thereafter, and inspecting the portion of the hose accessible through the left side of the pylon for damage within 35 flight hours, and every 25 flight hours thereafter. If there is damage to the hose, EASA Emergency AD No. 2013–0282–E requires replacing the hose with a serviceable hose.

FAA's Determination

These helicopters have been approved by the aviation authority of Italy and are approved for operation in the United States. Pursuant to our bilateral agreement with Italy, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of the same type design.

Related Service Information

We reviewed Agusta Bollettino Tecnico (BT) No. 412–137, dated November 26, 2013. BT No. 412–137 describes procedures for repetitively inspecting the stainless steel hose braiding beneath the hose data plates for damage, fretting, or broken wires.

AD Requirements

This AD requires:

• Within 10 hours time-in-service (TIS), and thereafter at intervals not to exceed 100 hours TIS, inspecting the stainless steel hose braiding for damage, fretting, and broken wires in the area below the transmission oil sump, in the external cargo hook opening.

• Within 35 hours TIS, and thereafter at intervals not to exceed 25 hours TIS, inspecting the stainless steel hose braiding for damage, fretting, and broken wires in the area of the transmission oil sump behind the left side pylon access door.

• If there is any damage, fretting, or any broken wires, replacing the hose before further flight.

Differences Between This AD and the EASA AD

This AD does not apply to Model AB 212 or AB 412EP helicopters, as these models are not type-certificated in the U.S.

Interim Action

We consider this AD to be an interim action. If final action is later identified, we might consider further rulemaking then.

Costs of Compliance

There are no costs of compliance with this AD because there are no helicopters with this type certificate on the U.S. Registry.

FAA's Justification and Determination of the Effective Date

There are no helicopters with this type certificate on the U.S. Registry. Therefore, we believe it is unlikely that we will receive any adverse comments or useful information about this AD from U.S. Operators.

Since an unsafe condition exists that requires the immediate adoption of this AD, we determined that notice and opportunity for public comment before issuing this AD are unnecessary because there are none of these products on the U.S. Registry and that good cause exists for making this amendment effective in less than 30 days.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify that this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–12–09 Agusta S.p.A. (Agusta): Amendment 39–17870; Docket No. FAA–2014–0379; Directorate Identifier 2013–SW–067–AD.

(a) Applicability

This AD applies to Agusta Model AB412 helicopters with a transmission oil outlet hose (hose) part number 70–061L275W210A installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as hose failure, which could result in loss of main gear box (MGB) lubrication, failure of the MGB, and subsequent loss of control of the helicopter.

(c) Effective Date

This AD becomes effective July 7, 2014.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

(1) Within 10 hours time-in-service (TIS), and thereafter at intervals not to exceed 100 hours TIS:

(i) If installed, remove the external cargo suspension hook. In the cargo hook opening, underneath the transmission oil sump, slide the data plate and clear sleeve, if installed, aside and, using a light, inspect the stainless steel hose braiding for damage, fretting, or a broken wire.

(ii) If the stainless steel hose braiding has any damage, fretting, or a broken wire, before further flight, replace the hose.

(2) Within 35 hours TIS, and thereafter at intervals not to exceed 25 hours TIS:

(i) Through the left side pylon door, using a light and a mirror, inspect the stainless steel hose braiding for damage, fretting, or a broken wire.

(ii) If the stainless steel hose braiding has any damage, fretting, or a broken wire, before further flight, replace the hose.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Rotorcraft Standards Staff, FAA, may approve AMOCs for this AD. Send your proposal to: Tyrone Millard, Aviation Safety Engineer, Rotorcraft Standards Staff, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *tyrone.d.millard@faa.gov*.

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(g) Additional Information

(1) AgustaWestland Bollettino Tecnico No. 412–137, dated November 26, 2013, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in

this AD, contact AgustaWestland, Product Support Engineering, Via del Gregge, 100, 21015 Lonate Pozzolo (VA) Italy, ATTN: Maurizio D'Angelo; telephone 39–0331–664757; fax 39–0331–664680; or at *http://www.agustawestland.com/technical-bullettins.* You may review a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth Texas 76137.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) Emergency AD No. 2013–0282–E, dated November 27, 2013. You may view the EASA AD on the internet at *http://www.regulations.gov* in Docket No. FAA–2014–0379.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 6320: Main Rotor Gearbox.

Issued in Fort Worth, Texas, on June 6, 2014.

Lance T. Gant,

Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2014–13836 Filed 6–18–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0378; Directorate Identifier 2013–SW–050–AD; Amendment 39–17868; AD 2014–12–07]

RIN 2120–AA64

Airworthiness Directives; Agusta S.p.A. Helicopters

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for Agusta S.p.A. (Agusta) Model AB412 and AB412EP helicopters with a certain rotor brake pinion installed. This AD requires inspecting the rotor brake pinion for a crack, and replacing it if there is a crack. This AD is prompted by a report of a rotor brake pinion failure. These actions are intended to detect a crack on the rotor brake pinion and prevent failure of the rotor brake pinion, which could lead to detachment of parts inside the transmission and subsequent loss of control of the helicopter.

DATES: This AD becomes effective July 7, 2014.

We must receive comments on this AD by August 18, 2014.

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

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov*. Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (EASA) AD, any comments received, and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this AD, contact AgustaWestland, Product Support Engineering, Via del Gregge, 100, 21015 Lonate Pozzolo (VA) Italy, ATTN: Maurizio D'Angelo; telephone 39–0331–664757; fax 39–0331–664680; or at *http://www.agustawestland.com/technical-bulletins*. You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Matt Wilbanks, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *matt.wilbanks@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments prior to it becoming effective. However, we invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that resulted from adopting this AD. The most helpful comments reference a specific portion of the AD, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit them only one time. We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this rulemaking during the comment period. We will consider all the comments we receive and may conduct additional rulemaking based on those comments.

Discussion

This AD is prompted by AD No. 2013–0187, dated August 16, 2013 (AD 2013–0187), issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Agusta Model AB412 and AB412EP helicopters. EASA advises of a report of a cracked pinion, part number (P/N) 412–040–301–101, installed in the rotor brake quill, P/N 412–040–123–103, on an AB412 helicopter. EASA states that the crack was discovered by a magnetic particle inspection during a scheduled overhaul of the rotor brake quill. EASA further states that an investigation revealed the crack was due to residual stress generated during the manufacturing process, and that this condition, if not detected and corrected, could lead to failure of the pinion with detachment of parts inside the transmission that could cause its malfunction or jamming, finally resulting in loss of control of the helicopter. To address this unsafe condition, EASA AD 2013–0187 requires magnetic particle inspecting the rotor brake pinion, and if there is a crack, replacing the rotor brake pinion.

FAA's Determination

These helicopters have been approved by the aviation authority of Italy and are approved for operation in the United States. Pursuant to our bilateral agreement with Italy, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs.

Related Service Information

Agusta has issued Bollettino Tecnico No. 412–135, Revision A, dated July 29, 2013, which describes procedures for a one-time magnetic particle inspection of the rotor brake pinion, P/N 412–040–

301–101, installed on Model AB412 and AB412EP helicopters.

AD Requirements

This AD requires, within 100 hours time-in-service, magnetic particle inspecting the rotor brake pinion, P/N 412–040–301–101, for a crack. If there is a crack, this AD requires replacing the pinion before further flight.

Differences Between This AD and the EASA AD

The EASA AD does not apply to pinions installed in a rotor brake quill assembly that has been overhauled, while this AD does.

Costs of Compliance

There are no costs of compliance with this AD because there are no helicopters with this type certificate on the U.S. Registry.

FAA's Justification and Determination of the Effective Date

There are no helicopters with this type certificate on the U.S. Registry. Therefore, we believe it is unlikely that we will receive any adverse comments or useful information about this AD from U.S. operators.

Since an unsafe condition exists that requires the immediate adoption of this AD, we determined that notice and opportunity for public comment before issuing this AD are unnecessary because there are none of these products on the U.S. Registry and that good cause exists for making this amendment effective in less than 30 days.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify that this AD:

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–12–07 Agusta S.p.A.: Amendment 39–17868; Docket No. FAA–2014–0378; Directorate Identifier 2013–SW–050–AD.

(a) Applicability

This AD applies to Agusta S.p.A. (Agusta) Model AB412 and AB412EP helicopters with a rotor brake pinion, part number 412–040–301–101, installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a crack in a rotor brake pinion. This condition could result in failure of a rotor brake pinion, detachment of parts inside the transmission causing a malfunction or jamming, and subsequent loss of control of the helicopter.

(c) Effective Date

This AD becomes effective July 7, 2014.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

Within 100 hours time-in-service, magnetic particle inspect each rotor brake pinion for a crack. If there is a crack, before further flight, replace the rotor brake pinion.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Wilbanks, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *matt.wilbanks@faa.gov*.

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(g) Additional Information

(1) AgustaWestland Bollettino Tecnico No. 412–135, Revision A, dated July 29, 2013, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact AgustaWestland, Product Support Engineering, Via del Gregge, 100, 21015 Lonate Pozzolo (VA) Italy, ATTN: Maurizio D'Angelo; telephone 39–0331–664757; fax 39–0331–664680; or at *http://www.agustawestland.com/technical-bulletins*. You may review a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth Texas 76137.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2013–0187, dated August 16, 2013. You may view the EASA AD on the Internet at *http://www.regulations.gov* in Docket No. FAA–2014–0378.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 6321: Main Rotor Brake.

Issued in Fort Worth, Texas, on June 6, 2014.

Lance T. Gant,

Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2014–13838 Filed 6–18–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0415; Directorate Identifier 2008–SW–065–AD; Amendment 39–17865; AD 2014–12–04]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron, Inc. (BHTI) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2003–01–04 for BHTI Model 204B, 205A, 205A–1, 205B, and 212 helicopters. AD 2003–01–04 required inspecting the main rotor grip (grip) and reporting certain inspection results to the FAA. AD 2003–01–04 also required performing additional inspections, repair, or replacement depending on whether a crack or delamination was found, and determining and recording the hours time-in-service (TIS) and the engine start/stop cycles for each grip on a component history card or equivalent record. This new AD requires the same actions as AD 2003–01–04 but adds a retirement life to certain grips and expands the applicability to include the Model 210 helicopter and additional part-numbered grips. This AD was prompted by the discovery of additional cracked grips. We are issuing this AD to prevent failure of a grip, separation of a main rotor blade, and subsequent loss of control of the helicopter.

DATES: This AD is effective July 24, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 30, 2003 (68 FR 1955, January 15, 2003).

ADDRESSES: For service information identified in this AD, contact BHTI, P.O. Box 482, Fort Worth, TX 76101, telephone (817) 280–3391, fax (817) 280–6466, or at *http://www.bellcustomer.com/files/*. You may view this referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, any incorporated-by-reference service information, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations Office, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Michael Kohner, Aviation Safety Engineer, Rotorcraft Certification Office, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5170, fax (817) 222–5783, email *mike.kohner@faa.gov* or *7-avs-asw-170@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2003–01–04, Amendment 39–13015 (68 FR 1955, January 15, 2003) (AD 2003–01–04). AD 2003–01–04 applied to certain BHTI Model 204B, 205A, 205A–1, 205B, and 212 helicopters. AD 2003–01–04 required inspecting each grip, reporting certain inspection results to the FAA, and performing additional inspections, repair, or replacement depending on whether a crack or delamination was found. AD 2003–01–04 also required determining and recording the hours TIS and the engine start/stop cycles for each grip on a component history card or equivalent record.

The NPRM published in the **Federal Register** on April 20, 2012 (77 FR 23638) and proposed to require the same actions as AD 2003–01–04 but add a retirement life to certain grips and expand the applicability to include the Model 210 helicopter and additional part-numbered grips. Specifically, the NPRM proposed:

- Within 10 hours TIS, determining and recording the hours TIS and the engine start/stop cycles for each grip on a component history card or equivalent record.
- Within 10 hours TIS and thereafter at intervals not to exceed 25 hours TIS, visually inspecting the exposed surfaces of the upper and lower tangs of each grip for a crack, using a 10-power or higher magnifying glass.
- At specified intervals, depending on the hours TIS or the engine start/stop cycles, conducting initial and repetitive ultrasonic (UT) inspections of each grip.
- At intervals not to exceed 1,200 hours TIS or 24 months, whichever occurs first, inspecting each buffer pad on the tang inner surfaces for delamination, and removing the buffer pad and inspecting the grip surface for corrosion and other damage if there is delamination.
- Within 2,400 hours TIS or at the next overhaul of the main rotor hub, whichever occurs first, and thereafter at intervals not to exceed 2,400 hours TIS, inspecting the surface of each affected grip for corrosion or other damage and conducting a fluorescent penetrant inspection of the grip for a crack.
- Before further flight, repairing or replacing any grip that has a crack, corrosion, or other damage.
- Before further flight, removing any grip, part number (P/N) 204–011–121–009 or ASI–4011–121–9, that has 15,000 or more hours TIS; and removing any grip, P/N 204–011–121–121, that has 25,000 or more hours TIS.
- Establishing a new retirement life of 15,000 hours TIS for grip, P/N 204–011–121–009 or ASI–4011–121–9, and 25,000 hours TIS for grip, P/N 204–011–121–121.

This AD was prompted by the discovery of additional cracked grips. We are issuing this AD to prevent failure of a grip, separation of a main rotor blade, and subsequent loss of control of the helicopter.

Comments

After our NPRM (77 FR 23638, April 20, 2012) was published, we received comments from six commenters.

Request

Alpine Helicopters Ltd., Eagle Copters Ltd., Wildcat Helicopters, Inc., and two commenters from BHTI disagreed with the proposed life limit because the inspection procedures are sufficient to detect a crack in the grips.

We do not agree. The life limits for the –009 and –121 grips are necessary to correct the unsafe condition. While the UT inspections of the grips have increased the level of safety because grips have been discovered with a crack using this technique, we disagree with relying solely on the repetitive UT inspections of the lower grip tang without establishing a retirement life. Using a safety-by-inspection approach for a critical component has been shown to have an inherent amount of risk. Early failures of these grips, which have not been attributed to mechanical or other damage, have indicated the need to establish a retirement life to avoid possible cracking in the future.

Eagle Copters, Ltd., and Wildcat Helicopters, Inc., requested that we consider implementing shorter inspection intervals or a higher level of

training and experience to complete the inspections.

We disagree because we do not believe shorter inspection intervals or a higher level of training would provide an adequate long term solution to correct the unsafe condition. The risk of the onset of fatigue cracking in a grip from other than induced damage and its subsequent failure continually increases the further the part's safe-life (retirement life) is exceeded.

Eagle Copters Ltd., Wildcat Helicopters, Inc., Alpine Helicopters Ltd., and one commenter from BHTI expressed concern that a sufficient number of replacement parts will not be available. Eagle Copters Ltd., and Wildcat Helicopters, Inc., specifically requested that affected grips with no known time-in-service be allowed to remain in service for up to 3 years.

We disagree. While every effort is made to avoid grounding of aircraft, the FAA must nonetheless take action to correct an unsafe condition, such as the one in this case.

Eagle Copters, Ltd., and Wildcat Helicopters Inc., requested that we increase the retirement life of the grips. Eagle Copters, Inc. requested that we increase the retirement life of the –009 grip from 15,000 hours TIS to 25,000 hours TIS, because a life limit of 15,000 hours TIS is not justified based on service history of the –009 grip. Wildcat Helicopters, Inc., requested that we increase the retirement life of the –009 and –121 grip to 30,000 hours TIS.

Similarly, Satria Air Service (SAS) requested that we conduct further research on these failures and questioned our calculation of the proposed life limits. SAS stated that the proposed retirement life for the –121 grip is higher than the –009 grip even though the –121 grip is more prone to failure, which would indicate the need for a lower retirement life. SAS further stated that in a recent failure, the –121 grip had only accumulated 4,900 hours TIS, which is less than the proposed retirement life of 25,000 hours TIS. SAS also noted the 150 hour TIS repetitive inspection interval of the –121 grip is lower than the 400 hour TIS repetitive inspection interval for the –009 grip, which indicates there is a reason for the shorter inspection interval on the –121 grip.

We disagree with the request to increase the life limits of the grips, as this would not provide an acceptable level of safety in addressing the unsafe condition. The retirement lives for the –009 and –121 grips were determined using a crack initiation methodology (e.g., using the S–N curves and Miner's Rule). This method accounts for damage induced by fatigue loading but does not account for flaws and defects due to manufacturing or in-service conditions. The apparent discrepancy raised by the commenters can be explained by different sets of material properties being used to determine the retirement lives and inspection intervals for the grips. The material for the –121 grips was originally changed because of stress corrosion cracking that was occurring in the barrel of the –009 grips. Different materials will have varying levels for susceptibility to different types of damage. A more ''failure prone'' component may not necessarily warrant a lower retirement life. Early failures can occur from a crack initiating from damage induced by other than fatigue. Several of the failed –121 grips were also found with cracking at multiple origins. This would explain the apparent discrepancy of –121 grips having a shorter interval for UT inspections but yet a higher retirement life.

SAS requested that we change the proposed method for calculating the life of a grip with an unknown total of hours TIS, as it is impractical because grips are often in storage as spare parts or as a subcomponent of a main rotor hub assembly which may have been out of service. The commenter suggested assigning a fixed high time to a time since new unknown part, to allow an operator to plan for replacement at the next scheduled overhaul.

We partially agree. We agree that establishing a realistic in-service life for a component which is currently unlimited and only required to be replaced when damaged or corroded beyond repair is difficult. We disagree that the proposed method should be changed, however, because it is the same method as that in AD 2003–01–04 (68 FR 1955, January 15, 2003); only the number of hours TIS have been revised with our proposal. As far as allowing an operator time to plan for replacing a part, the proposed life limits are based on the actions we determine necessary to address the unsafe condition.

FAA's Determination

We have reviewed the relevant information, considered the comments received, and determined that an unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed except for minor editorial changes. In paragraph (a) of this AD, the reference to ''the following model helicopters'' has been changed to reference ''the model helicopters listed in Table 1 to Paragraph (a) of this AD'' instead. ''Figure 1 to Paragraph (f)'' has been changed to reference ''Figure 1 to Paragraphs (f)(2)(ii) and (f)(4)(ii).'' ''Table 2 to Paragraph (f)'' has been changed to reference ''Table 2 to Paragraph (f)(3).'' ''Note 1 to Paragraph (f)'' has been changed to reference ''Note 1 to Paragraph (f)(3).'' ''Note 2 to Paragraph (f)'' has been changed to reference ''Note 2 to Paragraph (f)(4).'' These minor editorial changes are consistent with the intent of the proposals in the NPRM (77 FR 23638, April 20, 2012) and will not increase the economic burden on any operator nor increase the scope of this AD.

Related Service Information

We reviewed the following BHTI service information:

- Operations Safety Notices 204–85–6, 205–85–9, and 212–85–13, all dated November 14, 1985, (one notice with 3 identification numbers), which describe a grip with a crack in the lower tang that was returned by an operator;
- Alert Service Bulletin (ASB) No. 212–94–92, Revision A, dated March 13, 1995, which describes procedures for inspection and overhaul requirements of certain grips;
- ASB No. 204–02–58, dated November 26, 2002; ASB No. 205–02–88, dated November 26, 2002; and ASB No. 210–08–02, dated September 10, 2008. These ASBs specify a UT inspection of certain grips;
- ASB No. 205B–02–39, Revision B, dated November 22, 2002, and ASB No. 212–02–116, Revision A, dated October 30, 2002, which specify a UT inspection of certain grips and include the Nondestructive Inspection Procedure, Log No. 00–340, Revision E, dated April 9, 2002; and
- Information Letter 204–08–23, 205–08–38, 205B–08–21, and 212–08–62, Revision A, dated July 23, 2008 (one letter issued with 4 identification numbers), which describes a new, improved replacement grip, P/N 204–011–121–125, that would not require the repetitive UT inspections and would have a retirement life of 25,000 hours TIS or a 500,000 Retirement Index Number (RIN), whichever comes first.

Differences Between This AD and the Service Information

This AD requires life limits for grip P/Ns 204–011–121–009, 204–011–121–121, and ASI–4011–121–9. The manufacturer's service bulletins do not specify a service life for these grips. Also, this AD applies to grip P/N ASI–4011–121–9, which is produced under an FAA parts manufacturing approval,

and the manufacturer's service bulletins do not address this particular grip.

Costs of Compliance

We estimate that this AD will affect 700 helicopters of U.S. registry, and it will take approximately 7 work hours to create and maintain the records, 6.25 work hours to conduct the inspections, and 20 work hours to replace a set of grips at an average labor rate of $85 per work hour. Required parts cost approximately $56,385 for a replacement set of grips. Based on these figures, we estimate the total cost impact of this AD on U.S. operators to be $6,596,875 for the entire fleet, assuming the grip set (2 grips) is replaced on 100 helicopters.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. We prepared an economic evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2003–01–04 (68 FR 1955, January 15, 2003), and adding the following new AD:

2014–12–04 Bell Helicopter Textron, Inc. (BHTI): Amendment 39–17865; Docket No. FAA–2012–0415; Directorate Identifier 2008–SW–065–AD.

(a) Applicability

This AD applies to the model helicopters listed in Table 1 to Paragraph (a) of this AD with the listed part-numbered main rotor grips installed, certificated in any category:

TABLE 1 TO PARAGRAPH (a)—HELICOPTER MODEL AND MAIN ROTOR GRIP (GRIP) PART NUMBERS AFFECTED

Model	With the following grip part number (P/N)
204B	204–011–121–005 if the grip was ever installed on a Model 205B helicopter.
204B, 205A, and 205A–1	204–011–121–009, –117, –121 or ASI–4011–121–9.
205A and 205A–1	204–011–121–005 or –113 if the grip was ever installed on a Model 205B helicopter.
205B	204–011–121–005, –009, –113, –117, or –121.
210	204–011–121–009 or –121.
212	204–011–121–009, –121, or ASI–4011–121–9.

(b) Unsafe Condition

This AD defines the unsafe condition as a crack in the main rotor grip (grip), which could result in failure of a grip, separation of a main rotor blade, and subsequent loss of control of the helicopter.

(c) Affected AD

This AD supersedes AD 2003–01–04, Amendment 39–13015 (68 FR 1955, January 15, 2003).

(d) Effective Date

This AD becomes effective July 24, 2014.

(e) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(f) Required Actions

(1) Within 10 hours time-in-service (TIS), create a component history card or equivalent record and determine and record the total hours TIS for each grip. If the total hours TIS cannot be determined from the helicopter records, assume and record 50 hours TIS for each month for which the hours cannot be determined. Continue to count and record the hours TIS and begin to count and record the number of times the helicopter engine(s) are started (engine start/stop cycles).

(2) Within 10 hours TIS, and thereafter at intervals not to exceed 25 hours TIS, without removing the main rotor blades:

(i) Clean the exposed surfaces of the upper and lower tangs of each grip with denatured alcohol, and wipe dry.

(ii) Using a 10-power or higher magnifying glass, visually inspect the exposed surfaces of the upper and lower tangs of each grip for a crack. Pay particular attention to the lower surface of each lower grip tang from the main rotor blade bolt-bushing flange to the leading and trailing edge of each grip tang as depicted in Figure 1 to Paragraphs (f)(2)(ii) and (f)(4)(ii) of this AD.

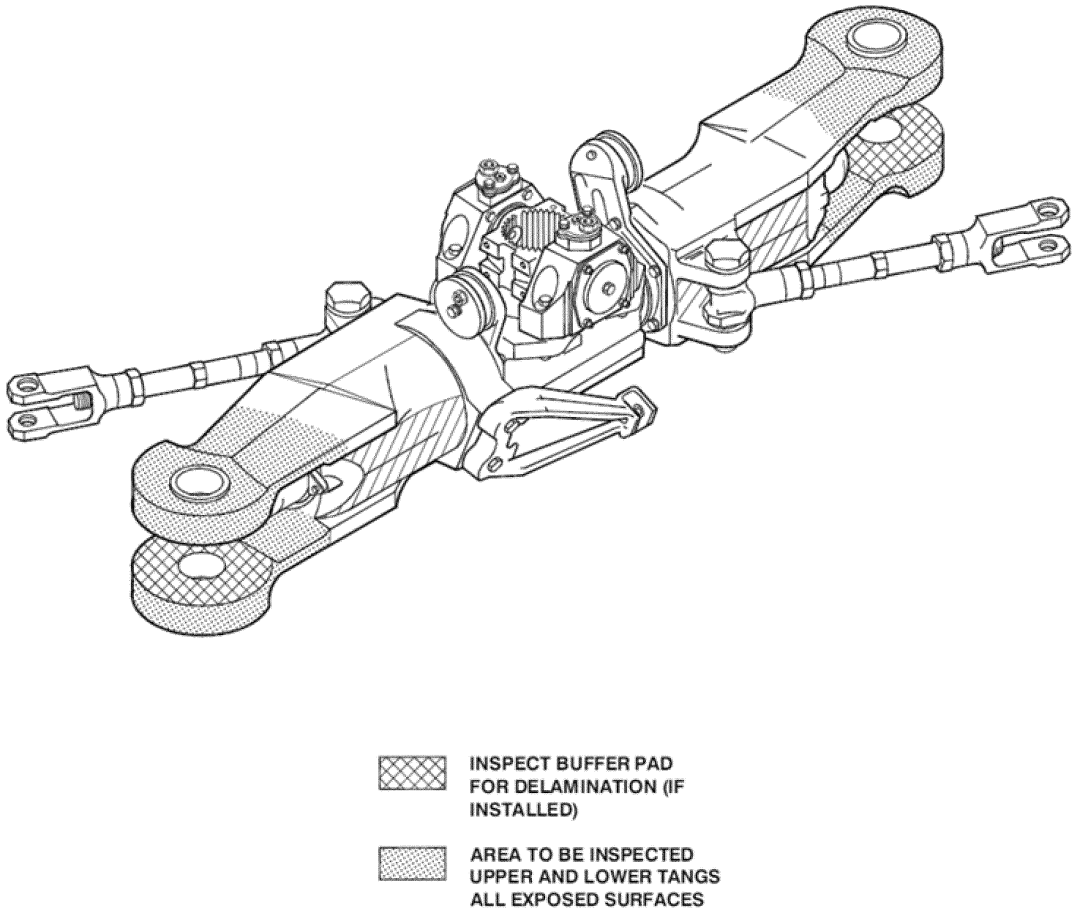

Figure 1 to Paragraphs (f)(2)(ii) and (f)(4)(ii)
Inspection of Main Rotor Hub Grip Tangs

(3) At the intervals shown in Table 2 to Paragraph (f)(3) of this AD, ultrasonic (UT) inspect each grip in accordance with the Bell Helicopter Textron Nondestructive Inspection Procedure, Log No. 00–340, Revision E, dated April 9, 2002. The UT inspection of the grip must be performed by a Non-Destructive Testing (NDT) UT Level I Special, Level II, or Level III inspector who is qualified under the guidelines established by MIL–STD–410E, ATA Specification 105, AIA–NAS–410, or an FAA-accepted equivalent for qualification standards of NDT Inspection/Evaluation Personnel.

TABLE 2 TO PARAGRAPH (f)(3)—ULTRASONIC INSPECTION INTERVALS

UT inspect grip, P/N:	Within 30 days, or the following hours TIS for the grip, whichever occurs later:	Thereafter, at intervals not to exceed the following hours TIS or engine start/stop cycles, whichever occurs first:	
		Hours TIS	Engine start/stop cycles
204–011–121–009 or ASI–4011–121–9	4,000	400	1,600
204–011–121–121	500	150	600
204–011–121–005 or -113, if the grip was EVER installed on a Model 205B helicopter	4,000	400	1,600
204–011–121–117, if the grip was NEVER installed on a Model 205B helicopter	4,000	150	600
204–011–121–117, if the grip was EVER installed on a Model 205B helicopter	500	150	600

Note 1 to Paragraph (f)(3) of this AD: You can find the Nondestructive Inspection Procedure attached to BHTI Alert Service Bulletin (ASB) No. 205B–02–39, Revision B, dated November 22, 2002, or BHTI ASB No. 212 02–116, Revision A, dated October 30, 2002.

(4) At intervals not to exceed 1,200 hours TIS or 24 months, whichever occurs first:

(i) Remove each main rotor blade, and

(ii) Inspect each grip buffer pad on the inner surfaces of each grip tang for delamination as depicted in Figure 1 to Paragraphs (f)(2)(ii) and (f)(4)(ii) of this AD. If there is any delamination, remove the buffer pad and inspect the grip surface for corrosion or other damage.

Note 2 to Paragraph (f)(4) of this AD: This inspection interval coincides with the main rotor tension-torsion strap replacement times.

(5) Within 2,400 hours TIS, or at the next overhaul of the main rotor hub, whichever occurs first, and thereafter at intervals not to exceed 2,400 hours TIS:

(i) Remove each main rotor blade.

(ii) Remove each grip buffer pad (if installed) from the inner surfaces of each grip tang.

(iii) Visually inspect the grip tang surfaces for corrosion or other damage.

(iv) Fluorescent-penetrant inspect the grip for a crack, paying particular attention to the upper and lower grip tangs. When inspecting any grip, P/N 204–011–121–005, –009, –113, or ASI–4011–121–9, pay particular attention to the leading and trailing edges of the grip barrel.

(6) Before further flight:

(i) Replace any cracked grip with an airworthy grip.

(ii) Replace any grip with any corrosion or other damage with an airworthy grip, or repair the grip if the corrosion or other damage is within maximum repair damage limitations.

(iii) Replace any grip, P/N 204–011–121–009 or ASI–4011–121–9, which has been in service for 15,000 or more hours TIS.

(iv) Replace any grip, P/N 204–011–121–121, which has been in service for 25,000 or more hours TIS.

(7) Revise the Airworthiness Limitations sections of the applicable maintenance manuals or the Instructions for Continued Airworthiness (ICAs) by establishing a new retirement life of 15,000 hours TIS for grip P/N 204–011–121–009 or ASI–4011–121–9, and 25,000 hours TIS for grip P/N 204–011–121–121, by making pen and ink changes or inserting a copy of this AD into the applicable maintenance manual or ICAs.

(8) Record a 15,000 hours TIS life limit for each grip P/N 204–011–121–009 or ASI–4011–121–9, and a 25,000 hours TIS life limit for each grip P/N 204–011–121–121, on the applicable component history card or equivalent record.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Rotorcraft Certification Office, FAA, may approve AMOCs for this AD. Send your proposal to: Michael Kohner, Aviation Safety Engineer, Rotorcraft Certification Office, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5170, fax (817) 222–5783, email *mike.kohner@faa.gov* or *7-avs-asw-170@faa.gov*.

(2) For operations conducted under a Part 119 operating certificate or under Part 91, Subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

(1) BHTI ASB No. 212–94–92, Revision A, dated March 13, 1995; BHTI ASB No. 212–02–116, Revision A, dated October 30, 2002; BHTI 205B–02–39, Revision B, dated November 22, 2002; BHTI ASB No. 204–02–58 and ASB No. 205–02–88, both dated November 26, 2002; BHTI ASB No. 210–08–02, dated September 10, 2008; BHTI Operations Safety Notice 204–85–6, 205–85–9, and 212–85–13, all dated November 14, 1985; and BHTI Information Letter, 204–08–23, 205–08–38, 205B–08–21, and 212–08–62, Revision A, dated July 23, 2008; none of which are incorporated by reference, contain additional information about the subject of this AD.

(2) For service information identified in this AD, contact BHTI, P.O. Box 482, Fort Worth, TX 76101, telephone (817) 280–3391, fax (817) 280–6466, or at *http://www.bellcustomer.com/files/*. You may review copies of this information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 6220: Main Rotor Head.

(j) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on January 30, 2003 (68 FR 1955, January 15, 2003).

(i) Bell Helicopter Textron Nondestructive Inspection Procedure, Log No. 00–340, Revision E, dated April 9, 2002.

(ii) Reserved.

(4) For Bell Helicopter Textron service information identified in this AD, contact BHTI, P.O. Box 482, Fort Worth, TX 76101, telephone (817) 280–3391, fax (817) 280–6466, or at *http://www.bellcustomer.com/files/*.

(5) You may view this service information that is incorporated by reference at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

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

Issued in Fort Worth, Texas, on June 4, 2014.

Lance T. Gant,

Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2014–13835 Filed 6–18–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 30 and 35

[Docket No. FR–5785–F–01]

RIN 2501–AD70

Amendments To Reflect Change of Office Name From Office of Healthy Homes and Lead Hazard Control to Office of Lead Hazard Control and Healthy Homes

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: HUD's civil money penalty regulations currently provide that the Director of HUD's Office of Healthy Homes and Lead Hazard Control, or the Director's designee, may initiate a civil money penalty action against any person who knowingly violates the Residential Lead-Based Paint Hazard Reduction Act of 1992. HUD's Lead-Based Paint Poisoning Prevention regulation identifies the Office of Healthy Homes and Lead Hazard Control as the approval authority, after consultation with the Environmental Protection Agency, for lead-safe work practices courses that may qualify supervisors and workers to perform interim controls of lead-based paint hazards. Because HUD has changed the name of the Office of Healthy Homes and Lead Hazard Control to the Office of Lead Hazard Control and Healthy Homes, this final rule conforms HUD regulations to reference this new name. This final rule also provides a savings provision that preserves under the Office of Lead Hazard Control and Healthy Homes all actions taken under the Office of Healthy Homes and Lead Hazard Control.

DATES: *Effective Date:* July 21, 2014.

FOR FURTHER INFORMATION CONTACT: John B. Shumway, Deputy Assistant General Counsel, Office of Finance and Administrative Law, Room 9262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410–2000; telephone number 202–402–5190 (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the toll-free Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background Information

Consistent with the Consolidated Appropriations Act, 2014 (Pub. L. 113–76, approved January 17, 2014), HUD has changed the name of the Office of Healthy Homes and Lead Hazard Control (OHHLHC) to the Office of Lead

Hazard Control and Healthy Homes (OLHCHH). OLHCHH will perform all of the functions of the former OHHLHC. As a result of this change, this final rule makes conforming changes to 24 CFR parts 30 and 35. Specifically, HUD's civil money penalty regulations at § 30.65(a) identifies the Director of OHHLHC as the official with the authority to initiate a civil money penalty action against any person who has failed to comply with the lead-based paint disclosure requirements set out in 42 U.S.C. 4852d(b)(1). Since OHHLHC no longer exists, this provision is being updated in this final rule to name the Director of OLHCHH to carry out this function. In addition, § 35.1330(a)(4)(iii) of HUD's Lead Safe Housing Rule identifies OHHLHC as the approval authority, after consultation with the Environmental Protection Agency, for lead-safe work practices courses that may qualify supervisors and workers to perform interim controls of lead-based paint hazards. This final rule updates this provision to name the OLHCHH to carry out this function. This section is also being updated to provide the current telephone number for requesting the list of approved courses and the current name of the Federal service that persons with hearing or speech impediments may use for making the request call, toll free.

II. Savings Provision

This final rule shall constitute notice that all references to OHHLHC in any document, statement, or other communication made before the effective date of this rule shall be deemed to be references to OLHCHH.

III. Justification for Final Rulemaking

HUD generally publishes a rule for public comment before issuing a rule for effect, in accordance with its own regulations on rulemaking at 24 CFR part 10. Part 10, however, provides for exceptions to the general rule if the agency finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when prior public procedure is ''impracticable, unnecessary, or contrary to the public interest'' (24 CFR 10.1). For the following reasons, HUD finds that good cause exists to publish this rule for effect without first soliciting public comment.

This final rule makes nomenclature changes to §§ 30.65(a) and 35.1330(a)(4)(iii). As a result of internal HUD organizational changes, the office referred to in HUD's currently codified regulations no longer exists as it did when these sections were issued. This final rule merely replaces references to ''Director of the Office of Healthy Homes and Lead Hazard Control'' and ''Office of Healthy Homes and Lead Hazard Control'' with references to ''Director of the Office of Lead Hazard Control and Healthy Homes'' and ''Office of Lead Hazard Control and Healthy Homes,'' respectively. Neither of these changes makes substantive change to §§ 30.65(a) or 35.1330(a)(4)(iii). Therefore, HUD determined that it is unnecessary to publish this rule for public comment prior to publishing the rule for effect.

IV. Findings and Certifications

Regulatory Review—Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if the regulation is necessary, to select the regulatory approach that maximizes net benefits. As discussed above in this preamble, this final rule updates HUD's regulations to reflect HUD's decision to rename the office listed in §§ 30.65(a) and 35.1330(a)(4)(iii). As a result, this rule was determined to not be a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and, therefore, was not reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 605(b)) generally requires an agency to conduct regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Since notice and comment rulemaking is not necessary for this final rule, the provisions of the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601–612) do not apply.

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on state and local governments and is not required by statute, or the rule preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. This final rule will not have federalism implications and would not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive order.

Environmental Review

This final rule does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate, real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction, or establish, revise or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this final rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments, and the private sector. This final rule does not impose any Federal mandates on any state, local, or tribal government, or the private sector within the meaning of UMRA.

List of Subjects

24 CFR Part 30

Administrative practice and procedure, Loan programs—housing and community development, Mortgages, Penalties.

24 CFR Part 35

Grant programs-housing and community development, Lead poisoning, Mortgage insurance, Rent subsidies, Reporting and recordkeeping requirements.

Accordingly, for the reasons described in the preamble, HUD amends 24 CFR parts 30 and 35 as follows:

PART 30—CIVIL MONEY PENALTIES: CERTAIN PROHIBITED CONDUCT

■ 1. The authority citation for part 30 continues to read as follows:

Authority: 12 U.S.C. 1701q–1, 1703, 1723i, 1735f–14, 1735f–15; 15 U.S.C. 1717a; 28 U.S.C. 2461 note; 42 U.S.C. 3535(d).

■ 2. Revise § 30.65(a) to read as follows:

§ 30.65 Failure to disclose lead-based paint hazards.

(a) *General.* The Director of the Office of Lead Hazard Control and Healthy Homes, or his or her designee, may initiate a civil money penalty action against any person who knowingly violates 42 U.S.C. 4852d.

* * * * *

PART 35—LEAD-BASED PAINT POISONING PREVENTION IN CERTAIN RESIDENTIAL STRUCTURES

■ 3. The authority citation for part 35 continues to read as follows:

Authority: 42 U.S.C. 3535(d), 4821, and 4851.

■ 4. Revise § 35.1330(a)(4)(iii) to read as follows:

§ 35.1330 Interim controls.

* * * * *

(a) * * *

(4) * * *

(iii) Another course approved by HUD for this purpose after consultation with the EPA. A current list of approved courses is available on the Internet at *http://www.hud.gov/offices/lead,* or by mail or fax from the HUD Office of Lead Hazard Control and Healthy Homes at (202) 402–7698 (this is not a toll-free number). Persons with hearing or speech impediments may access the above telephone number via phone or TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

* * * * *

Dated: June 13, 2014.

Shaun Donovan,

Secretary.

[FR Doc. 2014–14368 Filed 6–18–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0403]

Drawbridge Operation Regulation; China Basin, San Francisco, CA

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 3rd Street Drawbridge across China Basin, mile 0.0, at San Francisco, CA. The deviation is necessary to allow the public to cross the bridge to participate in the scheduled San Francisco Marathon, a community event. This deviation allows the bridge to remain in the closed-to-navigation position during the deviation period.

DATES: This deviation is effective from 6 a.m. to 2:30 p.m. on July 27, 2014.

ADDRESSES: The docket for this deviation, [USCG–2014–0403], 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 David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510–437–3516, email *David.H.Sulouff@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The City of San Francisco Public Works Department has requested a temporary change to the operation of the 3rd Street Drawbridge, mile 0.0, over China Basin, at San Francisco, CA. The drawbridge navigation span provides 7 feet vertical clearance above Mean High Water in the closed-to-navigation position. The draw opens on signal if at least one hour notice is given as required by 33 CFR 117.149. Navigation on the waterway is recreational.

The drawspan will be secured in the closed-to-navigation position from 6 a.m. to 2:30 p.m. on July 27, 2014 to allow the public to cross the bridge to participate in the scheduled San Francisco Marathon. This temporary deviation has been coordinated with the waterway users. No objections to the proposed temporary deviation were raised. The drawspan can be operated upon one hour advance notice for emergencies requiring the passage of waterway traffic.

Vessels able to pass through the bridge in the closed position may do so at any time. The bridge will be able to open for emergencies upon one hour advance notice and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: May 30, 2014.

D.H. Sulouff,

District Bridge Chief, Eleventh Coast Guard District.

[FR Doc. 2014–14399 Filed 6–18–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0402]

RIN 1625–AA00

Safety Zone: Execpro Services Fireworks Display, Lake Tahoe, Incline Village, NV

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the navigable waters of Lake Tahoe near Incline Village, NV in support of the Execpro Services Fireworks Display on July 5, 2014. This safety zone is established to ensure the safety of participants and spectators from the dangers associated with the pyrotechnics. Unauthorized persons or vessels are prohibited from entering into, transiting through, or remaining in the safety zone without permission of the Captain of the Port or their designated representative.

DATES: This rule is effective from July 3, 2014 until July 5, 2014. This rule will be enforced from 7 a.m. on July 3, 2014 until 10:10 p.m. on July 5, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2014–0402. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Junior Grade Joshua Dykman, U.S. Coast Guard Sector San Francisco; telephone (415) 399–3585 or

email at *D11-PF-MarineEvents@uscg.mil*. If you have questions on viewing or submitting material to the docket, call the Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.''

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The Coast Guard received the information about the fireworks display on May 15, 2014, and the fireworks display would occur before the rulemaking process would be completed. Because of the dangers posed by the pyrotechnics used in this fireworks display, the safety zone is necessary to provide for the safety of event participants, spectators, spectator craft, and other vessels transiting the event area. For the safety concerns noted, it is in the public interest to have these regulations in effect during the event.

B. Basis and Purpose

The legal basis for the proposed rule is 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Public Law 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to establish safety zones.

Execpro Services will sponsor a fireworks display on July 5, 2014, in the navigable waters of Lake Tahoe near Incline Village, NV in approximate position 39°13′56″ N, 119°56′23″ W (NAD 83) as depicted in National Oceanic and Atmospheric Administration (NOAA) Chart 18665. This safety zone establishes a temporary restricted area on the waters 100 feet surrounding the fireworks barge during the loading, transit and arrival of the pyrotechnics from the loading site to the launch site and until the commencement of the fireworks display. Upon the commencement of the 25 minute fireworks display, the safety zone will increase in size and encompass the navigable waters around the fireworks barge within a radius of 560 feet. The fireworks display is meant for entertainment purposes. This restricted area around the fireworks barge is necessary to protect spectators, vessels, and other property from the hazards associated with the pyrotechnics.

C. Discussion of the Final Rule

The Coast Guard will enforce a safety zone in navigable waters around and under a fireworks barge within a radius of 100 feet during the loading, transit, and arrival of the fireworks barge to the display location and until the start of the fireworks display. From 7 a.m. until 3 p.m. on July 3, 2014, the fireworks barge will be loaded at Obexer's Marina in Homewood, CA. From 3 p.m. on July 3, 2014 to 7 a.m. on July 4, 2014, the loaded barge will transit from Obexer's Marina to the launch site near Incline Village, NV in approximate position 39°13′56″ N, 119°56′23″ W (NAD 83) where it will remain until the commencement of the fireworks display. Upon the commencement of the 25 minute fireworks display, scheduled to begin at 9:30 p.m. on July 5, 2014, the safety zone will increase in size and encompass the navigable waters around and under the fireworks barge within a radius 560 feet in approximate position 39°13′56″ N, 119°56′23″ W (NAD 83) for the Execpro Services Fireworks Display. At the conclusion of the fireworks display the safety zone shall terminate.

The effect of the temporary safety zone will be to restrict navigation in the vicinity of the fireworks barge while the fireworks are set up, and until the conclusion of the scheduled display. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the restricted area. These regulations are needed to keep spectators and vessels away from the immediate vicinity of the fireworks barge to ensure the safety of participants, spectators, and transiting vessels.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes and executive orders.

1. Regulatory Planning and Review

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

We expect the economic impact of this rule will not rise to the level of necessitating a full Regulatory Evaluation. The safety zone is limited in duration, and is limited to a narrowly tailored geographic area. In addition, although this rule restricts access to the waters encompassed by the safety zone, the effect of this rule will not be significant because the local waterway users will be notified via public Broadcast Notice to Mariners to ensure the safety zone will result in minimum impact. The entities most likely to be affected are waterfront facilities, commercial vessels, and pleasure craft engaged in recreational activities.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule may affect owners and operators of waterfront facilities, commercial vessels, and pleasure craft engaged in recreational activities and sightseeing. This safety zone would not have a significant economic impact on a substantial number of small entities for the following reasons. This safety zone would be activated, and thus subject to enforcement, for a limited duration. When the safety zone is activated, vessel traffic could pass safely around the safety zone. The maritime public will be advised in advance of this safety zone via Broadcast Notice to Mariners.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions

concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add temporary § 165.T11–639 to read as follows:

§ 165.T11–639 Safety zone: Execpro Services Fireworks Display, Lake Tahoe, Incline Village, NV.

(a) *Location.* This temporary safety zone is established for the navigable waters of Lake Tahoe near Incline Village, NV as depicted in National Oceanic and Atmospheric Administration (NOAA) Chart 18665. From 8 a.m. on July 3, 2014 until 9:30 p.m. on July 5, 2014, the temporary safety zone applies to the nearest point of the fireworks barge within a radius of 100 feet during the loading, transit, and arrival of the fireworks barge from Obexer's Marina in Homewood, CA to the launch site near Incline Village, NV in approximate position 39°13′56″ N, 119°56′23″ W (NAD 83). From 9:30 p.m. until 10:10 p.m. on July 5, 2014, the temporary safety zone will increase in size to encompass the navigable waters around and under the fireworks barge in approximate position 39°13′56″ N, 119°56′23″ W (NAD 83) within a radius of 560 feet.

(b) *Enforcement Period.* The zone described in paragraph (a) of this section will be enforced from 8 a.m. on July 3, 2014 through 10:10 p.m. on July 5, 2014. The Captain of the Port San Francisco (COTP) will notify the maritime community of periods during which this zone will be enforced via Broadcast Notice to Mariners in accordance with 33 CFR 165.7.

(c) *Definitions.* As used in this section, ''designated representative'' means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer on a Coast Guard vessel or a Federal, State, or local officer designated by or assisting the COTP in the enforcement of the safety zone.

(d) *Regulations.* (1) Under the general regulations in 33 CFR Part 165, Subpart C, entry into, transiting or anchoring within this safety zone is prohibited unless authorized by the COTP or a designated representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or a designated representative.

(3) Vessel operators desiring to enter or operate within the safety zone must contact the COTP or a designated representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP or a designated representative. Persons and vessels may request permission to enter the safety zone on VHF–23A or through the 24-hour Command Center at telephone (415) 399–3547.

Dated: June 5, 2014.

Gregory G. Stump,

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

[FR Doc. 2014–14402 Filed 6–18–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2014–0180]

RIN 1625–AA00

Safety Zone; Arts Project Cherry Grove Pride Week Fireworks Display; Great South Bay, Cherry Grove, Fire Island, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the navigable waters of Great South Bay near Cherry Grove, Fire Island, NY for the Arts Project Cherry Grove Pride Week fireworks display. This action is necessary to provide for the safety of life on navigable waters during the event. The safety zone will facilitate public notification of the event and provide protective measures for the maritime public and event participants from the hazards associated with the fireworks display. Entering into, transiting through, remaining, anchoring or mooring within this regulated area would be prohibited unless authorized by the Captain of the Port (COTP) Sector Long Island Sound.

DATES: This rule is effective from June 21, 2014 to June 22, 2014. This rule will be enforced from 8:30 p.m. until 10:30 p.m. on June 21, 2014. If the event is cancelled due to inclement weather, then this regulation will be enforced from 8:30 p.m. until 10:30 p.m. on June 22, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2014–0180]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Scott Baumgartner, Prevention Department, Coast Guard Sector Long Island Sound, (203) 468–4559, *Scott.A.Baumgartner@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking

A. Regulatory History and Information

On April 25, 2014 the Coast Guard published a notice of proposed rulemaking (NPRM) entitled ''Safety Zone; Arts Project Cherry Grove Pride Week Fireworks Display; Great South Bay; Cherry Grove, Fire Island, NY'' in the **Federal Register** (79 FR 22916). No public comments were received on the proposed rule. No public meeting was requested and none was held.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The Arts Project Cherry Grove Pride Week fireworks display is scheduled for June 21, 2014. The comment period for the NPRM associated with this event expired on May 27, 2014 providing insufficient time for a 30 day effective period. The event sponsor is unwilling and unable to postpone the event because of financial and logistical concerns. The fireworks display is scheduled to coincide with the Arts Project Cherry Grove Pride Week. Delaying the event does not align with that goal and the many sponsors helping to fund this event would be impacted as they have done so with the expectation that it will coincide with Pride Week activities. Furthermore, the planning and coordination with local authorities to support this event was based around a June 21, 2014 event date with a June 22, 2014 rain date and any last minute changes would be difficult to accommodate.

A safety zone is needed to protect the safety of life and property on navigable waters from the hazards associated with this event and it would be contrary to public interest to delay promulgating this rule by delaying the effective date.

B. Basis and Purpose

The legal basis for this temporary rule is 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Public Law 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1 which collectively authorize the Coast Guard to define regulatory safety zones.

This temporary rule is necessary to promote the safety of life on navigable waterways during the Arts Project Cherry Grove Pride Week fireworks display in Great South Bay near Cherry Grove, Fire Island, NY.

C. Discussion of Comments, Changes and the Final Rule

The effective dates of the temporary final rule are June 21 2014 through June 22, 2014. The effective dates of this regulation have changed from those listed in the NPRM because the event sponsor used the wrong dates, a June 28, 2014 event date with a June 29, 2014 rain date, in their marine event application to the Coast Guard. The event is scheduled as part of Pride Week activities in Cherry Grove, NY which end on June 22, 2014. No comments were received on the proposed rule.

D. Regulatory Analyses

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

based on these statutes and executive orders.

1. Regulatory Planning and Review

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

The Coast Guard determined that this rulemaking would not be a significant regulatory action for the following reasons: The regulated area will be of limited duration, the area covers only a small portion of the navigable waterways and waterway users may transit around the area. Also, mariners may request permission from the COTP Sector Long Island Sound or the designated representative to transit the zone.

Advanced public notifications will also be made to the local maritime community through the Local Notice to Mariners as well as Broadcast Notice to Mariners.

2. Impact on Small Entities

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

This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to enter, transit, anchor or moor within the regulated area during the effective period. The temporary safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: The regulated area will be of limited size and of short duration and mariners may request permission from the COTP Sector Long Island Sound or the designated representative to transit the zone. Notifications will be made to the maritime community through the Local Notice to Mariners and Broadcast Notice to Mariners well in advance of the event.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREA AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T01–0180 to read as follows:

§ 165.T01–0180 Safety Zone; Arts Project Cherry Grove Pride Week Fireworks Display; Great South Bay; Cherry Grove, Fire Island, NY.

(a) *Location.* The following area is a safety zone: All waters of Great South Bay within a 600-foot radius of the fireworks barge located about 400 yards north of the main dock at Cherry Grove, Fire Island, NY in approximate position 40°39′49.06″ N, 073°05′27.99″ W North American Datum 1983.

(b) *Enforcement Period.* This rule will be enforced on June 21, 2014 from 8:30 p.m. until 10:30 p.m. If the event is postponed due to inclement weather, then this rule will be enforced on June 22, 2014 from 8:30 p.m. until 10:30 p.m.

(c) *Regulations.* The general regulations contained in 33 CFR 165.23 apply. During the enforcement period, entering into, transiting through, remaining, mooring or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port (COTP) or the designated representatives.

(1) *Definitions.* The following definitions apply to this section:

(i) *Designated Representative.* A ''designated representative'' is any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the COTP, Sector Long Island Sound, to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(ii) *Official Patrol Vessels.* Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP Sector Long Island Sound.

(iii) *Spectators.* All persons and vessels not registered with the event sponsor as participants or official patrol vessels.

(2) Spectators desiring to enter or operate within the regulated area should contact the COTP Sector Long Island Sound at 203–468–4401 (Sector Long Island Sound command center) or the designated representative via VHF channel 16 to obtain permission to do so. Spectators given permission to enter or operate in the regulated area must comply with all directions given to them by the COTP Sector Long Island Sound or the designated on-scene representative.

(3) Upon being hailed by an official patrol vessel or the designated representative, by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed. Failure to comply with a lawful direction may result in expulsion from the area, citation for failure to comply, or both.

(4) Fireworks barges used in this location will have a sign on their port and starboard side labeled ''FIREWORKS—STAY AWAY''. This sign will consist of 10 inch high by 1.5 inch wide red lettering on a white background.

Dated: June 6, 2014.

E.J. Cubanski, III,

Captain, U.S. Coast Guard, Captain of the Port Sector Long Island Sound.

[FR Doc. 2014–14412 Filed 6–18–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0380]

Safety Zone; Delta Independence Day Celebration Fireworks, San Joaquin River, Venice Island, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the Delta Independence Day Celebration Fireworks in the Captain of the Port, San Francisco area of responsibility during the dates and times noted below. This action is necessary to protect life and property of the maritime public from the hazards associated with the fireworks display. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone, unless authorized by the Patrol Commander (PATCOM).

DATES: The regulations in 33 CFR 165.1191, Table 1, Item number 14 will be enforced from 10 a.m. on July 2, 2014 to 10 p.m. on July 4, 2014.

FOR FURTHER INFORMATION CONTACT: If you have questions on this document, call or email Lieutenant Junior Grade Joshua Dykman, U.S. Coast Guard Sector San Francisco; telephone (415) 399–3585 or email at *D11-PF-MarineEvents@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a 100 foot safety zone around the fireworks barge during the loading, transit, and arrival of the fireworks barge to the display location and until the start of the fireworks display. From 10 a.m. on July 2, 2014 until 8 a.m. on July 4, 2014, the fireworks barge will be loading off of Dutra Corporation Yard in Rio Vista, CA. From 8 a.m. to 2 p.m. on July 4, 2014 the loaded barge will transit from Dutra Corporation Yard to the launch site near Venice Island, CA in approximate position 38°03′19″ N, 121°31′54″ W (NAD83). Upon the commencement of the 20 minute fireworks display, scheduled to begin at approximately 9:30 p.m. on July 4, 2014, the safety zone will increase in size and encompass the navigable waters around and under the fireworks barge within a radius 1,000 feet in approximate position 38°03′19″ N, 121°31′54″ W (NAD83) for the Delta Independence

Day Celebration Fireworks in 33 CFR 165.1191, Table 1, Item number 14. This safety zone will be in effect from 10 a.m. on July 2, 2014 to 10 p.m. on July 4, 2014.

Under the provisions of 33 CFR 165.1191, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone during all applicable effective dates and times, unless authorized to do so by the PATCOM. Additionally, each person who receives notice of a lawful order or direction issued by an official patrol vessel shall obey the order or direction. The PATCOM is empowered to forbid entry into and control the regulated area. The PATCOM shall be designated by the Commander, Coast Guard Sector San Francisco. The PATCOM may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so.

This notice is issued under authority of 33 CFR 165.1191 and 5 U.S.C. 552 (a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with extensive advance notification of the safety zone and its enforcement period via the Local Notice to Mariners. If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: May 23, 2014.

Gregory G. Stump,

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

[FR Doc. 2014–14401 Filed 6–18–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 334

York River off the Naval Weapons Station Yorktown-Cheatham Annex, Virginia; Danger Zone

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The Corps of Engineers is establishing a danger zone in the waters of the York River off Cheatham Annex in York County, Virginia. The danger zone is necessary to protect the public from hazards associated with the small arms fire operations.

DATES: *Effective:* July 21, 2014.

ADDRESSES: U.S. Army Corps of Engineers, Attn: CECW–CO–R (David B. Olson), 441 G Street NW., Washington, DC 20314–1000.

FOR FURTHER INFORMATION CONTACT: Mr. David Olson, Headquarters, Operations and Regulatory Community of Practice, Washington, DC at 202–761–4922, or Mr. Robert Berg, Corps of Engineers, Norfolk District, Regulatory Branch, at 757–201–7793.

SUPPLEMENTARY INFORMATION: Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the Corps of Engineers is amending the regulations in 33 CFR Part 334 by establishing a new permanent danger zone, in the waters of the York River off Cheatham Annex in York County, Virginia. The modification to the regulations is described below.

The proposed rule was published in the September 18, 2013 issue of the **Federal Register** (76 FR 62692), and its *regulations.gov* docket number is COE–2013–0012. There were nineteen comments received in response to the proposed rule from the public as well as state and federal agencies. Many of the comments received from the public concerned the proposed danger zone restricting public and commercial use of this portion of the York River, negative impacts to commercial and recreational fishing and oyster harvesting, concerns about the Navy shooting bullets over and into the river, negative impacts to persons using Queens Creek, visibility of the red flags and lights indicating the shooting range is active, the potential for the Navy to construct an indoor shooting range as an alternative to the existing shooting range, and some questioned why the danger zone was necessary now since there have been no safety issues to date. Two comments received were in support of the proposed danger zone. The comments are addressed below.

The Navy has been conducting live fire training at the shooting range on Cheatham Annex adjacent to the York River for decades. The Navy does not shoot out into the York River. The shooting range is separated from the York River by a berm which prevents rounds from escaping the range and going into the York River. Only experienced marksmen use this range and only small caliber rounds are allowed on this range; no large caliber or machine guns are permitted. The area has been marked on navigation charts as a danger zone for years. The danger zone will better protect the public from any potential errant rounds that might escape the berm separating the range from the York River. The danger zone does not ban persons from transiting the area, and the Navy monitors the danger zone using spotters and/or cameras and will cease firing when vessels or persons enter the danger zone. The Navy stated that the Department of Defense policy for the protection of a surface danger zone is more conservative than private sector shooting ranges. The Navy also stated that it has a perfect safety record with respect to public safety at this range.

There were numerous comments related to commercial and recreational fishing uses of this portion of the York River as well as oyster harvesting in the danger zone. The Navy has been operating the range such that once persons or vessels enter the danger zone they cease firing until the danger zone is clear. This operation has been in place for years and the Navy will continue to operate the range in this same manner. There should be no impact to public use of this portion of the York River as a result of this amendment to the regulations.

Numerous comments were received regarding issues with visibility of the flags and lights used to indicate the range is in use. Red flags are used during the daytime to alert the public to live fire activities while red lights are used at night. The Navy has indicated that they will install larger lights in order to address the visibility issue at night. In addition, the Navy will install a new flagpole which is higher and install a larger sized flag to increase its visibility during daylight hours.

Numerous comments were received from users of Queens Creek, located just upstream of the danger zone. They were concerned this amendment to the regulations would impact their ability to access the York River. As addressed above, the danger zone will not affect persons utilizing the York River from Queens Creek.

Multiple comments were made regarding an indoor shooting range as an alternative to the existing outdoor range and the danger zone. The Navy has indicated that an indoor range would take approximately 5 years to construct and become operational. The existing range has been in use for decades and with little negative impact on the public use of the York River and its operation has resulted in no public safety issues. Due to the time frame required to construct another facility the Corps believes the existing facility with the danger zone is the most practicable as it allows the Navy to continue their

required training while ensuring public safety.

Numerous persons questioned why the Navy was doing this now since the range has been in use for so long. Modifying the regulation will better protect citizens from potential hazards associated with the operation of the small arms training range on Cheatham Annex.

The United States Coast Guard submitted recommended changes to the proposed regulation that would make its intent clearer. The Coast Guard recommended using a separate paragraph for the sentence stating that the Navy will not use the range when visibility is less than the maximum range of the weapons being used. They also recommended adding at the end of this sentence ''or while a vessel is within the danger zone'' to address the expected cease fire when vessels transit through the danger zone. We concur with these changes and as a result we modified the regulation.

Procedural Requirements

a. Review under Executive Order 12866. This final rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

b. Review under the Regulatory Flexibility Act. This final rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96–354) which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small governments). The Corps determined that this regulation would have practically no economic impact on the public nor would it result in any anticipated navigational hazard or interference with existing waterway traffic. This regulation will have no significant economic impact on small entities.

c. Review under the National Environmental Policy Act. This final rule will not have a significant impact to the quality of the human environment and, therefore, preparation of an environmental impact statement will not be required. An environmental assessment has been prepared and it may be reviewed at the district office listed at the end of **FOR FURTHER INFORMATION CONTACT** above.

d. Unfunded Mandates Act. This final rule does not impose an enforceable duty on the private sector and, therefore, it is not a Federal private sector mandate and is not subject to the requirements of either Section 202 or Section 205 of the Unfunded Mandates Reform Act. (Pub. L. 104–4, 109 Stat. 48, 2 U.S.C. 1501 *et seq.*) We have also found under Section 203 of the Act, that small governments will not be significantly or uniquely affected by this rulemaking.

List of Subjects in 33 CFR Part 334

Danger zones, Marine safety, Navigation (water), Restricted areas, Waterways.

For the reasons set out in the preamble, the Corps amends 33 CFR part 334 as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

■ 1. The authority citation for 33 CFR part 334 continues to read as follows:

Authority: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

■ 2. Add § 334.285 to read as follows:

§ 334.285 York River and the Naval Weapons Station Yorktown-Cheatham Annex, Yorktown, Virginia; danger zone.

(a) *The area.* The waters within an area beginning at mean high water on the shore at the facility located at latitude 37°17′33.10″ N, longitude 76°36′19.06″ W; then northeast to a point in the York River at latitude 37°18′36.65″ N, longitude 76°34′39.01″ W; thence south, southeast to latitude 37°17′59.37″ N, longitude 76°34′13.65″ W; then southwest to a point on the shore located at latitude 37°17′26.75″ N, longitude 76°36′14.89″ W.

(b) *The regulations.* (1) Vessels and persons may transit this area at any time. No vessel or persons shall anchor, fish or conduct any waterborne activities within the danger zone established in accordance with this regulation any time live firing exercises are being conducted.

(2) Anytime live firing is being conducted, the person or persons in charge shall display a red flag from a conspicuous location along the shore to signify the range is active and post lookouts to ensure the safety of all vessels passing through the area. At night, red lights will be displayed in lieu of flags.

(3) No firing activities shall be conducted when the visibility is less than the maximum range of the weapons being used at the facility or while a vessel is within the danger zone.

(4) Recreational and commercial activities may be conducted in this area anytime the range is inactive.

(c) *Enforcement.* The regulations in this section shall be enforced by the Commander, Naval Weapons Station, Yorktown, or such agencies as he or she may designate.

Dated: June 13, 2014.

James R. Hannon,

Chief, Operations and Regulatory Directorate of Civil Works.

[FR Doc. 2014–14333 Filed 6–18–14; 8:45 am]

BILLING CODE 3720–58–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NV 126–NBK; FRL–9908–86–Region–9]

Approval and Promulgation of Implementation Plans; State of Nevada; Update to Materials Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notice of administrative change.

SUMMARY: The Environmental Protection Agency (EPA) is updating the materials submitted by the State of Nevada that are incorporated by reference (IBR) into the Nevada State Implementation Plan (SIP). In this action, EPA is also notifying the public of the correction of certain typographical errors within the IBR table. The regulations affected by this update have been previously submitted by the State of Nevada and approved by EPA. This update affects the SIP materials that are available for public inspection at the National Archives and Records Administration (NARA), the Air and Radiation Docket and Information Center located at EPA Headquarters in Washington, DC, and the EPA Regional Office.

DATES: This rule is effective on June 19, 2014.

ADDRESSES: SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations:

- U.S. Environmental Protection Agency, Region IX, Air Division (AIR–4), 75 Hawthorne Street, San Francisco, CA 94105–3901;
- Air and Radiation Docket and Information Center, EPA Headquarters Library, Infoterra Room (Room Number 3334), EPA West Building, 1301 Constitution Ave. NW., Washington, DC 20460; and
- National Archives and Records Administration (NARA).

If you wish to obtain materials from a docket in the EPA Headquarters Library, please call the Office of Air and Radiation (OAR) Docket/Telephone number: 202–566–1742. For information on the availability of this material at NARA, call 202–741–6030, or go to:

http://www.archives.gov/federal-register/cfr/ibr-locations.html.

FOR FURTHER INFORMATION CONTACT: Robert A. Marinaro, EPA Region IX, (415) 972–3019, *marinaro.robert@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The SIP is a living document which the State revises as necessary to address its unique air pollution problems. Therefore, EPA from time to time must take action on SIP revisions containing new and/or revised regulations to make them part of the SIP. On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference federally-approved SIPs, as a result of consultations between EPA and the Office of the Federal Register (OFR). The description of the revised SIP document, IBR procedures, and ''Identification of plan'' format are discussed in further detail in the May 22, 1997 **Federal Register** document. On March 13, 2012 (77 FR 14862), EPA published a document in the **Federal Register** beginning the new IBR procedures for the State of Nevada. On March 26, 2012 (77 FR 17334), August 23, 2012 (77 FR 50936), September 27, 2012 (77 FR 59321), October 5, 2012 (77 FR 60915), and October 18, 2012 (77 FR 64039), EPA amended the tables listing EPA-approved regulations and statutes for the State of Nevada in 40 CFR 52.1470(c) to account for submitted regulations and statutory provisions included in those individual SIP revision actions.

In this document, EPA is publishing an updated set of tables listing the regulatory (i.e., IBR) materials in the Nevada SIP taking into account the additions, deletions, and revisions to those materials as set forth in the above listed SIP actions. In addition, EPA has found certain errors in certain entries listed in 40 CFR 52.1470(c), as amended by the SIP actions listed above, and is correcting them in this document. These include:

- The erroneous listing of 9/24/04 as the State effective date for the version of NAC 445B.001 (''Definitions'') approved by EPA at 73 FR 19144 (April 9, 2008)(the correct date is 1/1/07) and the erroneous listing of 12/4/76 as the State effective date for the version of NAC 445B.002 (''Act'' defined) approved by EPA at 71 FR 15040 (3/27/06)(the correct date is 8/28/79);
- the inadvertent omissions of Clark County section 18, subsections 18.6 through 18.12, approved at 46 FR 43141 (August 27, 1981), and Clark County section 52, subsection 52.10, approved at 46 FR 21758 (April 14, 1981);
- a typographical error regarding the EPA approval date for a number of Washoe County regulations that should have been shown as approved at 37 FR 15080 (July 27, 1972) instead of 38 FR 12702 (May 14, 1973);
- the inadvertent listing of certain Washoe County regulations, sections 030.3105 (''Hazardous materials processes''), 030.3107 (related to permit transfer fees), and 030.3108 (related to permit replacement cost), which were deleted without replacement from the SIP at 74 FR 57051 (November 3, 2009);
- the erroneous identification of 5/18/10 and 3/6/12 as the local effective dates for amended Clark County sections 0 and 12, respectively, in the final rule taking action on those amended rules (77 FR 64039, October 18, 2012) (the correct date for both is 3/20/12);
- the inadvertent omission of the submittal date (8/30/12) for Washoe County regulations 030.235 and 030.970A (i.e., 8/30/12)(see 77 FR 60915, October 5, 2012); and
- the inadvertent listing of an entry for EPA's approval of Washoe County regulation 030.970 (subsection A only) as ''030.970A'' (see 77 FR 60915, October 5, 2012).

II. EPA Action

In this action, EPA is doing the following:

A. Announcing an update to the IBR material as of December 31, 2013;

B. Correcting certain listings in paragraph 52.1470(c) as described above; and

C. Revising the entries in paragraphs 52.1470(b) and (c) to reflect the update and corrections.

EPA has determined that today's rule falls under the ''good cause'' exemption in section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon finding ''good cause,'' authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's rule simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs. Under section 553 of the APA, an agency may find good cause where procedures are ''impractical, unnecessary, or contrary to the public interest.'' Public comment is ''unnecessary'' and ''contrary to the public interest'' since the codification only reflects existing law. Immediate notice in the CFR benefits the public by removing outdated citations and incorrect table entries.

III. Statutory and Executive Order Reviews

A. General Requirements

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not an significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address disproportionate human health or environmental affects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7929, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249,

November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

EPA has also determined that the provisions of section 307(b)(1) of the CAA pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the Nevada SIP compilations had previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review for this ''Identification of plan'' reorganization update action for the State of Nevada.

List of Subjects in 40 CFR Part 52

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

Dated: January 17, 2014.

Jared Blumenfeld,

Regional Administrator, Region IX.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart DD—State of Nevada

■ 2. Section 52.1470 is amended by revising paragraphs (b) and (c) to read as follows:

§ 52.1470 Identification of plan.

* * * * *

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to December 31, 2013, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates after December 31, 2013, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region IX certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State implementation plan as of December 31, 2013.

(3) Copies of the materials incorporated by reference may be inspected at the Region IX EPA Office at 75 Hawthorne Street, San Francisco, CA 94105; Air and Radiation Docket and Information Center, EPA Headquarters Library, Infoterra Room (Room Number 3334), EPA West Building, 1301 Constitution Ave. NW., Washington, DC; or the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

(c) *EPA approved regulations.*

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES

State citation	Title/Subject	State effective date	EPA Approval date	Additional explanation
Nevada Revised Statutes, Title 43, Public Safety; Vehicles; Watercraft; Chapter 485, Motor Vehicles: Insurance and Financial Responsibility				
485.050	''Motor vehicle'' defined	10/1/03	77 FR 59321 (9/27/12)	Submitted on 5/21/12. Nev. Rev. Stat. Ann. § 485.050 (Michie 2010).
Nevada Administrative Code, Chapter 445B, Air Controls, Air Pollution; Nevada Administrative Code, Chapter 445, Air Controls, Air Pollution; Nevada Air Quality Regulations—Definitions				
445B.001	Definitions	1/1/07	73 FR 19144 (4/9/08)	Most recently approved version was submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(i)(A)(*3*)(*ii*).
445.431	''Acid mist'' defined	8/28/79	49 FR 11626 (3/27/84)	Submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.002	''Act'' defined	8/28/79	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*i*).
445B.003	''Adjacent properties'' defined.	12/13/93	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.0035	''Administrative revision to a Class I operating permit'' defined.	09/24/04	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/Subject	State effective date	EPA Approval date	Additional explanation
445B.004	"Administrator" defined	10/14/82	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*2*)(*i*).
445B.005	"Affected facility" defined.	10/30/95	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(*i*).
445B.006	"Affected source" defined.	10/25/01	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(*v*).
445B.007	"Affected state" defined	12/13/93	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.009	"Air-conditioning equipment" defined.	12/4/76	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*i*).
445.436	"Air contaminant" defined.	8/28/79	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.011	"Air pollution" defined	3/5/98	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(*ii*).
445B.013	"Allowable emissions" defined.	10/31/05	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.014	"Alteration" defined	10/30/95	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.015	"Alternative method" defined.	10/30/95	71 FR 71486 (12/11/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*7*)(*i*).
445B.016	"Alternative operating scenarios" defined.	10/30/95	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.018	"Ambient air" defined	10/22/87	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*2*)(*ii*).
445B.019	"Applicable requirement" defined.	07/22/10	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.022	"Atmosphere" defined	12/4/76	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*i*).
445B.029	"Best available retrofit technology" defined.	4/23/09	77 FR 17334 (3/26/12)	Included in supplemental SIP revision submitted on September 20, 2011, and approved as part of approval of Nevada Regional Haze SIP.
445.445	"Barite" defined	1/25/79	49 FR 11626 (3/27/84)	Submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445.447	"Barite grinding mill" defined.	1/25/79	49 FR 11626 (3/27/84)	Submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.030	"British thermal units" defined.	10/22/87	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*2*)(*ii*).
445B.035	"Class I–B application" defined.	10/30/95	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.036	"Class I source" defined.	09/24/04	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.037	"Class II source" defined.	07/22/10	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.038	"Class III source" defined.	07/22/10	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445.458	"Calcine" defined	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445.464	"Coal" defined	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/Subject	State effective date	EPA Approval date	Additional explanation
445.470	"Colemanite" defined	11/17/78	49 FR 11626 (3/27/84)	Submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445.471	"Colemanite processing plant" defined.	11/17/78	49 FR 11626 (3/27/84)	Submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.042	"Combustible refuse" defined.	12/4/76	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*i*).
445B.0423	"Commence" defined	04/17/08	77 FR 59321 (9/27/12)	Submitted on 5/21/12. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.0425	"Commission" defined	3/5/98	71 FR 15040 (3/27/06)	Submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(*ii*).
445B.044	"Construction" defined	10/31/05	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.046	"Contiguous property" defined.	12/04/76	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.047	"Continuous monitoring system" defined.	12/4/76	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*i*).
445.482	"Converter" defined	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.051	"Day" defined	10/22/87	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*2*)(*ii*).
445B.053	"Director" defined	12/4/76	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*i*).
445B.054	"Dispersion technique" defined.	10/31/05	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445.492	"Dryer" defined	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
Article 1.60	Effective date	12/27/77	46 FR 43141 (8/27/81)	Submitted on 12/29/78. See 40 CFR 52.1490(c)(14)(vii).
445B.055	"Effective date of the program" defined.	12/13/93	71 FR 15040 (3/27/06)	Submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*2*)(*v*).
445B.056	"Emergency" defined	12/13/93	71 FR 15040 (3/27/06)	Submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*2*)(*v*).
445B.058	"Emission" defined	3/5/98	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(*ii*).
445B.059	"Emission unit" defined	10/30/95	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(*i*).
445B.060	"Enforceable" defined	10/14/82	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*2*)(*i*).
445B.061	"EPA" defined	12/13/93	71 FR 15040 (3/27/06)	Submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*2*)(*v*).
445B.062	"Equivalent method" defined.	10/30/95	71 FR 71486 (12/11/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*7*)(*i*).
445B.063	"Excess emissions" defined.	10/31/05	73 FR 19144 (4/9/08)	Most recently approved version was submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(i)(A)(*3*)(*iii*).
445B.064	"Excessive concentration" defined.	10/31/05	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.066	"Existing stationary source" defined.	10/30/95	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
Article 1.73	Existing source	11/7/75	43 FR 36932 (8/21/78)	Submitted on 12/10/76. See 40 CFR 52.1490(c)(12).
445.512	"Floating roof" defined	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/Subject	State effective date	EPA Approval date	Additional explanation
445.513	"Fossil fuel" defined	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.068	"Facility" defined	10/30/95	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.069	"Federally enforceable" defined.	04/17/08	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.070	"Federally enforceable emissions cap" defined.	12/13/93	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.072	"Fuel" defined	10/22/87	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*2*)(*ii*).
445B.073	"Fuel-burning equipment" defined.	9/19/90	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*2*)(*iii*).
445B.075	"Fugitive dust" defined	11/15/94	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*2*)(*vi*).
445B.077	"Fugitive emissions" defined.	10/30/95	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(*i*).
445B.080	"Garbage" defined	12/4/76	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*i*).
445B.082	"General permit" defined.	10/30/95	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.083	"Good engineering practice stack height" defined.	10/31/05	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.084	"Hazardous air pollutant" defined.	12/13/93	71 FR 71486 (12/11/06)	Submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*6*)(*ii*).
445B.086	"Incinerator" defined	12/4/76	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*i*).
445B.087	"Increment" defined	12/13/93	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445.536	"Lead" defined	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.091	"Local air pollution control agency" defined.	12/4/76	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*i*).
"Article 1—Definitions: No. 2—LAER".	Lowest achievable emission rate.	8/28/79	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(i).
445B.093	"Major modification" defined.	09/24/04	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.094	"Major source" defined	06/01/01	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.0945	"Major stationary source" defined.	9/24/04	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.095	"Malfunction" defined	12/4/76	71 FR 15040 (3/27/06)	Originally adopted on 9/16/76. Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*i*).
445B.097	"Maximum allowable throughput" defined.	10/22/87	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*2*)(*ii*).
445B.099	"Modification" defined	10/30/95	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.103	"Monitoring device" defined.	1/11/96	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*2*)(*vi*).

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/Subject	State effective date	EPA Approval date	Additional explanation
445B.104	"Motor vehicle" defined	06/01/01	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.106	"Multiple chamber incinerator" defined.	12/4/76	71 FR 15040 (3/27/06)	Originally adopted on 9/16/76. Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*i*).
445B.107	"Nearby" defined	10/31/05	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
Article 1.114	New source	11/7/75	43 FR 36932 (8/21/78)	Submitted on 12/10/76. See 40 CFR 52.1490(c)(12).
445B.108	"New stationary source" defined.	10/30/95	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.109	"Nitrogen oxides" defined.	11/15/94	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*2*)(*vi*).
445B.112	"Nonattainment area" defined.	10/30/95	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(*i*).
445B.113	"Nonroad engine" defined.	6/1/01	71 FR 15040 (3/27/06)	Submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(*iv*).
445B.1135	"Nonroad vehicle" defined.	6/1/01	71 FR 15040 (3/27/06)	Submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(*iv*).
445B.116	"Odor" defined	10/30/95	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(*i*).
445B.117	"Offset" defined	10/30/95	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.119	"One-hour period" defined.	10/22/87	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*2*)(*ii*).
445B.121	"Opacity" defined	12/4/76	71 FR 15040 (3/27/06)	Originally adopted on 9/16/76. Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*i*).
445B.122	"Open burning" defined	12/4/76	71 FR 15040 (3/27/06)	Originally adopted on 9/16/76. Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*i*).
445B.123	"Operating permit" defined.	07/22/10	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.124	"Operating permit to construct" defined.	12/17/02	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.125	"Ore" defined	11/17/78	71 FR 15040 (3/27/06)	Originally adopted on 9/12/78. Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*iii*).
445B.127	"Owner or operator" defined.	12/4/76	71 FR 15040 (3/27/06)	Originally adopted on 9/16/76. Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*i*).
445B.129	"Particulate matter" defined.	12/4/76	71 FR 15040 (3/27/06)	Originally adopted on 9/16/76. Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*i*).
445B.130	"Pathological wastes" defined.	10/30/95	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(*i*).
445B.134	Person	9/18/06	72 FR 19801 (4/20/07)	Most recently approved version was submitted on 12/8/06. See 40 CFR 52.1490(c)(62)(i)(A)(*1*).
445B.1345	"Plantwide applicability limitation" defined.	07/22/10	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445.565	"Petroleum" defined	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.135	"PM_{10}" defined	12/26/91	71 FR 15040 (3/27/06)	Submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*2*)(*iv*).
445B.138	"Potential to emit" defined.	12/16/10	77 FR 59321 (9/27/12)	Submitted on 1/24/11. June 2012 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/Subject	State effective date	EPA Approval date	Additional explanation
Article 1.131	Point source	12/4/76	43 FR 36932 (8/21/78)	Submitted on 12/10/76. See 40 CFR 52.1490(c)(12).
445.570	''Portland cement plant'' defined.	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445.574	''Precious metal'' defined.	8/28/79	49 FR 11626 (3/27/84)	Submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445.575	''Precious metal processing plant'' defined.	8/28/79	49 FR 11626 (3/27/84)	Submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.142	''Prevention of significant deterioration of air quality'' defined.	12/13/93	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.144	''Process equipment'' defined.	12/4/76	71 FR 15040 (3/27/06)	Most recently version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*i*).
445B.145	''Process weight'' defined.	10/30/95	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(*i*).
445B.147	''Program'' defined	12/13/93	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445.585	''Process weight rate'' defined.	8/28/79	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.151	''Reference conditions'' defined.	10/22/87	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*2*)(*ii*).
445B.152	''Reference method'' defined.	10/30/95	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(*i*).
445.592	''Registration certificate'' defined.	8/28/79	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.153	''Regulated air pollutant'' defined.	10/31/05	73 FR 19144 (4/9/08)	Submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(i)(A)(*3*)(*iii*).
445B.154	''Renewal of an operating permit'' defined.	12/13/93	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.156	''Responsible official'' defined.	07/22/10	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.157	''Revision of an operating permit'' defined.	09/24/04	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445.597	''Roaster'' defined	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.161	''Run'' defined	12/4/76	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*i*).
445B.163	''Salvage operation'' defined.	12/4/76	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*i*).
445B.167	''Shutdown'' defined	12/4/76	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*i*).
445B.168	''Single chamber incinerator'' defined.	12/27/77	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*ii*).
Article 1.171	Single source	11/7/75	43 FR 36932 (8/21/78)	Submitted on 12/10/76. See 40 CFR 52.1490(c)(12).
445B.172	''Six-minute period'' defined.	12/4/76	73 FR 19144 (4/9/08)	Most recently approved version was submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(i)(A)(*1*)(*i*).
445.618	''Slag'' defined	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.174	''Smoke'' defined	12/4/76	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*i*).

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/Subject	State effective date	EPA Approval date	Additional explanation
445B.176	"Solid waste" defined	12/4/76	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*i*).
445B.177	"Source" defined	10/30/95	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(*i*).
445B.180	"Stack and chimney" defined.	10/30/95	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(*i*).
445B.182	"Standard" defined	11/15/94	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*2*)(*vi*).
445B.185	"Start-up" defined	12/4/76	71 FR 15040 (3/27/06)	Originally adopted on 9/16/76. Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*i*).
445B.187	"Stationary source" defined.	12/16/10	77 FR 59321 (9/27/12)	Submitted on 1/24/11. June 2012 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.190	"Stop order" defined	12/13/93	73 FR 19144 (4/9/08)	Most recently approved version was submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(i)(A)(*2*)(*i*).
445B.194	"Temporary source" defined.	06/01/01	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445.633	"Submerged fill pipe" defined.	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.198	"Uncombined water" defined.	12/4/76	71 FR 15040 (3/27/06)	Originally adopted on 9/16/76. Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*i*).
445B.200	"Violation" defined	12/13/93	77 FR 59321 (9/27/12)	Submitted on 5/21/12. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Burea.
445B.202	"Volatile organic compounds" defined.	11/15/94	71 FR 71486 (12/11/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*6*)(*iii*).
445B.205	"Waste" defined	12/4/76	71 FR 15040 (3/27/06)	Originally adopted on 9/16/76. Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*i*).
445B.207	"Wet garbage" defined	12/4/76	71 FR 15040 (3/27/06)	Originally adopted on 9/16/76. Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*i*).
445B.209	"Year" defined	10/22/87	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*2*)(*ii*).
445B.211	Abbreviations	9/24/04	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(*vii*).
Nevada Administrative Code, Chapter 445B, Air Controls, Air Pollution; Nevada Administrative Code, Chapter 445, Air Controls, Air Pollution; Nevada Air Quality Regulations—General Provisions				
445B.220	Severability	1/1/07	73 FR 19144 (4/9/08)	Most recently approved version was submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(i)(A)(*3*)(*v*).
445B.22017	Visible emissions: Maximum opacity; determination and monitoring of opacity.	4/1/06	73 FR 19144 (4/9/08)	Most recently approved version submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(A)(*3*)(*iii*).
445B.2202	Visible emissions: Exceptions for stationary sources.	4/1/06	73 FR 19144 (4/9/08)	Most recently approved version submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(A)(*3*)(*iii*).
Article 16.3.3, subsections 16.3.3.2 and 16.3.3.3.	Standard for Opacity [Portland cement plants].	3/31/77	47 FR 26386 (6/18/82)	Submitted on 12/29/78. See 40 CFR 52.1490(c)(14)(viii). Subsection 16.3.3.1 was deleted without replacement at 72 FR 25971 (5/8/07).
445.729	Process weight rate for calculating emission rates.	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/Subject	State effective date	EPA Approval date	Additional explanation
Article 7.2.5.1	[Establishes maximum allowable particulate emissions rate for the first barite grinding mill at Milchem Inc. near Battle Mountain].	12/3/80	47 FR 26386 (6/18/82)	Submitted on 11/5/80. See 40 CFR 52.1490(c)(22)(ii).
445.808(1), (2)(a–c), (3), (4), and (5).	[Establishes standards for maximum allowable particulate emissions rate and discharge opacity for certain barite grinding mills at IMCO Services and at Dresser Industries, in or near Battle Mountain].	8/24/83 (adopted)	49 FR 11626 (3/27/84)	Submitted on 9/14/83. See 40 CFR 52.1490(c)(26)(i)(A).
445.816(1), (2)(d), (3), (4), and (5).	[Establishes standards for maximum allowable particulate emissions rate and discharge opacity for certain processing plants for precious metals at the Freeport Gold Company in the North Fork area].	8/24/83 (adopted)	49 FR 11626 (3/27/84)	Submitted on 9/14/83. See 40 CFR 52.1490(c)(26)(i)(A).
445.730	Colemanite flotation processing plants.	11/17/78	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.22027	Emissions of particulate matter: Maximum allowable throughput for calculating emissions rates.	3/5/98	72 FR 25971 (5/8/07)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(*ii*).
445B.2203	Emissions of particulate matter: Fuel-burning equipment.	9/27/99	72 FR 25971 (5/8/07)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(*iii*).
445B.22033	Emissions of particulate matter: Sources not otherwise limited.	3/5/98	72 FR 25971 (5/8/07)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(*ii*).
445B.22037	Emissions of particulate matter: Fugitive dust.	10/30/95	72 FR 25971 (5/8/07)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(*i*).
Article 8, subsection 8.2.1.	[Indirect Heat Transfer Fuel Burning Equipment—Sulfur emission limits].	1/28/72 (submitted)	37 FR 10842 (5/31/72)	Submitted on 1/28/72. See 40 CFR 52.1490(b).
Article 8.2.2	[“Sulfur emission” defined for purposes of Article 8.].	12/4/76	46 FR 43141 (8/27/81)	Submitted on 12/29/78. See 40 CFR 52.1490(c)(14)(vii).
445B.2204	“Sulfur emission” defined.	12/4/76	71 FR 15040 (3/27/06)	Originally adopted on 9/16/76. Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*i*).
445B.22043	Sulfur emissions: Calculation of total feed sulfur.	9/24/04	73 FR 19144 (4/9/08)	Most recently approved version submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(A)(*3*)(*ii*).
445B.22047	Sulfur emissions: Fuel-burning equipment.	9/27/99	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(*iii*).
445B.2205	Sulfur emissions: Other processes which emit sulfur.	9/24/04	73 FR 19144 (4/9/08)	Most recently approved version was submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(A)(*3*)(*ii*).
445B.22067	Open burning	4/15/04	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(*vi*).
445B.2207	Incinerator burning	4/15/04	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(*vi*).

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/Subject	State effective date	EPA Approval date	Additional explanation
445B.22083	Construction, major modification or relocation of plants to generate electricity using steam produced by burning of fossil fuels.	10/31/05	73 FR 20536 (4/16/08)	Most recently approved version was submitted on 8/20/07. See 40 CFR 52.1490(c)(67)(i)(A)(*1*).
445B.2209	Reduction of animal matter.	12/4/76	71 FR 15040 (3/27/06)	Originally adopted on 9/16/76. Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(*i*).
445B.22093	Organic solvents and other volatile compounds.	10/31/05	73 FR 19144 (4/9/08)	Most recently approved version was submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(i)(A)(*3*)(*iii*).
445B.22095	Emission limitation for BART.	4/23/09	77 FR 17334 (3/26/12)	Included in supplemental SIP revision submitted on September 20, 2011, and approved as part of approval of Nevada Regional Haze SIP.
445B.22096, excluding the NO_X averaging time and control type for units 1, 2 and 3 and the NO_X emission limit for unit 3 in subparagraph (1)(c), all of which EPA has disapproved.	Control measures constituting BART; limitations on emissions.	1/28/10	77 FR 50936 (8/23/12)	Included in supplemental SIP revision submitted on September 20, 2011, and approved as part of approval of Nevada Regional Haze SIP. Excluding the NO_X averaging time and control type for units 1, 2 and 3 and the NO_X emission limit for unit 3 of NV Energy's Reid Gardner Generating Station, all of which EPA has disapproved.
445B.22097	Standards of quality for ambient air.	4/26/04	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(*vi*).
445B.225	Prohibited conduct: Concealment of emissions.	10/30/95	73 FR 19144 (4/9/08)	Most recently approved version was submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(i)(A)(*3*)(*i*).
445B.227	Prohibited conduct: Operation of source without required equipment; removal or modification of required equipment; modification of required procedure.	1/11/96	73 FR 19144 (4/9/08)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(*i*).
445B.229	Hazardous emissions: Order for reduction or discontinuance.	10/30/95	73 FR 19144 (4/9/08)	Most recently approved version was submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(i)(A)(*3*)(*i*).
445B.230	Plan for reduction in emissions.	9/18/06	72 FR 19801 (4/20/07)	Most recently approved version was submitted on 12/8/06. See 40 CFR 52.1490(c)(62)(i)(A)(*1*).
445.667	Excess emissions: Scheduled maintenance; testing; malfunction.	8/28/79	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
Article 2.5 ("Scheduled Maintenance, Testing, and Breakdown or Upset"), subsection 2.5.4.	[related to breakdown or upset].	11/7/75	43 FR 1341 (1/9/78)	Submitted on 10/31/75. See 40 CFR 52.1490(c)(11). Article 2.5, subsection 2.5.4 states: "Breakdown or upset, determined by the Director to be unavoidable and not the result of careless or marginal operations, shall not be considered a violation of these regulations."
445B.250	Notification of Director: Construction, reconstruction and initial start-up; demonstration of continuous monitoring system performance.	10/31/05	73 FR 20536 (4/16/08)	Most recently approved version was submitted on 8/20/07. See 40 CFR 52.1490(c)(67)(i)(A)(*1*).
445B.252	Testing and sampling	10/30/03	73 FR 20536 (4/16/08)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(*i*).

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/Subject	State effective date	EPA Approval date	Additional explanation
445B.256	Monitoring systems: Calibration, operation and maintenance of equipment.	10/30/95	71 FR 71486 (12/11/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*7*)(*i*).
445B.257	Monitoring systems: Location.	12/4/76	71 FR 71486 (12/11/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*5*)(*i*).
445B.258	Monitoring systems: Verification of operational status.	9/18/06	72 FR 19801 (4/20/07)	Most recently approved version was submitted on 12/8/06. See 40 CFR 52.1490(c)(62)(i)(A)(*1*).
445B.259	Monitoring systems: Performance evaluations.	9/18/06	72 FR 19801 (4/20/07)	Most recently approved version was submitted on 12/8/06. See 40 CFR 52.1490(c)(62)(i)(A)(*1*).
445B.260	Monitoring systems: Components contracted for before September 11, 1974.	9/18/06	72 FR 19801 (4/20/07)	Most recently approved version was submitted on 12/8/06. See 40 CFR 52.1490(c)(62)(i)(A)(*1*).
445B.261	Monitoring systems: Adjustments.	12/4/76	71 FR 71486 (12/11/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*5*)(*i*).
445B.262	Monitoring systems: Measurement of opacity.	10/30/03	71 FR 71486 (12/11/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*7*)(*iii*).
445B.263	Monitoring systems: Frequency of operation.	12/4/76	71 FR 71486 (12/11/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*5*)(*i*).
445B.264	Monitoring systems: Recordation of data.	9/25/00	71 FR 71486 (12/11/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*7*)(*ii*).
445B.265	Monitoring systems: Records; reports.	7/2/84	71 FR 71486 (12/11/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*6*)(*i*).
445B.267	Alternative monitoring procedures or requirements.	10/30/03	71 FR 71486 (12/11/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*7*)(*iii*).
445B.275	Violations: Acts constituting; notice.	5/4/06	73 FR 19144 (4/9/08)	Most recently approved version was submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(i)(A)(*3*)(*iv*).
445B.277	Stop orders	5/4/06	73 FR 19144 (4/9/08)	Most recently approved version was submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(i)(A)(*3*)(*iv*).
445.694	Emission discharge information.	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445.699	Violations: Administrative fines.	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445.764	Reduction of employees' pay because of use of system prohibited.	8/17/81	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
Nevada Administrative Code, Chapter 445B, Air Controls, Air Pollution—Operating Permits Generally				
445B.287, excluding paragraphs (1)(d) and (4)(b).	Operating permits: General requirements; exception; restriction on transfers.	07/22/10	77 FR 59321 (9/27/12)	Submitted on 1/24/11, except for subsection (2), which was submitted on 5/21/12. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.288	Operating permits: Exemptions from requirements; insignificant activities.	04/17/08	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.295	Application: General requirements.	09/18/06	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.297, excluding subsection (2).	Application: Submission; certification; additional information.	05/04/06	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/Subject	State effective date	EPA Approval date	Additional explanation
445B.298	Application: Official date of submittal.	07/22/10	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.305	Operating permits: Imposition of more stringent standards for emissions.	07/22/10	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.308, excluding paragraph (2)(d) and subsections (4), (5), and (10).	Prerequisites and conditions for issuance of certain operating permits; compliance with applicable state implementation plan.	04/17/08	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.310	Environmental evaluation: Applicable sources and other subjects; exemption.	09/18/06	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.311	Environmental evaluation: Contents; consideration of good engineering practice stack height.	12/16/10	77 FR 59321 (9/27/12)	Submitted on 1/24/11. June 2012 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.313	Method for determining heat input: Class I sources.	12/16/10	77 FR 59321 (9/27/12)	Submitted on 1/24/11. June 2012 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.3135	Method for determining heat input: Class II sources.	12/17/02	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.314	Method for determining heat input: Class III sources.	12/17/02	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.315	Contents of operating permits: Exception for operating permits to construct; required conditions.	5/4/06	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.318	Operating permits: Requirement for each source; form of application; issuance or denial; posting.	5/4/06	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.319, excluding paragraph (3)(b).	Operating permits: Administrative amendment.	9/24/04	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.325, excluding subsections (1), (3), and (4).	Operating permits: Termination, reopening and revision, revision, or revocation and reissuance.	7/22/10	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.331	Request for change of location of emission unit.	9/18/06	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.3361, excluding paragraph (1)(b) and subsections (6) and (7).	General requirements	7/22/10	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.3363	Operating permit to construct: Application.	1/28/10	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.33637	Operating permit to construct for approval of plantwide applicability limitation: Application.	9/24/04	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.3364	Operating permit to construct: Action by Director on application; notice; public comment and hearing.	1/28/10	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/Subject	State effective date	EPA Approval date	Additional explanation
445B.3365	Operating permit to construct: Contents; noncompliance with conditions.	5/4/06	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.33656	Operating permit to construct for approval of plantwide applicability limitation: Contents; noncompliance with conditions.	5/4/06	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.3366	Expiration and extension of operating permit to construct; expiration and renewal of plantwide applicability limitation.	9/18/06	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.3368	Additional requirements for application; exception.	1/28/10	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.3375, excluding subsections (2) and (3).	Class I–B application: Filing requirement.	9/18/06	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.3395, excluding subsections (13), (14), and (15).	Action by Director on application; notice; public comment and hearing; objection by Administrator; expiration of permit.	4/17/08	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.340, excluding subsection (3).	Prerequisites to issuance, revision or renewal of permit.	4/17/08	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.342, excluding paragraph (3)(e).	Certain changes authorized without revision of permit; notification of authorized changes.	10/31/05	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.3425	Minor revision of permit	9/24/04	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.344	Significant revision of permit.	12/17/02	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.3441	Administrative revision of permit to incorporate conditions of certain permits to construct.	9/18/06	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.3443	Renewal of permit	12/17/08	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.3447, excluding subsection (4).	Class I general permit	12/17/02	77 FR 59321 (9/27/12)	Submitted on 5/21/12. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.3453, excluding subsection (3).	Application: General requirements.	5/4/06	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.3457	Action by Director on application; notice; public comment and hearing; expiration of permit.	10/26/11	77 FR 59321 (9/27/12)	Submitted on 11/09/11. June 2012 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.346, excluding subsection (6).	Required contents of permit.	10/30/95	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.3465	Application for revision	10/31/05	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.3473	Renewal of permit	12/17/08	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/Subject	State effective date	EPA Approval date	Additional explanation
445B.3477	Class II general permit	4/17/08	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.3485	Application: General requirements.	9/18/06	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.3487	Action by Director on application; expiration of permit.	9/18/06	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.3489	Required contents of permit.	9/18/06	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.3493	Application for revision	10/25/01	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
445B.3497	Renewal of permit	12/17/08	77 FR 59321 (9/27/12)	Submitted on 1/24/11. November 2010 codification of NAC chapter 445B published by the Nevada Legislative Counsel Bureau.
Nevada Air Quality Regulations—Point Sources and Registration Certificates				
Nevada Air Quality Regulations (NAQR), Article 13 (''Point Sources''), subsection 13.1, paragraph 13.1.1.	General Provisions for the Review of New Sources.	12/15/77	47 FR 27070 (6/23/82)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
NAQR, Article 13, subsection 13.1, paragraph 13.1.3 [excluding 13.1.3(1) and 13.1.3(3)].	[related to registration certificates for point sources subject to the requirement for an environmental evaluation; additional requirements for such sources to be located in nonattainment areas].	2/28/80	46 FR 21758 (4/14/81)	Submitted on 3/17/80. See 40 CFR 52.1490(c)(18)(i). NAQR article 13.1.3(3) was deleted without replacement at 73 FR 20536 (4/16/08). See 40 CFR 52.1490(c)(18)(i)(A). NAQR article 13.1.3(1) was superseded by approval of amended NSR rules at 77 FR 59321 (9/27/12).
NAQR Article 13, subsection 13.2 (excluding 13.2.3 and 13.2.4).	[relates to thresholds used to identify sources subject to environmental evaluation requirement].	12/15/77	47 FR 27070 (6/23/82)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii). Subsection 13.2 includes paragraphs 13.2.1–13.2.2. Paragraphs 13.2.3–13.2.4 were superseded by approval of amended NSR rules at 77 FR 59321 (9/27/12).
Nevada Revised Statutes, Title 58, Energy; Public Utilities and Similar Entities: Regulation of Public Utilities Generally				
704.820	Short title	1/1/79	47 FR 15790 (4/13/82)	NRS 704.820 to 704.900, inclusive, is cited as the Utility Environmental Protection Act. Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.825	Declaration of legislative findings and purpose.	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.830	Definitions	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.840	''Commence to construct'' defined.	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.845	''Local government'' defined.	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.850	''Person'' defined	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.855	''Public utility,'' ''utility'' defined.	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.860	''Utility facility'' defined	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.865	Construction permit: Requirement; transfer; exceptions to requirement.	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/Subject	State effective date	EPA Approval date	Additional explanation
704.870	Construction permit application: Form, contents; filing; service; public notice.	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.875	Review of application by state environmental commission.	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.880	Hearing on application for permit.	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.885	Parties to permit proceeding; appearances; intervention.	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.890	Grant or denial of application; required findings; service of copies of order.	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.892	Grant, denial, conditioning of permit for plant for generation of electrical energy for export.	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.895	Rehearing; judicial review.	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.900	Cooperation with United States, other states.	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
General Order No. 3, Rules of Practice and Procedure Before the Public Service Commission				
Rule 25	Construction Permits—Utility Environmental Protection Act.	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(ii).
Nevada Administrative Code, Chapter 445B, Air Controls, Emissions From Engines—General Provisions				
445B.400	Scope	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.401	Definitions	8/21/02	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.403	''Approved inspector'' defined.	8/19/94	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.4045	''Authorized inspection station'' defined.	8/19/94	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.405	''Authorized station'' defined.	1/10/78	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.408	''Carbon monoxide'' defined.	1/10/78	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.409	''Certificate of compliance'' defined.	9/13/95	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.4092	''Certified on-board diagnostic system'' defined.	8/21/02	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.4096	''Class 1 approved inspector'' defined.	9/13/95	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.4097	''Class 1 fleet station'' defined.	9/13/95	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.4098	''Class 2 approved inspector'' defined.	9/13/95	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.4099	''Class 2 fleet station'' defined.	9/13/95	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).

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State citation	Title/Subject	State effective date	EPA Approval date	Additional explanation
445B.410	"CO_2" defined	9/28/88	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.411	"Commission" defined	1/10/78	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.413	"Department" defined	1/1/86	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.415	"Director" defined	8/19/94	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.416	"Emission" defined	1/10/78	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.418	"EPA" defined	9/28/88	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.419	"Established place of business" defined.	1/10/78	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.420	"Evidence of compliance" defined.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.421	"Exhaust emissions" defined.	1/10/78	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.422	"Exhaust gas analyzer" defined.	1/10/78	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.424	"Fleet station" defined	8/19/94	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.4247	"Gross vehicle weight rating" defined.	8/19/94	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.426	"Heavy-duty motor vehicle" defined.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.427	"Hydrocarbon" defined	9/28/88	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.428	"Hz" defined	9/28/88	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.432	"Light-duty motor vehicle" defined.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.433	"Mini motor home" defined.	10/1/83	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.434	"Motor home" defined	10/1/83	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.435	"Motor vehicle" defined	1/10/78	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.440	"New motor vehicle" defined.	1/10/78	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.442	"Opacity" defined	1/1/88	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.443	"Person" defined	1/1/88	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.444	"ppm" defined	9/28/88	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).

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State citation	Title/Subject	State effective date	EPA Approval date	Additional explanation
445B.449	"Smoke" defined	1/1/88	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.450	"Special mobile equipment" defined.	1/10/78	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.451	"Standard" defined	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.4515	"State electronic data transmission system" defined.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.452	"Tampering" defined	1/10/78	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.4525	"Test station" defined	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.453	"Truck" defined	10/1/83	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.454	"Used motor vehicle" defined.	1/10/78	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.455	"Van conversion" defined.	10/1/83	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.4553	"Vehicle inspection report" defined.	8/21/02	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.4556	"Vehicle inspection report number" defined.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.456	Severability	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
Nevada Administrative Code, Chapter 445B, Air Controls, Emissions From Engines—Facilities for Inspection and Maintenance				
445B.460	Test station: License required to operate; expiration of license; ratings; performance of certain services; prohibited acts; location.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.461, except for paragraph (3)(d).	Compliance by Federal Government, state agencies and political subdivisions.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*). NAC section 445B.461(3)(d) was deleted without replacement at 74 FR 3975 (1/22/09). See 40 CFR 52.1490(c)(71)(i)(A)(*3*).
445B.462	Test station: Application for license to operate; inspection of premises; issuance of license.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.463	Test station: Grounds for denial, revocation or suspension of license; reapplication; permanent revocation of license.	8/21/02	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.464	Test station: Hearing concerning denial, suspension or revocation of license.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.465	Authorized station or authorized inspection station: Requirements for bond or deposit.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/Subject	State effective date	EPA Approval date	Additional explanation
445B.466	Authorized station or authorized inspection station: Liability under bond or deposit; suspension and reinstatement of licenses.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.467	Authorized station or authorized inspection station: Disbursement, release or refund of bond or deposit.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.468	Authorized stations and authorized inspection stations: Scope of coverage of bond or deposit.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.469	Authorized station or authorized inspection station: Posting of signs and placards.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.470	Test station: Display of licenses; availability of reference information.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.471	Test station: Advertising; provision by Department of certain informational material for public.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.472	Test station: Records of inspections and repairs; inspection of place of business; audit of exhaust gas analyzers.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.473	Test station: Notice of wrongfully distributed or received vehicle inspection reports; inventory of vehicle inspection reports.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.474	Test station: Failure to employ approved inspector.	7/17/03	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.475	Authorized station or class 2 fleet station: Requirements for employees.	9/13/95	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.476	Test station: Willful failure to comply with directive; suspension of license; reapplication after revocation of license.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.478	Fleet station: Licensing; powers and duties.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.480	Test station: Requirements concerning business hours.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
Nevada Administrative Code, Chapter 445B, Air Controls, Emissions From Engines—Inspectors				
445B.485	Prerequisites to licensing.	2/23/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.486	Examination of applicants for licensing.	2/23/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/Subject	State effective date	EPA Approval date	Additional explanation
445B.487	Denial of license	9/13/95	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.489	Grounds for denial, suspension or revocation of license.	2/23/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.490	Hearing on suspension or revocation of license.	2/23/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.491	Temporary suspension or refusal to renew license.	1/10/78	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.492	Duration of suspension; surrender of license.	12/20/79	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.493	Limitation on reapplication after revocation or denial or license; surrender of revoked license; permanent revocation of license.	2/23/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.495	Contents of license	9/13/95	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.496	Expiration of license	1/1/88	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.497	Requirements for renewal of license.	2/23/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.498	Performance of emission inspection without license prohibited; expiration of license; license ratings.	2/23/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.4983	Issuance of access code to approved inspector; use of access code and identification number.	2/23/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.4985	Violations	7/17/03	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.499	Fees	7/17/03	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.501	Report of change in place of employment or termination of employment.	12/20/79	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.502	Submission of certificate of employment to report change.	9/13/95	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
Nevada Administrative Code, Chapter 445B, Air Controls, Emissions From Engines—Exhaust Gas Analyzers				
445B.5049	Connection to state electronic data transmission system.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.505	Availability of list of approved analyzers and their specifications.	7/17/03	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.5052	Approved analyzer: Use and equipment; deactivation by Department.	6/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.5055	Revocation of approval of analyzer.	9/13/95	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/Subject	State effective date	EPA Approval date	Additional explanation
445B.5065	Manufacturer of approved analyzer: Required warranty.	7/17/03	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.5075	Manufacturer of approved analyzer: Required services; administrative fine for violations.	7/17/03	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
Nevada Administrative Code, Chapter 445B, Air Controls, Emissions From Engines—Control of Emissions: Generally				
445B.575	Device to control pollution: General requirement; alteration or modification.	3/1/02	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.576	Vehicles powered by gasoline or diesel fuel: Restrictions on visible emissions and on idling of diesel engines.	10/22/92	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.577	Devices used on stationary rails: Restrictions on visible emissions.	1/1/88	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.578	Exceptions to restrictions on visible emissions.	10/22/92	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.579	Inspection of vehicle: Devices for emission control required.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.580	Inspection of vehicle: Procedure for certain vehicles with model year of 1995 or older and heavy-duty vehicles with model year of 1996 or newer.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.5805	Inspection of vehicle: Procedure for light-duty vehicles with model year of 1996 or newer.	8/21/02	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.581	Inspection of vehicle: Place and equipment for performance.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.5815	Inspection of vehicle: Certified on-board diagnostic systems.	3/1/02	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.582	Repair of vehicle; reinspection or testing.	9/13/95	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.583	Evidence of compliance: Purpose; records.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.584	Evidence of compliance: Purchase of vehicle inspection report numbers.	7/17/03	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.585	Evidence of compliance: Issuance by approved inspector.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.586	Evidence of compliance: Return of fee.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.587	Test of light-duty motor vehicles powered by diesel engines: Equipment for measurement of smoke opacity.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/Subject	State effective date	EPA Approval date	Additional explanation
445B.588	Testing of light-duty motor vehicles powered by diesel engines: List of approved equipment.	7/17/03	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.589	Testing of light-duty motor vehicles powered by diesel engines: Procedure; certificate of compliance; effect of failure; lack of proper fuel cap.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.5895	Dissemination of list of authorized stations.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.590	Waiver of standards for emissions.	5/14/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.591	Form for registration of vehicle in area where inspection of vehicle not required.	1/1/88	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.5915	Requirements for registration of vehicle temporarily being used and maintained in another state.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.592	Applicability of certain standards for emissions and other requirements.	10/31/05	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.593	Evidence of compliance required for certain vehicles based in Clark County.	10/31/05	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.594	Evidence of compliance required for certain vehicles based in Washoe County.	10/31/05	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.595(1)	Inspections of vehicles owned by State or political subdivisions or operated on federal installations.	9/13/95	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*). Subsection 2 was not included in the 7/3/08 approval of NAC 445B.595. Certain paragraphs of subsection (2) were approved at 74 FR 3975 (1/22/09).
445B.595(2) (a), (b), and (c).	Inspections of vehicles owned by State or political subdivisions or operated on federal installations.	9/13/95	74 FR 3975 (1/22/09)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*4*).
445B.596	Standards for emissions.	8/21/02	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.598	Imposition and statement of fee for inspection and testing; listing of stations and fees.	9/13/95	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.599	Prescription and notice of maximum fees for inspections and testing.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.600	Procedure for setting new fee.	9/13/95	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.601	Concealment of emissions prohibited.	1/10/78	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/Subject	State effective date	EPA Approval date	Additional explanation
Nevada Administrative Code, Chapter 445B, Air Controls, Emissions From Engines—Restored Vehicles				
445B.6115	Exemption of vehicle from certain provisions.	7/27/00	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.6125	Certification of vehicle for exemption.	3/5/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
Nevada Administrative Code, Chapter 445B, Air Controls, Emissions From Engines—Inspection of Test Stations and Approved Inspectors				
445B.7015	Annual and additional inspections.	2/3/05	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.7025	Alteration of emission control system of vehicle used to conduct inspection.	2/3/05	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.7035	Preliminary written notice of violation; reinspection of vehicle.	2/3/05	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.7045	Administrative fines and other penalties for certain violations.	2/3/05	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
Nevada Administrative Code, Chapter 445B, Air Controls, Emissions From Engines—Miscellaneous Provisions				
445B.727	Administrative fines and other penalties.	2/3/05	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.735	Program for licensure to install, repair and adjust devices for control of emissions.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
Nevada Administrative Code, Chapter 590, Petroleum Products and Antifreeze, Fuels				
590.065 (excluding subsection (7)).	Adopted Regulation of the State Board of Agriculture LCB File No. R111–08. A regulation relating to fuel; adopting by reference a certain standard for gasoline published by ASTM International; providing exceptions; and providing other matters properly relating thereto.	1/28/10	75 FR 59090 (9/27/10)	See 40 CFR 52.1490(c)(74)(i)(B). As adopted by the Nevada Board of Agriculture. Submitted on 3/26/10 for inclusion into Appendix C of the 2008 Las Vegas Valley CO Maintenance Plan.

TABLE 2—EPA-APPROVED LANDER COUNTY REGULATIONS

County citation	Title/Subject	County effective date	EPA Approval date	Additional explanation
Lander County Ordinance LC 8–78.	Dust Ordinance	9/8/78	46 FR 21758 (4/14/81)	Was approved as part of the Lander County Air Quality Improvement Plan which was submitted on 12/29/78.

TABLE 3—EPA-APPROVED CLARK COUNTY REGULATIONS

County citation	Title/Subject	County effective date	EPA Approval date	Additional explanation
Section 0	Definitions	3/20/12	77 FR 64039 (10/18/12)	Submitted on 5/22/12.

TABLE 3—EPA-APPROVED CLARK COUNTY REGULATIONS—Continued

County citation	Title/Subject	County effective date	EPA Approval date	Additional explanation
Section 1 ("Definitions"): Subsection 1.1.	Affected Facility	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.6.	Air Pollution Control Committee.	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.11.	Area Source	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.12.	Atmosphere	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.16.	Board	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.23.	Commercial Off-Road Vehicle Racing.	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.26.	Dust	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.28.	Existing Facility	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.29.	Existing Gasoline Station.	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.30.	Fixed Capital Cost	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.36.	Fumes	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.40.	Health District	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.41.	Hearing Board	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.44.	Integrated Sampling	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.51.	Mist	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.57.	New Gasoline Station	9/3/81	47 FR 26620 (6/21/82)	Submitted on 11/17/81. See 40 CFR 52/1490(c)(24)(iii).
Section 1 ("Definitions"): Subsection 1.58.	New Source	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.60.	NIC	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.70.	Point Source	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.81.	Single Source	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.83.	Smoke	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.84.	Source of Air Contaminant.	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.87.	Standard Commercial Equipment.	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.88.	Standard Conditions	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.91.	Stop Order	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.95.	Uncombined Water	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.97.	Vapor Disposal System	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 2: Subsections 2.1, 2.2, and 2.3.	Air Pollution Control Board.	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 4: Subsections 4.1–4.11 (excluding subsection 4.7.3).	Control Officer	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii). Subsection 4.7.3, submitted on 7/24/79, was superseded by approval of amended provision at 47 FR 26386 (6/18/82).
Section 4 (Control Officer): Subsection 4.7.3.	[related to authority of control officer].	9/3/81	47 FR 26386 (6/18/82)	Submitted on 11/17/81. See 40 CFR 52.1490(c)(24)(iv).
Section 4 (Control Officer): Subsections 4.12, 4.12.1–4.12.3.	[related to public notification].	4/24/80	46 FR 43141 (8/27/81)	Submitted on 11/5/80. See 40 CFR 52.1490(c)(22)(i).
Section 5: Subsection 5.1.	Interference with Control Officer.	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 6: Subsection 6.1.	Injunctive Relief	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).

TABLE 3—EPA-APPROVED CLARK COUNTY REGULATIONS—Continued

County citation	Title/Subject	County effective date	EPA Approval date	Additional explanation
Section 8: Subsections 8.1, 8.2.	Persons Liable for Penalties—Punishment; Defense.	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 10	Compliance Schedules	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 11	Ambient Air Quality Standards.	10/21/03	69 FR 54006 (9/7/04)	Adopted on 10/7/03 and submitted on 10/23/03. See 40 CFR 52.1490(c)(53)(i)(A)(*1*).
Section 12.0	Applicability, General Requirements and Transition Procedures.	11/3/09	77 FR 64039 (10/18/12)	Submitted on 2/11/10.
Section 12.1	Permit Requirements for Minor Sources.	11/3/09	77 FR 64039 (10/18/12)	Submitted on 2/11/10.
Section 12.2	Permit Requirements for Major Sources in Attainment Areas (Prevention of Significant Deterioration).	3/20/12	77 FR 64039 (10/18/12)	Submitted on 5/22/12.
Section 12.3	Permit Requirements for Major Sources in Nonattainment Areas.	5/18/10	77 FR 64039 (10/18/12)	Submitted on 9/1/10.
Section 12.4	Authority to Construct Application and Permit Requirements for Part 70 Sources.	5/18/10	77 FR 64039 (10/18/12)	Submitted on 9/1/10.
Section 18: Subsections 18.1–18.5.2.	Registration/Permit Fees.	9/3/81	47 FR 26386 (6/18/82)	Submitted on 11/17/81. See 40 CFR 52.1490(c)(24)(iv).
Section 18: Subsections 18.6–18.12.	Registration/Permit Fees.	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 23: Subsections 23.1–23.5 (excluding subsections 23.2.1–23.3.1.2, 23.3.4–23.3.5).	Continuous Monitoring by Fossil Fuel-Fired Steam Generators.	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii). Subsections 23.2.1–23.3.1.2, 23.3.4–23.3.5, submitted on 7/24/79, were superseded by revised subsections submitted on 11/17/81 and approved at 47 FR 26386 (6/18/82).
Section 23 (Continuous Monitoring by Fossil Fuel-Fired Steam Generators): Subsections 23.2.1–23.3.1.2, 23.3.4–23.3.5).	[related to specifications for continuous monitoring].	9/3/81	47 FR 26386 (6/18/82)	Submitted on 11/17/81. See 40 CFR 52.1490(c)(24)(iv).
Section 24: Subsections 24.1–24.5.	Sampling and Testing—Records and Reports.	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 25: Subsection 25.2.	Upset, Breakdown or Scheduled Maintenance.	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii). Subsection 25.1, submitted on 7/24/79, was never approved into the SIP; see 40 CFR 52.1483 and 69 FR 54006, at 54017, 54018 (9/7/04).
Section 26: Subsections 26.1–26.3.	Emission of Visible Air Contaminants.	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 27	Particulate Matter from Process Weight Rate.	9/3/81	47 FR 26386 (6/18/82)	Submitted on 11/17/81. See 40 CFR 52.1490(c)(24)(iv).
Section 28: Subsections 28.1 and 28.2.	Fuel Burning Equipment.	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 29	Sulfur Contents of Fuel Oil.	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 30: Subsections 30.1–30.7 (excluding subsection 30.4).	Incinerators	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii). Subsection 30.4 was superseded by amended version submitted on 11/17/81 and approved at 47 FR 26386 (6/18/82).
Section 30 (Incinerators): Subsection 30.4.	[exemptions for certain types of incinerators].	9/3/81	47 FR 26386 (6/18/82)	Submitted on 11/17/81. See 40 CFR 52.1490(c)(24)(iv).
Section 30 (Incinerators): Subsection 30.8.	[related to maximum allowable emission rates].	9/3/81	47 FR 26386 (6/18/82)	Submitted on 11/17/81. See 40 CFR 52.1490(c)(24)(iv).

TABLE 3—EPA-APPROVED CLARK COUNTY REGULATIONS—Continued

County citation	Title/Subject	County effective date	EPA Approval date	Additional explanation
Section 31	Reduction of Emission of Sulfur from Primary Non-Ferrous Smelters.	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 32: Subsections 32.1, 32.2.	Reduction of Animal Matter.	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 33	Chlorine in Chemical Processes.	5/18/84	51 FR 29923 (8/21/86)	Submitted on 1/11/85. See 40 CFR 52.1490(c)(i)(A). See also clarification at 69 FR 54006 (9/7/04.
Section 41: Subsections 41.1–41.4.	Fugitive Dust	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 42: Subsections 42.1, 42.3 and 42.4.	Open Burning	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii). Subsection 42.2 deleted without replacement—see 40 CFR 52.1490(c)(16)(viii)(C).
Section 50	Storage of Petroleum Products.	12/28/78	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(ii).
Section 51	Petroleum Product Loading into Tank Trucks and Trailers.	12/28/78	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(ii).
Section 52: Subsections 52.1–52.10 (excluding subsections 52.4.2.3 and 52.7.2).	Handling of Gasoline at Service Stations, Airports and Storage Tanks.	12/28/78	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(ii). Subsections 52.4.2.3 and 52.7.2 were superseded by amended provisions submitted on 11/17/81 and approved at 47 FR 26386 (6/18/82).
Section 52 (Handling of Gasoline at Service Stations, Airports and Storage Tanks): Subsections 52.4.2.3 and 52.7.2.	[related to vapor recovery and sales information].	9/3/81	47 FR 26386 (6/18/82)	Submitted on 11/17/81. See 40 CFR 52.1490(c)(24)(iv).
Section 53	Oxygenated Wintertime Gasoline.	6/3/03	69 FR 56351 (9/21/04)	Submitted on 11/10/03. See 40 CFR 52.1490(c)(52)(i)(A)(*1*). Superseded earlier version adopted on 9/25/97, submitted on 8/7/98, and approved at 64 FR 29573 (6/2/99).
Ordinance No. 3809	An Ordinance to Suspend the Applicability and Enforceability of All Provisions of Clark County Air Quality Regulation Section 54, the Cleaner Burning Gasoline Wintertime Program; and Provide for Other Matters Properly Relating Thereto.	9/29/09	75 FR 59090 (9/27/10)	See 40 CFR 52.1490(c)(74)(i)(A). Section 54 was suspended by the Clark County Board of County Commissioners through adoption of Ordinance No. 3809 on September 15, 2009. Submitted on 3/26/10 for inclusion into Appendix C of the 2008 Las Vegas Valley CO Maintenance Plan.
Section 60 (excluding subsections 60.4.2 and 60.4.3).	Evaporation and Leakage.	6/28/79	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52.1490(c)(17)(i). Subsections 60.4.2 and 60.4.3 were superseded by approval of amended provisions at 49 FR 10259 (3/20/84) and 47 FR 26386 (6/18/82).
Section 60: Subsection 60.4.2.	[General prohibition on use of cutback asphalt].	9/3/81	49 FR 10259 (3/20/84)	Submitted on 11/17/81. See 40 CFR 52.1490(c)(24)(vi).
Section 60: Subsection 60.4.3.	[Exceptions to subsection 60.4.2].	9/3/81	47 FR 26386 (6/18/82)	Submitted on 11/17/81. See 40 CFR 52.1490(c)(24)(iv).
Section 70: subsections 70.1–70.6.	Emergency Procedures	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 80	Circumvention	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 81	Provisions of Regulations Severable.	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 90	Fugitive Dust from Open Areas and Vacant Lots.	12/17/02	71 FR 63250 (10/30/06)	Originally adopted on 6/22/00, and amended on 12/17/02. Submitted on 1/23/03. See 40 CFR 52.1490(c)(60)(i)(A)(*1*). Supersedes earlier version of rule approved at 69 FR 32273 (6/9/04).

TABLE 3—EPA-APPROVED CLARK COUNTY REGULATIONS—Continued

County citation	Title/Subject	County effective date	EPA Approval date	Additional explanation
Section 91	Fugitive Dust from Unpaved Roads, Unpaved Alleys and Unpaved Easement Roads.	11/20/01	69 FR 32273 (6/9/04)	Originally adopted on 6/22/00 and amended on 11/20/01. Submitted on 10/24/02. See 40 CFR 52.1490(c)(43)(i)(A)(*1*).
Section 92	Fugitive Dust from Unpaved Parking Lots, Material Handling & Storage Yards, & Vehicle & Equipment Storage Yards.	12/17/02	71 FR 63250 (10/30/06)	Originally adopted on 6/22/00, and amended on 12/17/02. Submitted on 1/23/03. See 40 CFR 52.1490(c)(60)(i)(A)(*1*). Supersedes earlier version of rule approved at 69 FR 32273 (6/9/04).
Section 93	Fugitive Dust from Paved Roads & Street Sweeping Equipment.	3/4/03 (amended)	71 FR 63250 (10/30/06)	Originally adopted on 6/22/00, amendments adopted on 3/4/03 made effective 3/18/03. Submitted on 3/26/03. See 40 CFR 52.1490(c)(61)(i)(A)(*1*). Supersedes earlier version of rule approved at 69 FR 32273 (6/9/04).
Section 94	Permitting & Dust Control for Construction Activities.	3/18/03 (amended)	71 FR 63250 (10/30/06)	Originally adopted on 6/22/00, amendments adopted on 3/18/03 made effective 4/1/03. Submitted on 3/26/03. See 40 CFR 52.1490(c)(61)(i)(A)(*1*). Supersedes earlier version of rule approved at 69 FR 32273 (6/9/04).
Section 94 Handbook	Construction Activities Dust Control Handbook.	4/1/03	71 FR 63250 (10/30/06)	Originally adopted on 6/22/00, and amended on 3/18/03. Submitted on 3/26/03. See 40 CFR 52.1490(c)(61)(i)(A)(*1*). Supersedes earlier version of rule approved at 69 FR 32273 (6/9/04).
Clark County Building Code, Section 3708.	Residential Wood Combustion Ordinance (Fireplace), No. 1249.	12/4/90	68 FR 52838 (9/8/03)	Adopted on 11/20/90, and submitted on 11/19/02. See 40 CFR 52.1490(c)(41)(i)(A)(*1*).

TABLE 4—EPA-APPROVED CITY OF LAS VEGAS REGULATIONS

City citation	Title/Subject	City effective date	EPA Approval date	Additional explanation
City of Las Vegas Building Code, Section 3708.	Residential Wood Combustion Ordinance (Fireplace), No. 3538.	11/21/90	68 FR 52838 (9/8/03)	Adopted on 11/21/90, and submitted on 11/19/02. See 40 CFR 52.1490(c)(41)(i)(A)(*2*).

TABLE 5—EPA-APPROVED CITY OF NORTH LAS VEGAS REGULATIONS

City citation	Title/Subject	City effective date	EPA Approval date	Additional explanation
City of North Las Vegas Building Code, Section 13.16.150.	Residential Wood Combustion Ordinance (Fireplace), No. 1020.	9/18/91	68 FR 52838 (9/8/03)	Adopted on 9/18/91, and submitted on 11/19/02. See 40 CFR 52.1490(c)(41)(i)(A)(*3*).

TABLE 6—EPA-APPROVED CITY OF HENDERSON REGULATIONS

City citation	Title/Subject	City effective date	EPA Approval date	Additional explanation
City of Henderson Building Code, Section 15.40.010.	Residential Wood Combustion Ordinance (Fireplace), No. 1697.	10/15/96	68 FR 52838 (9/8/03)	Adopted on 10/15/96, and submitted on 11/19/02. See 40 CFR 52.1490(c)(41)(i)(A)(*4*).

TABLE 7—EPA-APPROVED WASHOE COUNTY REGULATIONS

District citation	Title/Subject	District effective date	EPA Approval date	Additional explanation
		GENERAL DEFINITIONS		
010.000	Definitions	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.005	Air Contaminant	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.010	Air Pollution	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.011	Allowable emissions	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.014	Asphalt	5/23/79 (adopted)	46 FR 21758 (4/14/81).	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.015	Atmosphere	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.020	Board of Health	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.025	BTU–British Thermal Unit.	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.028	Cold Cleaner	1/24/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.030	Combustion Contaminants.	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.035	Combustible Refuse	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.040	Commercial Fuel Oil	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.045	Condensed Fumes	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.050	Control Equipment	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.055	Control Officer	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.057	Conveyorized Degreaser.	1/24/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.059	Cut-back Asphalt	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.060	District Health Officer	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.065	Dusts	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.070	Emission	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.071	Freeboard height	1/24/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.072	Freeboard ratio	1/24/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.075	Fuel	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.080	Fuel Burning Equipment.	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.085	Garbage	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.090	Gas	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.091	Gasoline	1/24/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.095	Health District	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.100	Hearing Board	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.105	Incinerator	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.106	Lowest Achievable Emission Rate.	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.107B	Major Emitting Facility Or Major Stationary Source (Nonattainment Areas).	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 4/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.108	Major Modification	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 4/24/79. See 40 CFR 52.1490(c)(16)(iii).

TABLE 7—EPA-APPROVED WASHOE COUNTY REGULATIONS—Continued

District citation	Title/Subject	District effective date	EPA Approval date	Additional explanation
010.110	Mist	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.116	Non Attainment Area	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 4/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.117	Non Attainment Pollutant.	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 4/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.120	Nuisance	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.125	Odor	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.130	Opacity	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.135	Open Fire	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.136	Open Top Vapor Degreaser.	1/24/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 4/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.140	Particulate Matter	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.145	Pathological Waste	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.117	Pellet Stove	2/23/06	72 FR 33397 (6/18/07)	Submitted on 5/5/06. See 40 CFR 52.1490(c)(63)(i)(A)(*1*).
010.148	Penetrating Prime Coat	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 4/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.149	Penetrating Seal Coat	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 4/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.150	Person	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.151	Potential to Emit	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 4/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.155	Process Weight	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.160	Process Weight Rate	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.165	Ringelmann Chart	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.166	Significant Ambient Impact.	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 4/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.170	Smoke	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.175	Source	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.1751	Source Registration	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 4/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.180	Stack or Chimney	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.185	Standard Conditions	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.197	Volatile Organic Compound.	1/24/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 4/24/79. See 40 CFR 52.1490(c)(16)(iii).
	GENERAL PROVISIONS			
020.005	Board of Health–Powers and Duties.	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
020.010	Injunctive Relief	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
020.015	Judicial Relief	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
020.025	Control Officer–Powers and Duties.	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
020.035	Violations of Regulations.	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
020.040	Notice of Violation	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
020.045	Citation	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
020.050	Administrative Fines	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
020.055	Injunctive Relief	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).

TABLE 7—EPA-APPROVED WASHOE COUNTY REGULATIONS—Continued

District citation	Title/Subject	District effective date	EPA Approval date	Additional explanation
020.055	Confidential information	1/24/79 (adopted)	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(ix).
020.060	Interference with Performance of Duty.	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
020.070	Sampling and Testing	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
020.080	Circumvention	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
020.085	Upset, Breakdown or Scheduled Maintenance.	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
020.090	Registration of Sources	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
020.095	Severability	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
SOURCE REGISTRATION AND OPERATION				
030.000	Sources—General	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.005	[Authority to Construct must be issued before any building permit].	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.010	[Limits on Issuance of Authorities to Construct].	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.015	[Public notice requirement for major sources].	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.025	Registration Application	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.030	[Limits on effect of acceptance of permit application or issuance of Authority to Construct].	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.110	[modifications]	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.115(1), (5), and subsection (B).	[Additional requirements for major sources in general and specific additional requirements for major sources of nonattainment pollutants].	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.120	[Violations and Stop Work Orders].	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.1201	[Person served with Stop Work Order].	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.205	[Registration Requirement].	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.210	[Issuance of Permits to Operate].	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.215	[Limits on Meaning of Issuance of Permit to Operate].	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.218	Demonstration of Compliance.	6/28/12	77 FR 60915 (10/5/12)	Submitted on 8/30/12.
030.230	Record Keeping	6/28/12	77 FR 60915 (10/5/12)	Submitted on 8/30/12.
030.235	Requirements for Source Sampling and Testing.	6/28/12	77 FR 60915 (10/5/12)	Submitted on 8/30/12.
030.245	[Permit to Operate is not transferable].	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.250	[Permit to Operate is subject to suspension or revocation for violation].	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).

TABLE 7—EPA-APPROVED WASHOE COUNTY REGULATIONS—Continued

District citation	Title/Subject	District effective date	EPA Approval date	Additional explanation
030.300	Fee and Fee Schedule	5/23/79 (adopted)	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(ix).
030.305	Plan Review Fees	5/23/79 (adopted)	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(ix).
030.310	[Permit to Operate—Schedule of Fees].	5/23/79 (adopted)	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(ix).
030.970 (subsection A only).	Part 70 Permit Monitoring and Compliance.	6/28/12	77 FR 60915 (10/5/12)	Submitted on 8/30/12.
030.3101	Fuel burning equipment	5/23/79 (adopted)	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(ix).
030.3102	Incinerators	5/23/79 (adopted)	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(ix).
030.3103	Storage tanks	5/23/79 (adopted)	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(ix).
030.3104	Processes	5/23/79 (adopted)	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(ix).
			PROHIBITED EMISSIONS	
040.005	Visible Air Contaminants.	2/23/06	72 FR 33397 (6/18/07)	Submitted on 5/5/06. See 40 CFR 52.1490(c)(63)(i)(A)(*1*).
040.010	Particulate Matter	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
040.015	Specific Contaminants	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
040.020	Dust and Fumes	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
040.025	Exceptions	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
040.030	Dust Control	11/1/02	72 FR 25969 (5/8/07)	Adopted on 7/26/02. Submitted on 8/5/02. See 40 CFR 52.1490(c)(55)(i)(A)(2).
040.031	Street Sanding Operations.	2/27/02	71 FR 14386 (3/22/06)	Adopted on 2/27/02. Submitted on 8/5/02. See 40 CFR 52.1490(c)(55)(i)(A)(1).
040.032	Street Sweeping Operations.	2/27/02	71 FR 14386 (3/22/06)	Adopted on 2/27/02. Submitted on 8/5/02. See 40 CFR 52.1490(c)(55)(i)(A)(1).
040.035	Open Fires	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
040.040	Burning Permit Conditions.	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
040.045	Refuse Disposal	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
040.050	Incinerator Emissions	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
040.051	Wood Stove/Fireplace Insert Emissions.	2/23/06	72 FR 33397 (6/18/07)	Submitted on 5/5/06. See 40 CFR 52.1490(c)(63)(i)(A)(*1*).
040.060	Sulfur Content of Fuel	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
040.065	Reduction of Animal Matter.	2/1/72	37 FR 15080 (7/27/72)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
040.070	Storage of Petroleum Products.	1/24/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
040.075	Gasoline Loading into Tank Trucks and Trailers.	1/24/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
040.080	Gasoline Unloading from Tank Trucks and Trailers into Storage Tanks.	1/24/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
040.085	Organic Solvents	1/24/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
040.090	Cut-Back Asphalts	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
040.095	Oxygen content of motor vehicle fuel.	9/22/05	73 FR 38124 (7/3/08)	See 40 CFR 52.1490(c)(69)(i)(A)(*1*).

TABLE 7—EPA-APPROVED WASHOE COUNTY REGULATIONS—Continued

District citation	Title/Subject	District effective date	EPA Approval date	Additional explanation
[Related to 040.095]	Washoe County District Board of Health Meeting, September 22, 2005, Public Hearing-Amendments—Washoe County District Board of Health Regulations Governing Air Quality Management; to Wit: Rule 040.095 (Oxygen Content of Motor Vehicle Fuel).	9/22/05	73 FR 38124 (7/3/08)	See 52.1490(c)(69)(i)(A)(*1)(i*).
EMERGENCY EPISODE PLAN				
050.001	Emergency Episode Plan.	3/23/06	72 FR 33397 (6/18/07)	Submitted on 5/5/06. See 40 CFR 52.1490(c)(63)(i)(A)(*1*).
060.010	Emergency Authority to Act.	2/1/72	37 FR 15080 (7/27/72)	Submitted on June 12, 1972. See 40 CFR 52.1490(c)(2).
060.015	Sampling Stations and Air Sampling.	2/1/72	37 FR 15080 (7/27/72)	Submitted on June 12, 1972. See 40 CFR 52.1490(c)(2).
060.020	Reports	2/1/72	37 FR 15080 (7/27/72)	Submitted on June 12, 1972. See 40 CFR 52.1490(c)(2).
060.025	Continuing Program of Voluntary Cooperation.	2/1/72	37 FR 15080 (7/27/72)	Submitted on June 12, 1972. See 40 CFR 52.1490(c)(2).

* * * * *

[FR Doc. 2014–14278 Filed 6–18–14; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 141

[EPA–HQ–OW–2014–0408; FRL–9912–52–OW]

Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action announces the U.S. Environmental Protection Agency's (EPA's) approval of alternative testing methods for use in measuring the levels of contaminants in drinking water and determining compliance with national primary drinking water regulations. The Safe Drinking Water Act (SDWA) authorizes EPA to approve the use of alternative testing methods through publication in the **Federal Register**. EPA is using this streamlined authority to make 21 additional methods available for analyzing drinking water samples. This expedited approach provides public water systems, laboratories, and primacy agencies with more timely access to new measurement techniques and greater flexibility in the selection of analytical methods, thereby reducing monitoring costs while maintaining public health protection.

DATES: This action is effective June 19, 2014.

FOR FURTHER INFORMATION CONTACT: Safe Drinking Water Hotline (800) 426–4791 or Glynda Smith, Technical Support Center, Standards and Risk Management Division, Office of Ground Water and Drinking Water (MS 140), Environmental Protection Agency, 26 West Martin Luther King Drive, Cincinnati, OH 45268; telephone number: (513) 569–7652; email address: *smith.glynda@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

Public water systems are the regulated entities required to measure contaminants in drinking water samples. In addition, EPA Regions as well as States and Tribal governments with authority to administer the regulatory program for public water systems under SDWA may measure contaminants in water samples. When EPA sets a monitoring requirement in its national primary drinking water regulations for a given contaminant, the agency also establishes in the regulations standardized test procedures for analysis of the contaminant. This action makes alternative testing methods available for particular drinking water contaminants beyond the testing methods currently established in the regulations. EPA is providing public water systems required to test water samples with a choice of using either a test procedure already established in the existing regulations or an alternative test procedure that has been approved in this action or in prior expedited approval actions. Categories and entities that may ultimately be affected by this action include:

Category	Examples of potentially regulated entities	NAICS [1]
State, Local, & Tribal Governments	States, local and Tribal governments that analyze water samples on behalf of public water systems required to conduct such analysis; States, local and Tribal governments that themselves operate community and non-transient non-community water systems required to monitor.	924110
Industry	Private operators of community and non-transient non-community water systems required to monitor.	221310
Municipalities	Municipal operators of community and non-transient non-community water systems required to monitor.	924110

[1] North American Industry Classification System.

This table is not exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. This table lists the types of entities that EPA is now aware could potentially be affected by this action. Other types of entities not listed in the table could also be impacted. To determine whether your facility is affected by this action, you should carefully examine the applicability language in the *Code of Federal Regulations* (CFR) at 40 CFR 141.2 (definition of public water system). If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

B. How can I get copies of this document and other related information?

Docket. EPA established a docket for this action under Docket ID No. EPA–HQ–OW–2014–0408. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Water Docket in the EPA Docket Center, (EPA/DC) William Jefferson Clinton West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. Copyrighted materials are available only in hard copy. The EPA DC 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 Water Docket is (202) 566–2426.

Abbreviations and Acronyms Used in This Action

APHA: American Public Health Association
ATP: Alternate Test Procedure
CFR: *Code of Federal Regulations*
DPD: N,N-diethyl-p-phenylenediamine
EPA: United States Environmental Protection Agency
GWR: Ground Water Rule
NAICS: North American Industry Classification System
NEMI: National Environmental Methods Index
PRFC: Planar Reagent-Filled Cuvette(s)
QC: Quality Control
RTCR: Revisions to the Total Coliform Rule
SDWA: The Safe Drinking Water Act
TCR: Total Coliform Rule
VCSB: Voluntary Consensus Standard Bodies

II. Background

A. What is the purpose of this action?

In this action, EPA is approving 21 analytical methods for determining contaminant concentrations in samples collected under SDWA. Regulated parties required to sample and monitor may use either the testing methods already established in existing regulations or the alternative testing methods being approved in this action or in prior expedited approval actions. The new methods are listed along with other methods similarly approved through previous expedited actions in 40 CFR Part 141 Appendix A to Subpart C and on EPA's drinking water methods Web site at *http://water.epa.gov/scitech/drinkingwater/labcert/analyticalmethods_expedited.cfm.*

B. What is the basis for this action?

When EPA determines that an alternative analytical method is ''equally effective'' (i.e., as effective as a method that has already been promulgated in the regulations), SDWA allows EPA to approve the use of the alternative method through publication in the **Federal Register**. (See Section 1401(1) of SDWA.) EPA is using this streamlined approval authority to make 21 additional methods available for determining contaminant concentrations in samples collected under SDWA. EPA has determined that, for each contaminant or group of contaminants listed in Section III, the additional testing methods being approved in this action are as effective as one or more of the testing methods already approved in the regulations for those contaminants. Section 1401(1) of SDWA states that the newly approved methods ''shall be treated as an alternative for public water systems to the quality control and testing procedures listed in the regulation.'' Accordingly, this action makes these additional 21 analytical methods legally available as options for meeting EPA's monitoring requirements.

This action does not add regulatory language, but does, for informational purposes, update an appendix to the regulations at 40 CFR Part 141 that lists all methods approved under Section 1401(1) of SDWA. Accordingly, while this action is not a rule, it is updating CFR text and therefore is being published in the ''Final Rules'' section of the **Federal Register**.

III. Summary of Approvals

EPA is approving 21 methods that are equally effective relative to methods previously promulgated in the regulations. By means of this rule, these 21 methods are added to Appendix A to Subpart C of 40 CFR Part 141.

A. Methods Developed by Voluntary Consensus Standard Bodies (VCSB)

1. Standard Methods for the Examination of Water and Wastewater (Standard Methods). EPA compared the most recent online versions of 14 Standard Methods to earlier versions of those methods that are currently approved in 40 CFR parts 141 and 143. Changes between the approved version and the most recent version of each method are summarized in Smith and Wendelken (2013a). The revisions primarily involve editorial changes (e.g., corrections of errors, procedural clarifications, and reorganization of text). The updated online versions listed in the following table are the same as the earlier approved versions with respect to the chemistry and microbiology, sample handling protocols, and method performance data. For all of these reasons, EPA has concluded that the updated online versions are equally effective relative to those that are currently approved in the regulations. Therefore, EPA is approving the use of the 14 updated Standard Methods for the contaminants and their respective regulations listed in the following table:

Standard method revised version	Approved method	Contaminant	Regulation
2550–10, online version (APHA 2010a)	2550–00, online version (APHA 2000a)	Temperature	40 CFR 141.23(k)(1).
3113 B–10, online version (APHA 2010b)	3113 B–99, online version (APHA 1999)	Antimony, arsenic, barium, beryllium, cadmium, chromium, copper, lead, nickel, selenium, aluminum, iron, manganese, silver.	40 CFR 141.23(k)(1); 40 CFR 143.4(b).
5910 B–11, online version (APHA 2011)	5910 B–00, online version (APHA 2000b).	UV Absorption at 254 nm	40 CFR 141.131(d).
6251 B–07, online version (APHA 2007)	6251 B–94, online version (APHA 1994)	HAA5	40 CFR 141.131(b)(1).
6640 B–06, online version (APHA 2006a)	EPA Method 515.4, Rev. 1.0 (USEPA 2000).	2,4–D; 2,4,5–TP; Dalapon; Dinoseb; Pentachlorophenol; Picloram.	40 CFR 141.24(e)(1).
6651 B–05, online version (APHA 2005a)	6651 B, 20th Edition (APHA 1998)	Glyphosate	40 CFR 141.24(e)(1).
9221 A–06, online version (APHA 2006b)	9221 A, 20th Edition (APHA 1998)	Total Coliforms	40 CFR 141.21(f)(3); 40 CFR 141.74(a)(1).
9221 B–06, online version (APHA 2006c)	9221 B, 20th Edition (APHA 1998)	Total Coliforms	40 CFR 141.21(f)(3); 40 CFR 141.74(a)(1).
9221 B.1, B.2–06, online version (APHA 2006c).	9221 B.1, B.2, 20th Edition (APHA 1998)	Total Coliforms	40 CFR 141.852(a)(5).
9221 C–06, online version (APHA 2006d)	9221 C, 20th Edition (APHA 1998)	Total Coliforms	40 CFR 141.74(a)(1).
9221 E–06, online version (APHA 2006e)	9221 E, 20th Edition (APHA 1998)	Fecal Coliforms	40 CFR 141.21(f)(5); 40 CFR 141.74(a)(1).
9221 F–06, online version (APHA 2006f)	9221 F, 20th Edition (APHA 1998)	*E. coli*	40 CFR 141.402(c)(2).
9221 F.1–06, online version (APHA 2006f).	9221 F.1, 20th Edition (APHA 1998)	*E. coli*	40 CFR 141.852(a)(5).
9222 D–06, online version (APHA 2006g)	9222 D, 20th Edition (APHA 1998)	Fecal Coliforms	40 CFR 141.74(a)(1).
9223 B–04, online version (APHA 2004a)	9223, 20th Edition (APHA 1998)	Total Coliforms	40 CFR 141.21(f)(3); 40 CFR 141.74(a)(1); 40 CFR 141.852(a)(5).
9223 B–04, online version (APHA 2004a)	9223 B, 20th Edition (APHA 1998)	*E. coli*	40 CFR 141.21(f)(6); 40 CFR 141.402(c)(2); 40 CFR 141.852(a)(5).
9215 B–04, online version (APHA 2004b)	9215 B, 20th Edition (APHA 1998)	Heterotrophic Bacteria	40 CFR 141.74(a)(1).

The online versions of Standard Methods are available at *http://www.standardmethods.org.*

2. ASTM International. EPA compared the most recent versions of three ASTM International methods (ASTM Methods D512–12 B, D3223–12, and D4327–11) to the earlier versions of those methods that are currently approved in 40 CFR 141 and 143. Changes between the earlier approved version and the most recent version of each method are summarized in Smith (2013). The revisions primarily involve editorial changes (e.g., updated references, definitions, terminology, procedural clarifications, and reorganization of text). The revised methods are the same as the approved versions with respect to sample collection and handling protocols, sample preparation, analytical methodology, and method performance data; thus, EPA finds they are equally effective relative to the approved methods.

EPA is thus approving the use of the following ASTM methods for the contaminants and their respective regulations listed in the following table:

ASTM Revised version	Approved method	Contaminant	Regulation
D512–12 B (ASTM 2012a)	D512–89 B (reapproved 1999) (ASTM 1989).	Chloride	40 CFR 143.4(b).
D3223–12 (ASTM 2012b)	D3223–02 (ASTM 2002)	Mercury	40 CFR 141.23(k)(1).
D4327–11 (ASTM 2011)	D4327–03 (ASTM 2003)	Fluoride, nitrate, nitrite, orthophosphate, chloride, sulfate.	40 CFR 141.23(k)(1); 40 CFR 143.4(b).

The ASTM methods are available from ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959 or *http://www.astm.org.*

B. Methods Developed by Vendors

1. IDEXX Laboratories, Inc. Colilert-18®. Colilert-18® is an approved commercial medium capable of simultaneous detection of total coliform and *Escherichia coli* bacteria. The use of this medium is described in Standard Method 9223 B, 21st edition of *Standard Methods for the Examination of Water and Wastewater* (APHA 2005b). Standard Method 9223 B is approved for determination of total coliform bacteria and *E. coli* under the Revisions to the Total Coliform Rule (RTCR) (USEPA 2013) as cited at 40 CFR 141.852(a)(5). Colilert-18® is a minor variation of an already approved medium, and was determined to be applicable to the Total Coliform Rule (TCR) (Dougherty 1996). EPA is using today's action to clarify that Colilert-18® is itself an approved medium when used as described in Standard Method 9223 B for determining total coliform bacteria and *E. coli* in drinking water under the RTCR. Accordingly, EPA is adding the Colilert-18® medium and methodology as described in Standard Method 9223 B to the list of alternative testing methods in Appendix A to Subpart C of Part 141. Colilert-18® is

available from IDEXX Laboratories, Inc., One IDEXX Drive, Westbrook, ME 04092, and also at *http://www.idexx.com.*

2. Hach Company Method 10260—Determination of Chlorinated Oxidants (Free and Total) in Water using Disposable Planar Reagent-Filled Cuvettes and Mesofluidic Channel Colorimetry (Hach Company 2013a). The Hach Company Method 10260 uses disposable planar reagent-filled cuvettes (PRFC) to measure free, total and combined chlorine as an optional alternate test procedure to Standard Method 4500–Cl G (APHA 1998) which is approved in the drinking water regulations at 40 CFR 141.74(a)(2) for determination of free and total chlorine, and at 40 CFR 141.131(c)(1) for determination of free, total and combined chlorine. In this method, a mesofluidic pump system draws a water sample through a cuvette that is prefilled with the reagents required to perform DPD (N,N-diethyl-p-phenylenediamine) colorimetric chlorine tests. The sample is then drawn to an optical channel where the chlorine level is measured at a wavelength between 490 and 530 nm. Automation of the DPD determination relative to the manual procedure described in the approved method reduces errors associated with reagent addition, mixing and color development. Three laboratories analyzed a variety of drinking water matrices (e.g., low ionic strength, high ionic strength, and tap water samples derived from both surface water and ground water sources). The performance characteristics of the Hach Method 10260 were compared to the performance characteristics of the approved method. The validation study report (Hach 2013b) summarizes the results obtained from the multi-laboratory study and indicates that Hach Method 10260 is equally as effective as Standard Method 4500–Cl G for the colorimetric determination of free and total chlorine in drinking water. The basis for this determination is discussed in Smith and Wendelken (2013b). EPA is thus approving Hach Method 10260 as an alternate method to Standard Method 4500–Cl G for the analysis of free and total chlorine in drinking water. Hach Method 10260 is available from Hach Company, 5600 Lindbergh Drive, P.O. Box 389, Loveland, CO 80539, and also at *www.hach.com.*

3. Palintest Ltd ChlordioX Plus Method—Chlorine Dioxide and Chlorite in Drinking Water by Amperometry using Disposable Sensors (Palintest Ltd 2013). The Palintest Ltd ChlordioX Plus uses recyclable disposable sensors for amperometric detection of chlorine dioxide and the disinfection byproduct, chlorite, in drinking water. Standard Method 4500–ClO_2 E (APHA 1998) is an amperometric titration method that is currently approved in the regulations at 40 CFR 141.74(a)(2) and 40 CFR 141.131(c)(1) for determination of chlorine dioxide in drinking water; it is also cited in the regulations at 40 CFR 141.131(b)(1) for routine daily monitoring of chlorite. The approved method requires experienced analysts and is not portable, which limits options for field and site testing. The ChlordioX Plus method is associated with a portable sensor driven instrument and chlorine dioxide standards are available, which can be used with the instrument. Chlorine dioxide is reduced at the surface of the sensor and the current produced is directly proportional to the chlorine dioxide level in the sample. The chlorite level can be determined from a sample duplicate by oxidation of iodide to iodine. The method performance of the ChlordioX Plus method was compared to the performance of Standard Method 4500–ClO_2 E at three public drinking water utilities that use chlorine dioxide for primary disinfection. A variety of samples, including drinking water samples from both surface and ground water sources, were fortified with known chlorine dioxide and chlorite concentrations and then analyzed by each method. The results of the validation study are summarized in Smith and Wendelken (2013c). EPA has determined that the ChlordioX Plus method is equally as effective as the approved method, Standard Method 4500–ClO_2 E. The basis for this determination is discussed in Smith and Wendelken (2013c). Therefore, EPA is approving the ChlordioX Plus method for determining chlorine dioxide and chlorite in drinking water. A copy of the method can be obtained by contacting Palintest Ltd, 1455 Jamike Avenue (Suite 100), Erlanger, KY 41018.

4. Veolia Water Solutions and Technologies Tecta EC/TC Method—Presence/Absence Method for the Simultaneous Detection of Total Coliforms and *Escherichia coli* (*E. coli*) in Drinking Water (Veolia 2014a). Tecta EC/TC is a microbiological method for the simultaneous detection of total coliforms and *E. coli* in drinking water by broth enrichment of samples. Total coliforms and *E. coli* are detected as being present or absent in 100 mL samples of drinking water by enzymatic cleavage of fluorogenic substances with the formation of fluorescent compounds after incubation. Approved drinking water methods for total coliforms are listed at 40 CFR 141.21(f)(3) under the Total Coliform Rule (TCR) and at 40 CFR 141.852(a)(5) under the Revisions to the Total Coliform Rule (RTCR). Methods approved for *E. coli* in drinking water are listed at 40 CFR 141.21(f)(6) under the TCR, at 40 CFR 141.402(c)(2) under the Ground Water Rule (GWR), and at 40 CFR 141.852(a)(5) under the RTCR. Tecta EC/TC is similar to other approved drinking water methods except that it uses hydrophobic fluorogens for total coliforms and *E. coli* which adhere to a hydrophobic plastic stub. These fluorogens emit fluorescent light into the interior of the stub when illuminated by ultraviolet light. The fluorescence from the fluorogens is detected by a photometer adjacent to the stub. The incubation temperature maintenance, incubation timing, and fluorescence detection and results recording are all performed by an automated instrument. Tecta EC/TC is able to detect total coliforms and *E. coli* in 18 hours. Reagents and sample incubation containers are available, which can be used with the Tecta EC/TC incubator/detector. An Alternative Test Procedure (ATP) study was conducted to compare the method performance of Tecta EC/TC to the performance of the approved methods Standard Methods 9221 B (LTB/BGLB for total coliforms) and 9221 F (LTB/EC–MUG for *E. coli*) (APHA 1998). The comparison study involved analyses of 200 drinking water samples—20 replicate samples that were inoculated with very low densities of chlorine-stressed total coliforms or *E. coli* obtained from 10 geographically dispersed waste waters. Method specificity was evaluated using approximately 100 positive and 100 negative cultures as determined from analyses by the reference methods. The ATP validation study report (Veolia 2014b) details the study design and method data evaluation. EPA has determined that Tecta EC/TC is equally effective relative to the approved Standard Method 9221 B for total coliforms under the TCR and RTCR, and Standard Method 9221 F for *E. coli* under the TCR, GWR, and RTCR. The basis for this determination is discussed in Sinclair (2014). Therefore, EPA is approving the Tecta EC/TC method for determining total coliforms and *E. coli* in drinking water. Tecta EC/TC is an automated and self-contained method, but is subject to the requirements for certified laboratories described in CFR 141.28.

A copy of the Tecta EC/TC method is available from Veolia Water Solutions

and Technologies, Suite 4697, Biosciences Complex, 116 Barrie Street, Kingston, Ontario, Canada K7L 3N6.

IV. Statutory and Executive Order Reviews

As noted in Section II, under the terms of SDWA Section 1401(1), this streamlined method approval action is not a rule. Accordingly, the Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule for purposes of 5 U.S.C. 804(3). Similarly, this action is not subject to the Regulatory Flexibility Act because it is not subject to notice and comment requirements under the Administrative Procedure Act or any other statute. In addition, because this approval action is not a rule but simply makes alternative testing methods available as options for monitoring under SDWA, EPA has concluded that other statutes and executive orders generally applicable to rulemaking do not apply to this approval action.

V. References

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List of Subjects in 40 CFR Part 141

Environmental protection, Chemicals, Indians-lands, Intergovernmental relations, Radiation protection, Reporting and recordkeeping requirements, Water supply.

Dated: June 3, 2014.

Peter Grevatt,

Director, Office of Ground Water and Drinking Water.

For the reasons stated in the preamble, 40 CFR part 141 is amended as follows:

PART 141—NATIONAL PRIMARY DRINKING WATER REGULATIONS

■ 1. The authority citation for part 141 continues to read as follows:

Authority: 42 U.S.C. 300f, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–4, 300j–9, and 300j–11.

■ 2. Appendix A to Subpart C of Part 141 is amended as follows:

■ a. By revising the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.21(f)(3).''

■ b. By revising the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.21(f)(5)''.

■ c. By revising the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.21(f)(6).''

■ d. By revising entries for ''Antimony,'' ''Arsenic,'' ''Barium,'' ''Beryllium,'' ''Cadmium,'' ''Chromium,'' ''Copper,'' ''Fluoride,'' ''Lead,'' ''Mercury,'' ''Nickel,'' ''Nitrate,'' ''Nitrite,'' ''Orthophosphate,'' ''Selenium,'' and ''Temperature'' in the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.23(k)(1).''

■ e. By revising entries for ''2,4-D,'' ''2,4,5-TP (Silvex),'' ''Dalapon,'' ''Dinoseb,'' ''Glyphosate,'' ''Pentachlorophenol,'' and ''Picloram'' in the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.24(e)(1).''

■ f. By revising the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.74(a)(1).''

■ g. By revising entries for ''Free Chlorine,'' ''Total Chlorine,'' and ''Chlorine Dioxide'' in the table entitled ''ALTERNATIVE TESTING METHODS FOR DISINFECTANT RESIDUALS LISTED AT 40 CFR 141.74(a)(2).''

■ h. By revising the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.131(b)(1).''

■ i. By revising the table entitled ''ALTERNATIVE TESTING METHODS FOR DISINFECTANT RESIDUALS LISTED AT 40 CFR 141.131(c)(1).''

■ j. By revising the table entitled ''ALTERNATIVE TESTING METHODS FOR PARAMETERS LISTED AT 40 CFR 141.131(d).''

■ k. By revising the entry for ''E. coli'' in the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.402(c)(2).''

■ l. By revising the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.852(a)(5)''.

■ m. By revising entries for ''Aluminum,'' ''Chloride,'' ''Iron,'' ''Manganese,'' ''Silver,'' and ''Sulfate'' in the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 143.4(b).''

■ n. By revising footnotes 17 and 23.

■ o. By adding footnotes 31 through 33 to the table.

The additions and revisions read as follows:

APPENDIX A TO SUBPART C OF PART 141—ALTERNATIVE TESTING METHODS APPROVED FOR ANALYSES UNDER THE SAFE DRINKING WATER ACT

* * * * *

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.21(f)(3)

Organism	Methodology	SM 21st Edition [1]	SM 22nd Edition [28]	SM Online [3]	Other
Total Coliforms	Total Coliform Fermentation Technique.	9221 A, B	9221 A, B	9221 A,B–06	
	Total Coliform Membrane Filter Technique.	9222 A, B, C			

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.21(f)(3)—Continued

Organism	Methodology	SM 21st Edition [1]	SM 22nd Edition [28]	SM Online [3]	Other
	Presence-Absence (P–A) Coliform Test.	9221 D			
	ONPG–MUG Test	9223	9223 B	9223 B–04	
	Colitag™				Modified Colitag™ [13]
	Tecta EC/TC [33]				

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.21(f)(5)

Organism	Methodology	SM 22nd Edition [28]	SM Online [3]
Fecal Coliforms	Fecal Coliform Procedure	9221 E	9221 E–06

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.21(f)(6)

Organism	Methodology	SM 20th Edition [6]	SM 21st Edition [1]	SM 22nd Edition [28]	SM Online [3]	Other
E.coli	ONPG–MUG Test	9223 B	9223 B	9223 B	9223 B–97, B–04	
	Colitag™					Modified Colitag™ [13]
	Tecta EC/TC [33]					

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.23(k)(1)

Contaminant	Methodology	EPA Method	SM 21st Edition [1]	SM 22nd Edition [28]	SM Online [3]	ASTM [4]	Other
*	*	*	*		*	*	*
Antimony	Hydride—Atomic Absorption.					D 3697–07	
	Atomic Absorption; Furnace.		3113 B	3113 B	3113 B–04, B–10.		
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2].					
Arsenic	Atomic Absorption; Furnace.		3113 B	3113 B	3113 B–04, B–10.	D 2972–08 C	
	Hydride Atomic Absorption.		3114 B	3114 B	3114 B–09	D 2972–08 B	
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2].					
Barium	Inductively Coupled Plasma.		3120 B	3120 B			
	Atomic Absorption; Direct.		3111 D	3111 D			
	Atomic Absorption; Furnace.		3113 B	3113 B	3113 B–04, B–10.		
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2].					

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.23(k)(1)—Continued

Contaminant	Methodology	EPA Method	SM 21st Edition [1]	SM 22nd Edition [28]	SM Online [3]	ASTM [4]	Other
Beryllium	Inductively Coupled Plasma.		3120 B	3120 B			
	Atomic Absorption; Furnace.		3113 B	3113 B	3113 B–04, B–10.	D 3645–08 B	
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2].					
Cadmium	Atomic Absorption; Furnace.		3113 B	3113 B	3113 B–04, B–10.		
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2].					
*	*	*	*		*	*	*
Chromium	Inductively Coupled Plasma.		3120 B	3120 B			
	Atomic Absorption; Furnace.		3113 B	3113 B	3113 B–04, B–10.		
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2].					
Copper	Atomic Absorption; Furnace.		3113 B	3113 B	3113 B–04, B–10.	D 1688–07 C	
	Atomic Absorption; Direct Aspiration.		3111 B	3111 B		D 1688–07 A	
	Inductively Coupled Plasma.		3120 B	3120 B			
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2].					
*	*	*	*		*	*	*
Fluoride	Ion Chromatography.		4110 B	4110 B		D 4327–11	
	Manual Distillation; Colorimetric SPADNS.		4500–F$^-$ B, D	4500–F$^-$ B, D			
	Manual Electrode.		4500–F$^-$ C	4500–F$^-$ C		D 1179–04, 10 B.	
	Automated Alizarin.		4500–F$^-$ E	4500–F$^-$ E			
	Arsenite-Free Colorimetric SPADNS.						Hach SPADNS 2 Method 10225 [22]
Lead	Atomic Absorption; Furnace.		3113 B	3113 B	3113 B–04, B–10.	D 3559–08 D	

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.23(k)(1)—Continued

Contaminant	Methodology	EPA Method	SM 21st Edition [1]	SM 22nd Edition [28]	SM Online [3]	ASTM [4]	Other
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2].					
*	*	*	*		*	*	*
Mercury	Manual, Cold Vapor.		3112 B	3112 B	3112 B–09	D 3223–12	
Nickel	Inductively Coupled Plasma.		3120 B	3120 B			
	Atomic Absorption; Direct.		3111 B	3111 B			
	Atomic Absorption; Furnace.		3113 B	3113 B	3113 B–04, B–10.		
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2].					
Nitrate	Ion Chromatography.		4110 B	4110 B		D 4327–11	
	Automated Cadmium Reduction.		4500–NO_3^- F	4500–NO_3^- F			
	Manual Cadmium Reduction.		4500–NO_3^- E	4500–NO_3^- E			
	Ion Selective Electrode.		4500–NO_3^- D	4500–NO_3^- D			
	Reduction/Colorimetric.						Systea Easy (1-Reagent) [8]
	Colorimetric; Direct.						Hach TNTplus™ 835/836 Method 10206 [23]
Nitrite	Ion Chromatography.		4110 B	4110 B		D 4327–11	
	Automated Cadmium Reduction.		4500–NO_3^- F	4500–NO_3^- F			
	Manual Cadmium Reduction.		4500–NO_3^- E	4500–NO_3^- E			
	Spectrophotometric.		4500–NO_2^- B	4500–NO_2^- B			
	Reduction/Colorimetric.						Systea Easy (1-Reagent) [8]
Orthophosphate	Ion Chromatography.		4110 B	4110 B		D 4327–11	
	Colorimetric, ascorbic acid, single reagent.		4500–P E	4500–P E	4500–P E–99		
	Colorimetric, Automated, Ascorbic Acid.		4500–P F	4500–P F	4500–P F–99		
*	*	*	*		*	*	*
Selenium	Hydride-Atomic Absorption.		3114 B	3114 B	3114 B–09	D 3859–08 A	
	Atomic Absorption; Furnace.		3113 B	3113 B	3113 B–04, B–10.	D 3859–08 B	

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.23(k)(1)—Continued

Contaminant	Methodology	EPA Method	SM 21st Edition [1]	SM 22nd Edition [28]	SM Online [3]	ASTM [4]	Other
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2].					
*	*	*	*		*	*	*
Temperature	Thermometric		2550	2550	2550–10		

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.24 (e)(1)

Contaminant	Methodology	EPA method	SM 21st Edition [1]	SM 22nd Edition [28]	SM Online [3]
*	*	*	*	*	*
2,4-D	Gas Chromatography/Electron Capture Detection (GC/ECD).		6640 B	6640 B	6640 B–01, B–06.
2,4,5-TP (Silvex)	Gas Chromatography/Electron Capture Detection (GC/ECD).		6640 B	6640 B	6640 B–01, B–06.
*	*	*	*	*	*
Dalapon	Ion Chromatography Electrospray Ionization Tandem Mass Spectrometry (IC–ESI–MS/MS).	557 [14]			
	Gas Chromatography/Electron Capture Detection (GC/ECD).		6640 B	6640 B	6640 B–01, B–06.
*	*	*	*	*	*
Dinoseb	Gas Chromatography/Electron Capture Detection (GC/ECD).		6640 B	6640 B	6640 B–01, B–06.
*	*	*	*	*	*
Glyphosate	High-Performance Liquid Chromatography (HPLC) with Post-Column Derivatization and Fluorescence Detection.		6651 B	6651 B	6651 B–00, B–05.
*	*	*	*	*	*
Pentachlorophenol	Gas Chromatography/Electron Capture Detection (GC/ECD).		6640 B	6640 B	6640 B–01, B–06.
	Solid Phase Extraction/Gas Chromatography/Mass Spectrometry (GC/MS).	525.3 [24].			
Picloram	Gas Chromatography/Electron Capture Detection (GC/ECD).		6640 B	6640 B	6640 B–01, B–06.
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ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.74(a)(1)

Organism	Methodology	SM 21st Edition [1]	SM 22nd Edition [28]	SM Online [3]	Other
Total Coliform	Total Coliform Fermentation Technique.	9221 A, B, C	9221 A, B, C	9221 A,B,C–06	
	Total Coliform Membrane Filter Technique.	9222 A, B, C			
	ONPG–MUG Test	9223	9223 B	9223 B–04	
Fecal Coliforms	Fecal Coliform Procedure.	9221 E	9221 E	9221 E–06	

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.74(a)(1)—Continued

Organism	Methodology	SM 21st Edition [1]	SM 22nd Edition [28]	SM Online [3]	Other
	Fecal Coliform Filter Procedure.	9222 D	9222 D	9222 D–06	
Heterotrophic bacteria	Pour Plate Method	9215 B	9215 B	9215 B–04	
Turbidity	Nephelometric Method	2130 B	2130 B		
	Laser Nephelometry (on-line).				Mitchell M5271.[10]
	LED Nephelometry (on-line).				Mitchell M5331.[11]
	LED Nephelometry (on-line).				AMI Turbiwell.[15]
	LED Nephelometry (portable).				Orion AQ4500.[12]

ALTERNATIVE TESTING METHODS FOR DISINFECTANT RESIDUALS LISTED AT 40 CFR 141.74(a)(2)

Residual	Methodology	SM 21st Edition [1]	SM 22nd Edition [28]	ASTM [4]	Other
Free Chlorine	Amperometric Titration	4500-Cl D	4500-Cl D	D 1253–08	
	DPD Ferrous Titrimetric.	4500-Cl F	4500-Cl F		
	DPD Colorimetric	4500-Cl G	4500-Cl G		Hach Method 10260.[31]
	Syringaldazine (FACTS).	4500-Cl H	4500-Cl H		
	On-line Chlorine Analyzer.				EPA 334.0.[16]
	Amperometric Sensor				ChloroSense.[17]
Total Chlorine	Amperometric Titration	4500-Cl D	4500-Cl D	D 1253–08	
	Amperometric Titration (Low level measurement).	4500-Cl E	4500-Cl E		
	DPD Ferrous Titrimetric.	4500-Cl F	4500-Cl F		
	DPD Colorimetric	4500-Cl G	4500-Cl G		Hach Method 10260.[31]
	Iodometric Electrode	4500-Cl I	4500-Cl I		
	On-line Chlorine Analyzer.				EPA 334.0.[16]
	Amperometric Sensor				ChloroSense.[17]
Chlorine Dioxide	Amperometric Titration	4500–ClO_2 C	4500–ClO_2 C		
	Amperometric Titration	4500–ClO_2 E	4500–ClO_2 E		
	Amperometric Sensor				ChlordioX Plus.[32]
*	*	* *	*	*	*

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.131(b)(1)

Contaminant	Methodology	EPA Method	ASTM [4]	SM Online [3]	SM 21st Edition [1]	SM 22nd Edition [28]	Other
TTHM	P&T/GC/MS	524.3 [9], 524.4 [29]					
HAA5	LLE (diazomethane)/GC/ECD.			6251 B–07	6251 B	6251 B	
	Ion Chromatography Electrospray Ionization Tandem Mass Spectrometry (IC–ESI–MS/MS).	557 [14]					
Bromate	Two-Dimensional Ion Chromatography (IC).	302.0 [18]					

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.131(b)(1)—Continued

Contaminant	Methodology	EPA Method	ASTM [4]	SM Online [3]	SM 21st Edition [1]	SM 22nd Edition [28]	Other
	Ion Chromatography Electrospray Ionization Tandem Mass Spectrometry (IC–ESI–MS/MS).	557 [14]					
	Chemically Suppressed Ion Chromatography.		D 6581–08 A				
	Electrolytically Suppressed Ion Chromatography.		D 6581–08 B				
Chlorite	Chemically Suppressed Ion Chromatography.		D 6581–08 A				
	Electrolytically Suppressed Ion Chromatography.		D 6581–08 B				
Chlorite—daily monitoring as prescribed in 40 CFR 141.132(b)(2)(i)(A).	Amperometric Titration.				4500–ClO_2 E	4500–ClO_2 E	
	Amperometric Sensor.						ChlordioX Plus.[32]

ALTERNATIVE TESTING METHODS FOR DISINFECTANT RESIDUALS LISTED AT 40 CFR 141.131(c)(1)

Residual	Methodology	SM 21st Edition [1]	SM 22nd Edition [28]	ASTM [4]	Other
Free Chlorine	Amperometric Titration.	4500-Cl D	4500-Cl D	D 1253–08	
	DPD Ferrous Titrimetric.	4500-Cl F	4500-Cl F		
	DPD Colorimetric	4500-Cl G	4500-Cl G		Hach Method 10260 [31].
	Syringaldazine (FACTS).	4500-Cl H	4500-Cl H		
	Amperometric Sensor.				ChloroSense [17].
	On-line Chlorine Analyzer.				EPA 334.0 [16].
Combined Chlorine	Amperometric Titration.	4500-Cl D	4500-Cl D	D 1253–08	
	DPD Ferrous Titrimetric.	4500-Cl F	4500-Cl F		
	DPD Colorimetric	4500-Cl G	4500-Cl G		Hach Method 10260 [31].
Total Chlorine	Amperometric Titration.	4500-Cl D	4500-Cl D	D 1253–08	
	Low level Amperometric Titration.	4500-Cl E	4500-Cl E		
	DPD Ferrous Titrimetric.	4500-Cl F	4500-Cl F		
	DPD Colorimetric	4500-Cl G	4500-Cl G		Hach Method 10260 [31].
	Iodometric Electrode	4500-Cl I	4500-Cl I		
	Amperometric Sensor.				ChloroSense [17].
	On-line Chlorine Analyzer.				EPA 334.0 [16].
Chlorine Dioxide	Amperometric Method II.	4500–ClO_2 E	4500–ClO_2 E		
	Amperometric Sensor.				ChlordioX Plus [32].

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ALTERNATIVE TESTING METHODS FOR PARAMETERS LISTED AT 40 CFR 141.131(d)

Parameter	Methodology	SM 21st Edition [1]	SM 22nd Edition [28]	SM Online [3]	EPA
Total Organic Carbon (TOC).	High Temperature Combustion.	5310 B	5310 B		415.3, Rev 1.2 [19].
	Persulfate-Ultraviolet or Heated Persulfate Oxidation.	5310 C	5310 C		415.3, Rev 1.2 [19].
	Wet Oxidation	5310 D	5310 D		415.3, Rev 1.2 [19].
Specific Ultraviolet Absorbance (SUVA).	Calculation using DOC and UV_{254} data.				415.3, Rev 1.2 [19].
Dissolved Organic Carbon (DOC).	High Temperature Combustion.	5310 B	5310 B		415.3, Rev 1.2 [19].
	Persulfate-Ultraviolet or Heated Persulfate Oxidation.	5310 C	5310 C		415.3, Rev 1.2 [19].
	Wet Oxidation	5310 D	5310 D		415.3, Rev 1.2 [19].
Ultraviolet absorption at 254 nm (UV_{254}).	Spectrophotometry	5910 B	5910 B	5910 B–11	415.3, Rev 1.2 [19].

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ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.402(c)(2)

Organism	Methodology	SM 20th Edition [6]	SM 21st Edition [1]	SM 22nd Edition [28]	SM Online [3]	Other
E. coli	Colilert®		9223 B	9223 B	9223 B–97, B–04	
	Colisure®		9223 B	9223 B	9223 B–97, B–04	
	Colilert-18	9223 B	9223 B	9223 B	9223 B–97, B–04	
	Readycult®					Readycult® [20].
	Colitag					Modified Colitag™ [13].
	Chromocult®					Chromocult® [21].
	EC–MUG			9221 F	9221 F–06	
	Tecta EC/TC [33]					
*	*	*	*	*	*	*

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ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.852(a)(5)

Organism	Methodology Category	Method	SM 20th, 21st Editions [1,6]	SM 22nd Edition [28]	SM Online [3]
Total Coliforms	Lactose Fermentation Methods.	Standard Total Coliform Fermentation Technique.		9221 B.1, B.2	9221 B.1, B.2–06.
	Enzyme Substrate Methods.	Colilert®		9223 B	9223 B–04.
	Colilert-18	Colisure®		9223 B	9223 B–04.
		Tecta EC/TC [33]			
Escherichia coli	*Escherichia coli* Procedure (following Lactose Fermentation Methods).	EC–MUG medium		9221 F.1	9221 F.1–06.
	Enzyme Substrate Methods.	Colilert®		9223 B	9223 B–04.
		Colisure®		9223 B	9223 B–04.
		Colilert-18®	9223 B	9223 B	9223 B–04.
		Tecta EC/TC [33]			

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 143.4(b)

Contaminant	Methodology	EPA Method	ASTM [4]	SM 21st Edition [1]	SM 22nd Edition [28]	SM Online [3]
Aluminum	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2].				
	Atomic Absorption; Direct.			3111 D	3111 D	
	Atomic Absorption; Furnace.			3113 B	3113 B	3113 B-04, B-10.
	Inductively Coupled Plasma.			3120 B	3120 B	
Chloride	Silver Nitrate Titration.		D 512-04 B, 12 B	4500-Cl^- B	4500-Cl^- B	
	Ion Chromatography.		D 4327-11	4110 B	4110 B	
	Potentiometric Titration.			4500-Cl^- D	4500-Cl^- D	
*	*	*	*	*	*	*
Iron	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2].				
	Atomic Absorption; Direct.			3111 B	3111 B	
	Atomic Absorption; Furnace.			3113 B	3113 B	3113 B-04, B-10.
	Inductively Coupled Plasma.			3120 B	3120 B	
Manganese	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2].				
	Atomic Absorption; Direct.			3111 B	3111 B	
	Atomic Absorption; Furnace.			3113 B	3113 B	3113 B-04, B-10.
	Inductively Coupled Plasma.			3120 B	3120 B	
*	*	*	*	*	*	*
Silver	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2].				
	Atomic Absorption; Direct.			3111 B	3111 B	
	Atomic Absorption; Furnace.			3113 B	3113 B	3113 B-04, B-10.
	Inductively Coupled Plasma.			3120 B	3120 B	
Sulfate	Ion Chromatography.		D 4327-11	4110 B	4110 B	
	Gravimetric with ignition of residue.			4500-SO_4^{2-} C	4500-SO_4^{2-} C	4500-SO_4^{2-} C-97

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 143.4(b)—Continued

Contaminant	Methodology	EPA Method	ASTM [4]	SM 21st Edition [1]	SM 22nd Edition [28]	SM Online [3]
	Gravimetric with drying of residue.	.....	.....	4500-SO_4^{2-} D ..	4500-SO_4^{2-} D ..	4500-SO_4^{2-} D-97
	Turbidimetric method.	.....	D 516–07, 11	4500-SO_4^{2-} E ...	4500-SO_4^{2-} E ...	4500-SO_4^{2-} E-97
	Automated methylthymol blue method.	.....	.....	4500-SO_4^{2-} F ...	4500-SO_4^{2-} F ...	4500-SO_4^{2-} F-97
*	*	*	*	*	*	*

[1] *Standard Methods for the Examination of Water and Wastewater,* 21st edition (2005). Available from American Public Health Association, 800 I Street NW., Washington, DC 20001–3710.

[2] EPA Method 200.5, Revision 4.2. ''Determination of Trace Elements in Drinking Water by Axially Viewed Inductively Coupled Plasma-Atomic Emission Spectrometry.'' 2003. EPA/600/R–06/115. (Available at *http://www.epa.gov/nerlcwww/ordmeth.htm.*)

[3] Standard Methods Online are available at *http://www.standardmethods.org.* The year in which each method was approved by the Standard Methods Committee is designated by the last two digits in the method number. The methods listed are the only online versions that may be used.

[4] Available from ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959 or *http://astm.org.* The methods listed are the only alternative versions that may be used.

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[6] *Standard Methods for the Examination of Water and Wastewater,* 20th edition (1998). Available from American Public Health Association, 800 I Street NW., Washington, DC 20001–3710.

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[8] Systea Easy (1-Reagent). ''Systea Easy (1-Reagent) Nitrate Method,'' February 4, 2009. Available at *https://www.nemi.gov* or from Systea Scientific, LLC., 900 Jorie Blvd., Suite 35, Oak Brook, IL 60523.

[9] EPA Method 524.3, Version 1.0. ''Measurement of Purgeable Organic Compounds in Water by Capillary Column Gas Chromatography/Mass Spectrometry,'' June 2009. EPA 815–B–09–009. Available at *http://water.epa.gov/drink/.*

[10] Mitchell Method M5271, Revision 1.1. ''Determination of Turbidity by Laser Nephelometry,'' March 5, 2009. Available at *https://www.nemi.gov* or from Leck Mitchell, Ph.D., PE, 656 Independence Valley Dr., Grand Junction, CO 81507.

[11] Mitchell Method M5331, Revision 1.1. ''Determination of Turbidity by LED Nephelometry,'' March 5, 2009. Available at *https://www.nemi.gov* or from Leck Mitchell, Ph.D., PE, 656 Independence Valley Dr., Grand Junction, CO 81507.

[12] Orion Method AQ4500, Revision 1.0. ''Determination of Turbidity by LED Nephelometry,'' May 8, 2009. Available at *https://www.nemi.gov* or from Thermo Scientific, 166 Cummings Center, Beverly, MA 01915, *http://www.thermo.com.*

[13] Modified Colitag™ Method. ''Modified Colitag™ Test Method for the Simultaneous Detection of *E. coli* and other Total Coliforms in Water (ATP D05–0035),'' August 28, 2009. Available at *https://www.nemi.gov* or from CPI International, 5580 Skylane Boulevard, Santa Rosa, CA 95403.

[14] EPA Method 557. ''Determination of Haloacetic Acids, Bromate, and Dalapon in Drinking Water by Ion Chromatography Electrospray Ionization Tandem Mass Spectrometry (IC–ESI–MS/MS),'' September 2009. EPA 815–B–09–012. Available at *http://water.epa.gov/drink/.*

[15] AMI Turbiwell, ''Continuous Measurement of Turbidity Using a SWAN AMI Turbiwell Turbidimeter,'' August 2009. Available at *https://www.nemi.gov* or from Markus Bernasconi, SWAN Analytische Instrumente AG, Studbachstrasse 13, CH–8340 Hinwil, Switzerland.

[16] EPA Method 334.0. ''Determination of Residual Chlorine in Drinking Water Using an On-line Chlorine Analyzer,'' September 2009. EPA 815–B–09–013. Available at *http://water.epa.gov/drink/.*

[17] ChloroSense. ''Measurement of Free and Total Chlorine in Drinking Water by Palintest ChloroSense,'' August 2009. Available at *https://www.nemi.gov* or from Palintest Ltd, 1455 Jamike Avenue (Suite 100), Erlanger, KY 41018.

[18] EPA Method 302.0. ''Determination of Bromate in Drinking Water using Two-Dimensional Ion Chromatography with Suppressed Conductivity Detection,'' September 2009. EPA 815–B–09–014. Available at *http://water.epa.gov/drink/.*

[19] EPA 415.3, Revision 1.2. ''Determination of Total Organic Carbon and Specific UV Absorbance at 254 nm in Source Water and Drinking Water,'' September 2009. EPA/600/R–09/122. Available at *http://www.epa.gov/nerlcwww/ordmeth.htm.*

[20] Readycult® Method, ''Readycult® Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and *Escherichia coli* in Finished Waters,'' January, 2007. Version 1.1. Available from EMD Millipore (division of Merck KGaA, Darmstadt, Germany), 290 Concord Road, Billerica, MA 01821.

[21] Chromocult® Method, ''Chromocult® Coliform Agar Presence/Absence Membrane Filter Test Method for Detection and Identification of Coliform Bacteria and *Escherichia coli* in Finished Waters,'' November, 2000. Version 1.0. EMD Millipore (division of Merck KGaA, Darmstadt, Germany), 290 Concord Road, Billerica, MA 01821.

[22] Hach Company. ''Hach Company SPADNS 2 (Arsenite-Free) Fluoride Method 10225—Spectrophotometric Measurement of Fluoride in Water and Wastewater,'' January 2011. 5600 Lindbergh Drive, P.O. Box 389, Loveland, Colorado 80539. (Available at *http://www.hach.com.*)

[23] Hach Company. ''Hach Company TNTplus™ 835/836 Nitrate Method 10206—Spectrophotometric Measurement of Nitrate in Water and Wastewater,'' January 2011. 5600 Lindbergh Drive, P.O. Box 389, Loveland, Colorado 80539. (Available at *http://www.hach.com.*)

[24] EPA Method 525.3. ''Determination of Semivolatile Organic Chemicals in Drinking Water by Solid Phase Extraction and Capillary Column Gas Chromatography/Mass Spectrometry (GC/MS),'' February 2012. EPA/600/R–12/010. Available at *http://www.epa.gov/nerlcwww/ordmeth.htm.*

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[28] *Standard Methods for the Examination of Water and Wastewater,* 22nd edition (2012). Available from American Public Health Association, 800 I Street NW., Washington, DC 20001–3710.

[29] EPA Method 524.4, Version 1.0. ''Measurement of Purgeable Organic Compounds in Water by Gas Chromatography/Mass Spectrometry using Nitrogen Purge Gas,'' May 2013. EPA 815–R–13–002. Available at *http://water.epa.gov/drink.*

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[31] Hach Company. ''Hach Method 10260—Determination of Chlorinated Oxidants (Free and Total) in Water Using Disposable Planar Reagent-filled Cuvettes and Mesofluidic Channel Colorimetry,'' April 2013. 5600 Lindbergh Drive, P.O. Box 389, Loveland, CO 80539. (Available at *http://www.hach.com.*)

[32] ChlordioX Plus. ''Chlorine Dioxide and Chlorite in Drinking Water by Amperometry using Disposable Sensors,'' November 2013. Available from Palintest Ltd, Jamike Avenue (Suite 100), Erlanger, KY 41018.

[33] Tecta EC/TC. ''Presence/Absence Method for Simultaneous Detection of Total Coliforms and *Escherichia coli* (*E. coli*) in Drinking Water,'' April 2014. Available from Veolia Water Solutions and Technologies, Suite 4697, Biosciences Complex, 116 Barrie Street, Kingston, Ontario, Canada K7L 3N6.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 711

[EPA–HQ–OPPT–2012–0221; FRL–9910–84]

RIN 2070–AK01

Partial Exemption of Certain Chemical Substances From Reporting Additional Chemical Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is amending the list of chemical substances that are partially exempt from reporting additional information under the Chemical Data Reporting (CDR) rule. EPA has determined that, based on the totality of information on the chemical substances listed in this document, the Agency has low current interest in their CDR processing and use information. EPA reached this conclusion after considering a number of factors, including: The risk of adverse human health or environmental effects, information needs for CDR processing and use information, and the availability of other sources of comparable processing and use information.

DATES: This direct final rule is effective August 18, 2014 without further notice, unless EPA receives adverse comment on or before July 21, 2014. If EPA receives written adverse comments, EPA will withdraw the applicable partial exemption in this direct final rule before its effective date. See also Unit II. of the **SUPPLEMENTARY INFORMATION.**

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2012–0221, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 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.html.*

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 technical information contact:* Karen Hoffman, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8158; email address: *hoffman.karen@epa.gov.*

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

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. What action is the agency taking?

This partial exemption eliminates an existing reporting requirement under 40 CFR 711.6(b)(2). With this direct final rule, the following chemical substances are being exempted from reporting of the information described in 40 CFR 711.15(b)(4): 1,3-Propanediol (Chemical Abstracts Service Registry Number (CASRN) 504–63–2); oils, palm kernel (CASRN 8023–79–8); and bentonite, acid-leached (CASRN 70131–50–9). However, by existing terms at 40 CFR 711.6, this partial exemption will become inapplicable to a subject chemical substance in the event that the chemical substance later becomes the subject of a rule proposed or promulgated under TSCA section 4, 5(a)(2), 5(b)(4), or 6, an enforceable consent agreement (ECA) developed under the procedures of 40 CFR part 790, an order issued under TSCA section 5(e) or 5(f), or relief that has been granted under a civil action under TSCA section 5 or 7. EPA is also making non-substantive technical amendments to 40 CFR 711.6(b)(2) to reflect that while prior information collections may have been styled as either ''IUR collections'' or ''CDR collections,'' prospective obligations are styled as ''under the CDR.''

B. Why is the agency taking this action?

This amendment is in response to a petition request (Ref. 1) submitted under 40 CFR 711.6(b)(2)(iii)(A). EPA reviewed the information put forward in the petition and additional information against the considerations listed at 40 CFR 711.6(b)(2)(ii). EPA's chemical substance-specific analysis is detailed in supplementary documents available in the docket under docket ID number EPA–HQ–OPPT–2012–0221 (Refs. 2, 3, and 4). The Agency is adding these three chemical substances to the partially exempt chemical substances list because it has concluded that, based on the totality of information available, the CDR processing and use information for these chemical substances is of low current interest.

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

This action is issued under the authority of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2600 *et seq.,* to carry out the provisions of TCSA section 8(a), 15 U.S.C. 2607(a). Section 8(a) of TSCA authorizes EPA to promulgate rules under which manufacturers of chemical substances and mixtures must submit such information as the Agency may reasonably require. The partial exemption list was established in 2003 (Ref. 5) and can be found in 40 CFR 711.6.

D. What are the impacts of this action?

There are no costs associated with this action and the benefits provided are related to avoiding potential costs. This partial exemption eliminates an existing reporting requirement without imposing any new requirements. See also the discussion in Unit V.

E. Does this action apply to me?

You may be potentially affected by this action if you manufacture (defined by statute at 15 U.S.C. 2602(7) to include import) the chemical substances contained in this direct final rule. The North American Industrial Classification System (NAICS) codes provided here are not intended to be exhaustive, but rather provide a guide to help readers determine whether this document applies to them. Potentially affected entities may include chemical manufacturers subject to CDR reporting of one or more subject chemical substances (NAICS codes 325 and 324110), e.g., chemical manufacturing and petroleum refineries.

F. What should I consider as I prepare my comments for EPA?

Do not submit Confidential Business Information (CBI) 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.

II. Direct Final Rule Procedures

EPA is issuing this partial exemption as a direct final rule because it views this as a non-controversial action and anticipates no adverse comment. This direct final rule allows for comments to be submitted on or before July 21, 2014. In any comment submitted, please specify whether the comment is adverse and whether it applies to all the chemical substances in the direct final rule.

If EPA receives timely adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the amendments related to the adverse comment will not take effect. At that time, EPA may also issue a notice of proposed rulemaking respecting the addition of chemical substances to the list of chemical substances that are exempt from reporting the information described in 40 CFR 711.15(b)(4).

If EPA does not receive any timely adverse comment, this amendment will become effective as indicated under DATES without any further action by EPA.

III. Petition Process and ''Low Current Interest'' Partial Exemption

In 2003, EPA established a partial exemption for certain chemical substances for which EPA determined the processing and use information required in 40 CFR part 711 to be of ''low current interest.'' This provision of the rule enables the public to petition EPA to add or remove a chemical substance to or from the list of partially exempt chemical substances. In determining whether the partial exemption should apply to a particular chemical substance, EPA considers the totality of information available for the chemical substance in question, including but not limited to information associated with one or more of the considerations listed at 40 CFR 711.6(b)(2)(ii).

The addition of a chemical substance under this partial exemption will not necessarily be based on its potential risks. The addition is based on the Agency's current assessment of the need for collecting CDR processing and use information for that chemical substance, based upon the totality of information considered during the petition review process. Additionally, interest in a chemical substance or a chemical substance's processing and use information may increase in the future, at which time EPA will reconsider the applicability of a partial exemption for a chemical substance.

IV. Rationale for These Partial Exemptions

EPA is granting a partial exemption for 1,3-propanediol (CASRN 504–63–2); oils, palm kernel (CASRN 8023–79–8); and bentonite, acid-leached (CASRN 70131–50–9) because the Agency has concluded it has low current interest in the processing and use information for these chemical substances. EPA made these determinations based on our analysis of the totality of information on the three chemical substances, including information about the chemical substances relevant to the considerations defined at 40 CFR 711.6(b)(2)(ii). EPA's chemical substance-specific analysis is detailed in supplementary documents available in the docket under docket ID number EPA–HQ–OPPT–2012–0221 (Refs. 2, 3, and 4).

V. Economics Impacts

EPA has evaluated the economic consequences associated with amending the CDR partially exempt chemical substances list. Since this direct final rule creates a partial exemption from CDR reporting, without creating any new reporting or recordkeeping requirements, this action does not impose any new burden. Based on the currently approved Information Collection Request (ICR), the burden estimates for reporting processing and use information are 83.02 hours per submission in the first reporting cycle and 65.63 hours in subsequent reporting cycles. Based on 2012 CDR reporting, EPA estimates that 12 submissions with manufacture volumes of 25,000 pounds or greater will be received for these 3 chemical substances in 2016 and subsequent reporting years. Eliminating the requirement to report processing and use information for these submissions results in a total burden savings of approximately 790 hours and $50,000 in future reporting cycles (Ref. 6).

VI. References

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

1. Letter from Herbert Estreicher, Esq., Keller and Heckman LLP, to EPA, OPPT CDR Submission Coordinator. December 14, 2011.
2. EPA, OPPT. 1,3-Propanediol (CASRN 504–63–2) Partial Exemption Analysis. November 2013.
3. EPA, OPPT. Oils, palm kernel (CASRN 8023–79–8) Partial Exemption Analysis. November 2013.
4. EPA, OPPT. Bentonite, acid-leached (CASRN 70131–50–9) Partial Exemption Analysis. November 2013.
5. EPA. TSCA Inventory Update Rule Amendments; Final rule. **Federal Register** (68 FR 848, January 7, 2003) (FRL–6767–4).
6. EPA, OPPT. Cost Savings Estimate of Adding Three Chemicals to the 40 CFR 711.6(b)(2) Chemical Substance List. May 7, 2014.

VII. Statutory and Executive Order Reviews

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

This action is not a significant regulatory action as defined by Executive Order 12866 (58 FR 51735, October 4, 1993). Accordingly, this action was not submitted to the Office of Management and Budget (OMB) for review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act (PRA)

According to PRA, 44 U.S.C. 3501 *et seq.,* an agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, as applicable.

The information collection requirements related to CDR have already been approved by OMB pursuant to PRA under OMB control number 2070–0162 (EPA ICR No. 1884.06). Since this action creates a partial exemption from that reporting, without creating any new reporting or recordkeeping requirements, this action does not impose any new burdens that require additional OMB approval.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a

substantial number of small entities under RFA, 5 U.S.C. 601 *et seq.* In making this determination, the impact of concern is any significant adverse economic impact on small entities, because the primary purpose of a final regulatory flexibility analysis is to identify and address regulatory alternatives that ''minimize the significant economic impact on small entities'' 5 U.S.C. 604. Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule has no net burden effect on the small entities subject to the rule.

As indicated previously, EPA is eliminating an existing reporting requirement for the chemical substances identified in this document. In granting a partial exemption from existing reporting, this action will not have a significant economic impact on any affected entities, regardless of their size.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. In granting a partial exemption from existing reporting, this action imposes no new enforceable duty on any State, local, or Tribal governments, or on the private sector. In addition, based on EPA's experience with chemical data reporting under TSCA, State, local, and Tribal governments are not engaged in the activities that would require them to report chemical data under 40 CFR part 711.

E. Executive Order 13132: Federalism

This action would not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999).

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

This action does not have Tribal implications because it is not expected to have substantial direct effects on Indian Tribes. This action does not significantly or uniquely affect the communities of Indian Tribal governments, nor involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Executive Order 13175 (65 FR 67249, November 9, 2000) do not apply to this action.

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because this action does not address environmental health or safety risks disproportionately affecting children.

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

This action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use.

I. National Technology Transfer Advancement Act (NTTAA)

Since this action does not involve any technical standards, NTTAA section 12(d), 15 U.S.C. 272 note, does not apply to this action.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

EPA has determined that this action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. As such, this action does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898 (59 FR 7629, February 16, 1994).

VIII. Congressional Review Act (CRA)

Pursuant to the CRA, 5 U.S.C. 801 *et seq.,* EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the action in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects 40 CFR Part 711

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: June 13, 2014.

James Jones,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

Therefore, 40 CFR chapter I is amended as follows:

PART 711—[AMENDED]

■ 1. The authority citation for part 711 continues to read as follows:

Authority: 15 U.S.C. 2607(a).

■ 2. In § 711.6:

■ a. Remove ''IUR'' and add in its place ''CDR'' in the introductory text of paragraphs (b)(1) and (b)(2)(iv).

■ b. Remove ''Inventory Update'' and add in its place ''TSCA Chemical Data'' in the heading for Table 1 in paragraph (b)(1).

■ c. Remove ''IUR'' and add in its place ''IUR or CDR'' in paragraph (b)(2)(ii)(A).

■ d. Remove the second sentence in paragraph (b)(2)(iii)(A) and add two sentences in its place.

■ e. Add in numerical order by CASRN number the following entries to Table 2 in paragraph (b)(2)(iv).

The amendments read as follows:

§ 711.6 Chemical substances for which information is not required.

* * * * *

(b) * * *

(2) * * *

(iii) * * *

(A) * * * Your request must be in writing and must be submitted to the address provided in 40 CFR 700.17(a). Please label your request as follows: Attention: TSCA Chemical Data Reporting—Partial Exemption Request. * * *

* * * * *

(iv) * * *

TABLE 2—CASRN OF PARTIALLY EXEMPT CHEMICAL SUBSTANCES

CASRN	Chemical
* * * * *	
504–63–2	1,3-Propanediol.
* * * * *	
8023–79–8	Oils, palm kernel.
* * * * *	
70131–50–9 ...	Bentonite, acid-leached.
* * * * *	

[FR Doc. 2014–14367 Filed 6–18–14; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 79, No. 118
Thursday, June 19, 2014

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0390; Directorate Identifier 2014–CE–013–AD]

RIN 2120–AA64

Airworthiness Directives; Embraer S.A. Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for Embraer S.A. Model EMB–505 airplanes that would supersede AD 2013–22–20. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as cracks beyond acceptable limits in the carbon discs of the left hand (LH) and right hand (RH) brake assemblies. We are issuing this proposed AD to require actions to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by August 4, 2014.

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

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

For service information identified in this proposed AD, contact EMBRAER S.A., Phenom Maintenance Support, Avenida Brigadeiro Faria Lima, 2170, São José dos Campos—SP, CEP: 12227–901—PO Box: 36/2, Brasil; telephone: (+55 12) 3927–1000; fax: (+55 12) 3927–6600, ext. 1448; email: *phenom.reliability@embraer.com.br*: Internet: *http://www.embraer executivejets.com/en-US/customer-support/Pages/Service-Center-Network.aspx.*

You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0390; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0390; Directorate Identifier 2014–CE–013–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

On October 30, 2013, we issued AD 2013–22–20, Amendment 39–17652 (78 FR 67018; November 8, 2013). That AD required actions intended to address an unsafe condition on Embraer S.A. Model EMB–505 airplanes and was based on mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country.

Since we issued AD 2013–22–20, Amendment 39–17652 (78 FR 67018; November 8, 2013), new service information was published that revised inspection and repair procedures.

The Agência Nacional De Aviação Civil (ANAC), which is the aviation authority for Brazil, issued AD No.: 2014–04–01, dated April 16, 2014 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> This AD was prompted by reports that identified additional locations where inspections and corrective actions on the Left Hand (LH) and Right Hand (RH) brake assemblies are needed. We are issuing this AD to detect cracks beyond acceptable limit in the carbon discs of the brake assembly, which may result in reduced brake capability and loss of brake parts in the runway.
>
> Since this condition may occur in other airplanes of the same type and affects flight safety, a corrective action is required. Thus, sufficient reason exists to request compliance with this AD in the indicated time limit without prior notice.

The MCAI requires an inspection to determine if the airplane has the affected part number brake assembly installed and an inspection for cracks of the affected brake assembly with repair or replacement as necessary. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0390.

Relevant Service Information

Embraer S.A. has issued Phenom Service Bulletin No. 505–32–0011,

Revision No. 1, dated March 31, 2014. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

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

Costs of Compliance

We estimate that this proposed AD will affect 117 products of U.S. registry. We also estimate that it would take about 2 work-hours per product to comply with Part 1 of the inspection and 3 work-hours per product to comply with Part 2 of the inspection requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $19,890, or $170 per product for Part 1 of the inspection, and $29,835, or $255 per product for Part 2 of the inspection.

In addition, we estimate that any necessary follow-on actions would take 1.5 work-hours and require parts costing $2,405, for a cost of $2532.50 per product per side for repair or 3 work-hours and require parts costing $26,177, for a cost of $26,432 per product per side for replacement.

We have no way of determining the number of products that may need these actions.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. Amend § 39.13 by removing Amendment 39–17652 (78 FR 67018; November 8, 2013), and adding the following new AD:

Embraer S.A.: Docket No. FAA–2014–0390; Directorate Identifier 2014–CE–013–AD.

(a) Comments Due Date

We must receive comments by August 4, 2014.

(b) Affected ADs

This AD supersedes AD 2013–22–20, Amendment 39–17652 (78 FR 67018; November 8, 2013).

(c) Applicability

This AD applies to Embraer S.A. Models EMB–505 airplanes, all serial numbers, that are:

(1) Equipped with a part number (P/N) DAP00097–01 or P/N DAP00097–02 brake assembly; and

(2) certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 32: Landing Gear.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as cracks beyond acceptable limits in the carbon discs of the left hand (LH) and right hand (RH) brake assemblies. We are issuing this AD to detect and correct cracking of the stator pressure plate and possible loss of brake parts on the runway, which could result in reduced brake capability and a possible runway excursion.

(f) Actions and Compliance

Unless already done, do the following actions in paragraphs (f)(1) through (f)(14) of this AD, including all subparagraphs.

(1) If the number of cycles is unknown, calculate the compliance times of cycles in this AD by multiplying the number of hours time-in-service (TIS) on the brake assembly by .71 to come up with the number of cycles. For the purposes of this AD, some examples are below:

(i) 500 hours TIS equates to 355 cycles; and

(ii) 12 hours equates to 9 cycles.

(2) Do a general visual inspection (GVI) for cracks in the stator pressure plate on both the LH and RH brake assemblies following Part 1 of the Accomplishment Instructions in Embraer Phenom Service Bulletin No. 505–32–0011, Revision 01, dated March 31, 2014. Use the compliance times in paragraphs (f)(2)(i) and (f)(2)(ii) of this AD:

(i) *For brake assemblies with 300 flight cycles or less since new or since the last overhaul:* Before or upon accumulating 150 flight cycles after the effective date of this AD or within the next 30 flight cycles after the effective date of this AD, whichever occurs later, and repetitively thereafter at intervals not to exceed 60 flight cycles or the next tire change, whichever occurs first.

(ii) *For brake assemblies with more than 300 flight cycles since new or since the last overhaul:* Within the next 10 flight cycles after the effective date of this AD, and repetitively thereafter at intervals not to exceed 60 flight cycles or the next tire change, whichever occurs first.

(3) If no cracks are found during any of the inspections required in paragraph (f)(2) of

this AD, continue the repetitive inspection intervals required in paragraph (f)(2) of this AD, including all subparagraphs.

(4) If any crack is found in the stator pressure plate during any of the inspections required in paragraph (f)(2) of this AD, before further flight, do a detailed inspection (DET) following Part 1 of the Accomplishment Instructions in Embraer Phenom Service Bulletin No. 505–32–0011, Revision 01, dated March 31, 2014.

(5) If no cracks beyond the acceptable limits are found during the DET required in paragraph (f)(4) of this AD, continue the repetitive inspection intervals required in paragraph (f)(2) of this AD, including all subparagraphs.

(6) If cracks that exceed the acceptable limits are found during the DET required in paragraph (f)(4) of this AD, before further flight, repair the brake assembly following Appendix 2 of Embraer Phenom Service Bulletin No. 505–32–0011, Revision 01, dated March 31, 2014; or replace the brake assembly with a brake assembly that has been inspected and found free of cracks that exceed the acceptable limits following the Accomplishment Instructions of Embraer Phenom Service Bulletin No. 505–32–0011, Revision 01, dated March 31, 2014.

Note 1 to paragraph (f)(6) of this AD: Appendix 2 of Embraer Phenom Service Bulletin No. 505–32–0011, Revision 01, dated March 31, 2014, includes Meggitt Aircraft Braking System Service Bulletin No. SB–32–1625, Revision A, dated October 17, 2013.

(7) At the next tire change or 30 days after the effective date of this AD, whichever occurs later, do a DET for cracks on the external visible surface of the thrust stator, double stator, and rotors following Part 2 of the Accomplishment Instructions in Embraer Phenom Service Bulletin No. 505–32–0011, Revision 01, dated March 31, 2014.

(8) If no crack is detected or if any crack within the acceptable limits shown in Figure 4 Detail G of Embraer Phenom Service Bulletin No. 505–32–0011, Revision 01, dated March 31, 2014, is detected in the inspection required in paragraph (f)(7) of this AD, repeat the inspection required by paragraph (f)(7) of this AD at each tire change or at each maintenance action that requires wheel removal, whichever occurs first.

(9) If any crack within the acceptable limits shown in Figure 4 Detail H of Embraer Phenom Service Bulletin No. 505–32–0011, Revision 01, dated March 31, 2014, is detected in the inspection required in paragraph (f)(7) of this AD, the affected brake assembly must be replaced within 40 flight cycles.

(10) If any crack beyond the acceptable limits shown in Figure 4 Detail H of Embraer Phenom Service Bulletin No. 505–32–0011, Revision 01, dated March 31, 2014, is detected, the affected brake assembly must be replaced before the next flight.

(11) After any repair or replacement of the brake assembly, the brake assembly P/N DAP00097–01 or P/N DAP00097–02 is subject to the inspections required in paragraphs (f)(2) through (f)(10), including all subparagraphs, of this AD.

(12) For the purposes of this AD, a GVI is a visual examination of an interior or exterior area, installation or assembly, to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance, unless otherwise specified. A mirror may be necessary to enhance visual access to all exposed surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or drop-light. It may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.

(13) For the purposes of this AD, a DET is an intensive examination of a specific item, installation or assembly, to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at an intensity deemed appropriate. Inspection aids such as mirrors, magnifying lenses, etc., may be necessary. Surface cleaning and elaborate access procedures may be required.

(14) As of November 8, 2013 (the effective the date of AD 2013–22–20) and to the effective date of this AD, do not install on any airplane a brake assembly P/N DAP00097–01 or P/N DAP00097–02 unless it is inspected per the requirements of AD 2013–22–20 and continues to be crack free or the cracks do not exceed the allowable limits; and as of the effective date of this AD, do not install on any airplane a brake assembly P/N DAP00097–01 or P/N DAP00097–02 unless it is inspected per the requirements of this AD and continues to be crack free or the cracks do not exceed the allowable limits.

(g) Credit for Actions Done Following Previous Service Information

This AD provides credit for the inspections required in paragraphs (f)(2) and (f)(6) of this AD, if those actions were performed before the effective date of this AD, using Embraer Alert Service Bulletin (ASB) 505–32–A011, original issue, dated September 13, 2013; Embraer Alert Service Bulletin (ASB) 505–32–A011, Revision 01, dated November 01, 2013; Embraer Alert Service Bulletin (ASB) 505–32–A011, Revision 02, dated December 19, 2013; or Embraer Phenom Service Bulletin No. 505–32–0011, original issue, dated February 11, 2014.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, a federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(i) Related Information

Refer to MCAI Agência Nacional De Aviação Civil (ANAC) AD No.: 2014–04–01, dated April 16, 2014, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0390. For service information related to this AD, contact EMBRAER S.A., Phenom Maintenance Support, Avenida Brigadeiro Faria Lima, 2170, São José dos Campos—SP, CEP: 12227–901—PO Box: 36/2, Brasil; telephone: (+55 12) 3927–1000; fax: (+55 12) 3927–6600, ext. 1448; email: *phenom.reliability@embraer.com.br*: Internet: *http://www.embraerexecutivejets.com/en-US/customer-support/Pages/Service-Center-Network.aspx.* You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on June 12, 2014.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–14324 Filed 6–18–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

30 CFR Parts 1206 and 1210

[Docket No. ONRR–2014–0001; DS63610000; DR2PS0000.CH7000 145D0102R2]

RIN 1012–AA15

Indian Oil Valuation Amendments

AGENCY: Office of Natural Resources Revenue (ONRR), Interior.

ACTION: Proposed rule.

SUMMARY: ONRR proposes to amend its regulations governing the valuation, for royalty purposes, of oil produced from Indian leases. The proposed rule would clarify the major portion valuation requirement found in the existing regulations for oil production. The proposed rule would represent recommendations of the Indian Oil Valuation Negotiated Rulemaking Committee. This proposed rule also contains new reporting requirements to implement the changes to the major portion valuation requirement.

DATES: Comments must be submitted on or before August 18, 2014.

ADDRESSES: You may submit comments to ONRR on this proposed rulemaking by one of the following methods (please reference ''1012–AA15'' in your comments):

- Electronically go to *www.regulations.gov.* In the entry titled ''Enter Keyword or ID,'' enter ''ONRR–2014–0001,'' and then click ''Search.'' Follow the instructions to submit public comments. ONRR will post all comments.
- Mail comments to Armand Southall, Regulatory Specialist, ONRR, P.O. Box 25165, MS 61030A, Denver, Colorado 80225–0165.
- Hand-carry comments, or use an overnight courier service, to the Office of Natural Resources Revenue, Building 85, Room A–614, Denver Federal Center, West 6th Ave. and Kipling St., Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: For questions on technical issues, contact John Barder at (303) 231–3702, Sarah Inderbitzin at (303) 231–3082, Karl Wunderlich at (303) 231–3663, or Elizabeth Dawson at (303) 231–3653, ONRR. For comments or questions on procedural issues, contact Armand Southall, Regulatory Specialist, ONRR, telephone (303) 231–3221, or email *armand.southall@onrr.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Minerals Revenue Management (MRM) program of the Minerals Management Service (MMS), now ONRR, published the existing rule for the major portion provision for the valuation of oil produced from Indian leases, codified at 30 CFR part 1206, subpart B, in the **Federal Register** on January 15, 1988 (53 FR 1184), effective March 1, 1988. Since then, many changes have occurred in the oil market. Also, concerns have arisen about the need for revised valuation methodologies to address the major portion requirement in paragraph 3(c) of standard Indian oil and gas leases for valuation of oil produced from leases on Indian land.

MRM published proposed rules for Indian oil valuation on February 12, 1998 (63 FR 7089) and on January 5, 2000 (65 FR 403). MRM subsequently withdrew each of these proposed rules because of market changes and the passage of time. In addition, MRM held eight public meetings during 2005 to obtain information from, and consult with, Indian Tribes and Indian mineral owners and other interested parties. Then, MRM published a third proposed rule on February 13, 2006 (71 FR 7453). Tribal and industry commenters on the 2006 proposed rule did not agree on most issues regarding oil valuation, and none of the commenters supported the major portion provisions.

Also in 2006, the Royalty Policy Committee's Indian Oil Valuation Subcommittee evaluated the proposed rule but was unable to reach consensus on recommendations to the Department of the Interior on how to proceed. Thus, MRM decided to make only technical amendments to the existing Indian oil valuation regulations and convene a negotiated rulemaking committee to make specific recommendations regarding the major portion provision. MRM published its final rule addressing the technical amendments on December 17, 2007 (72 FR 71231). The preamble of the final rule stated ONRR's intent to convene a negotiated rulemaking committee to address the major portion valuation requirement for oil produced from Indian leases.

On December 1, 2011, the Secretary of the Interior (Secretary) signed the charter of the Indian Oil Valuation Negotiated Rulemaking Committee (Committee). On December 8, 2011, ONRR published, in the **Federal Register**, a notice (76 FR 76634) that the Department of the Interior established and created the Committee authorized under the Federal Advisory Committee Act. The Secretary established the Committee to make recommendations to replace existing regulations governing the valuation of oil on Indian lands, specifically the portion of the regulations governing the major portion requirement found in most standard Indian leases. The Committee met in May, June, August, September, and October 2012 and in April, June, August, and September 2013.

There were 18 members of the Committee. Members of the Committee consisted of representatives of Tribes, individual Indian mineral owner associations, oil companies with interests in Indian lands, oil and gas trade associations, and the United States government. The Shoshone and Arapaho Tribes, Land Owners Association (Fort Berthold), Navajo Nation, Oklahoma Indian Land/Mineral Owners of Associated Nations, Ute Indian Tribe, Jicarilla Apache Nation, and Blackfeet Nation represented Tribes and individual Indian mineral owner associations. The American Petroleum Institute, Council of Petroleum Accountants Societies, Western Energy Alliance, Chesapeake Energy, Peak Energy Resources, and Resolute Energy Corporation represented industry. ONRR and the Bureau of Indian Affairs (BIA) represented the United States government. A third-party neutral facilitator led all of the meetings, coordinated caucuses, provided the official minutes, and drafted the final report.

The policy of the Department of the Interior (DOI) is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. ONRR announced all of the Committee sessions in the **Federal Register**. The meetings were open to the public to provide it the opportunity to participate in the rulemaking process.

ONRR commends the Committee and its facilitator for reaching agreement on addressing the major portion requirement component of the regulations governing the value of Indian oil. The members' ability to compromise and work together resulted in a valuation proposal that would assure Indian Tribes and individual Indian mineral owners will receive, in a timely fashion, royalties based on the highest price paid for a major portion of production from a field or area. In addition, the proposed rule would help members of industry avoid significant administrative costs and will assure that the Department of the Interior meets its trust responsibilities to Indian Tribes and individual Indian mineral owners.

II. General Description of the Proposed Rule

In September 2013, the Committee published its final report summarizing the Committee's proposal for addressing the major portion requirement for

valuing Indian oil production. The report forms the basis for this proposed rule and is an essential part of the history for this proposed rulemaking. You can find the report, along with the minutes and other supporting materials for all meetings at the Committee's Web site at *http://www.onrr.gov/Laws_R_D/IONR/*. Alternatively, contact Karl Wunderlich listed under **FOR FURTHER INFORMATION CONTACT** to obtain a mailed copy of the report or to answer any other questions regarding the Committee or this rulemaking.

ONRR is mandated to establish regulations concerning Indian oil valuation based on its Federal trust responsibility to Indians, including the duty to maximize revenue for Indian Tribes and Indian mineral owners. As such, any action the United States takes in relation to Indian-owned trust property, including Indian minerals, must be that of a trustee who must act in a manner that is in the best interest of the Indian owner. Keeping in mind the responsibility to maximize revenue, when faced with more than one reasonable alternative, the Secretary must choose that alternative that most benefits the Indian mineral owner.

Within the context of the Secretary's Federal trust responsibility, the purpose of this rulemaking is to ensure that Indian lessors receive maximum revenues from their mineral resources. In addition, this rule provides simplicity, certainty, clarity, and consistency for Indian oil production valuation for Indian mineral revenue recipients and Indian mineral lessees.

The proposed rule would require a lessee to value its oil produced on Indian tribal or allotted lands based on the higher of (1) the lessee's gross proceeds or (2) an Index-Based Major Portion (IBMP) value adjusted by a Location and Crude Type Differential (LCTD), unique to each designated area and crude oil type. The LCTD would assure that the calculated major portion price represents, on average, the equivalent of a 75% major portion price calculated by arraying all of the prices reported in a designated area from the highest to the lowest price and starting from the top of the array to determine that price associated with the 25th percentile by volume plus one barrel of oil. ONRR will base the IBMP on the calendar month average of prices the New York Mercantile Exchange (NYMEX) sets, less a differential based on the location and crude oil type of the oil. Generally, ONRR will base the designated areas on reservation boundaries, with exceptions, as discussed further below.

Each sales month, ONRR would monitor each of the designated areas' reported sales volumes to identify when oil sales volumes reported as a lessee's gross proceeds are either more than 28 percent, or less than 22 percent, of the total volumes sold in that designated area for the specified crude oil type. In months where the volumes in a designated area for a particular crude oil type fall outside 22 to 28 percent of the total volumes sold, ONRR would adjust the current month's LCTD up or down by 10 percent. ONRR would then use the adjusted LCTD, along with the NYMEX Calendar Month Average, to calculate the next month's IBMP value. ONRR would continue to adjust the LCTD until the percentage of oil sales volumes reported as gross proceeds reflect between 28 and 22 percent of all sales volumes within a designated area for the specified crude oil type. ONRR would publish the monthly IBMP value on its Web site at *http://www.onrr.gov.*

In addition, the proposed rule modifies some language in the current regulations to align with the Federal mandate that agencies write all rules in plain language.

III. Section-by-Section Analysis

Before reading the additional explanatory information below, please turn to the proposed rule language that immediately follows the List of Subjects in 30 CFR parts 1202 and 1206 and signature page in this proposed rule. DOI will codify this language in the CFR if we finalize the proposed rule as written.

After you have read this proposed rule, please return to the preamble discussion below. The preamble contains additional information about this proposed rule, such as why we defined a term in a certain manner and why we chose a certain method to value oil from Indian leases.

The derivation table below only shows a crosswalk of the recodified sections of the current and the proposed regulations in part 1206, subpart B.

DERIVATION TABLE FOR PART 1206

The requirements of section:	Are derived from section:
Subpart B	
1206.57	1206.57(a)
1206.58	1206.57(b), (f), and (g)
1206.59	1206.57(d)
1206.60	1206.57(c) and (e)
1206.61	1206.58
1206.62	1206.59
1206.63	1206.60

DERIVATION TABLE FOR PART 1206—Continued

The requirements of section:	Are derived from section:
1206.64	1206.61
1206.65	1206.62

A. Section-by-Section Analysis of Proposed Changes to 30 CFR part 1206—Product Valuation, Subpart B—Indian Oil

ONRR proposes to amend part 1206, subpart B, applicable only to Indian oil valuation. Many of the provisions are the same as in the existing rule in substance. However, ONRR rewrote some sections for purposes of clarity. The main substantive change in the proposed rule is proposed at § 1206.54, which reflects the Committee's recommendations on how lessees should value their oil when their leases have a major portion provision or have a provision where the Secretary has the authority to establish value.

Purpose (Section 1206.50)

This section would substantively remain the same as current § 1206.50. However, we propose to write this section in plain language for clarity.

Definitions (Section 1206.51)

While ONRR will retain all existing definitions, ONRR is adding new terms and definitions in this proposed rule to support the new IBMP value used in the proposed rule at § 1206.54. ONRR proposes new definitions for: *Designated area, Location and Crude Type Differential, Major Portion Price, Prompt month, Roll, and Trading month.* ONRR also proposes renaming the term *NYMEX price* to *NYMEX Calendar Month Average Price* and revising its definition. Finally, ONRR proposes a minor revision to the definition *Audit* to specify that ONRR will conduct audits pursuant to the *Governmental Auditing Standards.*

Designated Area would be defined as the area ONRR designates for purposes of calculating Location and Crude Type Differentials applied to the IBMP value. Generally, ONRR would establish designated areas by the reservation boundaries where location and crude oil types are similar to each other. In some cases, such as Oklahoma, several fields may exist within an area that has similar transportation costs and crude oil types. In those cases, more than one reservation or field may be included within a designated area. ONRR would post designated areas on its Web site at *www.onrr.gov.*

If there is a significant change that affects the differential for a designated area, affected Tribes, Indian mineral owners, or lessees/operators may petition ONRR to consider convening a technical committee to review, modify, or add designated areas. Criteria to determine any future changes include, but are not limited to:

- Markets served, examples include refineries and/or market centers, such as Cushing, OK;
- Access to markets, examples include, access to similar infrastructure, such as pipelines, rail lines, and trucking; and/or
- Similar geography, for example, no challenging geographical divides, large rivers and/or mountains.

Initially, ONRR proposes the following designated areas:

1. Fort Berthold—Two designated areas:

- North Fort Berthold—all lands within the Fort Berthold Reservation boundary north of the Little Missouri River, including the Turtle Mountain public domain lease lands north of the Little Missouri River that the Fort Berthold Agency of the BIA administers.
- South Fort Berthold—all lands within the Fort Berthold Reservation boundary south of the Little Missouri River, including the Turtle Mountain public domain lease lands south of the Little Missouri River that the Fort Berthold Agency of the BIA administers.

2. Uintah & Ouray—Two designated areas: Uintah and Grand Counties; Duchesne County.

3. Oklahoma—One statewide designated area encompassing all oil production on trust lands, excluding Osage County.

4. Fort Peck—designated area includes all lands within the Fort Peck Reservation boundary and the Turtle Mountain public domain lease lands administered by the Fort Peck Agency of the BIA.

5. Fort Belknap—designated area includes all lands within the Fort Belknap Reservation boundary and the Turtle Mountain public domain lease lands administered by the Fort Belknap Agency of the BIA.

6. Turtle Mountain—designated area includes all lands within the Turtle Mountain Reservation and the Turtle Mountain public domain lease lands administered by the Turtle Mountain Agency of the BIA.

7. The designated area for all other reservations would be the reservation boundary, including any off-reservation allotments or dependent Indian communities. They include, but are not limited to, the:

- Blackfeet Indian Reservation.
- Crow Indian Reservation.
- Jicarilla Apache Indian Reservation.
- Isabella Indian Reservation (Saginaw Chippewa).
- Navajo Indian Reservation.
- Ute Mountain Ute Indian Reservation.
- Wind River Indian Reservation.
- Alabama/Coushatta Indian Reservation.
- Southern Ute Indian Reservation.
- Rocky Boy's Indian Reservation.

Location and Crude Type Differential (LCTD) would mean the difference in value between the average of the monthly NYMEX Calendar Month Average (CMA) for the previous 12 months and the average of the monthly Major Portion Prices for the previous 12 months for a designated area for any given crude oil type. The LCTD also captures the difference in value due to location and quality differences between Light Sweet Crude (WTI) at Cushing, Oklahoma and other crude oil types in each designated area.

Initially, ONRR would establish the LCTD based on the previous year's average annual difference between the NYMEX CMA and the Major Portion Price. ONRR would calculate the Major Portion Price by arraying all of the prices reported in a designated area from the highest to the lowest price and starting from the top of the array to determine that price associated with the 25th percentile by volume plus one barrel of oil. ONRR would calculate a separate LCTD for each crude oil type within each designated area using all calculated values (arm's-length and non-arm's-length) payors report on Form ONRR–2014. The array to establish the initial LCTD also would include sales reported on Form ONRR–2014 as royalty-in-kind (Transaction Code 06). In addition, the sales values ONRR uses in the array would be net of transportation allowances.

To calculate the initial LCTD, ONRR would require payors to report new crude oil types on ONRR Form-2014 using the existing Product Code field. ONRR anticipates having 12 months of new reported data to calculate the initial LCTD. However, should ONRR not have the full 12 months of crude oil types prior to the effective date of the rule, ONRR would assume the crude oil type is the same for those leases/agreements for the months for which ONRR does have crude oil type data reported on Form ONRR–2014s for the same leases and/or agreements.

For leases from which royalty is taken in kind now or in the future, ONRR would require lessees to report their total sales volume and base the sales value reported on Form ONRR–2014 on the higher of: (1) The IBMP value (reported as OINX), or (2) the price the lessee receives for volumes sold (reported as something other than OINX). ONRR would not consider the royalty-in-kind share of production in determining whether ONRR must modify the LCTD for a specific designated area and crude oil type.

Major Portion Price would mean the highest price paid or offered at the time of production for the major portion of oil produced from the same designated area for the same crude oil type.

Prompt month would mean the nearest month of delivery for which NYMEX futures prices are published during the trading month.

Roll would mean a method for adjusting current month prices for future prices to smooth the variation in oil trading prices and reflect market expectations. ONRR proposes to apply a ''roll'' to the initial NYMEX oil prices from leases in Oklahoma. Because NYMEX prices are future price estimates, and, therefore, inherently reflect increases or decreases in prices based upon expected trends, an adjustment to such estimates is necessary to extrapolate back to current price estimates upon which royalty calculations are based. This adjustment is the ''roll.'' The roll is added to the initial NYMEX price when the market is falling (to correct for the fact that the current price should be higher than the future price in a falling market) and subtracted from the initial NYMEX prices when the market is rising (to correct for the fact that the current price should be lower than the future price if the market is rising). We propose to use the roll because we believe it represents current market practice in establishing the sales price for crude oil production in Oklahoma.

The roll formula includes the future prices for the two months beyond the prompt month, which is not the same as the prompt month used to determine the initial NYMEX price, and assigns a progressively smaller weight to the second and third months. This is consistent with ONRR's understanding of the common industry practice, including the weights and basis for the prices in the formula below. Specifically, the roll would be calculated as follows:

$$\text{Roll} = .6667 \times (P_0 – P_1) + .3333 \times (P_0 – P_2),$$

Where:

- P_0 = the average of the daily NYMEX settlement prices for deliveries during the prompt month that is the same as the month of production, as published for each day during the trading month for which the month of production is the prompt month.

- P_1 = the average of the daily NYMEX settlement prices for deliveries during the month following the month of production, as published for each day during the trading month for which the month of production is the prompt month.
- P_2 = the average of the daily NYMEX settlement prices for deliveries during the second month following the month of production, as published for each day during the trading month for which the month of production is the prompt month.

Note that although prices P_0, P_1, and P_2 represent separate prices for periods 1, 2, and 3 months beyond the trading month, respectively, they are all determined during the same trading month. The roll may be a positive or a negative number, and, therefore, increase or decrease the royalty value, depending on whether the futures market is falling or rising. For example, assume that the month of production for which you must determine royalty value is March 2013. March was the prompt month on the NYMEX from January 23 through February 20, which is the trading month in this case. April is the first month following the month of production, and May is the second month following the month of production. As explained above, to determine the initial NYMEX price which the roll will adjust, for March 2013 production you first take the average of the daily settlement prices published for each business day from March 1 through March 20 for deliveries in April (the prompt month) and for each business day from March 21 through March 31 for deliveries in May (after May becomes the prompt month).

To calculate P_0, a different set of days is used. P_0 is the average of the daily NYMEX settlement prices for deliveries during March published for each business day between January 23 and February 20 (the trading month). P_1 is the average of the daily NYMEX settlement prices for deliveries during April published for each business day during the same trading month, *i.e.* between January 23 and February 20. Similarly, P_2 is the average of the daily NYMEX settlement prices for deliveries during May published for each business day during the same trading month used for P_0 and P_1. In this example, assume that P_0 = \$98.00 per bbl; P_1 = \$97.70 per bbl; and P_2 = \$97.10 per bbl. In this declining market, the roll = .6667 × (\$98.00 minus 97.70) + .3333 × (\$98.00 minus 97.10) = \$0.20 + \$0.30 = \$0.50. Fifty cents per barrel would then be added to the initial NYMEX settlement price used as the basis for royalty valuation.

In this example, since the market is falling, prices that traders anticipate during the trading month (March) for deliveries in a future prompt month are lower than the prices at which oil actually is selling during March. The roll accounts for that trend. The roll will have the opposite effect in a rising market. The roll will be a subtraction from the initial NYMEX price calculation (adding a negative number to the NYMEX price) because traders anticipate higher prices for the future prompt months than actually are occurring during the calendar month of production.

The roll would be added to the initial NYMEX price used as the basis for royalty valuation for Indian leases in Oklahoma. This is because sales contracts for Indian oil in Oklahoma typically include the roll, whereas current sales contracts in other designated areas do not.

While ONRR expects the basic operation of the NYMEX market to be the same for the foreseeable future, it is not clear the roll will be a permanent feature of the marketplace. Therefore, ONRR proposes that the Director of ONRR would have the option of terminating use of the roll when ONRR believes that using the roll is no longer a common industry practice. To terminate the roll, ONRR will publish a notice in the **Federal Register**. Further, ONRR also proposes to have the option to redefine how the roll is calculated to comport with changes in industry practice through a notice published in the **Federal Register**. ONRR will explain its rationale when it publishes such notice. ONRR believes this flexibility is appropriate so the valuation standards more closely reflect market developments. ONRR specifically requests comments on whether these options are necessary.

Trading month would mean the period extending from the second business day before the 25th day of the second calendar month preceding the delivery month (or, if the 25th day of that month is a non-business day, the second business day before the last business day preceding the 25th day of that month) through the third business day before the 25th day of the calendar month preceding the delivery month (or, if the 25th day of that month is a non-business day, the third business day before the last business day preceding the 25th day of that month), unless the NYMEX publishes a different definition or different dates on its official Web site, *www.nymex.com,* in which case the NYMEX definition will apply.

Royalty Value for Oil I or My Affiliate Sells or Exchanges Under an Arm's-Length Contract (Section 1206.52)

This section is unchanged from the existing rule with the exceptions of clarifying (1) that value is the higher of the value calculated under this section or the new major portion provision under § 1206.54, (2) that you bear the burden of demonstrating that the contract is arm's-length and may be required to certify that the contract includes all consideration, and (3) that this provision applies notwithstanding any contrary *Code of Federal Regulation* provisions. Other portions of existing § 1206.52 have been moved to other sections of the new regulations.

Oil Royalty Value Not Sold Under an Arm's-Length Contract (Section 1206.53)

This section is unchanged from the existing rule with the exception of clarifying that value is the higher of the value calculated under this section or the new major portion provision under § 1206.54.

Value of Production Based on the Major Portion of Like-Quality Oil (Section 1206.54)

This section is the principal new provision of the proposed regulation and is based on the recommendations of the Committee. This proposal removes the existing text of § 1206.54 and replaces it with new language explaining how a lessee fulfills the obligation under its lease to value crude oil produced from Indian leases based on the highest prices paid for a major portion of production of like-quality oil from the field. Proposed paragraph (a) states that this would apply to any Indian lease that has a major portion provision. This section also applies to Indian leases where the Secretary of Interior may determine value. For such leases, paragraph (a) would state that the value for royalty purposes is the higher of the value determined under the section or your gross proceeds under § 1206.52 or § 1206.53.

Under paragraph (b) of the proposed rule, lessees would report royalties on the Form ONRR–2014 using the higher of (1) an IBMP value, or (2) the lessee's gross proceeds.

Where the value of the lessee's oil is the gross proceeds accruing to the lessee under an arm's-length contract, the lessee would report its gross proceeds on its Form ONRR–2014 using Sales Type Code (STC) other than OINX. If the IBMP value is higher than gross proceeds, then the lessee must report the IBMP value using STC OINX. If

there is no sale of the crude oil and the lessee bases its value on a weighted average of the affiliates' arm's-length purchases and/or sales under § 1206.53, then the lessee must report using STC NARM.

Under paragraph (c) of the proposed rule, ONRR would calculate the IBMP value using the NYMEX CMA (excluding weekends and holidays) for each designated area less the LCTD. As explained above, the LCTD is based on the average difference between the NYMEX CMA and the major portion price at the 25th percentile by volume plus one barrel from highest price to lowest price, starting from the top (the top means that volume associated with the highest price for any given month). For leases in Oklahoma, the IBMP value would include the ''roll,'' as defined above.

The IBMP value would be calculated as follows:

$$\text{IBMP value by Designated Area and CrudeType} = \left(\begin{matrix}\textit{Current Month}\\ \textit{CMA}\end{matrix} +/- \textit{Roll (if applicable)}\right) \text{X}\,[1 - \textit{LCTD}]$$

Paragraph (d) describes how ONRR would calculate the LCTD for each designated area. As explained above, LCTD captures the difference in value due to location and quality differences between Light Sweet Crude (WTI) at Cushing, Oklahoma and other crude oil types in each designated area. The LCTD also ensures that the IBMP price closely reflects the 75% major portion value of a particular crude type within the applicable designated area.

Paragraph (d) provides details on how ONRR would calculate the LCTD for each designated area. Initially, ONRR would establish the LCTD based on the previous year's average annual difference between the NYMEX CMA and the Major Portion Price calculated by arraying all of the prices reported in a designated area from the highest to the lowest price and starting from the top of the array, determining that price associated with the 25th percentile by volume plus one barrel of oil. Paragraph (1) would explain that ONRR would calculate a separate LCTD for each crude type within each designated area using all data (arm's-length and non-arm's-length) payors report on Form ONRR–2014 for the previous 12 production months prior to the effective date of the rule. If ONRR does not have 12 months of data prior to the effective date of the rule, then it would assume the data is the same as that for the months for which data was reported. ONRR would apply this initial LCTD the first month after the effective date of the rule.

As an example, assume that for the initial LCTD for a specific designated area and crude type, ONRR calculated a prior year average annual major portion value of $81.54. Further, assume that ONRR calculated a prior year average annual NYMEX CMA of $95.12. Then assume that the effective date of the rule is March 30, 2015. Lastly, assume the NYMEX CMA for April 2015 is $94.56. ONRR would calculate the LCTD for Designated Area X as follows:

$$\left(\frac{\$95.12 - \$81.54}{\$95.12}\right) = 0.1428 \textit{ or } 14.28\%$$

ONRR would then apply the initial LCTD to the April 2015 NYMEX CMA to calculate the IBMP value as follows:

$$\$94.56 \times (1 - 0.1428) = \$81.06$$

If your gross proceeds value is more than the $81.06 IBMP value, you would have to report your gross proceeds on Form ONRR–2014 using the appropriate STC other than OINX, such as ARMS. If your gross proceeds value is less than the $81.06 IBMP value, then you would have to report the IBMP value using STC OINX.

Paragraph (d)(2) of the proposed rule outlines how ONRR would monitor the LCTD after its initial calculation. ONRR would monitor each of the designated areas' monthly sales volumes lessees report on their Form ONRR–2014s to identify when oil sales volumes not reported as STC OINX are either more than 28 percent or less than 22 percent of the total sales volumes reported in that designated area for a specific crude oil type. When sales volumes not reported as OINX for a specific crude oil type in a designated area exceed 28 percent or fall below 22 percent of the total volumes sold, ONRR would adjust the next month's LCTD down or up by 10 percent of the current month's LCTD. ONRR would then use the adjusted LCTD, along with the NYMEX CMA to calculate the next month's IBMP value. ONRR would continue to adjust the LCTD each month until the percentage of oil sales volumes not reported as OINX reflects between 28 and 22 percent of all sales volumes within a designated area for the specified crude oil type. ONRR would publish the monthly IBMP value on its Web site at *http://www.onrr.gov.* The proposed rule provides two examples demonstrating how the trigger for the LCTD works.

Paragraph (e) provides that ONRR would use its discretion to determine an appropriate IBMP value where there are insufficient royalty lines reported to ONRR on Form ONRR–2014 to determine a differential for a specific crude oil type. For example, there will be some instances, including, but not limited to, sales of condensate, where it is impossible for ONRR to calculate an appropriate differential. In those circumstances, ONRR would determine the IBMP value. ONRR is concerned that if an LCTD were to vary to a significant degree, for example +/−20 percent, it could take ONRR numerous months to bring the LCTD back to within +/−3 percent of the 25 percent of total oil sales volumes reported in a designated area for a specific crude oil type. Therefore, we specifically request comments on whether ONRR should modify paragraph (e) to provide that ONRR would use its discretion to determine an appropriate IBMP value where there are insufficient lines reported to ONRR on Form ONRR–2014 to determine a differential for a specific crude oil type or when the LCTD varies more than +/−20 percent. We also request comments on what could constitute a significant variation.

Responsibility To Place Production Into Marketable Condition and Market Production (Section 1206.55)

This section would remain the same as current § 1206.55. However, we propose to divide this section into two subsections, (a) and (b), and to write this section in plain language for clarity.

General Transportation Allowance Requirements (Section 1206.56)

This section would remain the same as current § 1206.56 except for adding language from (1) the current § 1206.57(a) stating that transportation allowances are subject to monitoring, review, adjustment, and audit and (2)

the current § 1206.51 and § 1206.52 stating that you may not deduct gathering costs as transportation allowances or deductions. In addition, we propose to rewrite this section and its section name in plain language to provide clarity.

Arm's-Length Contract Transportation Allowances (Section 1206.57); Non-Arm's-Length Contract or No Contract Transportation Allowances (Section 1206.58); Late Payment Interest for Improper Transportation Allowance Reporting (Section 1206.59); Reporting Adjustments for Transportation Allowances (Section 1206.60)

ONRR would reorganize § 1206.57 into proposed new §§ 1206.57, 1206.58, 1206.59, and 1206.60. Proposed § 1206.57 would govern how to determine and report transportation allowances if there is an arm's-length transportation contract, currently in § 1206.57(a) and (c)(1). Proposed § 1206.58 would govern how to determine and report transportation allowances under non-arm's-length transportation contracts, which is currently in § 1206.57(b) and (c)(2). Section 1206.58 also includes existing paragraphs (f) and (g) of § 1206.57 as proposed § 1206.58(c) and (d). ONRR proposes to add § 1206.59 to show how ONRR would calculate interest where a lessee improperly reports a transportation allowance. Currently, interest assessments for transportation allowances can be found in § 1206.57(d). ONRR proposes to move the current provision in § 1206.57(e)—adjusting transportation allowances—under proposed § 1206.60.

ONRR Determination of Correct Royalty Payments (Section 1206.61)

Because of the changes in the proposed rule regarding transportation allowances, the proposed rule redesignates § 1206.58 as § 1206.61. In the proposed rule, the provisions are the same as in the existing rule in § 1206.58 in substance but clarify how ONRR will determine if royalty payments are correct and what to do when royalty payments are incorrect.

Valuation Determination Requests (Section 1206.62)

Because of the changes in the proposed rule regarding transportation allowances, the proposed rule redesignates § 1206.59 as § 1206.62. This new section is the same as in the existing rule in substance in 1206.59. However, the proposed rule provides clarity by expanding how to request a valuation determination and how ONRR responds to such requests.

Determination of Royalty Quantity and Quality (Section 1206.63)

Because of the changes in the proposed rule regarding transportation allowances, the proposed rule redesignates § 1206.60 as § 1206.63. The provisions are the same as in the existing § 1206.60.

Recordkeeping Requirements (Section 1206.64)

This proposed section is the same as current § 1206.61. However, we propose to write this section in plain language for clarity.

ONRR's Protection of Information Submitted (Section 1206.65)

This proposed section is the same as current § 1206.62. However, we propose to divide this section into three subsections, (a), (b), and (c), and to write in plain language for clarity.

B. Section-by-Section Analysis of Proposed Changes to 30 CFR Part 1210—Forms and Reports, Subpart B—Royalty Reports—Oil, Gas, and Geothermal Resources

ONRR proposes to amend Part 1210 by adding § 1210.61 that contains additional reporting requirements for crude oil. The new proposed § 1210.61(a) requires payors to report Sales Type Code ARMS on their Form ONRR–2014 when valuing oil under § 1206.52. The new proposed § 1210.61(b) requires payors to report Sales Type Code NARMS on their Form ONRR–2014 when valuing oil under § 1206.53. The new proposed § 1210.61(c) requires payors to report Sales Type Code OINX on their Form ONRR–2014 when valuing oil under § 1206.54. Under § 1210.61(d), crude oil type payors would report five crude oil types: (1) Sweet as product code 61; (2) sour as product code 62; (3) asphaltic as product code 63; (4) black wax as product code 64; and (5) yellow wax as product code 65.

Before the effective date of the rule, ONRR would explain that payors should report using the additional product codes reflecting the crude oil type of the Indian oil within a particular designated area on the payors' Form ONRR–2014s. Prior to the effective date of the rule, ONRR would issue a letter to all payors explaining when to begin reporting such product codes and how to report the crude oil types.

IV. Other Possible Changes ONRR May Consider

A. Transportation Allowances—Form Filing

For arm's-length transportation agreements, ONRR would like comments on removing the requirement under the current rule to file a Form ONRR–4110, Oil Transportation Allowance Report. Instead, the lessee would have to submit to ONRR copies of its arm's-length transportation contract(s) and any amendments thereto within 2 months after the lessee reported a transportation allowance on its Form ONRR–2014. This change would mirror the requirement to file arm's-length transportation contracts with ONRR, instead of a form, under the current Indian Gas Valuation Rule at § 1206.178(a)(1)(i).

For non-arm's-length transportation arrangements, ONRR would like comments on eliminating the requirement that lessees submit a Form ONRR–4110 in advance with estimated information. Lessees would still be required to submit the Form ONRR–4110. However, the lessee would submit actual cost information in support of the allowance on its Form ONRR–4110 within 3 months after the end of the 12-month period to which the allowance applies. This change would also mirror the 1999 Indian Gas Rule.

Of note, under the proposed rule, there would be no form filing requirements where a lessee values its oil under the IBMP value (proposed rule § 1206.54). Thus, these changes to the form filing requirements would only apply to those lessees reporting their oil royalties as either gross proceeds under § 1206.52 or as non-arm's-length under § 1206.53.

As ONRR explained when it proposed these changes in the 1999 Indian Gas Rule, ONRR believes these changes ''would ease the burden on industry and still provide ONRR with documents useful to verify the allowance claimed.''

ONRR requests comments on (1) eliminating the form filing requirement for arm's-length contracts and instead submitting the contract(s) to ONRR; and (2) removing the current rule's requirement that lessees reporting non-arm's-length transportation arrangements submit a Form ONRR–2014 with estimated information prior to taking the transportation allowance.

B. Transportation Factors

ONRR requests comments on eliminating transportation factors from the regulations. Currently, § 1206.57(a)(5) allows lessees to reduce their gross proceeds where their arm's-

length transportation contract includes a provision reducing the applicable price by a transportation factor. Under the current rule, lessees report their gross proceeds net of the transportation factor on their Form ONRR–2014s. Thus, unlike the transportation allowances, which lessees report on their Form ONRR–2014s, ONRR cannot tell if lessees are taking a deduction for transportation when lessees report their gross proceeds net of a transportation factor. As such, the reporting requirements for transportation factors are not transparent. Eliminating the ability to net an arm's-length transportation fee would require lessees to report these transportation fees as a transportation allowance. ONRR specifically requests comments on whether to eliminate transportation factors completely, which would require reporting of the arm's-length transportation as a transportation allowance on Form ONRR–2014.

C. Limiting Allowances

ONRR is also considering removing the exception to the 50-percent limitation on transportation allowances. Under the current rule at § 1206.56(b)(2), a lessee may request an exception to the rule that transportation allowances cannot exceed 50 percent of the value of the oil at the point of sale. ONRR seeks input on whether it would be a better exercise of the Secretary's trust responsibility to not allow cost allowances for transporting production from Indian leases to exceed 50 percent of the value of the oil. To date, ONRR has not received any requests to exceed the 50-percent limitation for transportation allowances. ONRR specifically requests comments on removing any exceptions to the 50-percent limitation on transportation allowances, under § 1206.56(b)(1).

V. Procedural Matters

1. Summary Cost and Royalty Impact Data

We estimated the costs and benefits that this rulemaking may have on all potentially affected groups: Industry, Indian Lessors, and the Federal Government. The proposed amendment would result in an estimated annual increase in royalty collections of between $19.4 million and $20.6 million to be disbursed to Indian lessors. This net impact represents a minimal increase of between 3.82 percent and 3.93 percent of the total Indian oil royalties ONRR collected in 2012. We also estimate that Industry and the Federal Government would experience one-time increased system costs of approximately $ 4.84 million and $247 thousand, respectively.

A. Industry

The table below lists ONRR's low, mid-range, and high estimates of the costs that Industry would incur in the first year (excluding one-time system costs). Industry would incur these costs in the same amount each year thereafter.

SUMMARY OF ROYALTY IMPACTS TO INDUSTRY

Low	Mid	High
$19,400,000	$20,000,000	$20,600,000

Cost—Using the Higher of the Index-Based Major Portion Formula Value or Gross Proceeds to Value Indian Oil Sales

As discussed above, we propose to add a provision under 30 CFR 1206.54 that explains how a lessee must meet its obligation to value oil produced from Indian leases based on the highest price paid for a major portion of like-quality oil from the field. The proposed rule defines the monthly IBMP value that lessee must compare to its gross proceeds and pay on the higher of those two values.

To perform this economic analysis, ONRR used royalty data we collected for Indian oil (product code 01) for calendar year 2012. We chose calendar year 2012 because most data reported has gone through ONRR edits and lessees have made most of their adjustments. We did not distinguish crude oil type within each designated area because (1) based on our experience, crude oil type within each designated area is generally the same and (2) lessees currently do not report crude oil type to ONRR.

We then segregated the data into the following 14 Designated Areas:

1. Uintah & Ouray—Uintah and Grand Counties.
2. Uintah & Ouray—Duchesne County.
3. North Fort Berthold.
4. South Fort Berthold.
5. Oklahoma—One statewide area excluding Osage County.
6. Fort Peck.
7. Turtle Mountain.
8. Blackfeet Indian Reservation.
9. Crow Indian Reservation.
10. Jicarilla Apache Indian Reservation.
11. Isabella Indian Reservation (Saginaw Chippewa).
12. Navajo Indian Reservation.
13. Ute Mountain Ute Indian Reservation.
14. Wind River Indian Reservation.

We first arrayed the monthly reported prices net of transportation from highest to lowest and then calculated the monthly major portion price as that price at which 25 percent plus 1 barrel (by volume) of the oil is sold (starting from the highest price). Next, we calculated the difference between the reported prices and the major portion price. For any price below the major portion price, we multiplied the price difference by the royalty volume to estimate additional royalties.

Last, we totaled all of the monthly additional royalties for each designated area and then totaled all of the areas to arrive at an additional average royalty amount of $20 million. This represents 3.70 percent of all Indian oil royalties collected in 2012 or approximately $0.558/bbl.

Of note, we did not use the LCTD in this analysis. The LCTD is used in the IBMP value to keep the gross proceeds volume near the 25th percentile, through monthly monitoring and adjustments to the LCTD. Rather, we used the actual monthly major portion price in our analysis. Because we used the actual monthly major portion price, we did not account for the potential +/−3 percent volume variation adjustments the rule would allow. Instead, we created a +/−3 percent range of royalty impacts above and below the estimated additional royalties, reflected in the table above.

Cost—System Changes To Accommodate Reporting of Crude Oil Type

ONRR needs to know crude oil types to calculate and publish the IBMP value. Therefore, proposed § 1210.61 requires a lessee to report crude oil types using new product codes on the Form ONRR–2014. ONRR anticipates a lessee would need to make computer system changes to add these new product codes to their automated reporting.

We identified 205 Indian payors (those reporting and paying royalties to ONRR) in 2012. Of those, ONRR identified 32 as large businesses and 173 as small businesses (based on the SBA definition of a small business having 500 employees or less). To more accurately reflect the Indian payor community based on our experience, we reclassified the 173 small businesses into two categories—medium and small companies. We defined a medium company as those companies with between 250 and 500 employees. We also defined small companies as those companies with 250 or less employees. We classified 58 companies as medium companies and 115 companies as small companies.

ONRR first identified the changes we must make to our systems to accommodate the requirements (adding product codes and edits, changing and adding reports, and modifying Oil and Gas Operations Reports, Form ONRR–4054 (OGORs)) of this proposed rule and then estimated the number of hours needed to make those changes. We then multiplied those hours by our estimated hourly cost (including contractors) to implement system changes. Some of the hours calculated for ONRR include costs Industry would not incur, such as eCommerce updates, changes to the compliance management tool, and web publishing.

We used this same process for large businesses, reducing or eliminating the hours for some categories but used the same hourly cost because most large companies employ system contractors similar to those ONRR employs, and, therefore, would have similar system change costs.

We reduced the hours for the medium (200 hours) and small companies (100 hours) to reflect the fact that their systems are smaller and less complex. We also reduced the hourly rate for medium and small businesses to $100 and $75, respectively, reflecting lower contractor costs. The table below provides our estimate of system change costs for both ONRR and Industry.

System changes	ONRR	Large business	Medium business	Small business
Adding product codes to ONRR 2014–PS	100	100	100	50
Adding product codes to ONRR 2014–eCommerce	100	0	0	0
Adding new edit	150	75	0	0
Changing reports	250	100	0	0
Changes to CPT	150	0	0	0
Changes to Web publishing	150	0	0	0
Changes to OGOR/PASR form	150	100	100	50
Total hours	1,050	375	200	100
Average hourly rate	× $235	× $235	× $100	× $75
Cost per entity				
[Total hours × Average hourly rate]	$246,750	$88,125	$20,000	$7,500
Number of Businesses	N/A	× 32	× 58	× 115
Total cost		$2,820,000	$1,160,000	$862,500
Industry Grand Total				$4,842,500

The table below lists the overall estimated first year economic impact to industry from the proposed changes, based on the mid-range estimate of costs:

Description	Annual (cost)/benefit amount
Cost—Major Portion	($20,000,000)
Cost—System Changes	($4,842,500)
Net First Year Cost to Industry	($24,842,500)

After the first year, we anticipate the estimated cost to Industry to be approximately $20,000,000 each year, based on 2012 data.

B. Indian Lessors

The impact to Indian Lessors would be a net overall increase in royalties as a result of this proposed change. This royalty increase would equal the royalty increase from Industry, or $20 million.

C. Federal Government

Cost—System Changes To Accommodate Reporting of Crude Oil Type

The Federal Government would incur system costs to accommodate crude oil type reporting similar to Industry. As detailed above, ONRR estimates that it would take 1,050 hours to implement system changes related to the proposed rule equating to a total cost of $246,750.

This rulemaking would have no impact on Federal royalties. We also believe that there would be no administrative cost increases to the Federal Government because the additional work needed to monitor and adjust the LCTD and IBMP value would be offset by administrative savings due to decreased audit and litigation costs.

D. Summary of Royalty Impacts and Costs to Industry, Indian Lessors, and the Federal Government

In the table below, the negative values in the Industry column represent their estimated royalty and cost increases, while the positive values in the other columns represent the increase in Indian royalty receipts. For purposes of this summary table, we assumed that the average for royalty increases is the midpoint of our range.

SUMMARY OF COSTS & ROYALTIES THE FIRST YEAR

	Industry	Indian	Federal Government
Annual Additional Royalties Paid	($20,000,000)	$0	$0
Cost to Modify Systems	($4,842,500)	$0	($246,750)
Additional Royalties Received	$0	$20,000,000	$0
Total	($24,842,500)	$20,000,000	($246,750)

After the first year, the proposed rule will cost industry approximately $20 million a year and Indian lessors will increase their annual royalty receipts by approximately $20 million. The Federal

Government will not incur any additional costs after the first year.

2. Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB) will review all significant rulemaking. OIRA has determined that this proposed rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this proposed rule in a manner consistent with these requirements.

3. Regulatory Flexibility Act

The Department of the Interior certifies that this proposed rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Lessees of Federal and Indian mineral leases are generally companies classified under the North American Industry Classification System (NAICS) Code 211111, which includes companies that extract crude petroleum and natural gas. For this NAICS code classification, a small company is one with fewer than 500 employees. Approximately 205 different companies submit royalty and production reports from Indian leases to ONRR each month. In addition, approximately 32 companies are large businesses under the U.S. Small Business Administration definition because they have over 500 employees. The remaining 173 companies are considered to be small business.

As provided in *1A Industry* in the Procedural Matters section, we believe industry would incur a one-time cost to comply with the proposed rule. On average, ONRR estimates that each small business would incur a one-time cost of between of $7,500 and $20,000 to modify their systems to comply with this rulemaking.

As we stated earlier, we believe, based on 2012 Indian oil sales, the proposed rule would cost industry approximately $20 million dollars a year. Small businesses only accounted for 13.55 percent of the oil volumes sold in 2012. Applying that percentage to industry costs, ONRR estimates that the proposed major portion provision would cost all small-business lessors approximately $2,710,000 per year. The amount would vary for each company depending on the volume of production each small business produces and sells each year. We believe reduced administrative costs, such as reduced accounting, auditing, and litigation expenses, would offset some of these costs.

In sum, we do not believe this rulemaking would result in a significant economic effect on a substantial number of small entities because (1) the initial one-time cost to a small business to modify its system would be between $7,500 and $20,000; and (2) this proposed rule would cost the small businesses a collective total of $2,710,000 per year.

ONRR encourages small businesses to comment on this proposed rule.

4. Small Business Regulatory Enforcement Fairness Act (SBREFA)

This proposed rule would not be a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rulemaking:

a. Would not have an annual effect on the economy of $100 million or more. The effect would be limited to a maximum estimated at $2,710,000 which equals the $20,000,000 yearly cost of the proposed rule to industry at large multiplied by 13.55% (volumes sold attributable to small businesses).

b. Would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, Indian, or local government agencies, or geographic regions.

c. Would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises.

5. Unfunded Mandates Reform Act

This proposed rule would not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than $100 million per year. This rulemaking would not have a significant or unique effect on State, local, or Tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.) would not be required.

6. Takings (E.O. 12630)

Under the criteria in section 2 of E.O. 12630, this proposed rule would not have any significant takings implications. This proposed rule would not impose conditions or limitations on the use of any private property. Therefore, a takings implication assessment is not required.

7. Federalism (E.O. 13132)

Under the criteria in section 1 of E.O. 13132, this proposed rule would not have sufficient federalism implications to warrant the preparation of a Federalism summary impact statement. This rulemaking would not substantially and directly affect the relationship between the Federal and State governments. The management of Indian leases is the responsibility of the Secretary of the Interior, and all royalties ONRR collects from Indian leases are distributed to Tribes and individual Indian mineral owners. Because this proposed rule would not alter that relationship, a Federalism summary impact statement is not required.

8. Civil Justice Reform (E.O. 12988)

This rulemaking would comply with the requirements of E.O. 12988. Specifically, this proposed rule:

a. Would meet the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation.

b. Would meet the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

9. Consultation With Indian Tribal Governments, (E.O. 13175)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and Tribal sovereignty.

Under the Department's consultation policy and the criteria in E.O. 13175, we evaluated this proposed rule and determined that it would have no tribal implications that would impose substantial direct compliance costs on Indian tribal governments. Also, under this consultation policy and Executive Order criteria with Indian tribes and individual Indian mineral owners on all policy changes that may affect them, ONRR scheduled public meetings in three different locations for the purpose of consulting with Indian tribes and individual Indian mineral owners and

to obtain public comments from other interested parties.

ONRR held consultation sessions with Tribes and individual Indian mineral owners on October 29, 2013, at the Civic Center in New Town, North Dakota; November 6, 2013, at Ft. Washakie, Wyoming; and December 14, 2013, at the Wes Watkins Technology Center at Wetumka, Oklahoma. ONRR plans to schedule additional consultation sessions with Tribes and individual Indian mineral owners to discuss and hear comments, including sessions in Albuquerque, New Mexico; Browning, Montana; and Ft. Duchesne, Utah.

10. Paperwork Reduction Act of 1995

This rulemaking would not contain new information collection requirements, and a submission to the Office of Management and Budget (OMB) would not be required under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The proposed rule would modify § 1210.61 to require a lessee of Indian leases to report additional product codes for crude oil types on Form ONRR–2014. Currently, OMB approved a total of 239,937 burden hours for lessees to file their Form ONRR–2014s under OMB Control Number 1012–0004. ONRR estimates no additional burden hours, beyond the initial hours that industry must incur to modify systems to accommodate the rule, to report the applicable crude oil type in the product code field.

11. National Environmental Policy Act

This proposed rule would not constitute a major Federal action significantly affecting the quality of the human environment. We are not required to provide a detailed statement under the National Environmental Policy Act of 1969 (NEPA) because this proposed rule qualifies for categorical exclusion under 43 CFR 46.210(c) and (i) and the DOI Departmental Manual, part 516, section 15.4.D: ''(c) Routine financial transactions including such things as . . . audits, fees, bonds, and royalties . . . (i) Policies, directives, regulations, and guidelines: that are of an administrative, financial, legal, technical, or procedural nature.'' We have also determined that this rulemaking is not involved in any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA. The procedural changes resulting from the IBMP value would have no consequence on the physical environment. This proposed rule would not alter, in any material way, natural resources exploration, production, or transportation.

12. Effects on the Nation's Energy Supply (E.O. 13211)

This rulemaking would not be a significant energy action under the definition in E.O. 13211, and, therefore, would not require a Statement of Energy Effects.

13. Clarity of This Regulation

We are required by E.O. 12866 (section 1(b)(12)), E.O. 12988 (section 3(b)(1)(B)), E.O. 13563 (section 1(a)), and Presidential Memorandum of June 1, 1998, to write all rulemaking in plain language. This means that each rulemaking we publish must: (a) Be logically organized; (b) use the active voice to address readers directly; (c) use common, everyday words, and clear language rather than jargon; (d) be divided into short sections and sentences; and (e) use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in the **ADDRESSES** section. To help revise the proposed rule, write your comments as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, and the sections where you feel lists or tables would be useful, etc.

14. Public Availability of Comments

We will post all comments, including names and addresses of respondents, at *www.regulations.gov*. Before including Personally Identifiable Information (PII), such as address, phone number, email address, or other personal information in your comment(s), be advised that your entire comment (including PII) may be made available to the public at any time. While you can ask us, in your comment, to withhold PII from public view, we cannot guarantee that we will be able to do so.

List of Subjects in 30 CFR Parts 1206 and 1210

30 CFR Parts 1206

Coal, Continental shelf, Geothermal energy, Government contracts, Indians-lands, Mineral royalties, Oil and gas exploration, Public lands—mineral resources, Reporting and recordkeeping requirements.

30 CFR Part 1210

Continental shelf, Indian leases, Geothermal energy, Government contracts, Indians-lands, Mineral royalties, Oil and gas reporting, Phosphate, Potassium, Reporting and recordkeeping requirements, Royalties, Sales contracts, Sales summary, Sodium, Solid minerals, Sulfur.

Dated: May 13, 2014.

Rhea Suh,

Assistant Secretary for Policy, Management and Budget.

Authority and Issuance

For the reasons discussed in the preamble, ONRR proposes to amend 30 CFR parts 1206 and 1210 as follows:

PART 1206—PRODUCT VALUATION

■ 1. The authority for part 1206 continues to read as follows:

Authority: 5 U.S.C. 301 *et seq.;* 25 U.S.C. 396 *et seq.,* 396a *et seq.,* 2101 *et seq.;* 30 U.S.C. 181 *et seq.,* 351 *et seq.,* 1001 *et seq.,* 1701 *et seq.;* 31 U.S.C. 9701; 43 U.S.C. 1301 *et seq.,* 1331 *et seq.,* and 1801 *et seq.*

■ 2. Revise subpart B of part 1206 to read as follows:

Subpart B—Indian Oil

Sec.

1206.50 What is the purpose of this subpart?
1206.51 What definitions apply to this subpart?
1206.52 How do I calculate royalty value for oil that I or my affiliate sell(s) or exchange(s) under an arm's-length contract?
1206.53 How do I calculate royalty value for oil that I or my affiliate do(es) not sell under an arm's-length contract?
1206.54 How do I fulfill the lease provision regarding valuing production on the basis of the major portion of like-quality oil?
1206.55 What are my responsibilities to place production into marketable condition and to market production?
1206.56 What general transportation allowance requirements apply to me?
1206.57 How do I determine a transportation allowance if I have an arm's-length transportation contract?
1206.58 How do I determine a transportation allowance if I have a non-arm's-length transportation contract or have no contract?
1206.59 What interest applies if I improperly report a transportation allowance?
1206.60 What reporting adjustments must I make for transportation allowances?
1206.61 How will ONRR determine if my royalty payments are correct?
1206.62 How do I request a value determination?
1206.63 How do I determine royalty quantity and quality?
1206.64 What records must I keep to support my calculations of value under this subpart?
1206.65 Does ONRR protect information I provide?

Subpart B—Indian Oil

§ 1206.50 What is the purpose of this subpart?

(a) This subpart applies to all oil produced from Indian (tribal and allotted) oil and gas leases (except leases on the Osage Indian Reservation, Osage County, Oklahoma). This subpart does not apply to Federal leases, including Federal leases for which revenues are shared with Alaska Native Corporations. This subpart:

(1) Explains how you as a lessee must calculate the value of production for royalty purposes consistent with Indian mineral leasing laws, other applicable laws, and lease terms.

(2) Ensures the United States discharges its trust responsibilities for administering Indian oil and gas leases under the governing Indian mineral leasing laws, treaties, and lease terms.

(b) If you dispose of or report production on behalf of a lessee, the terms ''you'' and ''your'' in this subpart refer to you and not to the lessee. In this circumstance, you must determine and report royalty value for the lessee's oil by applying the rules in this subpart to your disposition of the lessee's oil.

(c) If the regulations in this subpart are inconsistent with:

(1) A Federal statute;

(2) A settlement agreement between the United States, Indian lessor, and a lessee resulting from administrative or judicial litigation;

(3) A written agreement between the Indian lessor, lessee, and the ONRR Director establishing a method to determine the value of production from any lease that ONRR expects at least would approximate the value established under this subpart; or;

(4) An express provision of an oil and gas lease subject to this subpart then the statute, settlement agreement, written agreement, or lease provision will govern to the extent of the inconsistency.

(d) ONRR or Indian Tribes, which have a cooperative agreement with ONRR to audit under 30 U.S.C. 1732, may audit, or perform other compliance reviews, and require a lessee to adjust royalty payments and reports.

§ 1206.51 What definitions apply to this subpart?

For purposes of this subpart:

Affiliate means a person who controls, is controlled by, or is under common control with another person.

(1) Ownership or common ownership of more than 50 percent of the voting securities, or instruments of ownership, or other forms of ownership, of another person constitutes control. Ownership of less than 10 percent constitutes a presumption of noncontrol that ONRR may rebut.

(2) If there is ownership or common ownership of 10 through 50 percent of the voting securities or instruments of ownership, or other forms of ownership, of another person, ONRR will consider the following factors in determining whether there is control in a particular case:

(i) The extent to which there are common officers or directors;

(ii) With respect to the voting securities, or instruments of ownership, or other forms of ownership:

(A) The percentage of ownership or common ownership;

(B) The relative percentage of ownership or common ownership compared to the percentage(s) of ownership by other persons;

(C) Whether a person is the greatest single owner; and

(D) Whether there is an opposing voting bloc of greater ownership;

(iii) Operation of a lease, plant, or other facility;

(iv) The extent of participation by other owners in operations and day-to-day management of a lease, plant, or other facility; and

(v) Other evidence of power to exercise control over or common control with another person.

(3) Regardless of any percentage of ownership or common ownership, relatives, either by blood or marriage, are affiliates.

Area means a geographic region at least as large as the defined limits of an oil and/or gas field in which oil and/or gas lease products have similar quality, economic, and legal characteristics.

Arm's-length contract means a contract or agreement between independent persons who are not affiliates and who have opposing economic interests regarding that contract. To be considered arm's length for any production month, a contract must satisfy this definition for that month, as well as when the contract was executed.

Audit means a review, conducted under the generally accepted *Governmental Auditing Standards,* of royalty reporting and payment activities of lessees, designees, or other persons who pay royalties, rents, or bonuses on Indian leases.

BLM means the Bureau of Land Management of the Department of the Interior.

Condensate means liquid hydrocarbons (generally exceeding 40 degrees of API gravity) recovered at the surface without resorting to processing. Condensate is the mixture of liquid hydrocarbons that results from condensation of petroleum hydrocarbons existing initially in a gaseous phase in an underground reservoir.

Contract means any oral or written agreement, including amendments or revisions thereto, between two or more persons and enforceable by law that with due consideration creates an obligation.

Designated area means an area ONRR designates for purposes of calculating Location and Crude Type Differentials applied to an IBMP value. ONRR will post designated areas on its Web site at *www.onrr.gov.* ONRR will monitor the market activity in the designated areas and, if necessary, hold a technical conference to review, modify, or add a particular designated area. ONRR will post any change to the designated areas on its Web site at *www.onrr.gov.* Criteria to determine any future changes to designated areas include, but are not limited to: Markets served, examples include refineries and/or market centers, such as Cushing, OK; Access to markets, examples include, access to similar infrastructure, such as pipelines, rail lines, and trucking; and/or similar geography, for example, no challenging geographical divides, large rivers and/or mountains.

Exchange agreement means an agreement where one person agrees to deliver oil to another person at a specified location in exchange for oil deliveries at another location, and other consideration. Exchange agreements:

(1) May or may not specify prices for the oil involved;

(2) Frequently specify dollar amounts reflecting location, quality, or other differentials;

(3) Include buy/sell agreements, which specify prices to be paid at each exchange point and may appear to be two separate sales within the same agreement, or in separate agreements; and

(4) May include, but are not limited to, exchanges of produced oil for specific types of oil (e.g., WTI); exchanges of produced oil for other oil at other locations (location trades); exchanges of produced oil for other grades of oil (grade trades); and multi-party exchanges.

Field means a geographic region situated over one or more subsurface oil and gas reservoirs encompassing at least the outermost boundaries of all oil and gas accumulations known to be within those reservoirs vertically projected to the land surface. Onshore fields usually are given names, and their official boundaries are often designated by oil and gas regulatory agencies in the

respective States in which the fields are located.

Gathering means the movement of lease production to a central accumulation or treatment point on the lease, unit, or communitized area, or to a central accumulation or treatment point off the lease, unit, or communitized area as approved by BLM operations personnel.

Gross proceeds means the total monies and other consideration accruing for the disposition of oil produced. Gross proceeds also include, but are not limited to, the following examples:

(1) Payments for services, such as dehydration, marketing, measurement, or gathering that the lessee must perform at no cost to the lessor in order to put the production into marketable condition;

(2) The value of services to put the production into marketable condition, such as salt water disposal, that the lessee normally performs but that the buyer performs on the lessee's behalf;

(3) Reimbursements for harboring or terminalling fees;

(4) Tax reimbursements, even though the Indian royalty interest may be exempt from taxation;

(5) Payments made to reduce or buy down the purchase price of oil to be produced in later periods, by allocating those payments over the production whose price the payment reduces and including the allocated amounts as proceeds for the production as it occurs; and

(6) Monies and all other consideration to which a seller is contractually or legally entitled but does not seek to collect through reasonable efforts.

IBMP means the Index-Based Major Portion value calculated under § 1206.54.

Indian Tribe means any Indian Tribe, band, nation, pueblo, community, rancheria, colony, or other group of Indians for which any minerals or interest in minerals is held in trust by the United States or that is subject to Federal restriction against alienation.

Individual Indian mineral owner means any Indian for whom minerals or an interest in minerals is held in trust by the United States or who holds title subject to Federal restriction against alienation.

Lease means any contract, profit-share arrangement, joint venture, or other agreement issued or approved by the United States under an Indian mineral leasing law that authorizes exploration for, development or extraction of, or removal of lease products. Depending on the context, lease may also refer to the land area covered by that authorization.

Lease products means any leased minerals attributable to, originating from, or allocated to Indian leases.

Lessee means any person to whom the United States, a Tribe, or individual Indian mineral owner issues a lease, and any person who has been assigned an obligation to make royalty or other payments required by the lease. Lessee includes:

(1) Any person who has an interest in a lease (including operating rights owners); and

(2) An operator, purchaser, or other person with no lease interest who reports and/or makes royalty payments to ONRR or the lessor on the lessee's behalf.

Lessor means an Indian Tribe or individual Indian mineral owner who has entered into a lease.

Like-quality oil means oil that has similar chemical and physical characteristics.

Location and Crude Type Differential (LCTD) means the difference in value between the average of the monthly NYMEX Calendar Monthly Averages (CMA) for the previous 12 months and the average of the monthly Major Portion Prices for the previous 12 months for a designated area for each crude oil type calculated under § 1206.54.

$$\left[\frac{\text{(Average of the Monthly NYMEX CMA for the Previous 12 Months - Average of the Monthly Major Portion Prices for the Previous 12 Months)}}{\text{Average of the Monthly NYMEX CMA for the Previous 12 Months}}\right]$$

Location differential means an amount paid or received (whether in money or in barrels of oil) under an exchange agreement that results from differences in location between oil delivered in exchange and oil received in the exchange. A location differential may represent all or part of the difference between the price received for oil delivered and the price paid for oil received under a buy/sell exchange agreement.

Major Portion Price means the highest price paid or offered at the time of production for the major portion of oil produced from the same designated area for the same crude oil type.

Marketable condition means lease products that are sufficiently free from impurities and otherwise in a condition that they will be accepted by a purchaser under a sales contract typical for the field or area.

Net means to reduce the reported sales value to account for transportation instead of reporting a transportation allowance as a separate entry on Form ONRR–2014.

NYMEX Calendar Month Average Price means the average of the New York Mercantile Exchange (NYMEX) daily settlement prices for light sweet oil delivered at Cushing, Oklahoma, calculated as follows:

(1) Sum the prices published for each day during the calendar month of production (excluding weekends and holidays) for oil to be delivered in the nearest month of delivery for which NYMEX futures prices are published corresponding to each such day; and

(2) Divide the sum by the number of days on which those prices are published (excluding weekends and holidays).

Oil means a mixture of hydrocarbons that existed in the liquid phase in natural underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities and is marketed or used as such. Condensate recovered in lease separators or field facilities is considered to be oil.

ONRR means the Office of Natural Resources Revenue of the Department of the Interior.

Operating rights owner, also known as a working interest owner, means any person who owns operating rights in a lease subject to this subpart. A record title owner is the owner of operating rights under a lease until the operating rights have been transferred from record title (see Bureau of Land Management regulations at 43 CFR 3100.0–5(d)).

Person means any individual, firm, corporation, association, partnership, consortium, or joint venture (when established as a separate entity).

Processing means any process designed to remove elements or compounds (hydrocarbon and nonhydrocarbon) from gas, including absorption, adsorption, or refrigeration. Field processes that normally take place on or near the lease, such as natural pressure reduction, mechanical separation, heating, cooling, dehydration, and compression, are not considered processing. The changing of

pressures and/or temperatures in a reservoir is not considered processing.

Prompt month means the nearest month of delivery for which NYMEX futures prices are published during the trading month.

Quality differential means an amount paid or received under an exchange agreement (whether in money or in barrels of oil) that results from differences in API gravity, sulfur content, viscosity, metals content, and other quality factors between oil delivered and oil received in the exchange. A quality differential may represent all or part of the difference between the price received for oil delivered and the price paid for oil received under a buy/sell agreement.

Roll means an adjustment to the NYMEX price that is calculated as follows: Roll = $.6667 \times (P_0 - P_1) + .3333 \times (P_0 - P_2)$, where: P_0 = the average of the daily NYMEX settlement prices for deliveries during the prompt month that is the same as the month of production, as published for each day during the trading month for which the month of production is the prompt month; P_1 = the average of the daily NYMEX settlement prices for deliveries during the month following the month of production, published for each day during the trading month for which the month of production is the prompt month; and P_2 = the average of the daily NYMEX settlement prices for deliveries during the second month following the month of production, as published for each day during the trading month for which the month of production is the prompt month. Calculate the average of the daily NYMEX settlement prices using only the days on which such prices are published (excluding weekends and holidays).

(1) Example 1. Prices in Out Months are Lower Going Forward: The month of production for which you must determine royalty value is December 2012. December was the prompt month from October 23 through November 20. January was the first month following the month of production, and February was the second month following the month of production. P_0 therefore is the average of the daily NYMEX settlement prices for deliveries during December published for each business day between October 23 and November 20. P_1 is the average of the daily NYMEX settlement prices for deliveries during January published for each business day between October 23 and November 20. P_2 is the average of the daily NYMEX settlement prices for deliveries during February published for each business day between October 23 and November 20. In this example, assume that P_0 = \$95.08 per bbl; P_1 = \$95.03 per bbl; and P_2 = \$94.93 per bbl. In this example (a declining market), Roll = $.6667 \times (\$95.08 - \$95.03) + .3333 \times (\$95.08 - \$94.93) = \$0.03 + \$0.05 = \$0.08$. You add this number to the NYMEX price.

(2) Example 2. Prices in Out Months are Higher Going Forward: The month of production for which you must determine royalty value is November 2012. November was the prompt month from September 21 through October 22. December was the first month following the month of production, and January was the second month following the month of production. P_0 therefore is the average of the daily NYMEX settlement prices for deliveries during November published for each business day between September 21 and October 22. P_1 is the average of the daily NYMEX settlement prices for deliveries during December published for each business day between September 21 and October 22. P_2 is the average of the daily NYMEX settlement prices for deliveries during January published for each business day between September 21 and October 22. In this example, assume that P_0 = \$91.28 per bbl; P_1 = \$91.65 per bbl; and P_2 = \$92.10 per bbl. In this example (a rising market), Roll = $.6667 \times (\$91.28 - \$91.65) + .3333 \times (\$91.28 - \$92.10) = (-\$0.25) + (-\$0.27) = (-\$0.52)$. You add this negative number to the NYMEX price (effectively a subtraction from the NYMEX price).

Sale means a contract between two persons where:

(1) The seller unconditionally transfers title to the oil to the buyer and does not retain any related rights such as the right to buy back similar quantities of oil from the buyer elsewhere;

(2) The buyer pays money or other consideration for the oil; and

(3) The parties' intent is for a sale of the oil to occur.

Sales type code means the contract type or general disposition (*e.g.,* arm's-length or non-arm's-length) of production from the lease. The sales type code applies to the sales contract, or other disposition, and not to the arm's-length or non-arm's-length nature of a transportation allowance.

Trading month means the period extending from the second business day before the 25th day of the second calendar month preceding the delivery month (or, if the 25th day of that month is a non-business day, the second business day before the last business day preceding the 25th day of that month) through the third business day before the 25th day of the calendar month preceding the delivery month (or, if the 25th day of that month is a non-business day, the third business day before the last business day preceding the 25th day of that month), unless the NYMEX publishes a different definition or different dates on its official Web site, *www.nymex.com,* in which case the NYMEX definition will apply.

Transportation allowance means a deduction in determining royalty value for the reasonable, actual costs of moving oil to a point of sale or delivery off the lease, unit area, or communitized area. The transportation allowance does not include gathering costs.

WTI means West Texas Intermediate.

You means a lessee, operator, or other person who pays royalties under this subpart.

§ 1206.52 How do I calculate royalty value for oil that I or my affiliate sell(s) or exchange(s) under an arm's-length contract?

(a) The value of production for royalty purposes for your lease is the higher of either the value determined under this section or the IBMP value calculated under § 1206.54. The value of oil under this section for royalty purposes is the gross proceeds accruing to you or your affiliate under the arm's-length contract, less applicable allowances determined under § 1206.56 or § 1206.57. You must use this paragraph (a) to value oil when:

(1) You sell under an arm's-length sales contract; or

(2) You sell or transfer to your affiliate or another person under a non-arm's-length contract and that affiliate or person, or another affiliate of either of them, then sells the oil under an arm's-length contract.

(b) If you have multiple arm's-length contracts to sell oil produced from a lease that is valued under paragraph (a) of this section, the value of the oil is the volume-weighted average of the values established under this section for all contracts for the sale of oil produced from that lease.

(c) If ONRR determines that the gross proceeds accruing to you or your affiliate does not reflect the reasonable value of the production due to either:

(1) Misconduct by or between the parties to the arm's-length contract; or

(2) Breach of your duty to market the oil for the mutual benefit of yourself and the lessor, ONRR will establish a value based on other relevant matters.

(i) ONRR will not use this provision to simply substitute its judgment of the market value of the oil for the proceeds received by the seller under an arm's-length sales contract.

(ii) The fact that the price received by the seller under an arm's-length contract is less than other measures of market price is insufficient to establish breach of the duty to market unless ONRR finds additional evidence that the seller acted unreasonably or in bad faith in the sale of oil produced from the lease.

(d) You have the burden of demonstrating that your or your affiliate's contract is arm's-length.

(e) ONRR may require you to certify that the provisions in your or your affiliate's contract include all of the consideration the buyer paid you or your affiliate, either directly or indirectly, for the oil.

(f) You must base value on the highest price that you or your affiliate can receive through legally enforceable claims under the oil sales contract.

(1) Absent contract revision or amendment, if you or your affiliate fail(s) to take proper or timely action to receive prices or benefits to which you or your affiliate are entitled, you must pay royalty based upon that obtainable price or benefit.

(2) If you or your affiliate make timely application for a price increase or benefit allowed under your or your affiliate's contract but the purchaser refuses and you or your affiliate take reasonable documented measures to force purchaser compliance, you will not owe additional royalties unless or until you or your affiliate receive additional monies or consideration resulting from the price increase. You may not construe this paragraph to permit you to avoid your royalty payment obligation in situations where a purchaser fails to pay, in whole or in part, or timely, for a quantity of oil.

(g)(1) You or your affiliate must make all contracts, contract revisions, or amendments in writing and all parties to the contract must sign the contract, contract revisions, or amendments.

(2) This provision applies notwithstanding any other provisions in this title 30 of the *Code of Federal Regulations* to the contrary.

(h) If you or your affiliate enter(s) into an arm's-length exchange agreement, or multiple sequential arm's-length exchange agreements, then you must value your oil under this paragraph.

(1) If you or your affiliate exchange(s) oil at arm's length for WTI or equivalent oil at Cushing, Oklahoma, you must value the oil using the NYMEX price, adjusted for applicable location and quality differentials under paragraph (h)(3) of this section and any transportation costs under paragraph (h)(4) of this section and § 1206.56 and § 1206.57 or § 1206.58.

(2) If you do not exchange oil for WTI or equivalent oil at Cushing, but exchange it at arm's length for oil at another location and following the arm's-length exchange(s) you or your affiliate sell(s) the oil received in the exchange(s) under an arm's-length contract, then you must use the gross proceeds under you or your affiliate's arm's-length sales contract after the exchange(s) occur(s), adjusted for applicable location and quality differentials under paragraph (h)(3) of this section and any transportation costs under paragraph (h)(4) of this section and § 1206.56 and § 1206.57 or § 1206.58.

(3) You must adjust your gross proceeds for any location or quality differential, or other adjustments, you received or paid under the arm's-length exchange agreement(s). If ONRR determines that any exchange agreement does not reflect reasonable location or quality differentials, ONRR may adjust the differentials you used based on relevant information. You may not otherwise use the price or differential specified in an arm's-length exchange agreement to value your production.

(4) If you value oil under this paragraph, ONRR will allow a deduction, under § 1206.56 and § 1206.57 or § 1206.58, for the reasonable, actual costs to transport the oil:

(i) From the lease to a point where oil is given in exchange; and

(ii) If oil is not exchanged to Cushing, Oklahoma, from the point where oil is received in exchange to the point where the oil received in exchange is sold.

(5) If you or your affiliate exchange(s) your oil at arm's length, and neither paragraph (c)(1) nor (c)(2) of this section applies, ONRR will establish a value for the oil based on relevant matters. After ONRR establishes the value, you must report and pay royalties and any late payment interest owed based on that value.

§ 1206.53 How do I calculate royalty value for oil that I or my affiliate do(es) not sell under an arm's-length contract?

(a) The value of production for royalty purposes for your lease is the higher of either the value determined under this section or the IBMP value calculated under § 1206.54. The unit value of your oil not sold under an arm's-length contract under this section for royalty purposes is the volume-weighted average of the gross proceeds paid or received by you or your affiliate, including your refining affiliate, for purchases or sales under arm's-length contracts.

(1) When calculating that unit value, use only purchases or sales of other like-quality oil produced from the field (or the same area if you do not have sufficient arm's-length purchases or sales of oil produced from the field) during the production month.

(2) You may adjust the gross proceeds determined under paragraph (a) of this section for transportation costs under paragraph (c) of this section and § 1206.56 and § 1206.57 or § 1206.58 before including those proceeds in the volume-weighted average calculation.

(3) If you have purchases away from the field(s) and cannot calculate a price in the field because you cannot determine the seller's cost of transportation that would be allowed under paragraph (c) of this section and § 1206.56 and § 1206.57 or § 1206.58, you must not include those purchases in your volume-weighted average calculation.

(b) Before calculating the volume-weighted average, you must normalize the quality of the oil in your or your affiliate's arm's-length purchases or sales to the same gravity as that of the oil produced from the lease. Use applicable gravity adjustment tables for the field (or the same general area for like-quality oil if you do not have gravity adjustment tables for the specific field) to normalize for gravity, as shown in the example below.

Example (1) to paragraph (b): Assume that a lessee, who owns a refinery and refines the oil produced from the lease at that refinery, purchases like-quality oil from other producers in the same field at arm's length for use as feedstock in its refinery. Further assume that the oil produced from the lease that is being valued under this section is Wyoming general sour with an API gravity of 23.5°. Assume that the refinery purchases at arm's-length oil (all of which must be Wyoming general sour) in the following volumes of the API gravities stated at the prices and locations indicated:

10,000 bbl	24.5°	$34.70/bbl	Purchased in the field.
8,000 bbl	24.0°	$34.00/bbl	Purchased at the refinery after the third-party producer transported it to the refinery, and the lessee does not know the transportation costs.
9,000 bbl	23.0°	$33.25/bbl	Purchased in the field.
4,000 bbl	22.0°	$33.00/bbl	Purchased in the field.

Example (2) to paragraph (b): Because the lessee does not know the costs that the seller of the 8,000 bbl incurred to transport that volume to the refinery, that volume will not be included in the volume-weighted average price calculation. Further assume that the gravity adjustment scale provides for a deduction of $0.02 per 1/10 degree API gravity below 34°. Normalized to 23.5° (the gravity of the oil being valued under this section), the prices of each of the volumes that the refiner purchased that are included in the volume-weighted average calculation are as follows:

10,000 bbl	24.5°	$34.50/bbl	(1.0° difference over 23.5° = $0.20 deducted).
9,000 bbl	23.0°	$33.35/bbl	(0.5° difference under 23.5° = $0.10 added).
4,000 bbl	22.0°	$33.30/bbl	(1.5° difference under 23.5° = $0.30 added).

Example (3) to paragraph (b): The volume-weighted average price is ((10,000 bbl × $34.50/bbl) + (9,000 bbl × $33.35/bbl) + (4,000 bbl × $33.30/bbl))/23,000 bbl = $33.84/bbl. That price will be the value of the oil produced from the lease and refined prior to an arm's-length sale, under this section.

(c) If you value oil under this section, ONRR will allow a deduction, under § 1206.56 and § 1206.57 or § 1206.58, for the reasonable, actual costs:

(1) That you incur to transport oil that you or your affiliate sell(s), which is included in the volume-weighted average price calculation, from the lease to the point where the oil is sold; and

(2) That the seller incurs to transport oil that you or your affiliate purchase(s), which is included in the volume-weighted average cost calculation, from the property where it is produced to the point where you or your affiliate purchase(s) it. You may not deduct any costs of gathering as part of a transportation deduction or allowance.

(d) If paragraphs (a) and (b) of this section result in an unreasonable value for your production as a result of circumstances regarding that production, the ONRR Director may establish an alternative valuation method.

§ 1206.54 How do I fulfill the lease provision regarding valuing production on the basis of the major portion of like-quality oil?

(a) This section applies to any Indian leases that contain a major portion provision for determining value for royalty purposes. This section also applies to any Indian leases that provide that the Secretary may establish value for royalty purposes. The value of production for royalty purposes for your lease is the higher of either the value determined under this section or the gross proceeds you calculated under § 1206.52 or § 1206.53.

(b) You must submit a monthly Form ONRR–2014 using the higher of IBMP value determined under this section or your gross proceeds under § 1206.52 or § 1206.53. Your Form ONRR–2014 must meet the requirements of 30 CFR 1210.61 of this chapter.

(c) ONRR will determine the monthly IBMP value for each designated area and crude oil type and post those values on its Web site at *www.onrr.gov.* The monthly IBMP value by designated area and crude oil type is calculated as follows:

(1) For Indian leases located in Oklahoma:

$$\left[\left(\begin{matrix}\text{NYMEX CMA}\\ \text{Price}\end{matrix}\right) \text{+/- (Roll)}\right] \text{ x } (1 - \text{LCTD})$$

(2) For all other Indian leases:

$$\left(\begin{matrix}\text{NYMEX CMA}\\ \text{Price}\end{matrix}\right) \text{ x } (1\text{-LCTD})$$

(d) ONRR will calculate the LCTD for each designated area (the same designated areas posted on its Web site at *www.onrr.gov*) and crude oil type using the following formula:

$$\left[\frac{\text{(Average of Monthly NYMEX CMA for Previous 12 Months - Average of Monthly Major Portion Prices for Previous 12 Months)}}{\text{Average of Monthly NYMEX CMA for Previous 12 Months}}\right]$$

(1) For the first full production month after this rule is effective, ONRR will calculate the monthly Major Portion Prices using data reported on the Form ONRR–2014 for the previous 12 production months prior to the effective date of this rule (Previous Twelve Months). To the extent ONRR does not have data on the Form ONRR–2014 regarding the crude oil type for the entire previous twelve months, ONRR will assume the crude oil type is the same for those months for which ONRR does not have data as the months for which the crude oil type was reported on the Form ONRR–2014 for the same leases and/or agreements.

(i) ONRR will array the calculated prices net of transportation by month from highest to lowest price for each designated area and crude oil type. For each month, ONRR will calculate the Major Portion Price as that price at which 25 percent plus 1 barrel (by volume) of the oil (starting from the highest) is sold;

(ii) To calculate the average of the monthly Major Portion Prices for the previous 12 months, ONNR will add the monthly Major Portion Prices calculated in paragraph (A) and divide by 12.

(2) For every month following the first full production month after this rule is effective, ONRR will monitor the LCTD using data reported on the Form ONRR–2014 for the previous month.

(i) ONRR will use the oil sales volume reported by lessees on Form ONRR–2014 to monitor and, if necessary, to modify the LCTD used in the IBMP value.

(ii) ONRR will monitor oil sales volumes not reported under the sales type code OINX, as provided in 30 CFR 1210.61(a) and (b), on the Form ONRR–2014 on a monthly basis by designated area and crude oil type.

(iii) If the monthly oil sales volumes not reported under the sales type code OINX varies +/−3 percent from 25 percent of the total reported oil sales volume for the month, then ONRR will revise the LCTD prospectively starting with the following month.

(A) If monthly oil sales volumes not reported under the sales type code OINX on the Form ONRR–2014 by the designated area and crude oil type fall below 22 percent, ONRR will increase the LCTD by 10 percent every month until the monthly oil sales volumes reported under the sales type code for gross proceeds on the Form ONRR–2014 fall within the +/−3 percent range. In Example 1, assume the IBMP value is $81.06 and the LCTD for the designated area is 14.28%. In the table below, the Percent of Volume not as OINX reported is less than 22%, which triggers a modification to the LCTD. ONRR will adjust the LCTD upward by 10% (14.28% × 1.10). Therefore, for the next month the LCTD will be 15.71%. In the following month, the IBMP value will equal the next month's NYMEX CMA multiplied by (1 − 0.1571). ONRR will continue to make adjustments in subsequent months, until monthly sales volumes not reported as OINX fall within 22–28% of total monthly sales volume.

EXAMPLE 1—DIFFERENTIAL ADJUSTMENT WHEN ARMS SALES VOLUME FOR THE CURRENT MONTH FALLS BELOW 22% OF TOTAL MONTHLY SALES VOLUME

Lease	Sales volume	Unit price	Sales type code	Cumulative volume	Percent of volume
1	220	81.95	ARMS	220	9.02
2	275	81.71	ARMS	495	20.29
3	400	81.06	OINX	895	36.68
4	425	81.06	OINX	1,320	54.10
5	370	81.06	OINX	1,690	69.26
6	400	81.06	OINX	2,090	85.66
7	350	81.06	OINX	2,440	100.00
	2,440				

(B) If monthly oil sales volumes not reported under the sales type code OINX on the Form ONRR–2014 by designated area and crude oil type exceed 28 percent, then ONRR will decrease the LCTD by 10 percent every month until the monthly oil sales volumes reported under the sales type code for gross proceeds on the Form ONRR–2014 fall within the +/−3 percent range. In Example 2, assume the IBMP value is $81.06 and the LCTD is 14.28%. However, as noted in the table below, the Percent of Volume not reported as OINX is 32.69%, exceeding the 28% threshold, which triggers a modification to the LCTD. ONRR will adjust the LCTD downward by 10% (14.28% × 0.90). Therefore, for the next month the LCTD will be 12.85%. In the following month, the IBMP will equal the next month's NYMEX CMA multiplied by (1 − 0.1285). ONRR will continue to make adjustments in subsequent months, until monthly sales volumes reported as ARMS fall within 22–28% of total monthly sales volume.

EXAMPLE 2—DIFFERENTIAL ADJUSTMENT WHEN ARMS SALES VOLUME NOT REPORTED AS OINX FOR THE CURRENT MONTH EXCEEDS 28% OF TOTAL MONTHLY SALES VOLUME

Lease	Sales volume	Unit price	Sales type code	Cumulative volume	Percent of volume
1	230	81.95	ARMS	230	11.06
2	275	81.71	ARMS	505	24.28
3	175	81.45	ARMS	680	32.69
4	250	81.06	OINX	930	44.71
5	425	81.06	OINX	1,355	65.14
6	325	81.06	OINX	1,680	80.77
7	400	81.06	OINX	2,080	100.00
	2,080				

(e) In areas where there is insufficient data reported to ONRR on Form ONRR–2014 to determine a differential for a specific crude oil type, ONRR will use its discretion to determine an appropriate IBMP value.

§ 1206.55 What are my responsibilities to place production into marketable condition and to market production?

(a) You must place oil in marketable condition and market the oil for the mutual benefit of the lessee and the lessor at no cost to the Indian lessor unless the lease agreement provides otherwise.

(b) If you must use gross proceeds under an arm's-length contract or your affiliate's gross proceeds under an arm's-length exchange agreement to determine value under 30 CFR 1206.52 or 1206.53, you must increase those gross proceeds to the extent that the purchaser, or any other person, provides certain services that the seller normally would be responsible to perform to place the oil in marketable condition or to market the oil.

§ 1206.56 What general transportation allowance requirements apply to me?

(a) ONRR will allow a deduction for the reasonable, actual costs to transport oil from the lease to the point off the lease under § 1206.52 or § 1206.53, as

applicable. You may not deduct transportation costs to reduce royalties where you did not incur any costs to move a particular volume of oil. ONRR will not grant a transportation allowance for transporting oil taken as Royalty-In-Kind (RIK).

(b)(1) Except as provided in paragraph (b)(2) of this section, your transportation allowance deduction on the basis of a sales type code may not exceed 50 percent of the value of the oil at the point of sale as determined under § 1206.52 of this subpart. Transportation costs cannot be transferred between sales type codes or to other products.

(2) Upon your request, ONRR may approve a transportation allowance deduction in excess of the limitation prescribed by paragraph (b)(1) of this section. You must demonstrate that the transportation costs incurred in excess of the limitation prescribed in paragraph (b)(1) of this section were reasonable, actual, and necessary. An application for exception (using Form ONRR–4393, Request to Exceed Regulatory Allowance Limitation) must contain all relevant and supporting documentation necessary for ONRR to make a determination. Under no circumstances may the value, for royalty purposes, under any sales type code, be reduced to zero.

(c) You must express transportation allowances for oil in dollars per barrel. If you or your affiliate's payments for transportation under a contract are not on a dollar per barrel basis, you must convert whatever consideration you or your affiliate are paid to a dollar per barrel equivalent.

(d) You must allocate transportation costs among all products produced and transported as provided in § 1206.57.

(e) All transportation allowances are subject to monitoring, review, audit, and adjustment.

(f) If, after a review or audit, ONRR determines you have improperly determined a transportation allowance authorized by this subpart, then you must pay any additional royalties due, plus late payment interest calculated under § 1218.54 of this chapter or report a credit for, or request a refund of, any overpaid royalties without interest under § 1218.53 of this chapter.

(g) You may not deduct any costs of gathering as part of a transportation deduction or allowance.

§ 1206.57 How do I determine a transportation allowance if I have an arm's-length transportation contract?

(a) *Arm's-length transportation.* (1) If you incur transportation costs under an arm's-length contract, your transportation allowance is the reasonable, actual costs you incur to transport oil under that contract. You have the burden of demonstrating that your contract is arm's-length.

(2) Before you may take any deduction, you must submit a completed page one and Schedule 1 of Form ONRR–4110, Oil Transportation Allowance Report, under paragraph (b)(1) of this section. You may claim a transportation allowance retroactively for a period of not more than 3 months prior to the first day of the month that you filed Form MMS–4110 with ONRR, unless ONRR approves a longer period upon you showing good cause.

(3) If ONRR determines that the consideration paid under an arm's-length transportation contract does not reflect the reasonable value of the transportation because of misconduct by or between the contracting parties, or because the lessee otherwise has breached its duty to the lessor to market the production for the mutual benefit of the lessee and the lessor, then ONRR shall require that the transportation allowance be determined in accordance with paragraph (b) of this section. When ONRR determines that the value of the transportation may be unreasonable, ONRR will notify the lessee and give the lessee an opportunity to provide written information justifying the lessee's transportation costs.(4)(i) If an arm's-length transportation contract includes more than one liquid product, and the transportation costs attributable to each product cannot be determined from the contract, then you must allocate the total transportation costs in a consistent and equitable manner to each of the liquid products transported in the same proportion as the ratio of the volume of each product (excluding waste products which have no value) to the volume of all liquid products (excluding waste products which have no value). Except as provided in this paragraph, you may not take an allowance for the costs of transporting lease production which is not royalty-bearing without ONRR approval.

(ii) Notwithstanding the requirements of paragraph (4)(i) of this section, you may propose to ONRR a cost allocation method on the basis of the values of the products transported. ONRR shall approve the method unless it determines it is not consistent with the purposes of the regulations in this part.

(5) If an arm's-length transportation contract includes both gaseous and liquid products, and the transportation costs attributable to each product cannot be determined from the contract, you must propose an allocation procedure to ONRR.

(i) You may use the oil transportation allowance determined in accordance with its proposed allocation procedure until ONRR issues its determination on the acceptability of the cost allocation.

(ii) You must submit to ONRR all available data to support your proposal.

(iii) You must submit your initial proposal within 3 months after the last day of the month for which you request a transportation allowance, whichever is later (unless ONRR approves a longer period).

(iv) ONRR will determine the oil transportation allowance based on your proposal and any additional information ONRR deems necessary.

(6) Where an arm's-length sales contract price includes a provision whereby the listed price is reduced by a transportation factor, ONRR will not consider the transportation factor to be a transportation allowance. You may use the transportation factor to determine your gross proceeds for the sale of the product. The transportation factor may not exceed 50 percent of the base price of the product without ONRR approval.

(b) *Reporting requirements.* (1) With the exception of the transportation allowances specified in paragraph (b)(5) of this section, you must submit page one and Schedule 1 of the initial Form ONRR–4110, Oil Transportation Allowance Report, prior to, or at the same time as you report the transportation allowance you determined under an arm's-length contract on Form ONRR–2014, Report of Sales and Royalty Remittance. If ONRR receives your Form ONRR–4110 by the end of the month the Form ONRR–2014 is due, ONRR will consider it timely received.

(2) Your initial Form ONRR–4110 is effective for a reporting period beginning the month you are first authorized to deduct a transportation allowance and will continue until the end of the calendar year, or until the applicable contract or rate terminates or is modified or amended, whichever is earlier.

(3) After the initial reporting period and for succeeding reporting periods, you must submit page one and Schedule 1 of Form ONRR–4110 within 3 months after the end of the calendar year, or after the applicable contract or rate terminates or is modified or amended, whichever is earlier, unless ONRR approves a longer period (during which period you must continue to use the allowance from the previous reporting period).

(4) ONRR may require you to submit arm's-length transportation contracts, production agreements, operating

agreements, and related documents. You must submit documents within a reasonable time ONRR determines.

(5) ONRR may establish, in appropriate circumstances, reporting requirements which are different from the requirements of this section.

§ 1206.58 How do I determine a transportation allowance if I have a non-arm's-length transportation contract or have no contract?

(a) *Non-arm's-length or no contract.* (1) If you have a non-arm's-length transportation contract or no contract, including those situations where you or your affiliate perform(s) transportation services for you, the transportation allowance is based on your reasonable, actual costs as provided in this paragraph.

(2) Before you may take any estimated or actual deduction, you must submit a completed Form ONRR–4110 in its entirety under paragraph (b) of this section. You may claim a transportation allowance retroactively for a period of not more than 3 months prior to the first day of the month that you filed Form ONRR–4110 with ONRR, unless ONRR approves a longer period upon you showing good cause.

(3) You must base a transportation allowance for non-arm's-length or no-contract situations on your actual costs for transportation during the reporting period, including operating and maintenance expenses, overhead, and either depreciation and a return on undepreciated capital investment under paragraph (a)(3)(iv)(A) of this section, or a cost equal to the initial capital investment in the transportation system multiplied by a rate of return under paragraph (a)(3)(iv)(B) of this section. Allowable capital costs are generally those for depreciable fixed assets (including costs of delivery and installation of capital equipment) which are an integral part of the transportation system.

(i) Allowable operating expenses include: Operations supervision and engineering; operations labor; fuel; utilities; materials; ad valorem property taxes; rent; supplies; and any other directly allocable and attributable operating expense which the lessee can document.

(ii) Allowable maintenance expenses include: Maintenance of the transportation system; maintenance of equipment; maintenance labor; and other directly allocable and attributable maintenance expenses which the lessee can document.

(iii) Overhead directly attributable and allocable to the operation and maintenance of the transportation system is an allowable expense. State and Federal income taxes and severance taxes and other fees, including royalties, are not allowable expenses.

(iv) You may use either depreciation or a return on depreciable capital investment. After you have elected to use either method for a transportation system, you may not later elect to change to the other alternative without approval of ONRR.

(A) To compute depreciation, you may elect to use either a straight-line depreciation method based on the life of equipment or on the life of the reserves which the transportation system services or on a unit-of-production method. After you make an election, you may not change methods without ONRR approval. A change in ownership of a transportation system shall not alter the depreciation schedule the original transporter/lessee established for purposes of the allowance calculation. With or without a change in ownership, a transportation system shall be depreciated only once. You may not depreciate equipment below a reasonable salvage value.

(B) ONRR will allow as a cost an amount equal to the initial capital investment in the transportation system multiplied by the rate of return determined under paragraph (a)(3)(v) of this section. No allowance shall be provided for depreciation.

(v) The rate of return is the industrial rate associated with Standard and Poor's BBB rating. The rate of return you must use is the monthly average rate as published in Standard and Poor's Bond Guide for the first month of the reporting period for which the allowance is applicable and is effective during the reporting period. You must redetermine the rate at the beginning of each subsequent transportation allowance reporting period (which is determined under paragraph (b) of this section).

(4)(i) You must determine the deduction for transportation costs based on your or your affiliate's cost of transporting each product through each individual transportation system. Where more than one liquid product is transported, you must allocate costs to each of the liquid products transported in the same proportion as the ratio of the volume of each liquid product (excluding waste products which have no value) to the volume of all liquid products (excluding waste products which have no value) and you must make such allocation in a consistent and equitable manner. Except as provided in this paragraph, you may not take an allowance for transporting lease production which is not royalty-bearing without ONRR approval.

(ii) Notwithstanding the requirements of paragraph (4)(i) of this section, you may propose to ONRR a cost allocation method on the basis of the values of the products transported. ONRR will approve the method unless it determines that it is not consistent with the purposes of the regulations in this part.

(5) Where both gaseous and liquid products are transported through the same transportation system, you must propose a cost allocation procedure to ONRR.

(i) You may use the oil transportation allowance determined in accordance with its proposed allocation procedure until ONRR issues its determination on the acceptability of the cost allocation.

(ii) You must submit to ONRR all available data to support your proposal.

(iii) You must submit your initial proposal within 3 months after the last day of the month for which you request a transportation allowance, whichever is later (unless ONRR approves a longer period).

(iv) ONRR will determine the oil transportation allowance based on your proposal and any additional information ONRR deems necessary.

(6) You may apply to ONRR for an exception from the requirement that you compute actual costs under paragraphs (a)(1) through (a)(5) of this section.

(i) ONRR will grant the exception only if you have a tariff for the transportation system the Federal Energy Regulatory Commission (FERC) has approved for Indian leases.

(ii) ONRR will deny the exception request if it determines the tariff is excessive as compared to arm's-length transportation charges by pipelines, owned by the lessee or others, providing similar transportation services in that area.

(iii) If there are no arm's-length transportation charges, ONRR will deny the exception request if:

(A) No FERC cost analysis exists and the FERC has declined to investigate under ONRR timely objections upon filing; and

(B) The tariff significantly exceeds the lessee's actual costs for transportation as determined under this section.

(b) *Reporting requirements.* (1) With the exception of those transportation allowances specified in paragraphs (b)(1)(v), (b)(1)(vii) and (b)(1)(viii) of this section, you must submit an initial Form ONRR–4110 prior to, or at the same time as, the transportation allowance you determine under a non-arm's-length contract or no-contract situation is reported on Form ONRR–

2014. If ONRR receives your Form ONRR–4110 by the end of the month the Form ONRR–2014 is due, ONRR will consider it timely received. You may base the initial report on estimated costs.

(ii) Your initial Form ONRR–4110 is effective for a reporting period beginning the month you are first authorized to deduct a transportation allowance and will continue until the end of the calendar year, or until transportation under the non-arm's-length contract or the no-contract situation terminates, whichever is earlier.

(iii) After the initial reporting period, you must submit a completed Form ONRR–4110 containing the actual costs for the previous reporting period. If oil transportation is continuing, you must include on Form ONRR–4110 your estimated costs for the next calendar year. You must estimate your oil transportation allowance based on the actual costs for the previous reporting period plus or minus any adjustments which are based on your knowledge of decreases or increases that will affect the allowance. ONRR must receive the Form ONRR–4110 within 3 months after the end of the previous reporting period, unless ONRR approves a longer period (during which period you must continue to use the allowance from the previous reporting period).

(iv) For new transportation facilities or arrangements, your initial Form ONRR–4110 must include estimates of the allowable oil transportation costs for the applicable period. You must base cost estimates on the most recently available operations data for the transportation system or, if such data are not available, you must use estimates based upon industry data for similar transportation systems.

(v) Non-arm's-length contract or no-contract transportation allowances which are in effect at the time these regulations become effective are allowed to continue until such allowances terminate. For the purposes of this section, only those allowances ONRR has approved in writing qualify as being in effect at the time these regulations become effective.

(vi) ONRR may require you to submit all data you used to prepare your Form ONRR–4110. You must submit the data within a reasonable period of time ONRR determines.

(vii) ONRR may establish, in appropriate circumstances, reporting requirements which are different from the requirements of this section.

(viii) If you are authorized to use your FERC-approved tariff as your transportation cost under paragraph (a)(6) of this section, you must follow the reporting requirements of § 1206.57(b).

(3) ONRR may establish reporting dates for you that are different from those specified in this subpart to provide more effective administration. We will notify you of any change in your reporting period.

(4) You must report transportation allowances as a separate entry on Form ONRR–2014 unless ONRR approves a different reporting procedure.

(c) Notwithstanding any other provisions of this subpart, for other than arm's-length contracts, no cost shall be allowed for oil transportation which results from payments (either volumetric or for value) for actual or theoretical losses. This section does not apply when the transportation allowance is based upon a FERC or State regulatory agency approved tariff.

(d) The provisions of this section shall apply to determine transportation costs when establishing value using a netback valuation procedure or any other procedure that requires deduction of transportation costs.

§ 1206.59 What interest applies if I improperly report a transportation allowance?

(a) If you deduct a transportation allowance on Form ONRR–2014 without complying with the requirements of § 1206.56 and § 1206.57 or § 1206.58, you must pay additional royalties due, plus late payment interest calculated under § 1218.54 of this chapter.

(b) If you erroneously report a transportation allowance which results in an underpayment of royalties, you must pay any additional royalties due, plus late payment interest calculated under § 1218.54 of this chapter.

§ 1206.60 What reporting adjustments must I make for transportation allowances?

(a) If your actual transportation allowance is less than the amount you claimed on Form ONRR–2014 for each month during the allowance reporting period, you must pay additional royalties due, plus late payment interest calculated under § 1218.54 of this chapter from first day of the first month you were authorized to deduct a transportation allowance to the date you repay the difference.

(b) If the actual transportation allowance is greater than the amount you claimed on Form ONRR–2014 for any month during the period reported on the allowance form, you may report a credit for, or request a refund of, any overpaid royalties without interest under § 1218.53 of this chapter.

(c) If you make an adjustment under paragraph (a) or (b) of this section, then you must submit a corrected Form ONRR–2014 to reflect actual costs, together with any payment, using instructions ONRR provides.

§ 1206.61 How will ONRR determine if my royalty payments are correct?

(a)(1) ONRR may monitor, review, and audit the royalties you report, and, if ONRR determines that your reported value is inconsistent with the requirements of this subpart, ONRR may direct you to use a different measure of royalty value.

(2) If ONRR directs you to use a different royalty value, you must pay any additional royalties due, plus late payment interest calculated under § 1218.54 of this chapter or you may report a credit for, or request a refund of, any overpaid royalties without interest under § 1218.53 of this chapter.

(b) When the provisions in this subpart refer to gross proceeds, in conducting reviews and audits, ONRR will examine if your or your affiliate's contract reflects the total consideration actually transferred, either directly or indirectly, from the buyer to you or your affiliate for the oil. If ONRR determines that a contract does not reflect the total consideration, you must value the oil sold as the total consideration accruing to you or your affiliate.

§ 1206.62 How do I request a value determination?

(a) You may request a value determination from ONRR regarding any oil produced. Your request must:

(1) Be in writing;

(2) Identify specifically all leases involved, all interest owners of those leases, the designee(s), and the operator(s) for those leases;

(3) Completely explain all relevant facts. You must inform ONRR of any changes to relevant facts that occur before we respond to your request;

(4) Include copies of all relevant documents;

(5) Provide your analysis of the issue(s), including citations to all relevant precedents (including adverse precedents); and

(6) Suggest your proposed valuation method.

(b) In response to your request, ONRR may:

(1) Request that the Assistant Secretary for Indian Affairs issue a valuation determination;

(2) Decide that ONRR will issue guidance; or

(3) Inform you in writing that ONRR will not provide a determination or guidance. Situations in which ONRR typically will not provide any determination or guidance include, but are not limited to:

(i) Requests for guidance on hypothetical situations; and

(ii) Matters that are the subject of pending litigation or administrative appeals.

(c)(1) A value determination the Assistant Secretary for Indian Affairs signs is binding on both you and ONRR until the Assistant Secretary modifies or rescinds it.

(2) After the Assistant Secretary issues a value determination, you must make any adjustments to royalty payments that follow from the determination and, if you owe additional royalties, you must pay the additional royalties due, plus late payment interest calculated under § 1218.54 of this chapter.

(3) A value determination the Assistant Secretary signs is the final action of the Department and is subject to judicial review under 5 U.S.C. 701–706.

(d) Guidance ONRR issues is not binding on ONRR, the Indian lessor, or you with respect to the specific situation addressed in the guidance.

(1) Guidance and ONRR's decision whether or not to issue guidance or request an Assistant Secretary determination, or neither, under paragraph (b) of this section, are not appealable decisions or orders under 30 CFR part 1290.

(2) If you receive an order requiring you to pay royalty on the same basis as the guidance, you may appeal that order under 30 CFR part 1290.

(e) ONRR or the Assistant Secretary may use any of the applicable valuation criteria in this subpart to provide guidance or make a determination.

(f) A change in an applicable statute or regulation on which ONRR or the Assistant Secretary based any determination or guidance takes precedence over the determination or guidance, regardless of whether ONRR or the Assistant Secretary modifies or rescinds the determination or guidance.

(g) ONRR or the Assistant Secretary generally will not retroactively modify or rescind a value determination issued under paragraph (d) of this section, unless:

(1) There was a misstatement or omission of material facts; or

(2) The facts subsequently developed are materially different from the facts on which the guidance was based.

(h) ONRR may make requests and replies under this section available to the public, subject to the confidentiality requirements under § 1206.65.

§ 1206.63 How do I determine royalty quantity and quality?

(a) You must calculate royalties based on the quantity and quality of oil as measured at the point of royalty settlement that BLM approves.

(b) If you determine the value of oil under § 1206.52, § 1206.53, or § 1206.54 of this subpart based on a quantity and/or quality that is different from the quantity and/or quality at the point of royalty settlement BLM approves for the lease, you must adjust that value for the differences in quantity and/or quality.

(c) You may not make any deductions from the royalty volume or royalty value for actual or theoretical losses incurred before the royalty settlement point unless BLM determines that any actual loss was unavoidable.

§ 1206.64 What records must I keep to support my calculations of value under this subpart?

If you determine the value of your oil under this subpart, you must retain all data relevant to the determination of royalty value.

(a) You must show:

(1) How you calculated the value you reported, including all adjustments for location, quality, and transportation; and

(2) How you complied with these rules.

(b) On request, you must make available sales, volume, and transportation data for production you sold, purchased, or obtained from the field or area. You must make this data available to ONRR, Indian representatives, or other authorized persons.

(c) You can find recordkeeping requirements in §§ 1207.5, 1212.50, and 1212.51 of this chapter.

(d) ONRR, Indian representatives, or other authorized persons may review and audit your data, and ONRR will direct you to use a different value if they determine that the reported value is inconsistent with the requirements of this subpart.

§ 1206.65 Does ONRR protect information I provide?

(a) Certain information you or your affiliate submit(s) to ONRR regarding valuation of oil, including transportation allowances, may be exempt from disclosure.

(b) To the extent applicable laws and regulations permit, ONRR will keep confidential any data you or your affiliate submit(s) that is privileged, confidential, or otherwise exempt from disclosure.

(c) You and others must submit all requests for information under the Freedom of Information Act regulations of the Department of the Interior at 43 CFR part 2.

PART 1210—FORMS AND REPORTS

■ 3. The authority citation for part 1210 continues to read as follows:

Authority: 5 U.S.C. 301 *et seq.;* 25 U.S.C. 396, 2107; 30 U.S.C. 189, 190, 359, 1023, 1751(a); 31 U.S.C. 3716, 9701; 43 U.S.C. 1334, 1801 *et seq.;* and 44 U.S.C. 3506(a).

Subpart B—Royalty Reports—Oil, Gas, and Geothermal Resources

■ 4. Add § 1210.61 to subpart B to read as follows:

§ 1210.61 What additional reporting requirements must I meet for Indian oil valuation purposes?

(a) If you must report and pay under § 1206.52 of this chapter, you must use Sales Type Code ARMS on Form ONRR–2014.

(b) If you must report and pay under § 1206.53 of this chapter, you must use Sales Type Code NARM on Form ONRR–2014.

(c) If you must report and pay under § 1206.54 of this chapter, you must use Sales Type Code OINX on Form ONRR–2014;

(d) You must report one of the following crude oil types in the product code field of Form ONRR–2014:

(1) Sweet (code 61);

(2) Sour (code 62);

(3) Asphaltic (code 63);

(4) Black Wax (code 64); or

(5) Yellow Wax (code 65);

(e) All of the remaining requirements of this subpart apply.

[FR Doc. 2014–13967 Filed 6–18–14; 8:45 am]

BILLING CODE 4310–T2–P

DEPARTMENT OF EDUCATION

34 CFR Chapter III

[Docket ID ED–2014–OSERS–0072; CFDA Number: 84.264A]

Proposed Priority—Rehabilitation Training; Job-Driven Vocational Rehabilitation Technical Assistance Center

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Proposed priority.

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative Services proposes a priority to establish a Job-Driven Vocational Rehabilitation Technical Assistance Center. The Assistant Secretary may use this priority for competitions in fiscal year (FY) 2014 and later years. We take this action to provide training and technical assistance to improve the capacity of

State Vocational Rehabilitation (VR) agencies and their partners to equip individuals with disabilities with the skills and competencies necessary to help them obtain high-quality competitive employment.

DATES: We must receive your comments on or before July 21, 2014.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''Are you new to the site?''
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about these proposed regulations, address them to Jerry Elliott, U.S. Department of Education, 400 Maryland Avenue SW., Room 5042, Potomac Center Plaza (PCP), Washington, DC 20202–2800.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Jerry Elliott. Telephone: (202) 245–7335 or by email: *jerry.elliott@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding this notice. To ensure that your comments have maximum effect in developing the notice of final priority, we urge you to identify clearly the specific section of the proposed priority that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from this proposed priority. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about these proposed regulations by accessing Regulations.gov. You may also inspect the comments in person in Room 5042, 550 12th Street SW., PCP, Washington, DC 20202–2800, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays. Please contact the person listed under **FOR FURTHER INFORMATION CONTACT**. *Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record:* On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

Purpose of Program: Under the Rehabilitation Act of 1973, as amended (the Rehabilitation Act), the Rehabilitation Services Administration (RSA) makes grants to States and public or nonprofit agencies and organizations (including institutions of higher education) to support projects that provide training, traineeships, and technical assistance designed to increase the numbers of, and improve the skills of, qualified personnel (especially rehabilitation counselors) who are trained to: Provide vocational, medical, social, and psychological rehabilitation services to individuals with disabilities; assist individuals with communication and related disorders; and provide other services authorized under the Rehabilitation Act.

Program Authority: 29 U.S.C. 772(a)(1).

Proposed Priority

This notice contains one proposed priority.

Job-Driven Vocational Rehabilitation Technical Assistance Center

Background:

On January 30, 2014, President Barack Obama issued a Presidential Memorandum to the Secretaries of the Departments of Labor, Commerce, and Education directing them to take action to address job-driven training for the Nation's workers. The memorandum instructed the Secretaries to develop concrete steps to make Federal workforce and training programs and policies (a) more focused on imparting relevant skills with job-market value, (b) more easily accessed by employers and job seekers, and (c) more accountable for producing positive employment and earning outcomes for the people they serve. Those steps were also required to be consistent with the job-driven training principles outlined in the memorandum, including: Promoting more engagement with industry, employers, employer associations, and worker representatives to identify the skills and supports workers need; providing support for secondary and post-secondary education and training entities to equip individuals with the skills, competencies, and credentials necessary to help individuals obtain jobs, increase earnings, and advance their careers; and making available to workers, job seekers, and employers the best information regarding job demand, skills matching, supports, as well as education, training, and career options.

While education and training, labor market information, and relevant job skills are important for all workers, they are particularly important for individuals with disabilities so that they can access more competitive jobs with good wages and benefits. Individuals with disabilities have higher unemployment rates than individuals without disabilities (in 2013, 12.9 percent and 6.9 percent, respectively) and lower participation rates in the workforce by a substantial margin (in 2013, 20.7 percent and 68.8 percent, respectively) (Department of Labor, 2014). In addition, State VR agencies have seen a significant decrease in the number of individuals with disabilities achieving competitive employment outcomes. At the beginning of the recession, total State VR agency consumers achieving competitive employment outcomes dropped by about 23,000, from 194,979 in FY 2008 to 171,721 in FY 2009. Four years later, the number of individuals with disabilities achieving competitive employment outcomes has risen only slightly, to 176,792 (RSA, 2012). To increase the number of VR consumers who achieve employment outcomes, State VR agencies need to upgrade the knowledge and skills of their personnel and providers so that they are better able to build effective partnerships with employers and assist VR consumers in obtaining the competencies and job skills required in today's competitive labor market.

State VR agencies also need assistance in implementing approaches that promote more active engagement of employers in facilitating competitive employment for, and retention of, individuals with disabilities in the workplace. However, there are emerging

practices in some State VR agencies that could be developed and disseminated to other State VR agencies.

For example, State VR agencies could hire staff as business employment representatives (BERs) or as specialists in job placement for a particular area of a State as part of an overall State VR agency approach to building relationships with employers. In a recent survey, findings reveal that the majority of VR agencies employ BERs (45 out of 64 reporting agencies; 70.3%). Of those VR agencies employing BERs, 21 reported employing five or fewer BERs, 10 reported employing between six and ten BERs, and 14 reported employing more than 10 BERs. BERs compose 0.1% to 43.9% of staffing relative to the total number of counseling staff throughout VR state agencies employing BERs (Porter et al., 2012). This range represents widely differing emphases on the use of BERs for employer engagement activities.

In Vermont, Creative Workforce Solutions, a system of service provision to employers and qualified workers who face challenges entering or reentering the workforce, is an example of a more comprehensive approach to employer engagement and the use of BERs. This system includes BERs; a package of work-based learning services for employers and job-seekers that includes risk-free trial employment, on-the-job training, and internships; and employer support services related to accommodations, accessibility, and training for employees.

Another emerging job-driven approach is customized training. These training programs are designed to meet the special requirements of an employer or group of employers and are typically conducted with a commitment by the employer to employ (or, in the case of incumbent workers, continue to employ) individuals upon successful completion of the training. In this approach, employers often pay a portion of the cost of the training, reducing costs for job seekers and VR agencies.

Some State VR agencies are already involved with customized training efforts. For example, the Maryland Division of Rehabilitation Services' (DORS) Workforce & Technology Center has developed customized training programs that provide short-term, intensive training for individuals not pursuing college degrees who are interested in obtaining either an industry certification or just the skills required for competitive employment at a higher entry wage. DORS' customized training programs have been developed in partnership with community colleges and employers; are based on labor market research and hiring trends, inquiries from local businesses, and requests from DORS counselors and DORS consumers (RSA, 2014).

We believe that providing training and intensive TA to VR personnel and related providers will be critical in assisting State VR agencies in successfully incorporating job-driven approaches into the VR service delivery system and in increasing employment outcomes for individuals with disabilities.

References

Obama, B.H. (2014). Presidential Memorandum on Job-Driven Training for Workers. January 30, 2014. Available at: *www.whitehouse.gov/the-press-office/2014/01/30/presidential-memorandum-job-driven-training-workers.*

Porter, E., Kwan, N., Marrone, J., & Foley, S. (2012). Demand-Side Strategies: Prevalence of Business Employment Representatives in Vocational Rehabilitation Agencies. Review VR, 1, 2012. Available at: *http://explorevr.org/files/review_vr/ReviewVR_1.pdf.*

Rehabilitation Services Administration (RSA). (2014). Emerging Practices; Maryland: Customized and Partnership Training. Available at: *https://rsa.ed.gov/emerging-practices.cfm.*

Rehabilitation Services Administration (RSA). (2012). Case Service Report. RSA 911.

U.S. Department of Labor (DOL). (2014). Economic New Release: Table A–6. Employment status of the civilian population by sex, age and disability status, not seasonally adjusted. Available at: *www.bls.gov/news.release/empsit.t06.htm.*

Proposed Priority:

The purpose of this proposed priority is to fund a cooperative agreement to establish a Job-Driven Vocational Rehabilitation Technical Assistance Center (JDVRTAC) to achieve, at a minimum, the following outcomes: (a) Improve the ability of State VR agencies to work with employers and providers of training to ensure equal access to and greater opportunities for individuals with disabilities to engage in competitive employment or training; (b) Increase the number and quality of employment outcomes in competitive, integrated settings for VR-eligible individuals with disabilities, including broadening the range of occupations for such individuals in such settings; and (c) Increase the number of VR-eligible individuals with disabilities in employer-driven job training programs.

The JDVRTAC will develop and provide training and TA to State VR agency staff and related rehabilitation professionals and service providers in the following four job-driven topic areas:

(a) Use of labor market data and occupational information to provide individuals with disabilities with the best information regarding job demand, skills matching, supports, and education, training, and career options;

(b) Disability-related consultation and services to employers related to competitive employment of individuals with disabilities (including individuals with the most significant disabilities) and strategies to recruit, train and serve employees with disabilities for the purposes of hiring, job retention, or return to work;

(c) Building and maintaining relationships with employers; and

(d) Services to providers of customized training and other types of training that are directly responsive to employer needs and hiring requirements.

Project Activities.

To meet the requirements of this priority, the JDVRTAC must, at a minimum, conduct the following activities:

Knowledge Development Activities.

(a) In the first year, collect information from the literature and from existing State and Federal programs regarding evidence-based and promising practices relevant to the work of the JDVRTAC and make this information publicly available in a searchable, accessible, and useful format. The JDVRTAC should review, at a minimum:

(1) The results of State VR agency monitoring conducted by RSA; and

(2) State VR agency program and performance data.

(b) In the first year, conduct a survey of relevant stakeholders and VR service providers to identify job-driven TA needs and a process by which TA solutions can be offered to State VR agencies and their partners. The JDVRTAC should survey, at a minimum:

(1) State VR agency staff; and

(2) Relevant RSA staff.

(c) Develop and refine four curriculum guides for VR staff training in:

(1) The use of labor market and occupational information for purposes of planning and job-matching with individuals with disabilities;

(2) Building programs of employer engagement, employer services, and program participation support services for institutions providing employer-driven training programs;

(3) Delivery of support services to providers of customized training and other job training directly responsive to employer needs and hiring requirements to promote and support the inclusion of individuals with disabilities in such training programs; and

(4) Delivery of support services to employers who hire individuals with disabilities from employer-driven training programs.

Technical Assistance and Dissemination Activities.

(a) Provide intensive TA to a minimum of 16 State VR agencies and their associated rehabilitation professionals and service providers in the four job-driven topic areas set out in this priority. The JDVRTAC must provide intensive TA to a minimum of two agencies in the first year of the project, a minimum of ten agencies in the second year of the project, and a minimum of four agencies in the third year of the project. Such TA must include:

(1) For topic area (a), how to research, understand, and use up-to-date labor market information to assist individuals with disabilities to make informed career decisions and develop vocational goals;

(2) For topic area (b)—

(i) How to research, understand, and use up-to-date labor market information to effectively communicate with and address the needs of—

(A) Employers;

(B) Job seekers with disabilities; and

(C) Employees with disabilities.

(ii) How to balance job-seeker skills and informed choice with the needs and demands of employers;

(iii) Informational resources for employers on accommodations, including assistive technology;

(iv) Effective marketing and outreach to employers, such as how best to present information about job-ready applicants to employers including what VR counselors and placement staff need to know about a specific employer and its business; and

(v) How to use occupational information resources to ensure optimal vocational guidance and counseling that result in the best fit for applicants and workers with disabilities and employers.

(3) For topic area (c), how to build and maintain partnerships with employers, looking at new or existing research about the relationship between employer practices and employment outcomes among individuals with disabilities, and promising practices for employer engagement.

(4) For topic area (d)—

(i) How to identify and access employer-driven training programs;

(ii) How to incorporate individuals with disabilities into training programs in which individuals with disabilities have been historically underrepresented; and

(iii) How to assist VR-eligible individuals with disabilities in accessing customized training or other job training that is directly responsive to employer needs and hiring requirements, including, but not limited to, training offered by providers under the Carl D. Perkins Career and Technical Education Improvement Act, H–1B Ready to Work Partnership Grants, and Trade Adjustment Assistance Community College and Career Training Grants.

(b) Provide a range of targeted and general TA products and services on the four job-driven topic areas in this priority. Such TA should include, at a minimum, the following activities:

(1) Developing and maintaining a state-of-the-art information technology (IT) platform sufficient to support Webinars, teleconferences, video conferences, and other virtual methods of dissemination of information and TA;

(2) Developing and maintaining a state-of-the-art archiving and dissemination system that provides a central location for later use of TA products, including course curricula, audiovisual materials, Webinars, examples of emerging and best practices related to the four job-driven topic areas in this notice, and any other TA products, that is open and available to the public; and

(3) Providing a minimum of two webinars or video conferences on each of the four job-driven topic areas in this notice to describe and disseminate information about emerging and best practices in each area.

Coordination Activities.

(a) Establish a community of practice that will act as a vehicle for communication, exchange of information among State VR agencies and partners, and a forum for sharing the results of TA projects that are in progress or have been completed. Such community of practice must be focused on the use of labor market and occupational information for individual planning, employer services and communication, and support of employer-driven training services;

(b) Communicate and coordinate, on an ongoing basis, with other Department-funded projects and those supported by the Departments of Labor and Commerce; and

(c) Maintain ongoing communication with the RSA project officer.

Application Requirements.

To be funded under this priority, applicants must meet the application and administrative requirements in this priority. RSA encourages innovative approaches to meet these requirements, which are:

(a) Demonstrate, in the narrative section of the application under ''Significance of the Project,'' how the proposed project will—

(1) Address State VR agencies' capacity to work with employers and providers of training to ensure equal access to and greater opportunities for individuals with disabilities to engage in competitive employment or training. To meet this requirement, the applicant must:

(i) Demonstrate knowledge of emerging and best practices in employer engagement;

(ii) Demonstrate knowledge of current RSA guidance and State and Federal initiatives designed to improve employer engagement and alignment of workforce training programs with employer needs; and

(iii) Present information about the difficulties that State VR agencies and service providers have encountered in developing effective employer engagement plans.

(2) Result in increases in both the number of VR-eligible individuals with disabilities in employer-driven job-training programs, and the number and quality of employment outcomes in competitive, integrated settings for VR-eligible individuals with disabilities, including broadening the range of occupations for such individuals in such settings.

(b) Demonstrate, in the narrative section of the application under ''Quality of Project Services,'' how the proposed project will—

(1) Achieve its goals, objectives, and intended outcomes. To meet this requirement, the applicant must provide—

(i) Measurable intended project outcomes;

(ii) A plan for how the proposed project will achieve its intended outcomes; and

(iii) A plan for communicating and coordinating with key staff in State VR agencies, State and local partner programs, providers of customized training programs and other training programs that are directly responsive to employer needs and hiring requirements, RSA partners such as the Council of State Administrators of Vocational Rehabilitation (CSAVR), the National Council of State Agencies for the Blind, CSAVR's National Employment Team, and other TA centers and relevant programs within the Departments of Education, Labor, and Commerce.

(2) Use a conceptual framework to develop project plans and activities, describing any underlying concepts, assumptions, expectations, beliefs, or theories, as well as the presumed relationships or linkages among these

variables, and any empirical support for this framework.

(3) Be based on current research and make use of evidence-based practices. To meet this requirement, the applicant must describe—

(i) The current research on the emerging and promising practices in the four job-driven topic areas in this priority;

(ii) How the current research about adult learning principles and implementation science will inform the proposed TA; and

(iii) How the proposed project will incorporate current research and evidence-based practices in the development and delivery of its products and services.

(4) Develop products and provide services that are of high quality and sufficient intensity and duration to achieve the intended outcomes of the proposed project. To address this requirement, the applicant must describe—

(i) Its proposed activities to identify or develop the knowledge base on emerging and promising practices in the four job-driven topic areas in this priority;

(ii) Its proposed approach to universal, general TA [1];

(iii) Its proposed approach to targeted, specialized TA,[2] which must identify—

(A) The intended recipients of the products and services under this approach; and

(B) Its proposed approach to measure the readiness of State VR agencies to work with the proposed project, assessing, at a minimum, their current infrastructure, available resources, and ability to effectively respond to the TA, as appropriate.

(iv) Its proposed approach to intensive, sustained TA,[3] which must identify—

(A) The intended recipients of the products and services under this approach;

(B) Its proposed approach to measure the readiness of the State VR agencies to work with the proposed project including the State VR agencies' commitment to the initiative, fit of the initiatives, current infrastructure, available resources, and ability to effectively respond to the TA, as appropriate;

(C) Its proposed plan for assisting State VR agencies to build training systems that include professional development based on adult learning principles and coaching; and

(D) Its proposed plan for developing agreements with State VR agencies to provide intensive, sustained TA. The plan must describe how the agreements will outline the purposes of the TA, the intended outcomes of the TA, and the measurable objectives of the TA that will be evaluated.

(5) Develop products and implement services to maximize the project's efficiency. To address this requirement, the applicant must describe—

(i) How the proposed project will use technology to achieve the intended project outcomes; and

(ii) With whom the proposed project will collaborate and the intended outcomes of this collaboration.

(c) Demonstrate, in the narrative section of the application under ''Quality of the Evaluation Plan,'' how the proposed project will—

(1) Measure and track the effectiveness of the TA provided. To meet this requirement, the applicant must describe its proposed approach to—

(i) Collecting data on the effectiveness of each TA activity from State VR agencies, partners, or other sources, as appropriate; and

(ii) Analyzing data and determining effectiveness of each TA activity, including any proposed standards or targets for determining effectiveness.

(2) Collect and analyze data on specific and measurable goals, objectives, and intended outcomes of the project, including measuring and tracking the effectiveness of the TA provided. To address this requirement, the applicant must describe—

(i) Its proposed evaluation methodologies, including instruments, data collection methods, and analyses; and

(ii) Its proposed standards or targets for determining effectiveness.

(iii) How it will use the evaluation results to examine the effectiveness of its implementation and its progress toward achieving the intended outcomes; and

(iv) How the methods of evaluation will produce quantitative and qualitative data that demonstrate whether the project and individual TA activities achieved their intended outcomes.

(d) Demonstrate, in the narrative section of the application under ''Adequacy of Project Resources,'' how—

(1) The proposed project will encourage applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability, as appropriate;

(2) The proposed key project personnel, consultants, and subcontractors have the qualifications and experience to provide TA to State VR agencies and their partners in each of the four job-driven topic areas described in this notice and to achieve the project's intended outcomes;

(3) The applicant and any key partners have adequate resources to carry out the proposed activities; and

(4) The proposed costs are reasonable in relation to the anticipated results and benefits.

(e) Demonstrate, in the narrative section of the application under ''Quality of the Management Plan,'' how—

(1) The proposed management plan will ensure that the project's intended outcomes will be achieved on time and within budget. To address this requirement, the applicant must describe—

(i) Clearly defined responsibilities for key project personnel, consultants, and subcontractors, as applicable; and

(ii) Timelines and milestones for accomplishing the project tasks.

(2) Key project personnel and any consultants and subcontractors will be allocated to the project and how these allocations are appropriate and adequate to achieve the project's intended outcomes, including an assurance that such personnel will have adequate availability to ensure timely communications with stakeholders and RSA;

[1] For the purposes of this priority, ''universal, general TA'' means TA and information provided to independent users through their own initiative, resulting in minimal interaction with TA center staff and including one-time, invited or offered conference presentations by TA center staff. This category of TA also includes information or products, such as newsletters, guidebooks, or research syntheses, downloaded from the TA center's Web site by independent users. Brief communications by TA center staff with recipients, either by telephone or email, are also considered universal, general TA.

[2] For the purposes of this priority, ''targeted, specialized TA'' means TA service based on needs common to multiple recipients and not extensively individualized. A relationship is established between the TA recipient and one or more TA center staff. This category of TA includes one-time, labor-intensive events, such as facilitating strategic planning or hosting regional or national conferences. It can also include episodic, less labor-intensive events that extend over a period of time, such as facilitating a series of conference calls on single or multiple topics that are designed around the needs of the recipients. Facilitating communities of practice can also be considered targeted, specialized TA.

[3] For the purposes of this priority, ''intensive, sustained TA'' means TA services often provided on-site and requiring a stable, ongoing relationship between the TA center staff and the TA recipient. ''TA services'' are defined as negotiated series of activities designed to reach a valued outcome. This category of TA should result in changes to policy, program, practice, or operations that support increased recipient capacity or improved outcomes at one or more systems levels.

(3) The proposed management plan will ensure that the products and services provided are of high quality; and

(4) The proposed project will benefit from a diversity of perspectives, including those of State and local personnel, TA providers, researchers, and policy makers, among others, in its development and operation.

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

Final Priority:

We will announce the final priority in a notice in the **Federal Register**. We will determine the final priority after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this proposed regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This proposed regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this proposed regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing this proposed priority only on a reasoned determination that its benefits would justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action would not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

We propose to fund through this priority technical assistance to State VR agencies to improve the quality of VR services and ultimately the number and quality of their employment outcomes. This proposed priority would promote the efficient and effective use of Federal funds.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you

can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: June 16, 2014.

Michael K. Yudin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2014–14390 Filed 6–18–14; 8:45 am]

BILLING CODE 4000–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1250

[FDMS No. NARA–14–0003; Agency No. NARA–2014–037]

RIN 3095–AB73

NARA Records Subject to FOIA

AGENCY: National Archives and Records Administration.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: NARA proposes to revise its regulation governing Freedom of Information Act (FOIA) access to NARA's archival holdings and NARA's own operational records. On August 5, 2013, NARA published a proposed rule in the **Federal Register** for a 60-day comment period. The public comment period closed on October 4, 2013. NARA received four sets of comments on the proposed rule. In the course of reviewing the proposed rule and addressing those comments, NARA proposed to make additional substantive revisions beyond those addressed in the comments and any administrative or plain language changes. Therefore, NARA is publishing those new substantive revisions for a second round of public comment. The revisions from both rounds of comments, and the comments received, will be compiled and addressed together when NARA publishes the final regulation.

DATES: Submit comments on or before July 21, 2014.

ADDRESSES: You may submit comments, identified by RIN 3095–AB73, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: kimberly.keravuori@nara.gov.* Include RIN 3095–AB73 in the subject line of the message.
- *Fax:* 301–837–0319.
- *Mail:* (For paper, disk, or CD–ROM submissions. Include RIN 3095–AB73 on the submission) Regulations Comments Desk, Strategy Division (SP); Suite 4100; National and Archives Records Administration; 8601 Adelphi Road; College Park, MD 20740–6001.
- *Hand delivery or courier:* Deliver comments to 8601 Adelphi Road; College Park, MD.

Instructions: All submissions received must include the agency name and Regulatory Information Number (RIN) for this rulemaking (RIN 3095–AB73). All comments received may be published without changes, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Kimberly Keravuori, by telephone at 301–837–3151, by email to *kimberly.keravuori@nara.gov,* or by mail to Kimberly Keravuori, Regulations Program Manager; Strategy Division (SP), Suite 4100; National Archives and Records Administration; 8601 Adelphi Road; College Park, MD 20740–6001.

SUPPLEMENTARY INFORMATION: On August 5, 2013, NARA published a proposed rule in the **Federal Register** (78 FR 47245) for a 60-day comment period. This proposed rule clarified which records are subject to the FOIA, NARA's authority to grant access, and made adjustments to NARA's FOIA procedures to incorporate changes resulting from the OPEN FOIA Act of 2009, the OPEN Government Act of 2007, and the Electronic Freedom of Information Act Amendments of 1996 (EFOIA).

The public comment period closed on October 4, 2013. NARA received four sets of comments on the proposed rule, three from individuals and one from the Center for Effectiveness in Government. NARA appreciates the thoughtfulness and detail reflected in the comments it received. We have reviewed all of the submitted comments, considered carefully the suggestions for revision, and made certain changes on the basis of these comments, adopting most of them in some form. During the course of revising the proposed regulation in response to comments, NARA determined that additional changes were needed to better clarify certain sections and to incorporate standard language from the Department of Justice for consistency. NARA has included those proposed changes here for public review and any additional comments.

Regulatory Analysis

This proposed rule is not a significant regulatory action for the purposes of Executive Order 12866 and has been reviewed by the Office of Management and Budget (OMB). The proposed amendment is also not a major rule as defined in 5 U.S.C. Chapter 8, Congressional Review of Agency Rulemaking. As required by the Regulatory Flexibility Act, it is hereby certified that this proposed rule will not have a significant impact on a substantial number of small entities because this regulation will affect only people and organizations who file FOIA requests with NARA. This proposed rule does not have any federalism implications.

List of Subjects in 36 CFR Part 1250

Administrative practice and procedure, Archives and records, Confidential business information, Freedom of information, Information, Records, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the National Archives and Records Administration proposes to further amend 36 CFR part 1250 from the proposed rule text published in the **Federal Register** (78 FR 47245, Aug 5, 2013) as follows:

PART 1250—NARA RECORDS SUBJECT TO FOIA

■ 1. The authority citation for part 1250 remains as follows:

Authority: 44 U.S.C. 2104(a) and 2204(3)(c)(1); 5 U.S.C. 552; E.O. 13526, 75 FR 707 and 75 FR 1013, 3 CFR, 2009 Comp., p. 298–327; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235.

§ 1250.3 [Amended]

■ 2. Amend § 1250.3 by:
■ a. Removing paragraphs (k) and (l);
■ b. Redesignating paragraphs (m) through (r) as paragraphs (k) through (p);
■ c. Redesignating paragraphs (s) through (u) as paragraphs (r) through (t);
■ d. Adding a new paragraph (q); and
■ e. Revising newly designated paragraph (r).

The addition and revision read as follows:

§ 1250.3 Definitions.

* * * * *

(q) *Representative of the news media* means a person or entity organized and operated to publish or broadcast news to the public, and that actively gathers information of potential interest to a segment of the public, uses its editorial skills to turn raw materials into a

distinct work, and distributes that work to an audience. The term ''news'' means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations that broadcast news to the public at large and publishers of periodicals, including print and online publications, that disseminate news and make their products available through a variety of means to the general public. NARA considers requests for records that support the news-dissemination function of the requester to be a non-commercial use. NARA considers ''freelance'' journalists who demonstrate a solid basis for expecting publication through a news media entity as working for that entity. A publishing contract provides the clearest evidence that a journalist expects publication; however, NARA also considers a requester's past publication record. NARA decides whether to grant a requester media status on a case-by-case basis, based on the requester's intended use.

(r) *Review* means examining documents responsive to a request to determine whether any portions of them are exempt from disclosure. Review time includes processing any record for disclosure (*i.e.,* doing all that is necessary to prepare the record for disclosure), including redacting the record and marking the appropriate FOIA exemptions.

* * * * *

■ 3. Amend § 1250.20 as follows:

■ a. Add a semi-colon and the word ''and'' to the end of paragraph (a)(3);

■ b. Add paragraph (a)(4);

■ c. Redesignate paragraphs (c) and (d) as paragraphs (d) and (e); and

■ d. Adding paragraph (c).

The addition and revision read as follows:

§ 1250.20 What do I include in my FOIA request?

* * * * *

(a) * * *

(4) Author, recipient, case number, file designation, or reference number.

* * * * *

(c) Requesters who request records about themselves must do so in accordance with the Privacy Act and our implementing regulations at 36 CFR part 1202. This includes requirements to verify identity set forth in 36 CFR 1202.40. Requesters who request records about someone other than themselves may receive greater access if they submit either a notarized certification of identity signed by the other person, or proof that the other person is deceased (*e.g.,* a copy of a death certificate or an obituary). As an exercise of its administrative discretion, NARA may require a requester to supply additional information if necessary to verify that a particular individual has consented to disclosure.

* * * * *

■ 4. Amend § 1250.28 by:

■ a. Removing the word ''or'' at the end of paragraph (a)(2);

■ b. Removing the period at the end of paragraph (a)(3) and in its place ''; or''; and

■ c. Adding paragraph (a)(4).

The addition reads as follows:

§ 1250.28 How do I request expedited processing?

(a) * * *

(4) A matter of widespread and exceptional media interest in which there exist possible questions that affect public confidence in the Government's integrity.

* * * * *

■ 5. Amend § 1250.30 by revising paragraph (c) introductory text and adding paragraph (e) to read as follows:

§ 1250.30 How will NARA respond to my request?

* * * * *

(c) NARA may withhold records in full or in part if any of the nine FOIA exemptions apply. NARA withholds information only where disclosure is prohibited by law (such as information that remains classified, or information that is specifically exempt by statute) or where NARA reasonably foresees that disclosure would cause harm to an interest protected by one of the FOIA exemptions. If NARA must withhold part of a record, NARA provides access to the rest of the information in the record. On the released portion of the record, NARA indicates the amount of information it redacted and the exemption it applied, unless including that indication would harm an interest the exemption protects. NARA may also determine that a request does not reasonably describe the records sought; the information requested is not a record subject to FOIA; the requested record does not exist, cannot be located, or has been destroyed; or the requested record is not readily reproducible in the form or format sought by the requester. Information that may be exempt from disclosure under the FOIA is:

* * * * *

(e) NARA may not withhold Presidential records subject to FOIA under 5 U.S.C. 552(b)(5) as defined in the table under paragraph (c) of this section. However, NARA may withhold Presidential records under the remaining FOIA exemptions. In addition, Presidential records may be withheld under the six PRA restrictions for a period of 12 years from when a President leaves office, in accordance with 44 U.S.C. 2204 and 36 CFR part 1270. Representatives of the current and former Presidents may also review Presidential records, and may assert constitutionally-based privileges that would prevent NARA from releasing some or all or the information requested.

■ 6. Amend § 1250.50 by revising paragraph (c)(1) to read as follows:

§ 1250.50 General information on fees.

* * * * *

(c) * * *

(1) If you have failed to pay FOIA fees in the past, we will require you to pay your past-due bill and we may also require that you pay the anticipated fee before we begin processing your request. If we estimate that your fees may be greater than $250, we may also require advance payment or a deposit before we begin processing your request. If you fail to make an advance payment within 60 calendar days after the date of NARA's fee letter, NARA will close the request.

* * * * *

■ 7. Amend § 1250.52 by revising paragraph (b) to read as follows:

§ 1250.52 FOIA fee schedule for operational records.

* * * * *

(b) *Review fees.* (1) NARA charges review fees for time we spend examining documents that are responsive to a request to determine whether we must apply any FOIA exemptions to withhold information. NARA charges review fees even if we ultimately are unable to disclose a record.

(2) The review fee is $33 per hour (or fraction thereof).

(3) NARA does not charge review fees for time we spend resolving general legal or policy issues regarding the application of exemptions. However, NARA does charge review fees for time we spend obtaining and considering any formal objection to disclosure made by a confidential commercial information submitter.

* * * * *

■ 8. Amend § 1250.56 by revising paragraphs (b)(2) and (4) and (d) and adding paragraph (e) to read as follows:

§ 1250.56 How may I request a fee waiver for operational records?

* * * * *

(b) * * *

(2) How the release will reveal meaningful information that the public does not already know about Federal Government activities. Disclosing

information that is already in the public domain, in either the same or a substantially-identical form, does not add anything new to the public's understanding of Government activities.

* * * * *

(4) Your expertise or understanding of the requested records as well as your ability and intention to effectively convey information to the public. NARA ordinarily presumes that a representative of the news media satisfies this consideration.

* * * * *

(d) Requesters should ask for waiver or reduction of fees when they first submit their requests to NARA, and should address the criteria referenced above. A requester may ask for a fee waiver at a later time while the underlying record request is still pending or during an administrative appeal.

(e) NARA may also waive (either partially or in full) or reduce fees for operational records in additional circumstances as a matter of administrative discretion.

§ 1250.74 [Amended]

■ 9. Amend § 1250.74(a) by removing the phrase ''and your right to judicial review of the decision if information is denied under a FOIA exemption''.

■ 10. Amend § 1250.82 as follows:

■ a. Redesignate paragraphs (b) through (g) as paragraphs (c) through (h); and

■ b. Revise paragraph (a);

■ c. Add a new paragraph (b); and

■ d. Revise newly redesignated paragraphs (f) and (h).

The revisions and addition read as follows:

§ 1250.82 How does NARA process FOIA requests for confidential commercial information?

* * * * *

(a) If the records are less than 10 years old, NARA reviews the records in response to a FOIA request. If NARA then believes that it should release the records under FOIA, it makes reasonable efforts to inform the submitter. The notice to the submitter describes the business information requested or includes copies of the requested records. NARA does not notify the submitter when it determines that:

(1) It must withhold the information under FOIA's exemptions;

(2) The information has been published or made available to the public; or

(3) It is required by a statute (other than the FOIA), or by a regulation issued in accordance with the requirements of Executive Order 12600, to disclose the information.

(b) If the records are 10 or more years old, NARA reviews the records in response to a FOIA request as it would any other records, and at its discretion, informs the submitter. NARA releases the records if it determines that neither Exemption 4 nor any other exemption applies.

* * * * *

(f) NARA reviews and considers all objections to release that it receives within the time limit. Any information provided by a submitter under this provision may itself be subject to disclosure under FOIA. NARA considers a submitter who fails to respond within the time period specified in the notice to have no objection to disclosure of the information. If NARA decides to release the records, it informs the submitter in writing, along with NARA's reasons for deciding to release. NARA includes with the notice copies of the records as it intends to release them. NARA also informs the submitter that it intends to release the records within a reasonable time after the date of the notice unless a U.S. District Court forbids disclosure. NARA will not consider any information it receives after the date of a disclosure decision.

* * * * *

(h) NARA notifies the requester in three circumstances:

(1) When it notifies the submitter of the opportunity to object to disclosure, or to extend the time for objecting;

(2) When it notifies the submitter of its intent to disclose the requested information; and

(3) When a submitter files a lawsuit to prevent the disclosure of the information.

Dated: June 10, 2014.

David S. Ferriero,

Archivist of the United States.

[FR Doc. 2014–14114 Filed 6–18–14; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 4

[K00103 12/13 A3A10; 134D0102DR–DS5A300000–DR.5A311.IA000113]

RIN 1094–AA54

Hearing and Re-Petition Authorization Processes Concerning Acknowledgment of American Indian Tribes

AGENCY: Office of the Secretary, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule revises the process and criteria for Federal acknowledgment of Indian tribes. This rulemaking would establish procedures for a new category of expedited hearing for petitioners who receive a negative proposed finding for Federal acknowledgment and request a hearing. This rule would also establish procedures for a new re-petition authorization process for petitioners whose petitions have been denied. This proposed rule is related to a Bureau of Indian Affairs proposed rule that would revise processing of petitions for Federal acknowledgment of Indian tribes.

DATES: Comments on this rule must be received by August 18, 2014.

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

—*Federal rulemaking portal: http://www.regulations.gov.*

—*Email: karl_johnson@oha.doi.gov.* Include the number 1094–AA54 in the subject line.

—*Mail* or *hand delivery:* Karl Johnson, Office of Hearings and Appeals, Departmental Cases Hearings Division, U.S. Department of the Interior, 351 S. West Temple, Suite 6.300, Salt Lake City, UT 84101. Include the number 1094–AA54 on the envelope.

Please note that we will not consider or include in the docket for this rulemaking any comments received after the close of the comment period (see **DATES**) or any comments sent to an address other than those listed above.

FOR FURTHER INFORMATION CONTACT: Karl Johnson, Senior Attorney, Office of Hearings and Appeals, Departmental Cases Hearings Division, (801) 524–5344; *karl_johnson@oha.doi.gov.* You may review the information collection request online at *http://www.reginfo.gov.* Follow the instructions to review Department of the Interior collections under review by OMB.

SUPPLEMENTARY INFORMATION: This proposed rule is being published in connection with a Bureau of Indian Affairs proposed rule that would comprehensively revise 25 CFR part 83 to improve the processing of petitions for Federal acknowledgment of Indian tribes. The BIA proposed rule published on May 29, 2014 (79 FR 30766). These improvements include granting the petitioner the ability to request a hearing before an Office of Hearings and Appeals (OHA) judge if the petitioner receives a negative proposed finding on Federal acknowledgment from the Office of Federal Acknowledgment (OFA). The hearing process culminates

in the judge's issuance of a recommended decision on Federal acknowledgment for consideration by the Assistant Secretary—Indian Affairs.

This proposed rule would not change the ''reasonable likelihood'' burden of proof standard in 25 CFR 83.10(a) for determining whether the facts claimed by the petitioner are valid and that the criteria for Federal acknowledgment have been met. In the acknowledgment context, courts have examined whether the Department correctly applied the ''reasonable likelihood'' standard but have not articulated what the standard actually requires. *Muwekma Ohlone Tribe* v. *Salazar,* 708 F.3d 209, 220–21 (D.C. Cir. 2013). Instead, they have only stated that ''conclusive proof'' or ''conclusive evidence'' is not required. *Id. at* 212. The proposed rule would incorporate the Supreme Court's clarification—arising from criminal cases in which jury instructions are challenged—that satisfaction of the ''reasonable likelihood'' standard does not require proof that a claimed fact is ''more likely than not'' to be true. *Boyde* v. *California,* 494 U.S. 370, 380 (1990).

This proposed rule is patterned to a large extent after the procedural regulations at 43 CFR part 45, which contain very strict time constraints on procedures and unusual procedural requirements to expedite the process to comply with a statutory time limit. Compliance with these procedures can be onerous for the parties and the judge. The proposed rule would employ similar but less strict time constraints to achieve a proper balance between speed and adequate development and consideration of the issues.

One of the unusual procedures incorporated into the proposed rule is the requirement to submit direct testimony in writing before the hearing to shorten the length of the hearing. See proposed § 4.1042(a). The hearing would generally be limited to cross-examination of witnesses (and any re-direct and re-cross examination).

While there is no statutory time limit governing the proposed hearing process for petitions for Federal acknowledgment, there is still a substantial need to resolve those petitions expeditiously. Therefore, issuance of a recommended decision completing the hearing process would be required within 180 days of initiation of the process unless the judge finds good cause for extending this deadline.

In our experience, full administrative adjudications involving prehearing conferences, discovery, motions, an evidentiary hearing, briefing, and a decision often take over a year to complete, especially if the case involves multiple parties and complex issues. Shortening this process to 180 days will be a substantial challenge for the parties and the judge, and will require adherence to fairly stringent procedural limits and deadlines.

Comments are welcome on any revisions to these regulations that might better balance the parties' need for an adequate opportunity to prepare and present their cases and the substantial need to resolve each petition as expeditiously as possible. More particularly, comments are invited addressing the propriety of requiring direct testimony to be submitted in writing before the hearing and setting a 180-day time limit for completion of the hearing process and issuance of a recommended decision.

Under this proposed rule, the 180-day period for the hearing process would commence when we issue the docketing notice after receiving the referral notice and record from OFA, and would end when the judge issues a recommended decision. During that period, at least one prehearing conference would be held; discovery would be conducted as approved by the judge or agreed to by the parties; evidence, including direct written testimony and oral cross-examination, would be presented at a hearing; post-hearing briefs would be filed; and a recommended decision would be issued by the judge. Any person or organization may file a motion to intervene in the hearing process. Upon a proper showing of interest or other factors, the judge may grant intervention.

This proposed rule also includes summary decision procedures, i.e., procedures for issuing a recommended decision without a hearing based on the absence of any genuine disputed issue of material fact in the record. We invite comments on whether the final rule should include summary decision procedures.

We also request comments on the following questions: (1) Who is an appropriate OHA judge to preside over the hearing process and issue a recommended decision on Federal acknowledgment or over the re-petition authorization process and issue a final decision on whether re-petitioning is authorized—an administrative law judge appointed under 5 U.S.C. 3105, an administrative judge with OHA, or an attorney designated by the OHA Director to serve as the OHA judge (the proposed rule defines ''OHA judge'' broadly to include all three); (2) whether the factual basis for the OHA judge's decision should be limited to the hearing record; and (3) whether the hearing record should include all evidence in OFA's administrative record for the petition or be limited to testimony and exhibits specifically identified by the petitioner and OFA.

Procedural Requirements

A. Regulatory Planning and Review (E.O. 12866 and 13563)

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget (OMB) will review all significant rules. OIRA has determined that this rule is not significant.

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The E.O. directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

B. Regulatory Flexibility Act

The Department of the Interior certifies that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

C. Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. It will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year. The rule's requirements will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Nor will this rule have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of the U.S.-based enterprises to compete with foreign-based enterprises because the rule is limited to Federal acknowledgment of Indian tribes.

D. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

E. Takings (E.O. 12630)

Under the criteria in Executive Order 12630, this rule does not affect individual property rights protected by the Fifth Amendment nor does it involves a compensable ''taking.'' A takings implication assessment is therefore not required.

F. Federalism (E.O. 13132)

Under the criteria in Executive Order 13132, this rule has no substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

G. Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of Executive Order 12988. Specifically, this rule has been reviewed to eliminate errors and ambiguity and written to minimize litigation; and is written in clear language and contains clear legal standards.

H. Consultation With Indian Tribes (E.O. 13175)

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments,'' 59 FR 22951 (May 4, 1994), supplemented by Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, 65 FR 67249 (Nov. 6, 2000), and 512 DM 2, the Department has assessed the impact of this rule on Tribal trust resources and has determined that it does not directly affect Tribal resources. The rules are procedural and administrative in nature. However, the Department has consulted with federally recognized Indian tribes regarding the companion proposed rule being published concurrently by the BIA. That rule is an outgrowth of the ''Discussion Draft'' of the Federal acknowledgment rule, which the Department distributed to federally recognized Indian tribes in June 2013, and on which the Department hosted five consultation sessions with federally recognized Indian tribes throughout the country in July and August 2013. Several federally recognized Indian tribes submitted written comments on that rule. The Department considered each tribe's comments and concerns and has addressed them, where possible. The Department will continue to consult on that rule during the public comment period and tribes are encouraged to provide feedback on this proposed rule during those sessions as well.

I. Paperwork Reduction Act

The information collection requirements are subject to an exception under 25 CFR part 1320 and therefore are not covered by the Paperwork Reduction Act.

J. National Environmental Policy Act

This rule does not constitute a major Federal action significantly affecting the quality of the human environment because it is of an administrative, technical, and procedural nature. *See* 43 CFR 46.210(i). No extraordinary circumstances exist that would require greater review under the National Environmental Policy Act.

K. Effects on the Energy Supply (E.O. 13211)

This rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required.

L. Clarity of This Regulation

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(a) Be logically organized;

(b) Use the active voice to address readers directly;

(c) Use clear language rather than jargon;

(d) Be divided into short sections and sentences; and

(e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in the ''COMMENTS'' section. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you believe lists or tables would be useful, etc.

M. Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

List of Subjects in 43 CFR Part 4, Subpart K

Administrative practice and procedure, Hearing and re-petition authorization procedures, Indians-tribal government.

For the reasons stated in the preamble, the Department of the Interior, Office of the Secretary, proposes to amend 43 CFR part 4 as follows:

PART 4—DEPARTMENT HEARINGS AND APPEALS PROCEDURES

■ 1. The authority for part 4 continues to read as follows:

Authority: 5 U.S.C. 301, 503–504; 25 U.S.C. 9, 372–74, 410, 2201 *et seq.;* 43 U.S.C. 1201, 1457; Pub. L. 99–264, 100 Stat. 61, as amended.

■ 2. Add Subpart K to read as follows:

Subpart K—Hearing and Re-Petition Authorization Processes Concerning Acknowledgment of American Indian Tribes

General Provisions

Sec.

4.1001 What terms are used in this subpart?
4.1002 What is the purpose of this subpart?
4.1003 Which general rules of procedure and practice do not apply?
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Representatives

4.1010 Who may represent a party, and what requirements apply to a representative?

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4.1011 What are the form and content requirements for documents under this subpart?
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Judge's Powers, Unavailability, Disqualification, and Communications

4.1014 What are the powers of the judge?
4.1015 What happens if the judge becomes unavailable?
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Motions

4.1018 What are the requirements for motions?

Hearing Process

Docketing, Intervention, Prehearing Conferences, and Summary Decision

4.1020 What will OHA do upon receiving the record from OFA?
4.1021 What are the requirements for motions for intervention?
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4.1030 What are the requirements for OFA's witness and exhibit list?
4.1031 How may parties obtain discovery of information needed for the case?
4.1032 When must a party supplement or amend information it has previously provided?
4.1033 What are the requirements for written interrogatories?
4.1034 What are the requirements for depositions?
4.1035 How can parties request documents, tangible things, or entry on land?
4.1036 What sanctions may the judge impose for failure to comply with discovery?
4.1037 What are the requirements for subpoenas and witness fees?

Hearing, Briefing, and Decision

4.1040 When and where will the hearing be held?
4.1041 What are the parties' rights during the hearing?
4.1042 What are the requirements for presenting testimony?
4.1043 How may a party use a deposition in the hearing?
4.1044 What are the requirements for exhibits, official notice, and stipulations?
4.1045 What evidence is admissible at the hearing?
4.1046 What are the requirements for transcription of the hearing?
4.1047 What is the standard of proof?
4.1048 When will the hearing record close?
4.1049 What are the requirements for post-hearing briefs?
4.1050 What are the requirements for the judge's recommended decision?

Re-Petition Authorization Process

4.1060 How does an unsuccessful petitioner request authorization to re-petition for Federal acknowledgment?
4.1061 What will OHA do with a request?
4.1062 What can the judge do?
4.1063 When will the judge allow a re-petition?

Authority: 5 U.S.C. 301; 25 U.S.C. 2, 9, 479a–1.

General Provisions

§ 4.1001 What terms are used in this subpart?

As used in this subpart:

Assistant Secretary means the Assistant Secretary—Indian Affairs within the Department of the Interior, or that officer's authorized representative, but does not include representatives of the Office of Federal Acknowledgment.

Day means a calendar day.

Department means the Department of the Interior, including the Assistant Secretary and OFA.

Discovery means a prehearing process for obtaining facts or information to assist a party in preparing or presenting its case.

Ex parte communication means an oral or written communication to the judge that is made without providing all parties reasonable notice and an opportunity to participate.

Full intervenor means a person granted leave by the judge to intervene as a full party under § 4.1021.

Hearing process means the process by which OHA handles a case forwarded to OHA by OFA pursuant to 25 CFR 83.39(a), from receipt to issuance of a recommended decision as to whether the petitioner should be acknowledged as a federally recognized Indian tribe for purposes of federal law.

Judge means an administrative law judge appointed under 5 U.S.C. 3105, an administrative judge, or an attorney-advisor with the Office of Hearings and Appeals assigned to preside over the hearing process under this subpart by the Office of Hearings and Appeals.

OFA means the Office of Federal Acknowledgment within the Office of the Assistant Secretary—Indian Affairs, Department of the Interior.

OHA means the Office of Hearings and Appeals, Department of the Interior.

Party means the petitioner or unsuccessful petitioner (as appropriate), OFA, or a full intervenor.

Person means an individual; a partnership, corporation, association, or other legal entity; an unincorporated organization; and any federal, state, tribal, county, district, territorial, or local government or agency.

Petitioner means an entity that has submitted a documented petition to OFA requesting Federal acknowledgment as a federally recognized Indian tribe under 25 CFR part 83 and has elected to have a hearing under 25 CFR 83.38.

Re-petition authorization process means the process by which OHA handles a request for re-petitioning filed with OHA by an unsuccessful petitioner under 25 CFR 83.4(b), from receipt to issuance of a decision as to whether the unsuccessful petitioner is authorized to re-petition for acknowledgment as a federally recognized Indian tribe.

Representative means a person who:

(1) Is authorized by a party to represent the party in a hearing process or re-petition authorization process under this subpart; and

(2) Has filed an appearance under § 4.1010.

Secretary means the Secretary of the Interior or his or her designee.

Senior Department employee has the same meaning as the term ''senior employee'' in 5 CFR 2637.211(a).

Unsuccessful petitioner means an entity that was denied Federal acknowledgment after petitioning under a version of the acknowledgment regulations at part 54 or part 83 of title 25 in effect prior to [EFFECTIVE DATE OF FINAL RULE].

§ 4.1002 What is the purpose of this subpart?

(a) To obtain acknowledgment as an Indian tribe for purposes of Federal law and therefore entitlement to a government-to-government relationship with the United States, an entity may file a petition with the OFA under 25 CFR 83.20. If OFA issues a negative proposed finding, the petitioner may elect to have a hearing under 25 CFR 83.38(a) before a judge who will issue a recommended decision under 25 CFR 83.39(d). These regulations contain rules of practice and procedure applicable to the hearing process referred to in 25 CFR 83.38(a) and 83.39.

(b) Under 25 CFR 83.4(b), an unsuccessful petitioner may seek authorization from a judge to re-petition for acknowledgment. These regulations also contain rules of practice and procedure applicable to the re-petition authorization process.

(c) This subpart will be construed and applied to each hearing process or re-petition authorization process to achieve a just and speedy determination, consistent with adequate consideration of the issues involved.

§ 4.1003 Which rules of procedure and practice apply?

(a) Notwithstanding the provisions of § 4.20, the general rules in 43 CFR part 4, subpart B, do not apply to the hearing process or the re-petition authorization process under this subpart.

(b) The provisions of §§ 4.1001, 4.1002, and 4.1004 through 4.1018 apply to both the hearing process and the re-petition authorization process.

(c) The provisions of §§ 4.1020 through 4.1050 apply to:

(1) The hearing process; and

(2) The re-petition authorization process to the extent, if any, that the judge determines that they apply in whole or in part.

(d) The provisions of §§ 4.1060 through 4.1063 apply to the re-petition authorization process.

§ 4.1004 How are time periods computed?

(a) *General.* Time periods are computed as follows:

(1) The day of the act or event from which the period begins to run is not included.

(2) The last day of the period is included.

(i) If that day is a Saturday, Sunday, or other day on which the Federal government is closed for business, the period is extended to the next business day.

(ii) The last day of the period ends at 5 p.m. at the place where the filing or other action is due.

(3) If the period is less than 7 days, any Saturday, Sunday, or other day on which the Federal government is closed for business that falls within the period is not included.

(b) *Extensions of time.* (1) No extension of time can be granted to file a motion for intervention under § 4.1021.

(2) An extension of time to file any other document under this subpart may be granted only upon a showing of good cause.

(i) To request an extension of time, a party must file a motion under § 4.1018 stating how much additional time is needed and the reasons for the request.

(ii) The party must file the motion before the applicable time period expires, unless the party demonstrates extraordinary circumstances that justify a delay in filing.

(iii) The judge may grant the extension only if:

(A) It would not unduly prejudice other parties; and

(B) It would not delay the recommended decision under § 4.1050.

Representatives

§ 4.1010 Who may act as a party's representative, and what requirements apply to a representative?

(a) *Individuals.* A party who is an individual may either act as his or her own representative in the hearing process or re-petition authorization process under this subpart or authorize an attorney to act as his or her representative.

(b) *Organizations.* A party that is an organization or other entity may authorize one of the following to act as its representative:

(1) An attorney;

(2) A partner, if the entity is a partnership;

(3) An officer or full-time employee, if the entity is a corporation, association, or unincorporated organization;

(4) A receiver, administrator, executor, or similar fiduciary, if the entity is a receivership, trust, or estate; or

(5) An elected or appointed official or an employee, if the entity is a federal, state, tribal, county, district, territorial, or local government or component.

(c) *OFA.* OFA's representative will be an attorney from the Office of the Solicitor.

(d) *Appearance.* A representative must file a notice of appearance. The notice must:

(1) Meet the form and content requirements for documents under § 4.1011;

(2) Include the name and address of the person on whose behalf the appearance is made;

(3) If the representative is an attorney (except for an attorney with the Office of the Solicitor), include a statement that he or she is a member in good standing of the bar of the highest court of a state, the District of Columbia, or any territory or commonwealth of the United States (identifying which one); and

(4) If the representative is not an attorney, include a statement explaining his or her authority to represent the entity.

(d) *Disqualification.* The judge may disqualify any representative for misconduct or other good cause.

Document Filing and Service

§ 4.1011 What are the form and content requirements for documents under this subpart?

(a) *Form.* Each document filed in a case under this subpart must:

(1) Measure 8½ by 11 inches, except that a table, chart, diagram, or other attachment may be larger if folded to 8½ by 11 inches and attached to the document;

(2) Be printed on just one side of the page;

(3) Be clearly typewritten, printed, or otherwise reproduced by a process that yields legible and permanent copies;

(4) Use 12-point font size or larger;

(5) Be double-spaced except for footnotes and long quotations, which may be single-spaced;

(6) Have margins of at least 1 inch; and

(7) Be bound on the left side, if bound.

(b) *Caption.* Each document must begin with a caption that includes:

(1) The name of the case under this subpart and the docket number, if one has been assigned;

(2) The name and docket number of the proceeding to which the case under this subpart relates; and

(3) A descriptive title for the document, indicating the party for whom it is filed and the nature of the document.

(c) *Signature.* The original of each document must be signed by the representative of the person for whom the document is filed. The signature constitutes a certification by the representative that:

(1) He or she has read the document;

(2) The statements in the document are true to the best of his or her knowledge, information, and belief; and

(3) The document is not being filed for the purpose of causing delay.

(d) *Contact information.* Below the representative's signature, the document must provide the representative's name, mailing address, street address (if different), telephone number, facsimile number (if any), and electronic mail address (if any).

§ 4.1012 Where and how must documents be filed?

(a) *Place of filing.* Any documents relating to a case under this subpart must be filed with the Office of the Director, OHA. The OHA Director's Office's address, telephone number, and facsimile number are set forth at *www.doi.gov/oha/about-oha-director.cfm.*

(b) *Method of filing.* (1) A document must be filed with OHA using one of the following methods:

(i) By hand delivery of the original document;

(ii) By sending the original document by express mail or courier service for delivery on the next business day; or

(iii) By sending the document by facsimile if:

(A) The document is 20 pages or less, including all attachments;

(B) The sending facsimile machine confirms that the transmission was successful; and

(C) The original of the document is sent by regular mail on the same day.

(2) Parties are encouraged, but not required, to supplement any filing by providing the appropriate office with an electronic copy of the document on compact disc.

(c) *Date of filing.* A document under this subpart is considered filed on the date it is received. However, any document received by OHA after 5 p.m. is considered filed on the next regular business day.

(d) *Nonconforming documents.* If any document submitted for filing under this subpart does not comply with the requirements of this subpart or any applicable order, it may be rejected. If the defect is minor, the filer may be notified of the defect and given a chance to correct it.

§ 4.1013 How must documents be served?

(a) *Filed documents.* Any document related to a case under this subpart must be served at the same time the document is delivered or sent for filing. Copies must be served on each party, using one of the methods of service in paragraph (c) of this section.

(b) *Documents issued by OHA or the judge.* A complete copy of any notice, order, decision, or other document issued by OHA or the judge under this subpart must be served on each party, using one of the methods of service in paragraph (c) of this section.

(c) *Method of service.* Service must be accomplished by one of the following methods:

(1) By hand delivery of the document;

(2) By sending the document by express mail or courier service for delivery on the next business day; or

(3) By sending the document by facsimile if:

(i) The document is 20 pages or less, including all attachments;

(ii) The sending facsimile machine confirms that the transmission was successful; and

(iii) The document is sent by regular mail on the same day.

(d) *Certificate of service.* A certificate of service must be attached to each document filed under this subpart. The certificate must be signed by the serving party's representative and include the following information:

(1) The name, address, and other contact information of each party's representative on whom the document was served;

(2) The means of service, including information indicating compliance with paragraph (c)(3) or (c)(4) of this section, if applicable; and

(3) The date of service.

Judge's Powers, Unavailability, Disqualification, and Communications

§ 4.1014 What are the powers of the judge?

The judge has all powers necessary to conduct the hearing process or the re-petition authorization process in a fair, orderly, expeditious, and impartial manner, including the powers to:

(a) Administer oaths and affirmations;

(b) Issue subpoenas to the extent authorized by law;

(c) Rule on motions;

(d) Authorize discovery as provided for in this subpart;

(e) Hold hearings and conferences;

(f) Regulate the course of hearings;

(g) Call and question witnesses;

(h) Exclude any person from a hearing or conference for misconduct or other good cause;

(i) Issue a recommended decision for the hearing process or a final decision for the re-petition authorization process; and

(j) Take any other action authorized by law.

§ 4.1015 What happens if the judge becomes unavailable?

(a) If the judge becomes unavailable or otherwise unable to perform the duties described in § 4.1014, OHA will designate a successor.

(b) If a hearing has commenced and the judge cannot proceed with it, a successor judge may do so. At the request of a party, the successor judge may recall any witness whose testimony is material and disputed, and who is available to testify again without undue burden. The successor judge may, within his or her discretion, recall any other witness.

§ 4.1016 When can a judge be disqualified?

(a) The judge may withdraw from a case at any time the judge deems himself or herself disqualified.

(b) At any time before issuance of the judge's decision, any party may move that the judge disqualify himself or herself for personal bias or other valid cause.

(1) The party must file the motion promptly after discovering facts or other reasons allegedly constituting cause for disqualification.

(2) The party must file with the motion an affidavit or declaration setting forth the facts or other reasons in detail.

(c) The judge must rule upon the motion, stating the grounds for the ruling.

(1) If the judge concludes that the motion is timely and meritorious, he or she must disqualify himself or herself and withdraw from the case.

(2) If the judge does not disqualify himself or herself and withdraw from the case, the judge must continue with the hearing process or re-petition authorization process and issue a decision.

§ 4.1017 Are ex parte communications allowed?

(a) Ex parte communications with the judge or his or her staff are prohibited in accordance with 5 U.S.C. 554(d).

(b) This section does not prohibit ex parte inquiries concerning case status or procedural requirements, unless the inquiry involves an area of controversy in the hearing process or re-petition authorization process.

§ 4.1018 What are the requirements for motions?

(a) *General.* Any party may apply for an order or ruling on any matter related to the hearing process or re-petition authorization process by presenting a motion to the judge. A motion may be presented any time after OHA issues the docketing notice.

(1) A motion made at a hearing may be stated orally on the record, unless the judge directs that it be written.

(2) Any other motion must:

(i) Be in writing;

(ii) Comply with the requirements of this subpart with respect to form, content, filing, and service; and

(iii) Not exceed 10 pages.

(b) *Content.* (1) Each motion must state clearly and concisely:

(i) Its purpose and the relief sought;

(ii) The facts constituting the grounds for the relief sought; and

(iii) Any applicable statutory or regulatory authority.

(2) A proposed order must accompany the motion.

(c) *Response.* Except as otherwise required by this subpart or by order of the judge, any other party may file a response to a written motion within 14 days after service of the motion. When a party presents a motion at a hearing, any other party may present a response orally on the record.

(d) *Reply.* Unless the judge orders otherwise, no reply to a response may be filed.

(e) *Effect of filing.* Unless the judge orders otherwise, the filing of a motion does not stay the hearing process.

(f) *Ruling.* The judge will rule on the motion as soon as feasible, either orally on the record or in writing. The judge may summarily deny any dilatory, repetitive, or frivolous motion.

Hearing Process

Docketing, Intervention, Prehearing Conferences, and Summary Decision

§ 4.1020 What will OHA do upon receiving the record from OFA?

Within 5 days after issuance of the referral notice under 25 CFR 83.39(a) the actions required by this section must be taken.

(a) OHA must:

(1) Docket the case;

(2) Assign a judge to preside over the hearing process and issue a recommended decision; and

(3) Issue a docketing notice that informs the parties of the docket number and the judge assigned to the case.

(b) The judge assigned under paragraph (a)(2) of this section must issue a notice setting the time, place,

and method for conducting an initial prehearing conference under § 4.1022(a). This notice may be combined with the docketing notice under paragraph (a)(3) of this section.

§ 4.1021 What are the requirements for motions for intervention and responses?

(a) *General.* A person may file a motion for intervention within 15 days after issuance of the referral notice under 25 CFR 83.39(a).

(b) *Content of the motion.* The motion for intervention must contain the following:

(1) A statement setting forth the interest of the person and, if the person seeks intervention under paragraph (d) of this section, a showing of why that interest may be adversely affected by the final determination of the Assistant Secretary under 25 CFR 83.43;

(2) An explanation of the person's position with respect to the issues of material fact raised in the election of hearing in no more than two pages; and

(3) A list of the witnesses and exhibits the person intends to present at the hearing, other than solely for impeachment purposes, including:

(A) For each witness listed, his or her name, address, telephone number, and qualifications and a brief narrative summary of his or her expected testimony; and

(B) For each exhibit listed, a statement specifying whether the exhibit is in the administrative record reviewed by OFA.

(c) *Timing of response to a motion.* Any response to a motion for intervention must be filed by a party within 7 days after service of the motion.

(d) *Intervention of right.* The judge will grant intervention where the person has an interest that may be adversely affected by the Assistant Secretary's final determination under 25 CFR 83.43.

(e) *Permissive Intervention.* If paragraph (d) of this section does not apply, the judge will consider the following in determining whether intervention is appropriate:

(1) The nature of the issues;

(2) The adequacy of representation of the person's interest which is provided by the existing parties to the proceeding;

(3) The ability of the person to present relevant evidence and argument; and

(4) The effect of intervention on the Department's implementation of its statutory mandates.

(f) *How an intervenor may participate.* (1) A person granted leave to intervene under paragraph (d) of this section may participate as a full party or in a capacity less than that of a full party.

(2) If the intervenor wishes to participate in a limited capacity or if the intervenor is granted leave to intervene under paragraph (e) of this section, the extent and the terms of the participation will be determined by the judge.

(3) An intervenor may not raise issues of material fact beyond those raised in the election of hearing under 25 CFR 83.38(a)(1).

§ 4.1022 How are prehearing conferences conducted?

(a) *Initial prehearing conference.* The judge will conduct an initial prehearing conference with the parties at the time specified in the docketing notice under § 4.1020, within 35 days after issuance of the docketing notice.

(1) The initial prehearing conference will be used:

(i) To identify, narrow, and clarify the disputed issues of material fact and exclude issues that do not qualify for review as factual, material, and disputed;

(ii) To consider the parties' motions for discovery under § 4.1031 and to set a deadline for the completion of discovery;

(iii) To discuss the evidence on which each party intends to rely at the hearing;

(iv) To set the deadline for submission of written testimony under § 4.1042; and

(v) To set the date, time, and place of the hearing.

(2) The initial prehearing conference may also be used:

(i) To discuss limiting and grouping witnesses to avoid duplication;

(ii) To discuss stipulations of fact and of the content and authenticity of documents;

(iii) To consider requests that the judge take official notice of public records or other matters;

(iv) To discuss the submission of written testimony, briefs, or other documents in electronic form; and

(v) To consider any other matters that may aid in the disposition of the case.

(b) *Other conferences.* The judge may direct the parties to attend one or more other prehearing conferences, if consistent with the need to complete the hearing process within 180 days. Any party may by motion request a conference.

(c) *Notice.* The judge must give the parties reasonable notice of the time and place of any conference. A conference will ordinarily be held by telephone, unless the judge orders otherwise.

(d) *Representatives' preparation and authority.* Each party's representative must be fully prepared during the prehearing conference for a discussion of all procedural and substantive issues properly raised. The representative must be authorized to commit the party that he or she represents respecting those issues.

(e) *Parties' Meeting.* Before the initial prehearing conference, the parties' representatives must make a good faith effort:

(1) To meet in person, by telephone, or by other appropriate means; and

(2) To reach agreement on discovery and the schedule of remaining steps in the hearing process.

(f) *Failure to attend.* Unless the judge orders otherwise, a party that fails to attend or participate in a conference, after being served with reasonable notice of its time and place, waives all objections to any agreements reached in the conference and to any consequent orders or rulings.

(g) *Scope.* During a conference, the judge may dispose of any procedural matters related to the case.

(h) *Order.* Within 3 days after the conclusion of each conference, the judge must issue an order that recites any agreements reached at the conference and any rulings made by the judge during or as a result of the conference.

§ 4.1023 What are the requirements for motions for summary decision and responses?

(a) *Timing of motion.* At any time after OHA issues a docketing notice under § 4.1020, a party may file a motion for summary decision on all or part of the proceeding.

(b) *Motion requirements.* The party filing a motion for summary decision must:

(1) Concisely state the material facts that the party contends are undisputed;

(2) Verify those facts with supporting affidavits or declarations, depositions, answers to interrogatories, admissions, documents produced on request, or other documentation;

(3) Include references to the specific portions of the record that verify those facts; and

(4) State why the party is entitled to summary decision as a matter of law.

(c) *Response requirements.* If a motion for summary decision is properly made and supported, an opposing party may not rely merely on allegations or denials in its own pleading; rather, its response must either:

(1) State why the moving party is not entitled to summary decision as a matter of law; or

(2) Do all of the following:

(i) Concisely state the material facts which the opposing party contends are disputed;

(ii) Verify that those facts are disputed with supporting affidavits or declarations, depositions, answers to interrogatories, admissions, documents produced on request, or other documentation; and

(iii) Include references to the specific portions of the record that verify that those facts are disputed.

(d) *Establishing facts.* All material facts set forth by the moving party and properly supported by an accurate reference to the record will be taken as true for the purpose of summary decision unless specifically controverted by the opposing party's response. Alternatively, the material facts for the purpose of summary decision may be established by an agreement of the parties enumerating those facts.

(e) *Affidavits.* A supporting or opposing affidavit must be made on personal knowledge, set out facts that would be admissible in evidence, and show that the affiant is competent to testify on the matters stated. If a document or part of a document is referred to in an affidavit, a copy must be filed with the affidavit unless the document is longer than 10 pages, the document is already in the record, and the affidavit specifies the location of the document in the record.

(f) *When affidavits are unavailable.* If a party opposing the motion shows by affidavit that, for specified reasons, it cannot present facts essential to justify its opposition, the judge may:

(1) Deny the motion for summary decision;

(2) Order a continuance to enable affidavits to be obtained, depositions to be taken, or other discovery to be undertaken; or

(3) Issue any other just order.

(g) *Standards for decision.* The judge may grant summary decision under this section if the record (including the pleadings, affidavits or declarations, depositions, answers to interrogatories, admissions, documents produced on request, and other documentation) shows that:

(1) There is no genuine disputed issue as to any material fact; and

(2) The moving party is entitled to summary decision as a matter of law.

(h) *Proceeding not fully adjudicated on the motion.* If summary decision is not rendered on the whole proceeding, the judge should, to the extent feasible, determine and specify by order what material facts are not genuinely disputed. The facts so specified must be treated as established in the proceeding.

Information Disclosure and Discovery

§ 4.1030 What are the requirements for OFA's witness and exhibit list?

Within 14 days after issuance of the referral notice under 25 CFR 83.39(a), OFA must file a list of the witnesses and exhibits it intends to present at the hearing, other than solely for impeachment purposes, including:

(a) For each witness listed, his or her name, address, telephone number, qualifications, and a brief narrative summary of his or her expected testimony; and

(b) For each exhibit listed, a statement specifying whether the exhibit is in the administrative record reviewed by OFA.

§ 4.1031 How may parties obtain discovery of information?

(a) *General.* By agreement of the parties or with the permission of the judge, a party may obtain discovery of information to assist in preparing or presenting its case. Available methods of discovery are:

(1) Written interrogatories;

(2) Depositions as provided in paragraph (h) of this section; and

(3) Requests for production of designated documents or tangible things or for entry on designated land for inspection or other purposes.

(b) *Criteria.* Discovery may occur only as agreed to by the parties or as authorized by the judge in a written order or during a prehearing conference. The judge may authorize discovery only if the party requesting discovery demonstrates:

(1) That the discovery will not unreasonably delay the hearing process;

(2) That the scope of the discovery is not unduly burdensome;

(3) That the method to be used is the least burdensome method available;

(4) That any trade secrets or proprietary information can be adequately safeguarded;

(5) That the standards for discovery under paragraphs (f) through (h) of this section have been met, if applicable; and

(6) That the information sought:

(i) Will be admissible at the hearing or appears reasonably calculated to lead to the discovery of admissible evidence;

(ii) Is not otherwise obtainable by the party;

(iii) Is not cumulative or repetitious; and

(iv) Is not privileged or protected from disclosure by applicable law.

(c) *Motions.* A party may initiate discovery:

(1) Pursuant to an agreement of the parties; or

(2) By filing a motion that:

(i) Briefly describes the proposed methodology, purpose, and scope of the discovery;

(ii) Explains how the discovery meets the criteria in paragraphs (b)(1) through (b)(6) of this section; and

(iii) Attaches a copy of any proposed discovery request (written interrogatories, notice of deposition, or request for production of designated documents or tangible things or for entry on designated land).

(d) *Timing of motions.* Any discovery motion under paragraph (c)(2) of this section must be filed:

(1) Within 20 days after issuance of the docketing notice under § 4.1020 if the discovery sought is between the petitioner and OFA; and

(2) Within 30 days after issuance of the docketing notice under § 4.1020 if the discovery sought is between a full intervenor and another party.

(e) *Objections.* (1) A party must file any objections to a discovery motion or to specific portions of a proposed discovery request within 10 days after service of the motion.

(2) An objection must explain how, in the objecting party's view, the discovery sought does not meet the criteria in paragraphs (b)(1) through (b)(6) of this section.

(f) *Materials prepared for hearing.* A party generally may not obtain discovery of documents and tangible things otherwise discoverable under paragraph (b) of this section if they were prepared in anticipation of or for the hearing by or for another party's representative (including the party's attorney, expert, or consultant).

(1) If a party wants to discover these materials, it must show:

(i) That it has substantial need of the materials in preparing its own case; and

(ii) That the party is unable without undue hardship to obtain the substantial equivalent of the materials by other means.

(2) In ordering discovery of these materials when the required showing has been made, the judge must protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of an attorney.

(g) *Experts.* Unless restricted by the judge, a party may discover any facts known or opinions held by an expert concerning any relevant matters that are not privileged. Such discovery will be permitted only if:

(1) The expert is expected to be a witness at the hearing; or

(2) The expert is relied on by another expert who is expected to be a witness at the hearing, and the party shows:

(i) That it has a compelling need for the information; and

(ii) That it cannot feasibly obtain the information by other means.

(h) *Limitations on depositions.* (1) A party may depose a witness only if the party shows that the witness:

(i) Will be unable to attend the hearing because of age, illness, or other incapacity; or

(ii) Is unwilling to attend the hearing voluntarily, and the party is unable to compel the witness's attendance at the hearing by subpoena.

(2) Paragraph (h)(1)(ii) of this section does not apply to any person employed by or under contract with the party seeking the deposition.

(3) A party may depose a senior Department employee of OFA if the party shows:

(i) That the employee's testimony is necessary in order to provide significant, unprivileged information that is not available from any other source or by less burdensome means; and

(ii) That the deposition would not significantly interfere with the employee's ability to perform his or her official duties.

(i) *Completion of discovery.* All discovery must be completed within 35 days after the initial prehearing conference, unless the judge sets a different deadline.

§ 4.1032 When must a party supplement or amend information?

(a) *Discovery.* A party must promptly supplement or amend any prior release given in response to a discovery request if it learns that the response:

(1) Was incomplete or incorrect when made; or

(2) Though complete and correct when made, is now incomplete or incorrect in any material respect.

(b) *Witnesses and exhibits.* (1) Within 10 days after the date set for completion of discovery, each party must file an updated version of the list of witnesses and exhibits required under 25 CFR 83.38(a)(1)(B), § 4.1021(b)(3), or § 4.1030(a).

(2) If a party wishes to include any new witness or exhibit on its updated list, it must provide an explanation of why it was not feasible for the party to include the witness or exhibit on its list under 25 CFR 83.38(a)(1)(ii), § 4.1021(b)(3), or § 4.1030(a).

(c) *Failure to disclose.* (1) A party that fails to disclose information required under 25 CFR 83.38(a)(1)(ii), § 4.1021(b)(3), § 4.1030(a), or paragraphs (a) or (b) of this section will not be permitted to introduce as evidence at the hearing testimony from a witness or other information that it failed to disclose.

(2) Paragraph (c)(1) of this section does not apply if the failure to disclose was substantially justified or is harmless.

(3) Before or during the hearing, a party may object under paragraph (c)(1) of this section to the admission of evidence.

(4) The judge will consider the following in determining whether to exclude evidence under paragraphs (c)(1) through (c)(3) of this section:

(i) The prejudice to the objecting party;

(ii) The ability of the objecting party to cure any prejudice;

(iii) The extent to which presentation of the evidence would disrupt the orderly and efficient hearing of the case;

(iv) The importance of the evidence; and

(v) The reason for the failure to disclose, including any bad faith or willfulness regarding the failure.

§ 4.1033 What are the requirements for written interrogatories?

(a) *Motion required.* A party wishing to propound interrogatories must file a motion under § 4.1031(c), unless the parties agree otherwise.

(b) *Judge's order.* During or promptly after the initial prehearing conference, the judge will issue an order under § 4.1031(b) with respect to any discovery motion requesting the use of written interrogatories. The order will either grant the motion and approve the use of some or all of the proposed interrogatories or deny the motion.

(c) *Answers to interrogatories.* Except upon agreement of the parties, the party to whom the proposed interrogatories are directed must file its answers to any interrogatories approved by the judge within 15 days after issuance of the order under paragraph (b) of this section.

(1) Each approved interrogatory must be answered separately and fully in writing.

(2) The party or its representative must sign the answers to interrogatories under oath or affirmation.

(d) *Access to records.* A party's answer to an interrogatory is sufficient when:

(1) The information may be obtained from an examination of records, or from a compilation, abstract, or summary based on records;

(2) The burden of obtaining the information from the records is substantially the same for all parties;

(3) The answering party specifically identifies the individual records from which the requesting party may obtain the information and where the records are located; and

(4) The answering party provides the requesting party with reasonable opportunity to examine the records and make a copy, compilation, abstract, or summary.

§ 4.1034 What are the requirements for depositions?

(a) *Motion and notice.* A party wishing to take a deposition must file a motion under § 4.1031(c), unless the parties agree otherwise. Any notice of deposition filed with the motion must state:

(1) The time and place that the deposition is to be taken;

(2) The name and address of the person before whom the deposition is to be taken;

(3) The name and address of the witness whose deposition is to be taken; and

(4) Any documents or materials that the witness is to produce.

(b) *Judge's order.* During or promptly after the initial prehearing conference, the judge will issue an order under § 4.1031(b) with respect to any discovery motion requesting the taking of a deposition. The order will either grant the motion and approve the taking of the deposition, subject to any conditions or restrictions the judge may impose or deny the motion.

(c) *Required arrangements.* If the parties agree to or the judge approves the taking of the deposition, the party requesting the deposition must make appropriate arrangements for necessary facilities and personnel.

(1) The deposition will be taken at the time and place agreed to by the parties or indicated in the judge's order.

(2) The deposition may be taken before any disinterested person authorized to administer oaths in the place where the deposition is to be taken.

(3) Any party that objects to the taking of a deposition because of the disqualification of the person before whom it is to be taken must do so either:

(i) Before the deposition begins; or

(ii) As soon as the disqualification becomes known or could have been discovered with reasonable diligence.

(4) A deposition may be taken by telephone conference call, if agreed to by the parties or approved in the judge's order.

(d) *Testimony.* Each witness deposed must be placed under oath or affirmation, and the other parties must be given an opportunity for cross-examination.

(e) *Representation of witness.* The witness being deposed may have counsel or another representative present during the deposition.

(f) *Recording and transcript.* Except as provided in paragraph (g) of this section, the deposition must be stenographically recorded and transcribed at the expense of the party that requested the deposition.

(1) Any other party may obtain a copy of the transcript at its own expense.

(2) Unless waived by the deponent, the deponent will have 3 days after receiving the transcript to read and sign it.

(3) The person before whom the deposition was taken must certify the transcript following receipt of the signed transcript from the deponent or expiration of the 3-day review period, whichever occurs first.

(g) *Video recording allowed.* The testimony at a deposition may be video recorded, subject to any conditions or restrictions that the parties may agree to or the judge may impose, at the expense of the party requesting the recording.

(1) The video recording may be in conjunction with an oral examination by telephone conference held under paragraph (c)(3) of this section.

(2) After the deposition has been taken, the person recording the deposition must:

(i) Provide a copy of the recording to any party that requests it, at the requesting party's expense; and

(ii) Attach to the recording a statement identifying the case and the deponent and certifying the authenticity of the recording.

(h) *Use of deposition.* A deposition may be used at the hearing as provided in § 4.1043.

§ 4.1035 How can parties request documents, tangible things, or entry on land?

(a) *Motion required.* A party wishing to request the production of designated documents or tangible things or entry on designated land must file a motion under § 4.1031(c), unless the parties agree otherwise. A request may include any of the following that are in the possession, custody, or control of another party:

(1) The production of designated documents for inspection and copying;

(2) The production of designated tangible things for inspection, copying, testing, or sampling; or

(3) Entry on designated land or other property for inspection and measuring, surveying, photographing, testing, or sampling either the property or any designated object or operation on the property.

(b) *Judge's order.* During or promptly after the initial prehearing conference, the judge will issue an order under § 4.1031(b) with respect to any discovery motion requesting the production of documents or tangible things or entry on land for inspection, copying, or other purposes. The order will:

(1) Grant the motion and approve the use of some or all of the proposed requests; or

(2) Deny the motion.

(c) *Compliance with order.* Except upon agreement of the parties, the party to whom any approved request for production is directed must permit the approved inspection and other activities within 15 days after issuance of the order under paragraph (a) of this section.

§ 4.1036 What sanctions may the judge impose?

(a) Upon motion of a party, the judge may impose sanctions under paragraph (b) of this section if any party:

(1) Fails to comply with an order approving discovery; or

(2) Fails to supplement or amend a response to discovery under § 4.1032(a).

(b) The judge may impose one or more of the following sanctions:

(1) Infer that the information, testimony, document, or other evidence withheld would have been adverse to the party;

(2) Order that, for the purposes of the hearing, designated facts are established;

(3) Order that the party not introduce into evidence, or otherwise rely on to support its case, any information, testimony, document, or other evidence:

(i) That the party improperly withheld; or

(ii) That the party obtained from another party in discovery;

(4) Allow another party to use secondary evidence to show what the information, testimony, document, or other evidence withheld would have shown; or

(5) Take other appropriate action to remedy the party's failure to comply.

§ 4.1037 What are the requirements for subpoenas and witness fees?

(a) *Request for subpoena.* (1) Except as provided in paragraph (a)(2) of this section, any party may file a motion requesting the judge to issue a subpoena to the extent authorized by law for the attendance of a person, the giving of testimony, or the production of documents or other relevant evidence during discovery or for the hearing.

(2) A party may subpoena a senior Department employee of the OFA only if the party shows:

(i) That the employee's testimony is necessary in order to provide significant, unprivileged information that is not available from any other source or by less burdensome means; and

(ii) That the employee's attendance would not significantly interfere with the ability to perform his or her government duties.

(b) *Service.* (1) A subpoena may be served by any person who is not a party and is 18 years of age or older.

(2) Service must be made by hand delivering a copy of the subpoena to the person named therein.

(3) The person serving the subpoena must:

(i) Prepare a certificate of service setting forth the date, time, and manner of service or the reason for any failure of service; and

(ii) Swear to or affirm the certificate, attach it to a copy of the subpoena, and return it to the party on whose behalf the subpoena was served.

(c) *Witness fees.* (1) A party who subpoenas a witness who is not a party must pay him or her the same fees and mileage expenses that are paid witnesses in the district courts of the United States.

(2) A witness who is not a party and who attends a deposition or hearing at the request of any party without having been subpoenaed to do so is entitled to the same fees and mileage expenses as if he or she had been subpoenaed. However, this paragraph does not apply to federal employees who are called as witnesses by OFA.

(d) *Motion to quash.* (1) A person to whom a subpoena is directed may request by motion that the judge quash or modify the subpoena.

(2) The motion must be filed:

(i) Within 5 days after service of the subpoena; or

(ii) At or before the time specified in the subpoena for compliance, if that is less than 5 days after service of the subpoena.

(3) The judge may quash or modify the subpoena if it:

(i) Is unreasonable;

(ii) Requires evidence during discovery that is not discoverable; or

(iii) Requires evidence during a hearing that is privileged or irrelevant.

(e) *Enforcement.* For good cause shown, the judge may apply to the appropriate United States District Court for the issuance of an order compelling the appearance and testimony of a witness or the production of evidence as set forth in a subpoena that has been duly issued and served.

Hearing, Briefing, and Decision

§ 4.1040 When and where will the hearing be held?

(a) Except as provided in paragraph (b) of this section, the hearing will be held at the time and place set at the initial prehearing conference under § 4.1022(a)(1)(v), generally within 20

days after the date set for completion of discovery.

(b) On motion by a party or on the judge's initiative, the judge may change the date, time, or place of the hearing if he or she finds:

(1) That there is good cause for the change; and

(2) That the change will not unduly prejudice the parties and witnesses.

§ 4.1041 What are the parties' rights during the hearing?

Consistent with the provisions of this subpart, and as necessary to ensure full and accurate disclosure of the facts, the parties have the following rights during the hearing:

(a) Each party may:

(1) Present direct and rebuttal evidence;

(2) Make objections, motions, and arguments; and

(3) Cross-examine witnesses and conduct re-direct and re-cross examination as permitted by the judge.

(b) The petitioner may conduct oral cross-examination of OFA staff who participated in the preparation of the proposed finding.

§ 4.1042 What are the requirements for presenting testimony?

(a) *Written direct testimony.* Unless otherwise ordered by the judge, all direct hearing testimony must be prepared and submitted in written form.

(1) Prepared written testimony must:

(i) Have line numbers inserted in the left-hand margin of each page;

(ii) Be authenticated by an affidavit or declaration of the witness;

(iii) Be filed within 15 days after the date set for completion of discovery, unless the judge sets a different deadline; and

(iv) Be offered as an exhibit during the hearing.

(2) Any witness submitting written testimony must be available for cross-examination at the hearing.

(b) *Oral testimony.* Oral examination of a witness in a hearing, including on cross-examination or redirect, must be conducted under oath and in the presence of the judge, with an opportunity for all parties to question the witness.

(c) *Telephonic testimony.* The judge may by order allow a witness to testify by telephonic conference call.

(1) The arrangements for the call must let each party listen to and speak to the witness and each other within the hearing of the judge.

(2) The judge will ensure the full identification of each speaker so the reporter can create a proper record.

(3) The judge may issue a subpoena under § 4.1037 directing a witness to testify by telephonic conference call.

§ 4.1043 How may a party use a deposition in the hearing?

(a) *In general.* Subject to the provisions of this section, a party may use in the hearing any part or all of a deposition taken under § 4.1034 against any party who:

(1) Was present or represented at the taking of the deposition; or

(2) Had reasonable notice of the taking of the deposition.

(b) *Admissibility.* (1) No part of a deposition will be included in the hearing record, unless received in evidence by the judge.

(2) The judge will exclude from evidence any question and response to which an objection:

(i) Was noted at the taking of the deposition; and

(ii) Would have been sustained if the witness had been personally present and testifying at a hearing.

(3) If a party offers only part of a deposition in evidence:

(i) An adverse party may require the party to introduce any other part that ought in fairness to be considered with the part introduced; and

(ii) Any other party may introduce any other parts.

(c) *Video-recorded deposition.* If the deposition was video recorded and is admitted into evidence, relevant portions will be played during the hearing and transcribed into the record by the reporter.

§ 4.1044 What are the requirements for exhibits, official notice, and stipulations?

(a) *General.* (1) Except as provided in paragraphs (b) through (e) of this section, any material offered in evidence, other than oral testimony, must be offered in the form of an exhibit.

(2) Each exhibit offered by a party must be marked for identification.

(3) Any party who seeks to have an exhibit admitted into evidence must provide:

(i) The original of the exhibit to the reporter, unless the judge permits the substitution of a copy; and

(ii) A copy of the exhibit to the judge.

(b) *Material not offered.* If a document offered as an exhibit contains material not offered as evidence:

(1) The party offering the exhibit must:

(i) Designate the matter offered as evidence;

(ii) Segregate and exclude the material not offered in evidence, to the extent feasible; and

(iii) Provide copies of the entire document to the other parties appearing at the hearing.

(2) The judge must give the other parties an opportunity to inspect the entire document and offer in evidence any other portions of the document.

(c) *Official notice.* (1) At the request of any party at the hearing, the judge may take official notice of any matter of which the courts of the United States may take judicial notice, including the public records of any Department party.

(2) The judge must give the other parties appearing at the hearing an opportunity to show the contrary of an officially noticed fact.

(3) Any party requesting official notice of a fact after the conclusion of the hearing must show good cause for its failure to request official notice during the hearing.

(d) *Stipulations.* (1) The parties may stipulate to any relevant facts or to the authenticity of any relevant documents.

(2) If received in evidence at the hearing, a stipulation is binding on the stipulating parties.

(3) A stipulation may be written or made orally at the hearing.

§ 4.1045 What evidence is admissible at the hearing?

(a) *General.* (1) Subject to the provisions of § 4.1032(b), the judge may admit any written, oral, documentary, or demonstrative evidence that is:

(i) Relevant, reliable, and probative; and

(ii) Not privileged or unduly repetitious or cumulative.

(2) The judge may exclude evidence if its probative value is substantially outweighed by the risk of undue prejudice, confusion of the issues, or delay.

(3) Hearsay evidence is admissible. The judge may consider the fact that evidence is hearsay when determining its probative value.

(4) The Federal Rules of Evidence do not directly apply to the hearing, but may be used as guidance by the judge and the parties in interpreting and applying the provisions of this section.

(b) *Objections.* Any party objecting to the admission or exclusion of evidence shall concisely state the grounds. A ruling on every objection must appear in the record.

§ 4.1046 What are the requirements for transcription of the hearing?

(a) *Transcript and reporter's fees.* The hearing must be transcribed verbatim.

(1) OHA will secure the services of a reporter and pay the reporter's fees to provide an original transcript to OHA on an expedited basis.

(2) Each party must pay the reporter for any copies of the transcript obtained by that party.

(b) *Transcript Corrections.* (1) Any party may file a motion proposing corrections to the transcript. The motion must be filed within 5 days after receipt of the transcript, unless the judge sets a different deadline.

(2) Unless a party files a timely motion under paragraph (b)(1) of this section, the transcript will be presumed to be correct and complete, except for obvious typographical errors.

(3) As soon as feasible after the close of the hearing and after consideration of any motions filed under paragraph (b)(1) of this section, the judge will issue an order making any corrections to the transcript that the judge finds are warranted.

§ 4.1047 What is the standard of proof?

(a) *Reasonable likelihood standard.* The judge will consider a criterion to be met if the evidence establishes a reasonable likelihood that the facts claimed by the petitioner are true and that those facts demonstrate that the petitioner meets the criterion.

(b) *Meaning of standard.* To prove a ''reasonable likelihood'' that a claimed fact is true, the petitioner must show that there is more than a mere possibility that it is true, but need not show that it is more likely than not to be true.

§ 4.1048 When will the hearing record close?

(a) The hearing record will close when the judge closes the hearing, unless he or she directs otherwise.

(b) Evidence may not be added after the hearing record is closed, but the transcript may be corrected under § 4.1046(b).

§ 4.1049 What are the requirements for post-hearing briefs?

(a) *General.* (1) Each party may file a post-hearing brief within 20 days after the close of the hearing, unless the judge sets a different deadline.

(2) A party may file a reply brief only if requested by the judge. The deadline for filing a reply brief, if any, will be set by the judge.

(3) The judge may limit the length of the briefs to be filed under this section.

(b) *Content.* (1) An initial brief must include:

(i) A concise statement of the case;

(ii) A separate section containing proposed findings regarding the issues of material fact, with supporting citations to the hearing record;

(iii) Arguments in support of the party's position; and

(iv) Any other matter required by the judge.

(2) A reply brief, if requested by the judge, must be limited to any issues identified by the judge.

(c) *Form.* (1) An exhibit admitted in evidence or marked for identification in the record may not be reproduced in the brief.

(i) Such an exhibit may be reproduced, within reasonable limits, in an appendix to the brief.

(ii) Any pertinent analysis of an exhibit may be included in a brief.

(2) If a brief exceeds 30 pages, it must contain:

(i) A table of contents and of points made, with page references; and

(ii) An alphabetical list of citations to legal authority, with page references.

§ 4.1050 What are the requirements for the judge's recommended decision?

(a) *Timing.* The judge must issue a recommended decision within 180 days after issuance of the docketing notice under § 4.1020(a)(3), unless the judge issues an Order finding good cause to issue the recommended decision at a later date.

(b) *Content.* (1) The recommended decision must contain all of the following.

(i) Recommended findings of fact on all disputed issues of material fact.

(ii) Recommended conclusions of law:

(A) Necessary to make the findings of fact (such as rulings on materiality and on the admissibility of evidence); and

(B) As to whether the applicable criteria for Federal acknowledgment have been met.

(iii) Reasons for the findings and conclusions.

(2) The judge may adopt any of the findings of fact proposed by one or more of the parties.

(c) *Service.* Promptly after issuing a recommended decision, the judge must:

(1) Serve the decision on each party to the hearing; and

(2) Forward the complete record to the Assistant Secretary—Indian Affairs, including the recommended decision and hearing record.

Re-Petition Authorization Process

§ 4.1060 How does an unsuccessful petitioner request authorization to re-petition?

(a) To request authorization to re-petition for Federal acknowledgment, an unsuccessful petitioner must submit to OHA a certification that:

(1) Is signed and dated by the unsuccessful petitioner's governing body;

(2) States that it is the unsuccessful petitioner's official request for re-petitioning; and

(3) Explains how it meets the conditions of 25 CFR 83.4(b)(1).

(b) The unsuccessful petitioner need not re-submit materials previously submitted to the Department but may supplement its petition.

§ 4.1061 What will OHA do with a request?

After receiving the request for re-petitioning, OHA will:

(a) Docket the case;

(b) Assign a judge to preside over the re-petition authorization process and issue a decision; and

(c) Issue a docketing notice that informs the parties of the docket number and the judge assigned to the case.

§ 4.1062 What can the judge do?

In addition to the powers in § 4.1014, the judge has the powers to:

(a) Request evidence from OFA and the unsuccessful petitioner; and

(b) Determine the extent, if any, to which §§ 4.1020 through 4.1050 will apply in whole or in part.

§ 4.1063 When will the judge allow a re-petition?

The judge will issue a decision allowing the unsuccessful petitioner to re-petition if:

(a) Any third parties that participated as a party in an administrative reconsideration or Federal Court appeal concerning the unsuccessful petitioner have consented in writing to the re-petitioning; and

(b) The unsuccessful petitioner proves, by a preponderance of the evidence, that either:

(1) A change from the previous version of the regulations to the current version of the regulations warrants reconsideration of the final determination; or

(2) The ''reasonable likelihood'' standard was misapplied in the final denial.

Dated: June 9, 2014.

Rhea Suh,

Assistant Secretary for Policy, Management and Budget.

[FR Doc. 2014–13817 Filed 6–18–14; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket 130702585–4484–01]

RIN 0648–BD42

Fisheries of the Northeastern United States; Special Management Zones for Five Delaware Artificial Reefs

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes management measures to implement Special Management Zones for five Delaware artificial reefs under the black sea bass provisions of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan. The implementing regulations for the Special Management Zones require NMFS to publish proposed measures to provide an opportunity for public comment. The intent of these measures is to promote orderly use of the resource by reducing user group conflicts, and help maintain the intended socioeconomic benefits of the artificial reefs to the maximum extent practicable.

DATES: Comments must be received by 5 p.m. local time, on August 4, 2014.

ADDRESSES: You may submit comments on this document, identified NOAA–NMFS–2014–0060, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0060* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail and Hand Delivery:* John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope: ''Comments on SMZ Measures.''

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

Copies of the Environmental Assessment and Initial Regulatory Flexibility Analysis (EA/IRFA) and other supporting documents for the Special Management Zones measures are available from Paul Perra, NOAA/NMFS, Sustainable Fisheries Division, 55 Great Republic Drive, Gloucester, MA 01930. The Special Management Zone measures document is also accessible via the Internet at: *http://www.nero.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Paul Perra, Fishery Policy Analyst, (978) 281–9153.

SUPPLEMENTARY INFORMATION: The Delaware Fish and Wildlife Department (DFW) has requested and the Mid-Atlantic Fishery Management Council has recommended that five Delaware artificial reef sites, currently permitted by the U.S. Corps of Engineers in the Exclusive Economic Zone (EEZ), be designated as Special Management Zones (SMZs) under the regulations implementing the Council's Summer Flounder, Scup and Black Sea Bass Fishery Management Plan (FMP).

The summer flounder, scup, and black sea bass fisheries are managed cooperatively under the provisions of the FMP developed by the Council and the Atlantic States Marine Fisheries Commission, in consultation with the New England and South Atlantic Fishery Management Councils. The management units specified in the FMP include summer flounder (*Paralichthys dentatus*) in U.S. waters of the Atlantic Ocean from the southern border of North Carolina (NC) northward to the U.S./Canada border, and scup (*Stenotomus chrysops*) and black sea bass (*Centropristis striata*) in U.S. waters of the Atlantic Ocean from 35° 13.3' N. lat. (the latitude of Cape Hatteras Lighthouse, Buxton, NC) northward to the U.S./Canada border.

The Council prepared the FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.* Regulations implementing the FMP appear at 50 CFR part 648, subparts A (general provisions), G (summer flounder), H (scup), and I (black sea bass). General regulations governing fisheries of the Northeastern U.S. also appear at 50 CFR part 648. States manage these three species within 3 nautical miles (4.83 km) of their coasts, under the Commission's plan for summer flounder, scup, and black sea bass. The applicable species-specific Federal regulations govern vessels and individual fishermen fishing in Federal waters of the EEZ, as well as vessels possessing a summer flounder, scup, or black sea bass Federal charter/party vessel permit, regardless of where they fish.

Special Management Zone Measures Background

The DFW requested in June 2011 that the Council designate five artificial reef sites, currently permitted by the U.S. Corps of Engineers in the EEZ, as SMZs under the regulations implementing the Council's FMP. The SMZ request noted that the DFW has received complaints from hook-and-line anglers regarding fouling of their fishing gear in commercial pots and lines on ocean reef sites for more than 10 years. It also noted that the U.S. Fish and Wildlife Service (FWS) Sportfish Restoration Program (SRP) had notified DFW that these gear conflicts are not consistent with the objectives of the SRP program, which provides funding for the building and maintenance of the artificial reefs. In order to comply with the goals of the SRP, the FWS is requiring that state artificial reef programs be able to limit gear conflicts by state regulations in state waters or by SMZs for sites in the EEZ.

The Council process for devising SMZ management measures is to recommend measures to NMFS for rulemaking, and is described in the following section. All meetings are open to the public and the materials utilized during such meetings, as well as any documents created to summarize the meeting results, are public information and typically posted on the Council's Web site (*www.mafmc.org*) or are available from the Council by request. Extensive background on the SMZ management measures recommendation process is therefore not repeated in this preamble.

The SMZ recommendations from the Council were established under the FMP's black sea bass provisions (§ 648.148). A monitoring committee, consisting of representatives from the Council, NMFS Greater Atlantic Regional Fisheries Office, and NMFS Northeast Fisheries Science Center was formed to review the DFW SMZ request. The FMP's implementing regulations require the monitoring committee to review scientific and other relevant information to evaluate the SMZ

requests in the form of a written report, considering the following criteria:

(1) Fairness and equity;

(2) Promotion of conservation;

(3) Avoidance of excessive shares;

(4) Consistency with the objectives of Amendment 9 to the FMP, the Magnuson-Stevens Act, and other applicable law;

(5) The natural bottom in and surrounding potential SMZs; and

(6) Impacts on historical uses.

The Council then considered the monitoring committee's recommendations and any public comment in finalizing its recommendations. The Council forwarded its final recommendations to NMFS for review. NMFS is required to review the Council's recommendations to ensure that they are consistent with the FMP and all applicable laws and Executive Orders before ultimately implementing measures for Federal waters.

The timeline for establishing the SMZs is summarized here: The DFW requested SMZ status for the artificial reefs in June 2011; the Council and NMFS established a monitoring committee to review the request in April 2012; the monitoring committee provided a report to the Council evaluating the SMZ request in October 15–18, 2012, in Long Branch, New Jersey, and December 10–13, 2012, in Baltimore, Maryland.

Following these meetings, the Council held three public hearings on the proposed SMZs (Ocean City, Maryland, January 15, 2013; Lewes, Delaware, January 16, 2013; and Toms River, New Jersey, January 17, 2013), and final recommendations on the SMZs were made by the Council at its February 12–13, 2013, meeting in Hampton, Virginia. NMFS subsequently has reviewed the Council's recommendations through the development of an EA and this proposed rule.

Proposed SMZ Measures

NMFS is proposing the Council's recommended measures that would apply in the Federal waters of the EEZ and to all vessels: That all five Delaware artificial reefs, including a 0.46-km buffer around each artificial reef, be established as year-round SMZs, and within the established areas of the SMZs, all vessels would only be allowed to conduct fishing with hook and line and spear (including the taking of fish by hand). The five designated SMZ reef areas are U. S. Army Corps of Engineers permit Delaware artificial reef sites 9, 10, 11, 13, and 14. The five Delaware artificial reef sites are off the coast of Delaware at various distances from approximately 4 to 58 nautical miles (7.4 to 107.0 km), rectangular in shape, and encompass areas 3.21 to 4.11 square km.

The boundaries of the proposed SMZs artificial reef sites, including their buffers, encompass 7.4 to 8.8 square km, and are in Federal waters bounded by the following coordinates connected by straight lines in the sequence specified in Tables 1–5 below (coordinates include a 500-yard (0.46-km) squared-off buffer placed around each artificial reef site).

In order to facilitate the codification of the coordinates for the five SMZ reef areas, this rule proposes to re-organize 50 CFR 648.148 in its entirety. This rule would to redesignate the special management zone designation criteria and process provisions, currently at 50 CFR 648.148(a)–(e), in 50 CFR 648.148(a). The coordinates of the five SMZ reef areas proposed to be created by this rule would be codified at 50 CFR 648.148(b). The re-organization of the existing regulations concerning the special management zones designation criteria and process into CFR 648.148(a) is a change only to the format; no substantive changes are intended or proposed for those provisions. NMFS also proposes to add new § 648.14(p)(1)(vi) to cross reference to the new coordinates at § 648.148(b).

TABLE 1—REEF SITE 9

Corner	N. Latitude	W. Longitude
9SE	38°39.71016′	−74°59.0883′
9SW	38°39.82578′	−75°1.11264′
9NW	38°41.1048′	−75°0.63288′
9NE	38°41.03244′	−74°58.45098′
9SE	38°39.71016′	−74°59.0883′

TABLE 2—REEF SITE 10

Corner	N. Latitude	W. Longitude
10SE	38°35.93706′	−74°55.44408′
10SW	38°36.0759′	−74°57.57864′
10NW	38°37.36314′	−74°57.01812′
10NE	38°37.21938′	−74°54.96474′
10SE	38°35.93706′	−74°55.44408′

TABLE 3—REEF SITE 11

Corner	N. Latitude	W. Longitude
11SE	38°39.61578′	−74°42.81462′
11SW	38°39.7797′	−74°45.20484′
11NW	38°41.11092′	−74°44.73474′
11NE	38°40.97472′	−74°42.3459′
11SE	38°39.61578′	−74°42.81462′

TABLE 4—REEF SITE 13

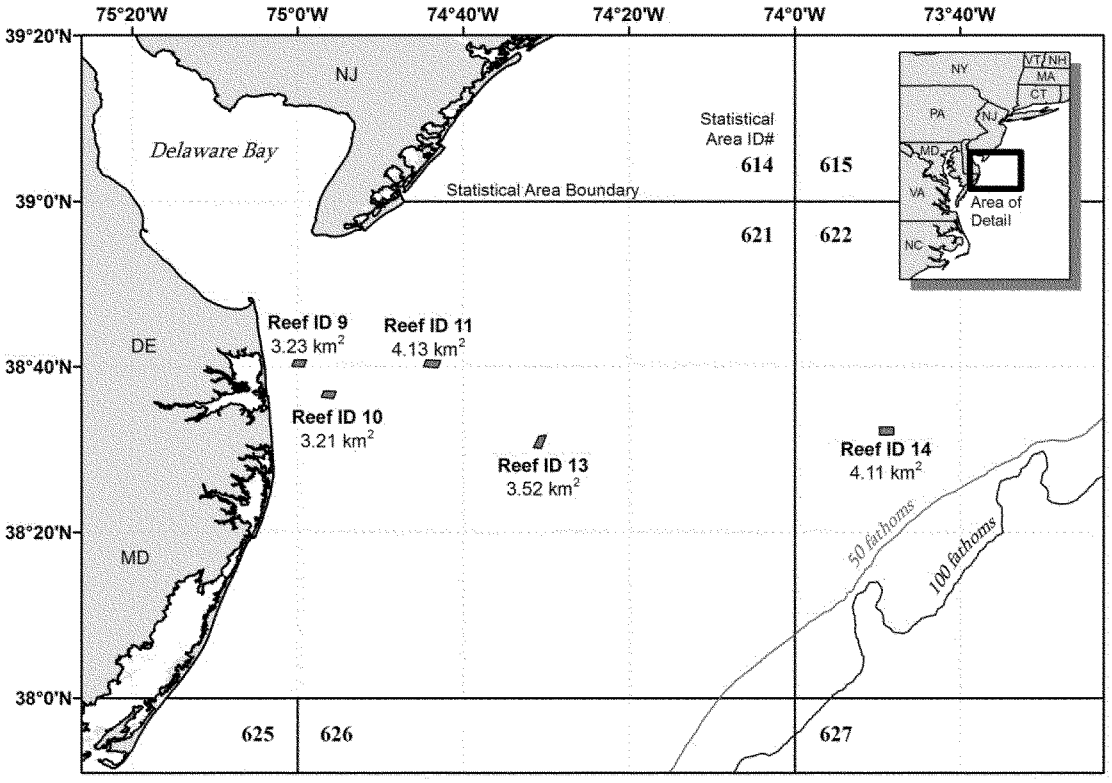
Corner	N. Latitude	W. Longitude
13SE	38°29.87118′	−74°30.34818′
13SW	38°30.00876′	−74°31.93008′
13NW	38°31.83384′	−74°31.09968′
13NE	38°32.04756′	−74°29.5839′
13SE	38°29.87118′	−74°30.34818′

TABLE 5—REEF SITE 14

Corner	N. Latitude	W. Longitude
14SE	38°31.55286′	−73°47.75244′
14SW	38°31.55286′	−73° 0.08164′
14NW	38°32.94684′	−73°50.08158′
14NE	38°32.94714′	−73°47.75232′
14SE	38°31.55286′	−73°47.75244′

Figure 1. shows the location of the five proposed artificial reef sites off the coast of Delaware.

Figure 1. Location of Five Delaware Artificial Reef Sites in the EEZ Proposed for SMZ Status.



Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the Assistant Administrator has determined that this proposed rule is consistent with the Summer Flounder, Scup, and Black Sea Bass FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

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

NMFS prepared an IRFA, as required by section 603 of the Regulatory Flexibility Act (RFA), which is included in the EA and supplemented by information contained in the preamble to this proposed rule. The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A summary of the IRFA follows. A copy of this analysis is available from the Greater Atlantic Regional Fisheries Office (see **ADDRESSES**).

Federal Rules Which May Duplicate, Overlap, or Conflict With This Proposed Rule

This proposed action will not duplicate, overlap, or conflict with any other Federal rules. NMFS did not consider any alternatives that would provide additional fishing opportunities beyond what was recommended by the Council because of the through consideration of alternatives by the SMZ monitoring committee and Council.

Description of the Reasons Why Action by the Agency Is Being Considered

DFW requested and the Council has recommended that five Delaware artificial reef sites, currently permitted by the U.S. Corps of Engineers in the EEZ, be designated as SMZs to limit recreational/commercial gear conflicts on the artificial reefs, and to maintain FWS SRP funding for the building and maintenance of the artificial reefs.

Statement of the Objectives of and the Legal Basis for This Proposed Rule

To eliminate current and/or future potential for recreational/commercial gear conflicts on the five Delaware artificial reefs in order to maintain access to the reefs for recreational fishing. This action is proposed through the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.*

Description of the Projected Reporting, Record-Keeping, and Other Compliance Requirements of the Proposed Rule

This action does not introduce any new reporting, recordkeeping, or other compliance requirements.

Description of an Estimate of the Number of Small Entities To Which the Proposed Rule Would Apply

The Small Business Administration (SBA) defines a small commercial finfish fishing business as a firm with annual receipts (gross revenues) of up to $19 million. A small commercial shellfishing business is a firm with annual receipts of up to $5 million and small for-hire recreational fishing businesses are defined as firms with receipts of up to $7 million.

Having different size standards for different types of fishing activities creates difficulties in categorizing businesses that participate in multiple fishing related activities. For purposes

of this assessment, business entities have been classified into the SBA-defined categories based on the activity that produced the highest percentage of average annual gross revenues from 2010—2012. This classification is now possible because vessel ownership data have been added to Northeast permit database. The ownership data identify all individuals who own fishing vessels. Using this information, vessels can be grouped together according to common owners. The resulting groupings were treated as a fishing business for purposes of this analysis. Revenues summed across all vessels in a group and the activities that generate those revenues form the basis for determining whether the entity is a large or small business.

This rule would apply to all Federal permit holders except recreational for-hire permit holders. Thus, the affected business entities of concern are businesses that hold commercial Federal fishing permits with the exception of those that fish with hook and line. While all business entities that hold commercial Federal fishing permits could be directly affected by these regulations, not all business entities that hold Federal fishing permits fish in the areas identified as potential SMZs. Those who actively participate, i.e., land fish, in the areas identified as potential SMZs would be the group of business entities that are directly impacted by the regulations.

The number of possible affected entities as well as an enumeration of the number of commercial fishing vessels with recent activity at the five reef sites, by gear type are described in detail in Table 6.

TABLE 6—NUMBER OF REPORTED VESSEL TRIP REPORTS OF COMMERCIAL FISHING TRIPS WITHIN 0.46 KM OF THE REEF SITES, BY GEAR TYPE

	Reef site and gear type						
	9	10		11	13	14	
		Trawl	Pot/Trap	Pot/Trap	Pot/Trap	Dredge	Trawl
2004	0	0	0	10	3	0	0
2005	0	0	1	25	0	0	0
2006	0	0	0	7	2	0	0
2007	0	0	0	0	1	0	0
2008	0	0	0	4	10	0	0
2009	0	0	0	8	14	17	7
2010	0	1	0	3	12	0	0

NMFS considered two option under this action, the no buffer and two SMZ buffer zones around the five artificial reefs. The no buffer alternative would have had no effect on the commercial vessels operating near the artificial reefs, so assessments of commercial activity within the 500-yard (0.46 km) buffer zone is included in this IRFA summary. The buffer area was recommended to improve enforcement of the recommended SMZ management measures for the artificial reefs. The 0.46-km buffer is the preferred measure. The no buffer alternative and an alternative for a 1,000-yard (0.91-km) buffer were not preferred because they were considered either too small for enforcement to effectively protect the SMZs (no buffer) or needlessly too large (1,000-yard (0.91-km) buffer) and disruptive to commercial fishing near the artificial reefs.

During 2008, 2009, and 2010, only 2 commercial vessels reported landings within 0.46 km of the reef sites in each of these years, 1 vessel reported landings in two of the three years, and 12 vessels reported landings in only one of the three years. This implies a total of 15 unique commercial vessels reported landings within 0.46 km of the reef sites from 2008–2010.

Based on the ownership data classification process described above, all of the directly affected participating commercial fishing vessels were found to be unique fishing business entities. The ownership data indicated that no two affected vessels were owned by the same business entity. Total revenue earned by these business was derived from both shellfishing and finfishing, but the highest percentage of average annual revenue for the majority of the businesses was from shellfishing. Of the 15 unique fishing business entities potentially estimated to be affected by implementation of a 0.46-km buffer around the five reef sites, 9 entities earned the majority of their total revenues (i.e., from all species and areas fished) from landings of shellfish, and 6 entities earned the majority of the their total revenues from landings of finfish. Thus, under the 0.46-km buffer alternative, nine of the potentially affected businesses are classified as shellfishing business entities and six as finfishing business entities.

Average annual gross revenue estimates calculated from the most recent 3 years of available Northeast regional dealer data (2010–2012) indicate that only one of the potentially affected shellfishing business entities under the preferred 0.46-km buffer alternative would be considered large according to the SBA size standards. In other words, one business, classified as a shellfishing business, averaged more than $5 million annually in gross revenues from all of its fishing activities during 2010–2012. Therefore, under the preferred 0.46-km buffer alternative, 14 of the 15 potentially affected business entities are considered small (8 shellfish and 6 finfish) and 1 business entity is considered large (shellfish).

Table 7 shows the number of potentially affected business entities by percent of total average annual gross revenue landed within 0.46 km of the reef sites.

TABLE 7—NUMBER OF POTENTIAL BUSINESS ENTITIES AFFECTED BY PERCENT OF TOTAL AVERAGE ANNUAL GROSS REVENUE LANDED WITHIN 0.46 KM OF THE REEF SITES

Business entity	Percent of total average annual gross revenue (2010–2012)			
	<5%	5–9%	10–19%	20–29%
Shellfish (Small)	6	1	1	0
Shellfish (Large)	1	0	0	0
Finfish (Small)	3	1	1	1

Of the eight shellfishing businesses categorized as small in this assessment, six obtained less than 5 percent of their total average annual gross revenues from landings within 0.46-km of the reef sites, one obtained between 5–9 percent, and one between 10–19 percent. The only business entity defined as large (shellfish) in this assessment, under the preferred 0.46-km buffer, earned less than 5 percent of its total average annual gross revenues from landings at the reef sites. Finally, of the six finfish business entities defined as small finfishing businesses, under the preferred 0.46-km buffer, three obtained less than 5 percent of their total average annual gross revenues from landings at the reef sites, one obtained between 5–9 percent, one obtained between 10–19 percent, and one between 20–29 percent.

Description of Significant Alternatives to the Proposed Action Which Accomplish the Stated Objectives of Applicable Statues and Which Minimize Any Significant Economic Impact on Small Entities

The Council initially considered a range of alternatives for the provions proposed in this action, such as seasonal restrictions, which Delaware permitted artificial reef sites to designate as SMZs, and gear restrictions associated with the SMZs. NMFS considered three alternatives for the seasonal closures that would prohibit commercial gears in the SMZs: all year (Alternative 1), when the recreational black sea bass season was open (Alternative 2), or from Memorial Day to Labor Day (Alternative 3). Under Alternative 1, NMFS would designate all or some of the Delaware EEZ reef sites as SMZs when the recreational season for the federal black sea bass is open. Since the rational for the SMZ request relates to the black sea bass fishery this alternative seeks to reduce gear conflicts throughout the recreational season for black sea bass on the artificial reefs. The open season for black sea bass can vary by state and year. But as an example, NMFS implemented black sea bass recreational fishery open seasons from May 19–October 14 and November 1–December 31 for 2013. Delaware implemented open black sea bass season from January 1–February 28, May 19–October 14 and November 1–December 31 in 2013. If this Alternative is selected, the ability of the recreational fleet to fish the reefs during the Federal season could differ from the regulations for the state in which the fish will be landed. In this case the more restrictive regulations must be followed. Under Alternative 2 the SMZ designation for any or all of the five artificial reefs would be in effect for the entire calendar year. Under Alternative 3, the SMZ designation for any or all of the five artificial reefs would be in effect from Memorial Day to Labor Day. This alternative attempts to reduce gear conflicts at Delaware reefs sites by designating SMZs during periods when the chance of gear conflicts would be expected to be at a maximum (i.e., during periods of peak recreational fishing activity).

NMFS considered three different SMZ site area designations in this action: designate all sites (sites 9, 10, 11, 13 and 14) (Alternative 1), designate sites 11, 13, and 14 (Alternative 2), or designate sites 9, 10, 13, and 14 (Alternative 3). Under Alternative 1, NMFS would designate all five of the Delaware reef sites as SMZs. Under Alternative 2, NMFS would designate reef sites 11, 13 and 14 as SMZs. Little or no commercial fishing activity was documented in the vicinity of reef sites 9 and 10, so there appears to be little opportunity for gear conflicts to occur at these sites (especially for fixed pot/trap gear) unless there is some unforeseen shift in commercial fishing effort. However, commercial fishing activity on sites 11, 13 and 14 was documented at these sites based on VTR data, so the potential for gear conflicts exists at these sites. While gill nets and long lines are not currently reported being used on the artificial reefs, they pose further potential for gear conflicts because of their ability to restrict recreational fishing on the reefs by causing fouling or snagging of hooks as recreational vessels attempt to fish on or drift over the artificial reefs. Also, displaced pot fishing vessels from the artificial reef may shift to long lines or gill nets to maintain access to their same fishing grounds, and this would continue the recreational/commercial gear conflicts on the artificial reef sites. Under Alternative 3, NMFS would designate reef sites 9, 10, 13 and 14 as SMZs. During the original permit process for reef sites 9, 10 and 11, the Council opposed the granting of a permit for reef site 11 by the COE because there were indications that considerable commercial fishing activity took place at this location. Therefore, NMFS could designate reef sites 9, 10, 13, and 14 as SMZs but not site 11 based on the argument that it would remain consistent with that historical position. However, site 11 appears to be the area that has the greatest potential for gear conflicts between hook & line gear and fixed pot/trap gear.

Different gear types were considered to be prohibited in the SMZs: prohibit the use of fixed pot/trap gear (Alternative 1), or prohibit the use of all gear except hook and line, and spear fishing (Alternative 2). Under Alternative 1 (the preferred alternative), NMFS would prohibit the use of fixed pot/trap gear on reef sites designated as SMZs. Under Alternative 2, NMFS would prohibit the use all fishing gear on reef sites designated as SMZs, except hook & line and spear-fishing gear. Under this alternative, the use of commercial hook & line fishing gear within the designated boundaries of SMZs would still be permitted, however the use of all other commercial fishing gears would be prohibited (i.e., gill nets, long lines, etc.).

These multiple alternatives were narrowed to only consider all five sites as SMZs with a year round closure to all commercial gear except hook and line and spear fishing. The five site SMZ alternative with the year round closure to all commercial gear except hook and line and spear fishing in combination with no buffer, 0.46 km buffer, or 0.91 km buffer was then analyzed for its effects on small entities.

The 0.46-km buffer alternative is the preferred measure and the only significant alternative which accomplishes the stated objectives of applicable statutes and which minimizes any significant economic

impact on small entities. The 0.46-km buffer is considered large enough to effectively protect the SMZs, while not being overly disruptive to commercial fishing near the artificial reefs. NMFS considered two alternatives to the selected provision, the no buffer alternative and the 0.91-km buffer alternative. The no buffer alternative was considered too small for enforcement and makes enforcement of the SMZs impractical, undermining the objectives of the proposed action. The 0.91-km buffer alternative was considered too severe and would cause undue economic impacts.

An assessment of potential impacts by gear type was examined to investigate whether business entities might be disproportionately impacted according to the type of fishing gear employed by the business. If the artificial reefs are designated as SMZs through this action, commercial fishing effort in the SMZs would likely shift to other open areas mitigating potential revenue losses, but fishing businesses that employ fixed gear likely fish at the reef sites because catch rates are higher and because conflicts with mobile gear vessels are reduced. Forcing fixed gear vessels out of the SMZ sites may increase the likelihood of conflicts with vessels in other areas, and expose them to additional costs if their gear is dragged through by vessels fishing mobile gear. Nonetheless, vessels that drag mobile gear through the proposed 0.46-km closed buffer area around the reef sites will also have to shift to other areas that are potentially less productive, so it is difficult to ascertain with certainty whether disproportionate impacts will occur according to the type of fishing gear employed.

There were four business entities that employed pot/trap gear within 0.46 km of the artificial reef sites in at least one of the three years included in this assessment (2008–2010). All four businesses entities were determined to be ''small'' according to the SBA size standards. Two of the four business entities obtained less than 5 percent of their total average annual gross revenues from landings at the reef sites, one obtained between 5–9 percent, and one between 10–19 percent. Thus, there will likely be adverse economic consequences for at least four small business entities that employ pot/trap gear in the areas under consideration for SMZ designation. The economic losses suffered by the four small business entities displaced from the SMZs, however, will likely be mitigated to some degree by redirection of fishing effort to other areas. The combined areas under consideration for SMZ designation represent about 10 square km of the total available fishing area over the continental shelf off of Delaware so alternative fishing areas are prevalent. A quantitative assessment of these changes on revenues for the four small business entities under SMZ designation is not possible to a lack of sufficient data. Additionally, there were no small business entities that reported pot/trap landings at more than one of the reef sites in any given year.

Business entities that use mobile gear (dredge and trawl) also reported trips within 0.46 km of reef site 14 on their VTRs. There were no reported trips at the other reef sites, except for one trip within 0.46 km of reef site 10 in 2010. There were 11 business entities that employed mobile gear within 0.46 km during the three years included in this assessment (2008–2010). However, none of the businesses demonstrated a consistent pattern of annual landings since all 11 reported trips in only one of the three years. Ten of the businesses were determined to be ''small'' according to the SBA size standards and one was categorized as ''large.'' Six of the 11 business entities obtained less than 5 percent of their total average annual gross revenues from landings at the reef sites, 2 obtained between 5–9 percent, and 1 between 10–19 percent, and 1 between 20–29 percent. Sea scallops comprised 99 percent of the total value on those mobile gear trips occurring within 0.46 km of reef site 14. This action would preclude the 11 mobile gear vessels from fishing within 0.46 km of reef site 14 or any of the other reef sites. As previously mentioned though, commercial fishermen are only required to report location information once on their VTRs when fishing within a single NMFS statistical area, even when using mobile gear that can be towed over the bottom for hours covering many miles. In fact, according to VTR data in 2010, the average limited access sea scallop dredge trip covered approximately 9.3 km per haul and consisted of 66 hauls per trip. This means that the average limited access dredge vessel covered approximately 614 km total per trip in 2010. The area under consideration surrounding reef site 14 is only approximately 2.5 square nautical miles (4.6 square km) so the majority of the scallop landings on those trips in 2010 likely occurred in areas that will remain open under this action. Therefore, given that all but one mobile gear trip was reported in only one year within 0.46 km of reef 14 during 2004–2010, the impacts of the proposed action on earnings by mobile gear vessels is likely to be minimal under the Council preferred buffer zone of 0.46 km.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: June 16, 2014.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.14, paragraph (p)(1)(vi) is added to read as follows:

§ 648.14 Prohibitions.

* * * * *

(p) * * *

(1) * * *

(vi) *Special management zone.* Fail to comply with any of the restrictions for special management zones specified in § 648.148(b).

* * * * *

■ 3. In § 648.148, the introductory paragraph is removed, paragraphs (a) and (b) are revised, and paragraphs (c), (d) and (e) are removed, as follows:

§ 648.148 Special management zones.

(a) *General.* The recipient of a U.S. Army Corps of Engineers permit for an artificial reef, fish attraction device, or other modification of habitat for purposes of fishing may request that an area surrounding and including the site be designated by the MAFMC as a special management zone (SMZ). The MAFMC may prohibit or restrain the use of specific types of fishing gear that are not compatible with the intent of the artificial reef or fish attraction device or other habitat modification within the SMZ. The establishment of an SMZ will be effected by a regulatory amendment, pursuant to the following procedure: A SMZ monitoring team comprised of members of staff from the MAFMC, NMFS Greater Atlantic Fisheries Region, and NMFS Northeast Fisheries Science Center will evaluate the request in the form of a written report.

(1) Evaluation criteria. In establishing a SMZ, the SMZ monitoring team will consider the following criteria:

(i) Fairness and equity;

(ii) Promotion of conservation;

(iii) Avoidance of excessive shares;

(iv) Consistency with the objectives of Amendment 9 to the Summer Flounder,

Scup, and Black Sea Bass Fishery Management Plan, the Magnuson-Stevens Act, and other applicable law;

(v) The natural bottom in and surrounding potential SMZs; and

(vi) Impacts on historical uses.

(2) The MAFMC Chairman may schedule meetings of MAFMC's industry advisors and/or the SSC to review the report and associated documents and to advise the MAFMC. The MAFMC Chairman may also schedule public hearings.

(3) The MAFMC, following review of the SMZ monitoring teams's report, supporting data, public comments, and other relevant information, may recommend to the Regional Administrator that a SMZ be approved. Such a recommendation will be accompanied by all relevant background information.

(4) The Regional Administrator will review the MAFMC's recommendation. If the Regional Administrator concurs in the recommendation, he or she will publish a proposed rule in the **Federal Register** in accordance with the recommendations. If the Regional Administrator rejects the MAFMC's recommendation, he or she shall advise the MAFMC in writing of the basis for the rejection.

(5) The proposed rule to establish a SMZ shall afford a reasonable period for public comment. Following a review of public comments and any information or data not previously available, the Regional Administrator will publish a final rule if he or she determines that the establishment of the SMZ is supported by the substantial weight of evidence in the record and consistent with the Magnuson-Stevens Act and other applicable law.

(b) *Approved/Established SMZs—Delaware Special Management Zone Areas.* Special management zones are established for Delaware artificial reef permit areas # 9, 10, 11, 13, and 14 in the area of the U.S. Exclusive Economic Zone. From January 1 through December 31 of each year, no fishing vessel or person on a fishing vessel may fish in the Delaware Special Management Zones with any gear except hook and line and spear fishing (including the taking of fish by hand). The Delaware Special Management Zones are defined by straight lines connecting the following points N. latitude and W. longitude in the order stated:

(1) Delaware artificial reef # 9:

(i) 38°39.71016′ lat., 74°59.0883′ long.;

(ii) 38°39.82578′ lat., 75°1.11264′ long;

(iii) 38°41.1048′ lat., 75°0.63288′ long; and

(iv) 38°41.03244′ lat., 74°58.45098′ long; and then ending at the first point.

(2) Delaware artificial reef # 10:

(i) 38°35.93706′ lat, 74°55.44408′ long;

(ii) 38°36.0759′ lat., 74°57.57864′ long;

(iii) 38°37.36314′ lat., 74°57.01812′ long; and

(iv) 38°37.21938′ lat., 74°54.96474′ long; and then ending at the first point.

(3) Delaware artificial reef # 11:

(i) 38°39.61578′ lat., 74°42.81462′ long.;

(ii) 38°39.7797′ lat.; 74°45.20484′ long.;

(iii) 38°41.11092′ lat., 74°44.73474′ long.; and

(iv) 38°40.97472′ lat., 74°42.3459′ long.; and then ending at the first point.

(4) Delaware artificial reef # 13:

(i) 38°29.87118′ lat.; SE. 74°30.34818′ long.;

(ii) 38°30.00876′ lat., 74°31.93008′ long.;

(iii) 38°31.83384′ lat., 74°31.09968′ long.; and

(iv) 38°32.04756′ lat., l74°29.5839′ long.; and then ending at the first point.

(5) Delaware artificial reef # 14:

(i) 38°31.55286′ lat., 73°47.75244′ long.;

(ii) 38°31.55286′ lat., 73°50.08164′ long.;

(iii) 38°32.94684′ lat.; 73°50.08158′ long.; and

(iv) 38°32.94714′ lat, 73°47.75232′ long.; and then ending at the first point.

[FR Doc. 2014–14358 Filed 6–18–14; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 79, No. 118

Thursday, June 19, 2014

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Request Revision and Extension of a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the National Agricultural Statistics Service (NASS) to request revision and extension of a currently approved information collection, the Organic Survey. Revision to burden hours will be needed due to changes in the size of the target population, sample design, and questionnaire length.

DATES: Comments on this notice must be received by August 18, 2014 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535–0249, by any of the following methods:

- *E-Mail: ombofficer@nass.usda.gov.* Include docket number above in the subject line of the message.
- *Fax:* (202) 720–6396.
- *Mail:* Mail any paper, disk, or CD–ROM submissions to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW., Washington, DC 20250–2024.
- *Hand Delivery/Courier:* Hand deliver to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW., Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT: Joseph T. Reilly, Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–4333. Copies of this information collection and related instructions can be obtained without charge from David Hancock, NASS Clearance Officer, at (202) 690–2388.

SUPPLEMENTARY INFORMATION:

Title: Organic Survey.

OMB Control Number: 0535–0249.

Expiration Date of Previous Approval: July 31, 2014.

Type of Request: To revise and extend a currently approved information collection for a period of three years.

Abstract: The primary objective of the National Agricultural Statistics Service (NASS) is to prepare and issue State and national estimates of crop and livestock production, prices, and disposition as well as economic statistics, farm numbers, land values, on-farm pesticide usage, pest crop management practices, as well as the Census of Agriculture.

This is a resubmission of the **Federal Register** Notice to include several changes to the survey that were not included in the original notice. The original notice was published on March 17, 2014.

In 2009, NASS conducted the 2008 Organic Production Survey (OMB #0535–0249). This was originally designed to be conducted once every five years as a mandatory, follow-on-survey to the 2007 Census of Agriculture. In 2011 when the docket was renewed it was changed to accommodate a formal agreement with the USDA Risk Management Agency (RMA). The survey was changed to a voluntary survey that was to be conducted annually if funding permitted and it would allow for a rotation of target crops each year. With the completion of the 2012 Census of Agriculture the scope of the questionnaire is being expanded to include the questions that are needed by the 5 year census data series.

The name of this docket will be changed to Organic Survey. The data reference year will be 2014 and data will be collected in 2015.

The census-based survey will include all known farm operators who produce organically certified crops and/or livestock, farm operators exempt from certification (those who produce less than $5,000 in sales per year), and farmers who are in the process of transitioning over to being organic farmers. The survey will be conducted in all States. Some operational level data will be collected to use in classifying each operation for summary purposes. The majority of the questions will involve production data (acres planted, acres harvested, quantity harvested, quantity sold, value of sale, etc.), production expenses, and marketing practices.

Approximately 14,000 operations will be contacted by mail in early January, with a second mailing later in the month to non-respondents. Respondents will be able to complete the questionnaire by use of the internet if they so choose. Telephone and personal enumeration will be used for remaining non-response follow up. The National Agricultural Statistics Service will publish summaries in October at both the State level and for each major organic commodity when possible. Some State level data may need to be published on regional or national level due to confidentiality rules.

Under the 2014 Farm Bill (Section 11023) some of the duties of the Federal Crop Insurance Corporation (FCIC) are defined as ''(i) IN GENERAL— As soon as possible, but not later than the 2015 reinsurance year, the Corporation shall offer producers of organic crops price elections for all organic crops produced in compliance with standards issued by the Department of Agriculture under the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 *et seq.*) that reflect the actual retail or wholesale prices, as appropriate, received by producers for organic crops, as determined by the Secretary using all relevant sources of information. ''(ii) ANNUAL REPORT.— The Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report on progress made in developing and improving Federal crop insurance for organic crops, including—''(I) the numbers and varieties of organic crops insured; ''(II) the progress of implementing the price elections required under this subparagraph, including the rate at which additional price elections are adopted for organic crops; ''(III) the development of new insurance approaches relevant to organic producers; and ''(IV) any recommendations the Corporation considers appropriate to improve

Federal crop insurance coverage for organic crops''.

Authority: This census of organic farmers is required by law under the ''Census of Agriculture Act of 1997,'' Public Law No. 105–113, 7 U.S.C. 2204(g) as amended. These data will be collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501, *et seq.*) and Office of Management and Budget regulations at 5 CFR part 1320.

NASS also complies with OMB Implementation Guidance, ''Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA),'' **Federal Register**, Vol. 72, No. 115, June 15, 2007, p. 33362.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 45 minutes per response.

Respondents: Farmers and Ranchers.

Estimated Number of Respondents: 14,000.

Estimated Total Annual Burden on Respondents: 11,000 hours (based on an estimated 80% response rate, using 2 mail attempts, followed by phone and personal enumeration for non-respondents).

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, technological or other forms of information technology collection methods.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, June 4, 2014.

Joseph T. Reilly,

Administrator.

[FR Doc. 2014–14350 Filed 6–18–14; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Alaska Region Permit Family of Forms

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before August 18, 2014.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden, (907) 586–7008 or *Patsy.Bearden@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection.

For a person to participate in Federal fisheries, the National Marine Fisheries Service (NMFS) requires a Federal Fisheries Permit (FFP), a Federal Processor Permit (FPP), or an Experimental Fisheries Permit (EFP). NMFS Alaska Region created a set of groundfish permits that operators of vessels and managers of processors must have onboard or onsite when fishing for, receiving, buying, or processing groundfish. These permits provide NMFS with a way to monitor participation in groundfish fisheries.

Section 303(b)(1) of the Magnuson-Stevens Act specifically recognizes the need for permit issuance. The requirement of a permit for marine resource users is one of the regulatory steps taken to carry out conservation and management objectives. The issuance of a permit is an essential ingredient in the management of fishery resources needed for identification of the participants and expected activity levels and for regulatory compliance (e.g., withholding of permit issuance pending collection of unpaid penalties).

II. Method of Collection

Respondents have a choice of either electronic or paper forms. Methods of submittal include email of electronic forms, and mail and facsimile transmission of paper forms.

III. Data

OMB Control Number: 0648–0206.

Form Number: None.

Type of Review: Regular submission (extension of a currently approved collection).

Affected Public: Business or other profit organizations; individuals or households.

Estimated Number of Respondents: 658.

Estimated Time per Response: Federal Fisheries Permit, 21 minutes; Federal Processor Permit, 21 minutes; and Exempted Fisheries Permit, 20 hours.

Estimated Total Annual Burden Hours: 310.

Estimated Total Annual Cost to Public: $863 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 13, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–14309 Filed 6–18–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Alaska License Limitation Program (LLP) for Groundfish, Crab, and Scallops

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before August 18, 2014.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden, (907) 586–7008 or *Patsy.Bearden@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection.

The License Limitation Program (LLP) restricts access to the commercial groundfish fisheries, commercial crab fisheries and commercial scallop fisheries in the Exclusive Economic Zone off Alaska except for certain areas where alternative programs exist. The intended effect of the LLP is to limit the number of participants and reduce fishing capacity in fisheries off Alaska.

For a vessel designated on an LLP license, the LLP license authorizes the type of fishing gear that may be used by the vessel, the maximum size of the vessel, and whether the vessel may catch and process fish at sea or if it is limited to delivering catch without at-sea processing. LLP licenses that allow vessels to catch and process at-sea are assigned a catcher/processor endorsement. LLP licenses specify the maximum length over all (MLOA) of the vessel to which that LLP license may be assigned. Regulations implementing the LLP prohibit participants in LLP groundfish fisheries from using a vessel to fish for LLP groundfish that has a length overall that is greater than the MLOA specified on the LLP license. The LLP also includes a species endorsement for Pacific cod in the Bering Sea and Aleutian Islands (BSAI) and Gulf of Alaska (GOA).

An LLP license is required onboard any vessel deployed in scallop fisheries in Federal waters off Alaska (except for some diving operations). The scallop LLP is intended to limit the number of participants and reduce fishing capacity in the scallop fishery off Alaska. The scallop LLP will limit the number of participants and reduce fishing capacity in the scallop fishery off Alaska.

II. Method of Collection

Respondents have a choice of either electronic or paper forms. Methods of submittal include email of electronic forms, and mail and facsimile transmission of paper forms.

III. Data

OMB Control Number: 0648–0334.

Form Number: None.

Type of Review: Regular submission (extension of a currently approved collection).

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

Estimated Number of Respondents: 171.

Estimated Time per Response: Affidavit to Remove Non-AFA Crab Sideboards for Pacific Cod in the Western or Central GOA, 2 hours; Notification to Surrender LLP Endorsement, 30 minutes; Survey to Verify the Length Overall (LOA) of the Vessel, 1 hour; Application for Transfer of License Limitation Program Groundfish/Crab License, 1 hour; Application for Transfer License Limitation Program Scallop License, 1 hour; and Transfer appeals, 4 hours.

Estimated Total Annual Burden Hours: 323.

Estimated Total Annual Cost to Public: $2,110 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 13, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–14308 Filed 6–18–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; NMFS Alaska Region American Fisheries Act Reports

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before August 18, 2014.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden, (907) 586–7008 or *Patsy.Bearden@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection.

On October 21, 1998, the President signed into law The American Fisheries Act, 16 U.S.C. 1851 (AFA). The AFA

established a limited access program for the inshore sector of the Bering Sea and Aleutian Islands (BSAI) pollock fishery that is based on the formation of fishery cooperatives around each inshore pollock processor. The National Marine Fisheries Service (NMFS) issues a single pollock allocation to each cooperative and the cooperative may make sub-allocations of pollock to each individual vessel owner in the cooperative.

- With respect to the fisheries off Alaska, the AFA Program is a suite of management measures that fall into four general regulatory categories:
- Limit access into the fishing and processing sectors of the BSAI pollock fishery and that allocate pollock to such sectors (50 CFR 679.64).
- Govern the formation and operation of fishery cooperatives in the BSAI pollock fishery, including filing of cooperative contracts (50 CFR 679.61 and 679.62).
- Protection of other fisheries from spillover effects from the AFA (50 CFR 679.64).
- Govern catch measurement and monitoring in the BSAI pollock fishery, including filing of annual reports and completing and submitting inshore catcher vessel pollock cooperative catch reports (50 CFR 679.63).

II. Method of Collection

Respondents have a choice of either electronic or paper forms. Methods of submittal include email of electronic forms, and mail and facsimile transmission of paper forms.

III. Data

OMB Control Number: 0648–0401.

Form Number: None.

Type of Review: Regular submission (extension of a currently approved collection).

Affected Public: Business or other profit organizations; individuals or households.

Estimated Number of Respondents: 11.

Estimated Time per Response: AFA Cooperative Annual Report, 8 hours; AFA Cooperative Catch Report, 5 minutes; Agent for Service of Process, 5 minutes; Salmon Bycatch Reduction Inter-cooperative Agreement (ICA) or Renewal Letter, 1 hour; Application for a Proposed Incentive Plan Agreement (IPA) and List of Participants, 40 hours; and Chinook Salmon IPA Annual Report, 40 hours.

Estimated Total Annual Burden Hours: 425.

Estimated Total Annual Cost to Public: $56 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) W(hether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 13, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–14320 Filed 6–18–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD333

Fisheries of the Gulf of Mexico and South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 38 assessment webinars for Gulf of Mexico and South Atlantic King Mackerel.

SUMMARY: The SEDAR 38 assessment of Gulf of Mexico and South Atlantic King Mackerel will consist of a workshop and series of webinars. This notice is for an additional webinar associated with the Assessment portion of the SEDAR process.

DATES: An assessment webinar for SEDAR 38 will be held from 1–4 p.m. on Wednesday, July 16, 2014.

ADDRESS:

Meeting address: The meeting will be held via webinar. The webinar is open to the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT** below) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; phone (843) 571–4366; email: *julie.neer@safmc.net*.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop; (2) an Assessment Workshop and a series of webinars and (3) Review Workshop. The product of the Data Workshop is a report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses; and describes the fisheries. The Assessment workshop and webinars evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the Assessment Process webinars are as follows:

1. Using datasets and initial assessment analysis recommended from the Assessment Workshop, panelists will employ assessment models to evaluate stock status, estimate

population benchmarks and management criteria, and project future conditions.

2. Panelists will recommend the most appropriate methods and configurations for determining stock status and estimating population parameters.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 10 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: June 13, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–14280 Filed 6–18–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO–C–2014–0033]

Patent and Trademark Public Advisory Committees

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice and request for nominations for the Patent and Trademark Public Advisory Committees.

SUMMARY: On November 29, 1999, the President signed into law the Patent and Trademark Office Efficiency Act (the ''Act''), Public Law 106–113, which, among other things, established two Public Advisory Committees to review the policies, goals, performance, budget and user fees of the United States Patent and Trademark Office (USPTO) with respect to patents, in the case of the Patent Public Advisory Committee, and with respect to trademarks, in the case of the Trademark Public Advisory Committee, and to advise the Director on these matters (now codified at 35 U.S.C. 5). The America Invents Act Technical Corrections Act made several amendments to the 1999 Act, including the requirement that the terms of the USPTO Public Advisory Committee members be realigned by 2014, so that December 1 be used as the start and end date, with terms staggered so that each year three existing terms expire and three new terms begin on December 1. Through this Notice, the USPTO is requesting nominations for up to three (3) members of the Patent Public Advisory Committee, and for up to three (3) members of the Trademark Public Advisory Committee for terms of three years that begin on December 1, 2014.

DATES: Nominations must be postmarked or electronically transmitted on or before July 25, 2014.

ADDRESSES: Persons wishing to submit nominations should send the nominee's resumé by postal mail to Andrew C. Byrnes, Chief of Staff, Office of the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, Post Office Box 1450, Alexandria, Virginia 22313–1450 or by electronic mail to: *PPACnominations@uspto.gov* for the Patent Public Advisory Committee, or *TPACnominations@uspto.gov* for the Trademark Public Advisory Committee.

FOR FURTHER INFORMATION CONTACT: Andrew C. Byrnes, Chief of Staff, Office of the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, at (571) 272–8600.

SUPPLEMENTARY INFORMATION: The Advisory Committees' duties include:

- Review and advise the Under Secretary of Commerce for Intellectual Property and Director of the USPTO on matters relating to policies, goals, performance, budget, and user fees of the USPTO relating to patents and trademarks, respectively; and
- Within 60 days after the end of each fiscal year: (1) Prepare an annual report on matters listed above; (2) transmit the report to the Secretary of Commerce, the President, and the Committees on the Judiciary of the Senate and the House of Representatives; and (3) publish the report in the Official Gazette of the USPTO.

Advisory Committees

The Public Advisory Committees are each composed of nine (9) voting members who are appointed by the Secretary of Commerce (the ''Secretary'') and serve at the pleasure of the Secretary for three-year terms. Members are eligible for reappointment for a second consecutive three-year term. The Public Advisory Committee members must be citizens of the United States and are chosen to represent the interests of diverse users of the United States Patent and Trademark Office with respect to patents, in the case of the Patent Public Advisory Committee, and with respect to trademarks, in the case of the Trademark Public Advisory Committee. Members must represent small and large entity applicants located in the United States in proportion to the number of applications filed by such applicants. The Committees must include individuals with ''substantial background and achievement in finance, management, labor relations, science, technology, and office automation.'' 35 U.S.C. 5(b)(3). Each of the Public Advisory Committees also includes three (3) non-voting members representing each labor organization recognized by the USPTO. Administration policy discourages the appointment of federally registered lobbyists to agency advisory boards and commissions (Lobbyists on Agency Boards and Commissions, *http://www.whitehouse.gov/blog/2009/09/23/lobbyist-agency-boards-and-commissions* (Sept. 23, 2009)); cf. Exec. Order No. 13490, 74 FR 4673 (January 21, 2009) (While Executive Order 13490 does not specifically apply to federally registered lobbyists appointed by agency or department heads, it sets forth the Administration's general policy of decreasing the influence of special interests in the Federal Government).

Procedures and Guidelines of the Patent and Trademark Public Advisory Committees

Each newly appointed member of the Patent and Trademark Public Advisory Committees will serve for a three-year term that begins on December 1, 2014, and ends on December 1, 2017. As required by the 1999 Act, members of the Patent and Trademark Public Advisory Committees will receive compensation for each day (including travel time) while the member is attending meetings or engaged in the business of that Advisory Committee. The enabling statute states that members are to be compensated at the daily equivalent of the annual rate of basic pay in effect for level III of the Executive Schedule under section 5314 of Title 5, United States Code. Committee members are compensated on an hourly basis, calculated at the daily rate. While away from home or regular place of business, each member shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by Section 5703 of Title 5, United States Code.

Applicability of Certain Ethics Laws

Public Advisory Committee Members are Special Government Employees within the meaning of Section 202 of Title 18, United States Code. The following additional information includes several, but not all, of the ethics rules that apply to members, and assumes that members are not engaged in Public Advisory Committee business more than 60 days during any period of 365 consecutive days.

- Each member will be required to file a confidential financial disclosure form within thirty (30) days of appointment. 5 CFR 2634.202(c), 2634.204, 2634.903, and 2634.904(b).
- Each member will be subject to many of the public integrity laws, including criminal bars against representing a party in a particular matter that came before the member's committee and that involved at least one specific party. 18 U.S.C. 205(c); *see also* 18 U.S.C. 207 for post-membership bars. A member also must not act on a matter in which the member (or any of certain closely related entities) has a financial interest. 18 U.S.C. 208.
- Representation of foreign interests may also raise issues. 35 U.S.C. 5(a)(1) and 18 U.S.C. 219.

Meetings of the Patent and Trademark Public Advisory Committees

Meetings of each Advisory Committee will take place at the call of the respective Committee Chair to consider an agenda set by that Chair. Meetings may be conducted in person, telephonically, on-line through the Internet, or by other appropriate means. The meetings of each Advisory Committee will be open to the public except each Advisory Committee may, by majority vote, meet in executive session when considering personnel, privileged, or other confidential information. Nominees must have the ability to participate in Committee business through the Internet.

Dated: June 13, 2014.

Michelle K. Lee,

Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office.

[FR Doc. 2014–14352 Filed 6–18–14; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Reestablishment of Department of Defense Federal Advisory Committees

AGENCY: DoD.

ACTION: Reestablishment of Federal Advisory Committee.

SUMMARY: The Department of Defense is publishing this notice to announce that it is reestablishing the Defense Business Board (''the Board'').

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: The Board's charter is being reestablished 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) (''the Sunshine Act''), and 41 CFR 102–3.50(d).

The Board is a discretionary advisory committee that examines and provides advice to the Secretary of Defense and the Deputy Secretary of Defense on overall DoD management and governance from a private sector perspective.

The Department of Defense (DoD), through the Director of Administration and Management, provides support as deemed necessary for the Board's performance, and ensures compliance with the requirements of the FACA, the Sunshine Act, governing Federal statutes and regulations, and governing DoD policies and procedures.

The Board is comprised of no more than 25 members who possess the following: (a) A proven track record of sound judgment in leading or governing large, complex private sector corporations or organizations; and (b) a wealth of top-level, global business experience in the areas of executive management, corporate governance, audit and finance, human resources, economics, technology, or healthcare. Board members are appointed by the Secretary of Defense with annual renewals.

Board members appointed by the Secretary of Defense, who are not full-time or permanent part-time federal employees, are appointed as experts and consultants under the authority of 5 U.S.C. 3109 to serve as special government employee (SGE) members. Board members appointed by the Secretary of Defense, who are full-time or permanent part-time Federal employees, are appointed pursuant to 41 CFR 102–3.130(a) to serve as regular government employee (RGE) members. Board members serve a term of service of one-to-four years, as determined by the Secretary of Defense. According to Secretary of Defense policy, no member serves more than two consecutive terms of service unless otherwise authorized by the Secretary of Defense or the Deputy Secretary of Defense, and this limitation also applies to any subcommittee of the Board. With the exception of reimbursement for official board-related travel and per diem, members of the Board serve without compensation.

DoD, when necessary and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Board. Establishment of subcommittees is based upon a written determination, to include terms of reference, by the Secretary of Defense or the Deputy Secretary of Defense.

Such subcommittees will not work independently of the Board and must report all of findings and recommendations to the Board for full and open deliberation and discussion under the open-meeting rules of FACA. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Board. No subcommittee or any of its members can update or report, verbally or in writing, on behalf of the Board, directly to the DoD or any Federal officer or employee.

Subcommittee members are appointed by the Secretary of Defense or the Deputy Secretary for terms of service of one-to-four years, even if the member in question is already a member of the Board. Subcommittee members are appointed in the same manner as members of the Board to include the same appointment authorities and annual renewals. Like members of the Board, subcommittee members serve without compensation except for official travel and per diem related to the Board or the subcommittee.

All subcommittees operate under the provisions of FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

The Board's Designated Federal Officer (DFO) must be a full-time or permanent part-time DoD employee and must be appointed according to established DoD policies and procedures.

The Board's DFO is required to be in attendance at all meetings of the Board and any subcommittees for the entire duration of each and every meeting; however, in the absence of the DFO, a properly approved Alternate DFO shall attend the entire duration of all of the meetings of the Board and its subcommittees.

The DFO, or the Alternate DFO, shall call all meetings of the Board and its subcommittees; prepare and approve all

meeting agendas; and adjourn any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to members of the Board. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Board.

All written statements shall be submitted to the DFO, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Board's DFO is available at the GSA's FACA Database—*http://www.facadatabase.gov/*. The DFO, pursuant to 41 CFR 102–3.150, will announce planned meetings of the Board, and the DFO, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

Dated: June 13, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–14289 Filed 6–18–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2014–OSERS–0058]

Request for Information on Addressing Significant Disproportionality Under Section 618(d) of the Individuals With Disabilities Education Act (IDEA)

AGENCY: Office of Special Education and Rehabilitative Services, U.S. Department of Education.

ACTION: Request for Information.

SUMMARY: The U.S. Department of Education (Department) is requesting public comment on the actions that the Department should take to address significant disproportionality based on race and ethnicity in the identification, placement, and discipline of children with disabilities. Specifically, we are requesting input from the public on actions the Department should take related to: (1) Significant disproportionality based on race and ethnicity in the (a) identification of children as children with disabilities, including identification by disability category; (b) placement of children with disabilities in particular educational settings; and (c) the incidence, duration, and type of disciplinary action taken with respect to children with disabilities; and (2) ensuring that funds reserved for comprehensive, coordinated early intervening services (CEIS) under Part B of the IDEA are used to effectively address significant disproportionality.

DATES: Responses must be received by July 21, 2014.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via U.S. mail, commercial delivery, or hand delivery. We will not accept comments by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID and the term ''CEIS and Significant Disproportionality'' at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''Are you new to this site?''

U.S. Mail, Commercial Delivery, or Hand Delivery: If you mail or deliver your comments, address them to Larry Ringer, Attention: IDEA Determinations RFI, U.S. Department of Education, 400 Maryland Avenue SW., Room 4032, Potomac Center Plaza (PCP), Washington, DC 20202–2600.

Privacy Note: The Department's policy for comments received from members of the public (including comments submitted by mail, commercial delivery, or hand delivery) is to make these submissions available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available on the Internet.

Submission of Proprietary Information: Given the subject matter, some comments may include proprietary information as it relates to confidential commercial information. The Freedom of Information Act defines ''confidential commercial information'' as information the disclosure of which could reasonably be expected to cause substantial competitive harm. You may wish to request that we not disclose what you regard as confidential commercial information.

To assist us in making a determination on your request, we encourage you to identify any specific information in your comments that you consider confidential commercial information. Please list the information by page and paragraph numbers.

Note: This Request for Information (RFI) is issued solely for information and planning purposes and is not a request for proposals (RFP), a notice inviting applications (NIA), or a promise to issue an RFP or NIA. This RFI does not commit the Department to contract for any supply or service whatsoever. Further, the Department is not now seeking proposals and will not accept unsolicited proposals. The Department will not pay for any information or administrative costs that you may incur in responding to this RFI.

If you do not respond to this RFI, you may still apply for future contracts and grants. The Department posts RFPs on the Federal Business Opportunities Web site (*www.fbo.gov*). The Department announces grant competitions in the **Federal Register** (*www.gpo.gov/fdsys*). It is your responsibility to monitor these sites to determine whether the Department issues an RFP or NIA after considering the information received in response to this RFI.

The documents and information submitted in response to this RFI become the property of the U.S. Government and will not be returned.

FOR FURTHER INFORMATION CONTACT: Larry Ringer, U.S. Department of Education, 400 Maryland Avenue SW., Room 4032, PCP, Washington, DC 20202–2600. Telephone: (202) 245–7496.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

In section 601(c)(12)(A) and (B) of the IDEA, Congress found that, ''[g]reater efforts are needed to prevent the intensification of problems connected with mislabeling and high dropout rates among minority children with disabilities,'' and that, ''[m]ore minority children continue to be served in special education than would be expected from the percentage of minority students in the general school population.'' The IDEA and its implementing regulations include specific requirements to address those findings.

Specifically, section 618(d)(1) of the IDEA and the implementing regulations in 34 CFR 300.646(a) require each State to collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the local educational agencies (LEAs) of the State with respect to:

1. The identification of children as children with disabilities, including the identification of children as children

with disabilities in accordance with a particular impairment described in section 602(3) of the IDEA;

2. The placement in particular educational settings of children with disabilities; and

3. The incidence, duration, and type of disciplinary actions, including suspensions and expulsions, taken with respect to children with disabilities.

In cases where a determination of significant disproportionality is made in one or more of these areas based on the collection and examination of data, States must: (1) Provide for the review and, if appropriate, revision of policies, procedures, and practices used in identification, placement, or disciplinary actions to ensure compliance with the requirements of the IDEA; (2) require any LEAs identified as having significant disproportionality to reserve the maximum amount of funds under IDEA section 613(f) and 34 CFR 300.226 to provide CEIS to children in the LEA, particularly children in groups that are significantly overidentified; and (3) require the LEA to publicly report on the revision of policies, procedures, and practices used in identification, placement, and disciplinary actions. Section 618(d)(2) of the IDEA and 34 CFR 300.646(b); see also, Analysis of Comments and Changes, Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities; Final Rule, August 14, 2006 (71 FR 46540, 46738); and OSEP Memorandum 07–09, April 24, 2007, Disproportionality of Racial and Ethnic Groups in Special Education. *http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep07-09disproportionalityofracialandethnicgroupsinspecialeducation.pdf.*

The IDEA and its implementing regulations allow LEAs that are not required to reserve funds for CEIS to voluntarily use up to 15 percent of their IDEA Part B funds to provide CEIS to children in kindergarten through grade 12 (with a particular emphasis on children in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic or behavioral support to succeed in a general education environment. Section 613(f)(1) of the IDEA and 34 CFR 300.226(a).

Neither the IDEA nor the regulations define the term ''significant disproportionality.'' As stated in the preamble to the final IDEA Part B regulations published in the **Federal Register** on August 14, 2006, ''[w]ith respect to the definition of significant disproportionality, each State has the discretion to define the term for the LEAs and for the State in general. Therefore, in identifying significant disproportionality, a State may determine statistically significant levels.'' (Analysis of Comments and Changes, Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities; Final Rule, August 14, 2006 (71 FR 46540, 46738).)

The Department has afforded States broad discretion in defining significant disproportionality and in establishing procedures for identifying significant disproportionality within their States. Consequently, there is wide variation in how significant disproportionality is defined and identified in LEAs across States.

Data collected by the Department's Office of Special Education Programs (OSEP) and Office for Civil Rights (OCR) show significant racial and ethnic disparity in the identification of children for special education, including identification by disability category, educational placement, and disciplinary action. Based on these data, the Department has been concerned about the very small number of LEAs that have been identified by their States as having significant disproportionality, and the resulting limited funds that LEAs are required to use for CEIS to address that significant disproportionality. The Department is also concerned that the definitions and procedures for identifying LEAs with significant disproportionality that many States have established may set the bar so high that even LEAs with significant racial and ethnic disparities in the identification of children for special education are not identified as having significant disproportionality.

In February 2013, the Government Accountability Office (GAO) issued a report on CEIS, particularly as it relates to racial and ethnic overrepresentation in special education, which reinforced the Department's concerns. The GAO report, titled ''Individuals with Disabilities Education Act: Standards Needed to Improve Identification of Racial and Ethnic Overrepresentation in Special Education (GAO–13–137), can be found at *www.gao.gov/products/GAO-13-137.* In this report, the GAO examined the numbers and characteristics of LEAs that provide CEIS, how States determine which LEAs are required to provide CEIS, the types of CEIS provided, and oversight by the Department and States. Specifically, the GAO: (1) Examined data on CEIS for school years 2009–10 and 2010–11; (2) reviewed 16 States' methods for identifying LEAs with significant disproportionality, including States that did and did not require LEAs identified with significant disproportionality to provide CEIS services; (3) visited State educational agencies (SEAs) and LEAs in four States; and (4) interviewed Federal, State, and local officials. GAO found that, ''the discretion that States have in defining significant disproportionality has resulted in a wide range of definitions that provides no assurance that the problem is being appropriately identified across the nation.'' According to the GAO report, ''[a]mong the almost 15,000 school districts nationwide that received IDEA funding in school year 2010–2011, states required 356 (2.4 percent) districts to use these funds for early intervening services due to significant disproportionality.''

''To better understand the extent of racial and ethnic overrepresentation in special education and promote consistency in how States determine the districts required to provide early intervening services,'' the GAO recommended that the Department ''develop a standard approach for defining significant disproportionality to be used by all states. This approach should allow flexibility to account for state differences and specify when exceptions can be made.''

Context for Responses and Information Requested:

Given the discretion a State currently has to define the term ''significant disproportionality'' for the State and its LEAs, the Department requests public comment on how best to address significant disproportionality based on race and ethnicity in the identification of children for special education, including identification by disability category, educational placements, and disciplinary actions. In addition to this request for public comment, the Department will be collecting through ED*Facts* (the portal through which OSEP collects special education and other data from States) State definitions of significant disproportionality and information on the categories (as set forth in the IDEA) in which States have determined that a significant disproportionality based on race and ethnicity exists in the identification of children for special education, including identification by disability category, in placement of children with disabilities in particular educational settings, and in disciplinary action taken with respect to children with disabilities.

The Assistant Secretary for Special Education and Rehabilitative Services invites the public, including States, LEAs, parents, advocacy groups, researchers, and professional

organizations, to provide comment on, and offer proposals for: (1) Addressing significant disproportionality; (2) encouraging greater voluntary use of funds for CEIS in LEAs showing significant disparities (but no determination of significant disproportionality) by race and ethnicity in the rates of identification of children for special education, including identification by disability category, educational placements, and disciplinary actions; and (3) encouraging more effective, targeted use of funds for CEIS to address significant disproportionality in both districts required to use funds for CEIS (as a result of a determination of significant disproportionality) and districts choosing to use funds for CEIS. The Department will review the data collected under section 618 of the IDEA and by the Department's Office for Civil Rights, together with the information in the GAO report and all of the input and information received in response to this RFI, to determine what, if any, actions the Department should take to address significant disproportionality.

The Assistant Secretary requests comment on the following questions:

1. Should the Department issue proposed regulations requiring States to use a standard approach to determine which LEAs have significant disproportionality? If so, how might a standard approach properly account for State differences (e.g., population size, population composition, and LEA size)? If so, what should be included in such a standard approach?

2. What actions, apart from requiring a standard approach, should the Department take to address the very small number of LEAs identified with significant disproportionality, despite data (including the data the Department collects under section 618 of the IDEA, data collected by the Department's Office for Civil Rights, and the information in the GAO report) showing significant disparities, based on race and ethnicity, in the identification of children for special education, including by disability category, educational placements, and disciplinary actions?

3. What actions, including research- or evidence-based actions, should the Department take to: (a) Encourage greater voluntary use of funds for CEIS in LEAs showing significant disparities (but no determination of significant disproportionality, pursuant to 34 CFR § 300.646), by race and ethnicity, in the rates of identification of children for special education, including identification by disability category, educational placements, and disciplinary actions; and (b) assist LEAs in more effectively targeting their use of funds for CEIS to address significant disproportionality in both districts required to use funds for CEIS (as a result of a determination of significant disproportionality) and districts choosing to use funds for CEIS, in a manner that is both consistent with the requirements of the IDEA and which will help to address the causes and effects of significant disproportionality?

You may provide comments in any convenient format (i.e., bullet points, charts, graphs, paragraphs, etc.) and may also provide relevant information that is not responsive to a particular question but may nevertheless be helpful.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) upon request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

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Program Authority: 20 U.S.C. 1413(f)(1) and 1418(d).

Dated: June 16, 2014.

Michael K. Yudin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2014–14388 Filed 6–18–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC14–101–000.

Applicants: NRG Yield, Inc., NRG Yield Operating LLC, 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.

Description: Joint Application for Approval under Section 203 of the Federal Power Act and Request for Shortened Comment Period of NRG Yield, Inc., et. al.

Filed Date: 6/10/14.

Accession Number: 20140610–5245.

Comments Due: 5 p.m. ET 7/1/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–2178–009; ER10–2172–020; ER12–2311–008; ER10–2179–023; ER11–2016–015; ER10–2183–017; ER10–2184–020; ER10–1048–017; ER10–2192–020; ER11–2056–014; ER10–2178–020; ER14–1524–001; ER11–2014–017; ER11–2013–017; ER10–3308–019; ER10–1020–016; ER13–1536–003; ER10–1078–016; ER10–1080–016; ER11–2010–017; ER10–1081–016; ER10–2180–020; ER12–2201–008; ER11–2011–016; ER12–2528–008; ER11–2009–016; ER11–3989–013; ER10–2181–023; ER10–1143–016; ER10–2182–023; ER11–2383–004; ER12–1829–008; ER11–2007–015; ER12–1223–013; ER11–2005–017.

Applicants: AV Solar Ranch 1, LLC, Baltimore Gas and Electric Company, Beebe Renewable Energy, LLC, Calvert Cliffs Nuclear Power Plant LLC, Cassia Gulch Wind Park, LLC, CER Generation II, LLC, CER Generation, LLC, Commonwealth Edison Company, Constellation Energy Commodities Group Maine, LLC, Constellation Mystic Power, LLC, Constellation NewEnergy, Inc., Constellation Power Source Generation LLC, Cow Branch Windpower, LLC, CR Clearing, LLC, Criterion Power Partners, LLC, Exelon Framingham, LLC, Exelon Generation Company, LLC, Exelon New Boston, LLC, Exelon West Medway, LLC, Exelon Wind 4, LLC, Exelon Wyman, LLC, Handsome Lake Energy, LLC, Harvest II Wind Farm, LLC, Harvest WindFarm, LLC, High Mesa Energy, LLC, Michigan Wind 1, LLC, Michigan Wind 2, LLC, Nine Mile Point Nuclear Station, LLC, PECO Energy Company, R.E. Ginna Nuclear Power Plant, LLC, Safe Harbor Water Power Corporation, Shooting Star Wind Project, LLC, Tuana Springs Energy, LLC, Wildcat Wind, LLC, Wind Capital Holdings, LLC.

Description: Notice of Non-Material Change in Status of the Exelon MBR Entities.

Filed Date: 6/10/14.

Accession Number: 20140610–5252.
Comments Due: 5 p.m. ET 7/1/14.

Docket Numbers: ER14–1838–000.
Applicants: 511 Plaza Energy, LLC.
Description: Clarification to May 1, 2014 511 Plaza Energy, LLC tariff filing.
Filed Date: 6/10/14.
Accession Number: 20140610–5127.
Comments Due: 5 p.m. ET 6/20/14.

Docket Numbers: ER14–2156–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 2014–06–10_Ramp Product Filing to be effective 12/31/9998.
Filed Date: 6/10/14.
Accession Number: 20140610–5199.
Comments Due: 5 p.m. ET 7/1/14.

Docket Numbers: ER14–2157–000.
Applicants: Avista Corporation.
Description: Avista Corp OATT Order 789 Filing to be effective 10/1/2014.
Filed Date: 6/11/14.
Accession Number: 20140611–5006.
Comments Due: 5 p.m. ET 7/2/14.

Docket Numbers: ER14–2158–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: 2014–06–11_SA 2669 NIPSCO-Zimmerman Energy GIA (J256) to be effective 6/12/2014.
Filed Date: 6/11/14.
Accession Number: 20140611–5086.
Comments Due: 5 p.m. ET 7/2/14.

Docket Numbers: ER14–2159–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 2014–06–11_MISO–PJM JOA Attachment 5 Amendment to be effective 6/12/2014.
Filed Date: 6/11/14.
Accession Number: 20140611–5094.
Comments Due: 5 p.m. ET 7/2/14.

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: June 11, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–14281 Filed 6–18–14; 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: EC14–90–000.
Applicants: SunEdison LLC.
Description: Supplement to May 23, 2014 Joint Application for approval of SunEdison LLC and AES U.S. Solar, LLC under Section 203 of the Fed Power Act under.
Filed Date: 6/10/14.
Accession Number: 20140610–5247.
Comments Due: 5 p.m. ET 6/19/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–1792–001.
Applicants: Pinnacle Power, LLC.
Description: Amendment to MBR Application of Pinnacle Power, LLC to be effective 6/1/2014.
Filed Date: 6/11/14.
Accession Number: 20140611–5137.
Comments Due: 5 p.m. ET 7/2/14.

Docket Numbers: ER14–2107–001.
Applicants: Southwest Power Pool, Inc.
Description: 1148R18 Substitute American Electric Power Corp. NITSA NOA to be effective 5/1/2014.
Filed Date: 6/11/14.
Accession Number: 20140611–5159.
Comments Due: 5 p.m. ET 7/2/14.

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: June 11, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–14282 Filed 6–18–14; 8:45 am]

BILLING CODE 6717–01–P

EXPORT-IMPORT BANK

[Public Notice 2014–0031]

Application for Final Commitment for a Long-Term Loan or Financial Guarantee in Excess of $100 Million: AP088827XX

AGENCY: Export-Import Bank of the United States.

ACTION: Notice.

SUMMARY: This Notice is to inform the public, in accordance with Section 3(c)(10) of the Charter of the Export-Import Bank of the United States (''Ex-Im Bank''), that Ex-Im Bank has received an application for final commitment for a long-term loan or financial guarantee in excess of $100 million (as calculated in accordance with Section 3(c)(10) of the Charter). Comments received within the comment period specified below will be presented to the Ex-Im Bank Board of Directors prior to final action on this Transaction.

DATES: Comments must be received on or before July 14, 2014 to be assured of consideration before final consideration of the transaction by the Board of Directors of Ex-Im Bank.

ADDRESSES: Comments may be submitted through Regulations.gov at *WWW.REGULATIONS.GOV.* To submit a comment, enter EIB–2014–0031 under the heading ''Enter Keyword or ID'' and select Search. Follow the instructions provided at the Submit a Comment screen. Please include your name, company name (if any) and EIB–2014–0031 on any attached document.

Reference: AP088827XX.

Purpose and Use: Brief description of the purpose of the transaction: To support the export of U.S.-manufactured locomotive kits to South Africa.

Brief non-proprietary description of the anticipated use of the items being exported: To be used by Transnet to haul freight mainly within South Africa and in some cases to neighboring countries in southern Africa.

To the extent that Ex-Im Bank is reasonably aware, the items being exported are not expected to produce exports or provide services in competition with the exportation of goods or provision of services by a United States industry.

Parties: Principal Supplier: GE Transportation, Obligor: Transnet SOC Ltd., Guarantor(s): None.

Description of Items Being Exported: Locomotive kits.

Information on Decision: Information on the final decision for this transaction will be available in the ''Summary Minutes of Meetings of Board of Directors'' on *http://exim.gov/newsandevents/boardmeetings/board/.*

Confidential Information: Please note that this notice does not include confidential or proprietary business information; information which, if disclosed, would violate the Trade Secrets Act; or information which would jeopardize jobs in the United States by supplying information that competitors could use to compete with companies in the United States.

Kalesha Malloy,

Agency Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2014–14328 Filed 6–18–14; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Federal Trade Commission (FTC or Commission).

ACTION: Notice.

SUMMARY: The information collection requirements described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act (PRA). The FTC seeks public comments on its proposal to extend through September 30, 2017, the current PRA clearance for information collection requirements contained in the Gramm-Leach-Bliley Financial Privacy Rule (GLB Privacy Rule or Rule), 16 CFR Part 313. That clearance expires on September 30, 2014.

DATES: Comments must be received on or before August 18, 2014.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Request for Comments part of the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: Requests for copies of the collection of information and supporting documentation should be addressed to Jessica Lyon, Attorney, Division of Privacy and Identity Protection, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Ave. NW., Drop Box 8232, Washington, DC 20580, (202) 326–2344.

SUPPLEMENTARY INFORMATION:

Background

The Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act) [1] substantially changed the federal legal framework for financial services providers. Among the changes, the Dodd-Frank Act transferred rulemaking authority for a number of consumer financial protection laws from seven Federal agencies, including the FTC, to the Bureau of Consumer Financial Protection (CFPB) as of July 21, 2011. This transfer to the CFPB included most provisions of Subtitle A of Title V of the Gramm-Leach-Bliley Act (GLB Act), with respect to financial institutions described in section 504 of the GLB Act. Pursuant to the GLB Act, only the FTC retains rulemaking authority for its GLB Privacy Rule, 16 CFR 313, for motor vehicle dealers predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both.[2] The CFPB implemented its own regulations to enforce the Dodd-Frank provisions, including Privacy of Consumer Financial Information (Regulation P), 12 CFR 1016.[3] Contemporaneous with that issuance, the CFPB and FTC each had submitted to OMB, and received its approval for, the agencies' respective burden estimates reflecting their overlapping enforcement jurisdiction. The FTC supplemented its estimates for the enforcement authority exclusive to it regarding the class of motor vehicle dealers noted above. Following the preliminary background information, the discussion in the Burden Statement below continues that analytical framework with appropriate updates or other revisions for instant purposes.

Proposed Information Collection Activities

Under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501–3520, federal agencies must get OMB approval for each collection of information they conduct, sponsor, or require. ''Collection of information'' means agency requests or requirements to submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3); 5 CFR 1320.3(c). As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB extend the existing PRA clearance for the information collection requirements associated with the Commission's GLB Financial Privacy Rule,16 CFR 313 (OMB Control Number 3084–0121).

The FTC invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond. All comments must be received on or before August 18, 2014.

The GLB Privacy Rule is designed to ensure that customers and consumers, subject to certain exceptions, will have access to the privacy policies of the financial institutions with which they conduct business. As mandated by the Gramm-Leach-Bliley Act, 15 U.S.C. 6801–6809, the Rule requires financial institutions to disclose to consumers: (1) Initial notice of the financial institution's privacy policy when establishing a customer relationship with a consumer and/or before sharing a consumer's non-public personal information with certain nonaffiliated third parties; (2) notice of the consumer's right to opt out of information sharing with such parties; (3) annual notice of the institution's privacy policy to any continuing customer; [4] and (4) notice of changes in the institution's practices on information sharing. These requirements are subject to the PRA. The Rule does not require recordkeeping. For PRA burden calculations the FTC has attributed to itself the burden for all motor vehicle dealers and then shares equally the remaining PRA burden with the CFPB for other types of financial institutions that both agencies have enforcement authority regarding the GLB Privacy Rule.

[1] Public Law 111–203, 124 Stat. 1376 (2010).

[2] *See* Dodd-Frank Act, at section 1029(a), (c).

[3] *See* 76 FR 79025 (Dec. 21, 2011); Privacy of Consumer Financial Information (Regulation P), 12 CFR 1016, OMB Control Number 3170–0010.

[4] The CFPB has proposed amending Regulation P, to create an alternative delivery method for this annual disclosure, which financial institutions would be able to use under certain conditions. *See* 79 FR 27214 (May 13, 2014). Specifically, the CFPB proposes allowing financial institutions that do not engage in certain types of information-sharing activities to stop mailing an annual disclosure if they post the annual notices on their Web sites and meet certain other criteria. A financial institution would still be required to use the currently permitted delivery method if the institution, among other things, has changed its privacy practices or engages in information-sharing activities for which customers have a right to opt out.

GLB Privacy Rule Burden Statement

Estimated annual hours burden: 1,515,050 annual hours (FTC portion).

As noted in previous burden estimates for the GLB Privacy Rule, determining the PRA burden of the Rule's disclosure requirements is very difficult because of the highly diverse group of affected entities, consisting of financial institutions not regulated by a Federal financial regulatory agency. *See* 15 U.S.C. 6805 (committing to the Commission's jurisdiction entities that are not specifically subject to another agency's jurisdiction).

The burden estimates represent the FTC staff's best assessment, based on its knowledge and expertise relating to the financial institutions subject to the Commission's jurisdiction under this law. To derive these estimates, staff considered the wide variations in covered entities. In some instances, covered entities may make the required disclosures in the ordinary course of business, apart from the GLB Privacy Rule. In addition, some entities may use highly automated means to provide the required disclosures, while others may rely on methods requiring more manual effort. The burden estimates shown below include the time that may be necessary to train staff to comply with the regulations. These figures are averages based on staff's best estimate of the burden incurred over the broad spectrum of covered entities.

Staff estimates that the number of entities each year that will address the GLB Privacy Rule for the first time will be 5,000 and the number of established entities already familiar with the Rule will be 100,000. While the number of established entities familiar with the Rule would theoretically increase each year with the addition of new entrants, staff retains its estimate of established entities for each successive year given that a number of the established entities will close in any given year, and also given the difficulty of establishing a more precise estimate.

Staff believes that the usage of the model privacy form and the availability of the form builder simplify and automate much of the work associated with creating the disclosure documents for new entrants. Staff thus estimates 1 hour of clerical time and 2 hours of professional/technical time per new entrant.

For established entities, staff similarly believes that the usage of the model privacy form and the availability of the Online Form Builder reduces the time associated with the modification of the notices. Staff thus estimates 7 hours of clerical time and 3 hours of professional/technical time per respondent. Staff estimates that no more than 1% of the estimated 100,000 established-entity respondents would make additional changes to privacy policies at any time other than the occasion of the annual notice.

The complete burden estimates for new entrants and established entities are detailed in the charts below.

START-UP HOURS AND LABOR COSTS FOR ALL NEW ENTRANTS

[Table IA]

Event	Hourly wage and labor category *	Hours per respondent	Approx. number of respondents	Approx. total annual hrs.	Approx. total labor costs
Reviewing internal policies and developing GLBA-implementing instructions. **	$41.82 Professional/Technical	20	5,000	100,000	$4,182,000
Creating disclosure document or electronic disclosure (including initial, annual, and opt out disclosures).	$16.78 Clerical	1	5,000	5,000	83,900
	$41.82 Professional/Technical	2	5,000	10,000	418,200
Disseminating initial disclosure (including opt out notices).	$16.78 Clerical	15	5,000	75,000	1,258,500
	$41.82 Professional/Technical	10	5,000	50,000	2,091,000
Total				240,000	8,033,600

* Staff calculated labor costs by applying appropriate hourly cost figures to burden hours. The hourly rates used were based on mean wages for Financial Examiners and for Office and Administrative Support, corresponding to professional/technical time (*e.g.,* compliance evaluation and/or planning, designing and producing notices, reviewing and updating information systems), and clerical time (*e.g.,* reproduction tasks, filing, and, where applicable to the given event, typing or mailing) respectively. See BLS Occupational Employment and Wages, May 2013, Table 1 at *http://www.bls.gov/news.release/pdf/ocwage.pdf*. Labor cost totals reflect solely that of the commercial entities affected. Staff estimates that the time required of consumers to respond affirmatively to respondents' opt-out programs (be it manually or electronically) would be minimal.

** Reviewing instructions includes all efforts performed by or for the respondent to: Determine whether and to what extent the respondent is covered by an agency collection of information, understand the nature of the request, and determine the appropriate response (including the creation and dissemination of documents and/or electronic disclosures).

Burden Hours and Costs for All Established Entities (Table IB)

Burden for established entities already familiar with the Rule predictably would be less than for start up entities because start-up costs, such as crafting a privacy policy, are generally one-time costs and have already been incurred. Staff's best estimate of the average burden for these entities is as follows:

Event	Hourly wage and labor category *	Hours per respondent	Approx. number of respondents **	Approx. total annual hrs.	Approx. total labor costs
Reviewing GLBA-implementing policies and practices.	$41.82 Professional/Technical	4	70,000	280,000	$11,709,600
Disseminating annual disclosure	$16.78 Clerical	15	70,000	1,050,000	17,619,000
	$41.82 Professional/Technical	5	70,000	350,000	14,637,000

Event	Hourly wage and labor category *	Hours per respondent	Approx. number of respondents **	Approx. total annual hrs.	Approx. total labor costs
Changes to privacy policies and related disclosures.	$16.78 Clerical	7	1,000	7,000	117,460
	$41.82 Professional/Technical	3	1,000	3,000	125,460
Total				1,690,000	44,208,520

* Staff calculated labor costs by applying appropriate hourly cost figures to burden hours. The hourly rates used were based on mean wages for Financial Examiners and for Office and Administrative Support, corresponding to professional/technical time (*e.g.,* compliance evaluation and/or planning, designing and producing notices, reviewing and updating information systems), and clerical time (*e.g.,* reproduction tasks, filing, and, where applicable to the given event, typing or mailing) respectively. See BLS Occupational Employment and Wages, May 2013, Table 1 at *http://www.bls.gov/news.release/pdf/ocwage.pdf.* Labor cost totals reflect solely that of the affected commercial entities. Consumers have a continuing right to opt out, as well as a right to revoke their opt-out at any time. When a respondent changes its information sharing practices, consumers are again given the opportunity to opt out. Again, staff assumes that the time required of consumers to respond affirmatively to respondents' opt-out programs (be it manually or electronically) would be minimal.

** The estimate of respondents is based on the following assumptions: (1) 100,000 established respondents, approximately 70% of whom maintain customer relationships exceeding one year, (2) no more than 1% (1,000) of whom make additional changes to privacy policies at any time other than the occasion of the annual notice; and (3) such changes will occur no more often than once per year.

As calculated above, the total annual PRA burden hours and labor costs for all affected entities in a given year would be 1,930,000 hours and $52,242,120, respectively.

The FTC now carves out from these overall figures the burden hours and labor costs associated with motor vehicle dealers. This is because the CFPB does not enforce the GLB Privacy Rule for those types of entities. We estimate the following:

ANNUAL START-UP HOURS AND LABOR COSTS FOR NEW ENTRANTS—MOTOR VEHICLE DEALERS ONLY

[Table IIA]

Event	Hourly wage and labor category	Hours per respondent	Approx. number of respondents (Table IA inputs × 0.57)	Approx. total annual hrs.	Approx. total labor costs
Reviewing internal policies and developing GLBA-implementing instructions. **	$41.82 Professional/Technical	20	2,850	57,000	$2,383,740
Creating disclosure document or electronic disclosure (including initial, annual, and opt out disclosures).	$16.78 Clerical	1	2,850	2,850	47,823
	$41.82 Professional/Technical	2	2,850	5,700	238,374
Disseminating initial disclosure (including opt out notices).	$16.78 Clerical	15	2,850	42,750	717,345
	$41.82 Professional/Technical	10	2,850	28,500	1,191,870
Total				136,800	4,579,152

** Multiply the number of respondents from the comparable table above on all new entrants by the following allocation (60,000/105,000) = 0.57. The number in the denominator represents the total of the FTC's existing GLB Rule estimates for new entrants (5,000) and established entities (100,000). The numerator represents an estimate of motor vehicle respondents. For this category, Commission staff relied on the following industry estimates: 17,635 new car dealers per *National Automobile Dealers Association* data (2013) and 35,000 independent/used car dealers per *National Independent Automobile Dealers Association* data (2012), respectively, multiplied by an added factor of 1.10 to cover for an unknown quantity of additional motor vehicle dealer types (motorcycles, boats, other recreational vehicles) also covered within the definition of ''motor vehicle dealer'' under section 1029(a) of the Dodd-Frank Act.

ANNUAL BURDEN HOURS AND LABOR COSTS FOR ALL ESTABLISHED ENTITIES—MOTOR VEHICLE DEALERS ONLY

[Table IIB]

Event	Hourly wage and labor category *	Hours per respondent	Approx. number of respondents ** (Table IB inputs × 0.57)	Approx. total annual hrs.	Approx. total labor costs
Reviewing GLBA-implementing policies and practices.	$41.82 Professional/Technical	4	39,900	159,600	$6,674,472
Disseminating annual disclosure	$16.78 Clerical	15	39,900	598,500	10,042,830
	$41.82 Professional/Technical	5	39,900	199,500	8,343,090
Changes to privacy policies and related disclosures.	$16.78 Clerical	7	570	3,990	66,952
	$41.82 Professional/Technical	3	570	1,710	71,512

ANNUAL BURDEN HOURS AND LABOR COSTS FOR ALL ESTABLISHED ENTITIES—MOTOR VEHICLE DEALERS ONLY—Continued

[Table IIB]

Event	Hourly wage and labor category *	Hours per respondent	Approx. number of respondents ** (Table IB inputs × 0.57)	Approx. total annual hrs.	Approx. total labor costs
Total				963,300	25,198,856

The FTC's portion of the annual hourly burden would be 1,100,100 hours + ((1,930,000–1,100,100)/2) = 1,515,050 annual hours. The FTC's portion of the annual cost burden would be $29,778,008 + $((52,242,120 − 29,778,008)/2) = $41,010,064.

Estimated Capital/Other Non-Labor Costs Burden

Staff believes that capital or other non-labor costs associated with the document requests are minimal. Covered entities will already be equipped to provide written notices (*e.g.,* computers with word processing programs, typewriters, copying machines, mailing capabilities). Most likely, only entities that already have online capabilities will offer consumers the choice to receive notices via electronic format. As such, these entities will already be equipped with the computer equipment and software necessary to disseminate the required disclosures via electronic means.

Request for Comments

You can file a comment online or on paper. Write ''Paperwork Comment: FTC File No. P085405'' 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, such as a 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, such as 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 must follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c). 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, the Commission encourages 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/glbfinancialrulepra* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Paperwork Comment: FTC File No. P085405'' on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610, (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610, (Annex J), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice. 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 August 18, 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.*

David C. Shonka,

Principal Deputy General Counsel.

[FR Doc. 2014–14326 Filed 6–18–14; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–14–0234]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. To request more information on the below proposed project or to obtain a copy of the information collection plan and instruments, call 404–639–7570 or send comments to Leroy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the

agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Written comments should be received within 60 days of this notice.

Proposed Project

National Ambulatory Medical Care Survey (NAMCS), (OMB No. 0920–0234 exp. 12/31/2014)—Revision—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes that the Secretary of Health and Human Services (DHHS), acting through NCHS, shall collect statistics on the utilization of health care provided by non-federal office-based physicians in the United States. On December 13, 2011, the Office of Management and Budget (OMB) approved data collection for three years from 2012 to 2014. This revision is to request approval to continue NAMCS data collection activities for three years from 2015–2017, make minor modifications to survey content, and to collect additional questions on alcohol screening practices. This notice also covers potential increases in sample size that might result due to other future budget allocations.

NAMCS was conducted annually from 1973 to 1981, again in 1985, and resumed as an annual survey in 1989. The purpose of NAMCS, a voluntary survey, is to meet the needs and demands for statistical information about the provision of ambulatory medical care services in the United States. Ambulatory services are rendered in a wide variety of settings, including physicians' offices and hospital outpatient and emergency departments.

The NAMCS target universe consists of all office visits made by ambulatory patients to non-Federal office-based physicians (excluding those in the specialties of anesthesiology, radiology, and pathology) who are engaged in direct patient care. In 2006, physicians and mid-level providers (i.e., nurse practitioners, physician assistants, and nurse midwives) practicing in community health centers (CHCs) were added to the NAMCS sample, and these data will continue to be collected.

To complement NAMCS data, NCHS initiated the National Hospital Ambulatory Medical Care Survey (NHAMCS, OMB No. 0920–0278) in 1992 to provide data concerning patient visits to hospital outpatient and emergency departments. NAMCS and NHAMCS are the principal sources of data on ambulatory care provided in the United States.

A three-year clearance is requested. There is no cost to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Office-based physicians (Core and Expansion Sample).	Physician Induction Interview (NAMCS–1).	4,999	1	45/60	3,749
	Patient Record form (NAMCS–30) (Physician abstracts on web-based Centurion).	1,000	30	14/60	7,000
	Pulling, re-filing medical record forms (FR abstracts).	3,999	30	1/60	2,000
Office-based physicians (Contingency Sample).	Physician Induction Interview (NAMCS–1).	6,012	1	45/60	4,509
	Patient Record form (NAMCS–30) (Physician abstracts on web-based Centurion).	1,202	30	14/60	8,414
	Pulling, re-filing medical record forms (FR abstracts).	4,809	30	1/60	2,405
Community Health Centers (Core and Expansion Sample).	Induction Interview—service delivery site (NAMCS–201).	1,156	1	20/60	385
	Induction Interview—Providers	2,312	1	45/60	1,734
	Patient Record form (NAMCS–30) (Provider abstracts).	462	30	14/60	3,234
	Pulling, re-filing medical record forms (FR abstracts).	1850	30	1/60	925
Community Health Centers (Contingency Sample).	Induction Interview—service delivery site (NAMCS–201).	904	1	20/60	301
	Induction Interview—Providers	1,808	1	45/60	1,356
	Patient Record form (NAMCS–30) .. (Provider abstracts)	362	30	14/60	2,534
	Pulling, re-filing medical record forms (FR abstracts).	1,446	30	1/60	723

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Re-abstraction study	Pulling, re-filing medical record forms (FR abstracts).	500	10	1/60	83
Total					39,352

Leroy 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. 2014–14360 Filed 6–18–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–14–0134]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Foreign Quarantine Regulations (OMB No. 0920–0134, expires 7/31/2015)—Revision—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Division of Global Migration and Quarantine (DGMQ), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC is submitting this revision to obtain authority to collect electronic information from importers/filers on specific types of animals and cargo over which CDC has authority, notably those found in 42 CFR part 71. This request is consistent with requirements of the Security and Accountability for Every (SAFE) Port Act that states that all agencies that require documentation for clearing or licensing the importation and exportation of cargo participate in the International Trade Data System (ITDS), and is also consistent with CDC authorities under Section 361 of the Public Health Service Act (PHSA) (42 U.S.C. 264).

This electronic data is specified by CDC using Partner Government Agency (PGA) Message Sets and is collected by Customs and Border Protection (CBP) from importers/filers when they submit the information needed through International Trade Data System ITDS and the Automated Commercial Environment (ITDS/ACE) to clear an import. CDC has developed a PGA message set for each regulated import specified in 42 CFR part 71, and each PGA Message Set includes only those data requirements necessary in order to determine whether or not a CDC-regulated import poses a risk to public health and that the importer has met CDC's regulatory requirements for entry. CDC including the PGA Message Sets for review because there is no set form or format for the electronic submission of import related data to CBP and CDC. CDC is permitted access to the Automated Commercial Environment (ACE) data pursuant to 6 CFR § 29.8(b) and 49 CFR § 1520.11(b), which permit federal employees with a need to know to have access to this data.

CDC is maintaining its authority to collect hard copies of required documentation, as currently authorized by the Office of Management and Budget, because the use of ITDS/ACE will not be required for imports entering the United States until a later date. CDC will accept both hard copy and electronic filing of import-related documentation until the use of ACE is required for cargo entering the United States.

Through this revision, CDC is requesting a net increase in the estimated number of burden hours in the amount of 8,162. Of these additional hours, 7,862 pertain to requests for CDC Message Set data via ITDS/ACE, 167 hours pertain to required statements/documentation of products being rendered non-infectious, and 133 hours pertain to a revised estimate of the number of CDC form 75.37 ''NOTICE TO OWNERS AND IMPORTERS OF DOGS: Requirement for Dog Confinement required from importers of dogs.

CDC also is providing wholly revised instructions for the Maritime Conveyance Cumulative Influenza/Influenza-Like Illness (ILI) Form and Maritime Conveyance Illness or Death Investigations form. No additional burden is requested for this change, because no increase in complexity of instructions or reporting information is requested.

Finally, CDC has removed burden totals for 42 CFR 71.52 Turtles, Tortoises and Terrapins (reduction of 3 hours from burden total); 42 CFR 71.55 Dead Bodies (reduction of 5 hours from burden total; and 42 CFR 71.56(a)(iii) and (c) Appeal—Appeal the denial of permit for importation of regulated

animals; and Appeal for order of quarantine, destruction or re-export of regulated animals (reduction of 2 hours from burden total). CDC estimates that there are less than 10 occurrences a year when information is provided by a respondent pursuant to CDC requirements for importation. This results in a total reduction of 10 hours.

Respondents to this data collection include airline pilots, ships' captains, importers/filers, and travelers/general public. The nature of the response to CDC dictates which forms are completed by whom. There are two scenarios presented in this information collection request, and therefore two numbers for total number of respondents and two numbers for total burden. In the event of an outbreak of disease of public health significance with widespread use of the PLF occurs, CDC estimates that there will be 2,775,416 total respondents and 235,569 total burden hours. In the more limited use of the PLF, CDC estimates 75,406 total respondents and 10,435 total burden hours. There are no costs to respondents except for their time to complete the response.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name/CFR reference	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Maritime conveyance operators	71.21(a) Radio Report of death/illness—illness reports from ships (fillable PDF (individual case and cumulative report), phone, transcribed email).	2,000	1	2/60
Aircraft commander or operators	71.21(b) Death/Illness reports from aircrafts (verbal, no form).	1,700	1	2/60
Maritime conveyance operators	71.21(c) Gastrointestinal Illnesses reports 24 and 4 hours before arrival (MIDRS).	17,000	1	3/60
Maritime conveyance operators	71.21(c) Recordkeeping—Medical logs (no form, captains provide logs).	17,000	1	3/60
Isolated or Quarantined individuals	71.33(c) Report by persons in isolation or surveillance (verbal, no form).	11	1	3/60
Maritime conveyance operators	71.35 Report of death/illness during stay in port (verbal, no form).	5	1	30/60
Aircraft commander or operators	Locator Form used in an outbreak of public health significance.	2,700,000	1	5/60
Aircraft commander or operators	Locator Form used for reporting of an ill passenger(s)	800	1	5/60
Importer	71.51(b)(2) Dogs/cats: Certification of Confinement, Vaccination (CDC form 75.37).	2,800	1	10/60
Importer	71.51(b)(3) Dogs/cats: Record of sickness or deaths (no form, record review).	20	1	15/60
Importer/Filer	CDC PGA Message Set for Importing Cats and Dogs	30,000	1	15/60
Importer	71.56(a)(2) African Rodents—Request for exemption (no form, written request only).	20	1	1
Importer/Filer	CDC PGA Message Set for Importing African Rodents	60	1	15/60
Importer	Statement or documentation of Non-infectiousness (Documented, no form; authority under 71.32(b)).	2,000	1	5/60
Importer/Filer	CDC PGA Message Set for Importing African Rodent and All Family Viverridae Products.	2,000	1	15/60

Leroy 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. 2014–14338 Filed 6–18–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day–14–14AIO]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. To request more information on the below proposed project or to obtain a copy of the information collection plan and instruments, call 404–639–7570 or send comments to Leroy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying

information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Written comments should be received within 60 days of this notice.

Proposed Project

National Survey of Primary Care Policies for Managing Patients with High Blood Pressure, High Cholesterol, or Diabetes—New—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Cardiovascular disease is a leading cause of death and disability for men and women in the United States, among the most costly health problems facing our nation today, and among the most preventable. Risk factors for cardiovascular disease include high blood pressure and high cholesterol. Because over 50% of diabetics have high blood pressure, high cholesterol, or both conditions, the optimal systems to treat people with hypertension, high cholesterol, or diabetes are interrelated.

In 2005, CDC's Division for Heart Disease and Stroke Prevention (DHDSP) began developing evaluation indicators that reflect evidence-based outcomes from policy, systems, and environmental changes related to heart disease and stroke prevention. However, many of the indicators for short-term policy and systems changes do not have readily available data sources. This is particularly true for outcomes related to health care systems changes.

NCHS proposes to conduct a new information collection, the National Survey of Primary Care Policies for Managing Patients with High Blood Pressure, High Cholesterol, or Diabetes. This survey will serve as an extension of the National Ambulatory Medical Care Survey (NAMCS) (OMB No. 0920–0234), NCHS's primary survey on office-based physicians. In order to minimize the burden on physicians currently sampled in NAMCS, this survey is being launched as a distinct data-collection effort, but will use NAMCS definitions, questions, and specifications as appropriate. The survey will be targeted to primary care physicians specializing in internal medicine or family practice. Respondents will be drawn from a nationally representative sample of physicians. Physicians working in hospitals, federal facilities, nursing homes, rehabilitation centers and correctional facilities will not be eligible for the survey. Eligibility will be determined by phone. The survey instrument will undergo cognitive testing before administration.

The mail-based survey will collect information about physician practices' use of evidence-based systems, including multidisciplinary team approaches for chronic disease treatment, electronic health records (EHR) with features appropriate for treating patients with chronic disease (e.g., clinical decision supports, patient registries), and patient follow-up mechanisms. Approximately 945 physicians will participate in the data collection. This is a one-time data collection.

Information will be used to examine health systems and dissemination of health systems technology. Results will be used by primary care practices to inform their systems for managing patients with chronic conditions and to improve the quality of care delivered. Results will be used by NCHS and CDC to improve technical assistance to public health partners.

Because this project was previously submitted by the CDC's National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), a 60-day notice was previously published by NCCDPHP on April 29, 2011 (Vol. 76, No. 83, pp. 24029–24030).

OMB approval is requested for three years. Participation in the Survey is voluntary and all responses will be de-identified. There are no costs to respondents other than their time. The total estimated annualized burden hours are 287.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Physician	Cognitive Testing Screener	10	1	10/60	2
Physician	Cognitive Testing Protocol	10	1	75/60	13
Medical Secretary	NSPCP Screener	1,000	1	10/60	167
Physician	NSPCP	315	1	20/60	105
Total					287

Leroy 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. 2014–14359 Filed 6–18–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–14–0905]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the

burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

FoodNet Non-O157 Shiga Toxin-Producing *E. coli Study:* Assessment of Risk Factors for Laboratory-Confirmed Infections and Characterization of Illnesses by Microbiological Characteristics (OMB No. 0920–0905, expires 11/30/14)—Extension—National Center for Emerging and Zoonotic Infectious Diseases, Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Each year many Shiga toxin-producing *E. coli* (STEC) infections occur in the United States, ranging in severity from mild diarrhea, to hemorrhagic colitis and in some cases, life-threatening hemolytic uremic syndrome (HUS). HUS occurs most frequently following infection with serogroup O157; 6% of patients with this type of STEC infection develop HUS, with highest occurrence in children aged <5 years. HUS has a fatality rate of approximately 5%; up to 25% of HUS survivors are left with chronic kidney damage.

STEC are broadly categorized into two groups by their O antigens, STEC O157 and non-O157 STEC. The serogroup O157 is most frequently isolated and most strongly associated with HUS. Risk factors for STEC O157 infections in the United States and internationally have been intensely studied. Non-O157 STEC is a diverse group that includes all Shiga toxin-producing *E. coli* of serogroups other than O157. Over 50 STEC serogroups are known to have caused human illness. Numerous non-O157 outbreaks have been reported from throughout the world and clinical outcomes in some patients can be as severe as those seen with STEC O157 infections, however, little is known about the specific risk factors for infections due to non-O157 STEC serogroups. More comprehensive understanding of risk factors for sporadic non-O157 STEC infections is needed to inform prevention and control efforts.

The FoodNet case-control study is the first multistate investigation of non-outbreak-associated non-O157 STEC infections in the United States. It investigates risk factors for non-O157 STEC infections, both as a group and individually for the most common non-O157 STEC serogroups. In addition, the study characterizes the major known virulence factors of non-O157 STEC to assess how risk factors and clinical features vary by virulence factor profiles. As the largest, most comprehensive, and most powerful study of its kind, it is making an important contribution towards better understanding of non-O157 STEC infections and will provide science-based recommendations for interventions to prevent these infections.

Study enrollment began between July and September 2012 (sites had staggered start dates) and is scheduled to run for 36 months. Since we have not yet enrolled enough cases to meet the study objectives, we are requesting an extension.

Persons with non-O157 STEC infections who are identified as part of routine public health surveillance and randomly selected healthy persons in the patients' communities (to serve as controls) are contacted and offered enrollment into this study. Participation is completely voluntary and there is no cost for enrollment. The estimated annual burden is 268 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)
Patients	Case questionnaire	161	1	25/60
Controls	Control questionnaire	483	1	25/60

Leroy 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. 2014–14331 Filed 6–18–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–14–0666]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. To request more information on the below proposed project or to obtain a copy of the information collection plan and instruments, call 404–639–7570 or send comments to Leroy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper

performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Written comments should be received within 60 days of this notice.

Proposed Project

National Healthcare Safety Network (NHSN) (OMB No. 0920–0666, expires 10/31/2016)—Revision—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The National Healthcare Safety Network (NHSN) is a system designed to accumulate, exchange, and integrate relevant information and resources among private and public stakeholders to support local and national efforts to protect patients and promote healthcare safety. Specifically, the data is used to determine the magnitude of various healthcare-associated adverse events and trends in the rates of these events among patients and healthcare workers with similar risks. The data will be used to detect changes in the epidemiology of adverse events resulting from new and current medical therapies and changing risks. The NHSN currently consists of five components: Patient Safety, Healthcare Personnel Safety, Biovigilance, Long-Term Care Facility (LTCF), and Dialysis. Two new components will be added within the next one to two years: Outpatient Procedure and Antimicrobial Use & Resistance.

The Antimicrobial Use and Resistance (AUR) Component will be launched within NHSN that will specifically examine antimicrobial use (AU) and antimicrobial resistance (AR) within healthcare facilities. The goal of the AUR Component is to provide a mechanism for facilities to report and analyze antimicrobial use and/or resistance as part of local or regional efforts to reduce antimicrobial resistant infections through antimicrobial stewardship efforts or interruption of transmission of resistant pathogens at their facility. This revision submission includes one new form specific to the NHSN AUR Component.

Significant additions were made to three NHSN facility surveys. Questions about infection control practices were added to gain a better understanding of current practices and identify areas to target prevention efforts among facilities that have reported a multidrug-resistant organism. Questions about antibiotic stewardship were added to gain a better understanding of current efforts to improve antibiotic use in hospitals and to assess the quality of hospital antibiotic stewardship programs.

Additionally, minor revisions have been made to 31 other forms within the package to clarify and/or update surveillance definitions. Three forms are being removed as patient vaccination monitoring will be removed from NHSN.

The previously approved NSHN package included 56 individual collection forms; the current revision request adds one new form and removes three forms for a total of 54 forms. The reporting burden will increase by 172,943 hours, for a total of 4,277,716 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Registered Nurse (Infection Preventionist).	NHSN Registration Form	2,000	1	5/60	167
Registered Nurse (Infection Preventionist).	Facility Contact Information	2,000	1	10/60	333
Registered Nurse (Infection Preventionist).	Patient Safety Component—Annual Hospital Survey.	6,000	1	50/60	5,000
Registered Nurse (Infection Preventionist).	Group Contact Information	1,000	1	5/60	83
Registered Nurse (Infection Preventionist).	Patient Safety Monthly Reporting Plan.	6,000	12	15/60	18,000
Registered Nurse (Infection Preventionist).	Primary Bloodstream Infection (BSI)	6,000	44	30/60	132,000
Registered Nurse (Infection Preventionist).	Pneumonia (PNEU)	6,000	72	30/60	216,000
Registered Nurse (Infection Preventionist).	Ventilator-Associated Event	6,000	144	25/60	360,000
Registered Nurse (Infection Preventionist).	Urinary Tract Infection (UTI)	6,000	40	30/60	120,000
Staff RN	Denominators for Neonatal Intensive Care Unit (NICU).	6,000	9	3	162,000
Staff RN	Denominators for Specialty Care Area (SCA)/Oncology (ONC).	6,000	9	5	270,000

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Staff RN	Denominators for Intensive Care Unit (ICU)/Other locations (not NICU or SCA).	6,000	54	5	1,620,000
Registered Nurse (Infection Preventionist).	Surgical Site Infection (SSI)	6,000	36	35/60	126,000
Staff RN	Denominator for Procedure	6,000	540	5/60	270,000
Laboratory Technician	Antimicrobial Use and Resistance (AUR)—Microbiology Data Electronic Upload Specification Tables.	6,000	12	5/60	6,000
Pharmacy Technician	Antimicrobial Use and Resistance (AUR)—Pharmacy Data Electronic Upload Specification Tables.	6,000	12	5/60	6,000
Registered Nurse (Infection Preventionist).	Central Line Insertion Practices Adherence Monitoring.	1,000	100	5/60	8,333
Registered Nurse (Infection Preventionist).	MDRO or CDI Infection Form	6,000	72	30/60	216,000
Registered Nurse (Infection Preventionist).	MDRO and CDI Prevention Process and Outcome Measures Monthly Monitoring.	6,000	24	15/60	36,000
Registered Nurse (Infection Preventionist).	Laboratory-identified MDRO or CDI Event.	6,000	240	15/60	360,000
Registered Nurse (Infection Preventionist).	Long-Term Care Facility Component—Annual Facility Survey.	250	1	1	250
Registered Nurse (Infection Preventionist).	Laboratory-identified MDRO or CDI Event for LTCF.	250	8	15/60	500
Registered Nurse (Infection Preventionist).	MDRO and CDI Prevention Process Measures Monthly Monitoring for LTCF.	250	12	5/60	250
Registered Nurse (Infection Preventionist).	Urinary Tract Infection (UTI) for LTCF.	250	9	30/60	1,125
Registered Nurse (Infection Preventionist).	Monthly Reporting Plan for LTCF	250	12	5/60	250
Registered Nurse (Infection Preventionist).	Denominators for LTCF Locations	250	12	3.25	9,750
Registered Nurse (Infection Preventionist).	Prevention Process Measures Monthly Monitoring for LTCF.	250	12	5/60	250
Registered Nurse (Infection Preventionist).	LTAC Annual Survey	400	1	50/60	333
Registered Nurse (Infection Preventionist).	Rehab Annual Survey	1,000	1	50/60	833
Registered Nurse (Infection Preventionist).	Antimicrobial Use & Resistance Component—Monthly Reporting Plan.	100	12	5/60	100
Occupational Health RN/Specialist	Healthcare Personnel Safety Component Annual Facility Survey.	50	1	8	400
Occupational Health RN/Specialist	Healthcare Personnel Safety Monthly Reporting Plan.	11,000	1	5/60	917
Occupational Health RN/Specialist	Healthcare Worker Demographic Data.	50	200	20/60	3,333
Occupational Health RN/Specialist	Exposure to Blood/Body Fluids	50	50	1	2,500
Occupational Health RN/Specialist	Healthcare Worker Prophylaxis/Treatment.	50	30	15/60	375
Laboratory Technician	Follow-Up Laboratory Testing	50	50	15/60	625
Occupational Health RN/Specialist	Healthcare Worker Prophylaxis/Treatment-Influenza.	50	50	10/60	417
Medical/Clinical Laboratory Technologist.	Hemovigilance Module Annual Survey.	500	1	2	1,000
Medical/Clinical Laboratory Technologist.	Hemovigilance Module Monthly Reporting Plan.	500	12	1/60	100
Medical/Clinical Laboratory Technologist.	Hemovigilance Module Monthly Reporting Denominators.	500	12	1	6,000
Medical/Clinical Laboratory Technologist.	Hemovigilance Adverse Reaction	500	48	15/60	6,000
Medical/Clinical Laboratory Technologist.	Hemovigilance Incident	500	10	10/60	833
Staff RN	Outpatient Procedure Component—Annual Facility Survey.	5,000	1	5/60	417
Staff RN	Outpatient Procedure Component—Monthly Reporting Plan.	5,000	12	15/60	15,000

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Staff RN	Outpatient Procedure Component Event.	5,000	25	40/60	83,333
Staff RN	Outpatient Procedure Component—Monthly Denominators and Summary.	5,000	12	40/60	40,000
Registered Nurse (Infection Preventionist).	Outpatient Dialysis Center Practices Survey.	6,500	1	1.75	11,375
Staff RN	Dialysis Monthly Reporting Plan	6,500	12	5/60	6,500
Staff RN	Dialysis Event	6,500	60	20/60	130,000
Staff RN	Denominators for Dialysis Event Surveillance.	6,500	12	6/60	7,800
Staff RN	Prevention Process Measures Monthly Monitoring for Dialysis.	1,500	12	30/60	9,000
Staff RN	Dialysis Patient Influenza Vaccination.	325	75	10/60	4,063
Staff RN	Dialysis Patient Influenza Vaccination Denominator.	325	5	10/60	271
Epidemiologist	State Health Department Validation Record.	152	50	15/60	1,900
Total					4,277,716

Leroy 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. 2014–14339 Filed 6–18–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities: Submission for OMB Review; Comment Request; OAA Title III–E Evaluation

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living (formerly the Administration on Aging (AoA)) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by July 21, 2014.

ADDRESSES: Submit written comments on the collection of information by fax 202.395.6974 to the OMB Desk Officer for ACL, Office of Information and Regulatory Affairs, OMB.

FOR FURTHER INFORMATION CONTACT: Alice-Lynn Ryssman, 202.357.3491.

SUPPLEMENTARY INFORMATION: In compliance with *PRA (44 U.S.C. 3501–3520)*, the Administration for Community Living (ACL, formerly the Administration for Aging) has submitted the following proposed collection of information to the Office of Management and Budget (OMB) for review and clearance. The process evaluation data collection associated with the Title III–E National Family Caregiver Support Program (NFCSP) is necessary to meet three broad objectives of ACL: (1) To provide information to support program planning, including an analysis of program processes, (2) to develop information about program efficiency and costs, and (3) gauge program effectiveness in assessing community and client needs, targeting and prioritizing, and providing services to family caregivers. The process evaluation will examine the strategies, activities, and resources of the program at each level of the Aging Network—State Unit on Aging (SUA), Area Agency on Aging (AAA), and Local Service Provider (LSP)—to meet the needs of NFCSP clients/caregivers.

In response to the 60-day **Federal Register** Notice related to this proposed data collection and published on November 20, 2013, comments from six individuals and/or organizations were received. Many of the suggestions, such as to add ''Dementia training'' to the list of options under the types of training provided to state and local workers/volunteers, were implemented into the appropriate surveys. Suggested changes at odds with the program definitions or operations, such as the suggestion to replace the term ''Dementia'' with ''Neurocognitive Disorder'' were not adopted. In response to comments about the length of the surveys, a few additional questions were removed from the State Unit on Aging (SUA) and Area Unit on Aging (AAA) surveys. Comments concerning the caregiver surveys in the original 60-day notice will be covered in a later NFCSP outcome evaluation notice.

The process study will administer online surveys to all 56 SUAs, all of the 618 AAAs and a sample of 1,000 LSPs. ACL estimates the burden of this collection of information as follows 1,566 hours for local agencies (AAAs and LSPs) and 84 hours for the State Units on Aging (SUAs) for a Total Burden for Study of 1,650 hours.

The proposed data collection tools may be found on the ACL Web site at *http://www.aoa.gov/AoARoot/Program_Results/Program_survey.aspx.*

Dated: June 16, 2014.

Kathy Greenlee,

Administrator and Assistant Secretary for Aging.

[FR Doc. 2014–14353 Filed 6–18–14; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0662]

Aurobindo Pharma Ltd. et al.; Withdrawal of Approval of Eighty-Six Abbreviated New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of 86 abbreviated new drug applications (ANDAs) from multiple applicants. The holders of the applications notified the Agency in writing that the drug products were no longer marketed and requested that the approval of the applications be withdrawn.

DATES: *Effective Date:* July 21, 2014.

FOR FURTHER INFORMATION CONTACT: Florine P. Purdie, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6366, Silver Spring, MD 20993–0002, 301–796–3601.

SUPPLEMENTARY INFORMATION: The holders of the applications listed in table 1 in this document have informed FDA that these drug products are no longer marketed and have requested that FDA withdraw approval of the applications under the process in § 314.150(c) (21 CFR 314.150(c)). The applicants have also, by their requests, waived their opportunity for a hearing. Withdrawal of approval of an application or abbreviated application under § 314.150(c) is without prejudice to refiling.

TABLE 1

Application No.	Drug	Applicant
ANDA 065395	Cefazolin for Injection USP, 500 milligrams (mg) and 1 gram (g).	Aurobindo Pharma Ltd., c/o AuroMedics Pharma LLC, 6 Wheeling Rd. Dayton, NJ 08810.
ANDA 065481	Ceftazidime for Injection USP, 500 mg, 1 g, and 2 g	Do.
ANDA 065482	Ceftazidime for Injection USP, 6 g	Do.
ANDA 065504	Ceftriaxone for Injection USP, 10 g	Do.
ANDA 065505	Ceftriaxime for Injection, 250 mg, 500 mg, 1 g, and 2 g.	Do.
ANDA 065516	Cefotaxime for Injection USP, 10 g	Do.
ANDA 065517	Cefotaxime for Injection USP	Do.
ANDA 077467	Nateglinide Tablets, 60 mg and 120 mg	Teva Pharmaceuticals USA, 1090 Horsham Rd., P.O. Box 1090, North Wales, PA 19454.
ANDA 077472	Cetirizine Hydrochloride (HCl) Syrup, 5 mg/5 milliliters (mL).	Ranbaxy Laboratories Limited, c/o Ranbaxy Inc., 600 College Rd. East, Princeton, NJ 08540.
ANDA 077540	Zolpidem Tartrate Tablets, 5 mg and 10 mg	Synthon Pharmaceuticals, Inc., 9000 Development Dr., P.O. Box 110487, Research Triangle Park, NC 27709.
ANDA 077717	Ondansetron Orally Disintegrating Tablets USP, 4 mg and 8 mg.	Nesher Pharmaceuticals (USA) LLC, 13910 St. Charles Rock Rd., Bridgeton, MO 63044.
ANDA 077730	Pravastatin Sodium Tablets, 10 mg, 20 mg, 30 mg, 40 mg, and 80 mg.	Pliva HRVATSKA, c/o Barr Laboratories, Inc., 400 Chestnut Ridge Rd., Woodcliff Lake, NJ 07677.
ANDA 077826	Fenoldopam Mesylate Injection USP, 10 mg (base)/mL.	Teva Parenteral Medicines, Inc., 19 Hughes, Irvine, CA 92618.
ANDA 077888	Ciprofloxacin Injection USP, 2 mg/mL	Baxter Healthcare Corp., 1620 Waukegan Rd., McGaw Park, IL 60085.
ANDA 077905	Topiramate Tablets, 25 mg, 50 mg, 100 mg, and 200 mg.	Pliva HRVATSKA, c/o Barr Laboratories, Inc.
ANDA 078016	Zolpidem Tartrate Tablets, 5 mg and 10 mg	Mylan Pharmaceuticals, Inc., 781 Chestnut Ridge Rd., P.O. Box 4310, Morgantown, WV 26505–4310.
ANDA 078053	Sertraline HCl Oral Concentrate, 20 mg/mL	Ranbaxy Laboratories Limited, c/o Ranbaxy Inc.
ANDA 078114	Ciprofloxacin Injection USP in 5% Dextrose, 2 mg/mL	Bedford Laboratories, 300 Northfield Rd., Bedford, OH 44146.
ANDA 078132	Ibuprofen Tablets USP, 400 mg, 600 mg, and 800 mg.	Quality Regulatory Consultants, U.S. Agent for Northstar Healthcare Holdings, 501 Ivy Lake Dr., Forest, VA 24551.
ANDA 078187	Risperidone Tablets USP, 0.25 mg, 0.5 mg, 1 mg, 2 mg, 3 mg, and 4 mg.	Synthon Pharmaceuticals, Inc.
ANDA 078322	Anastrozole Tablets, 1 mg	Do.
ANDA 078448	Ranitidine HCl Solution, 15 mg/mL	Ranbaxy Inc., U.S. Agaent for Ranbaxy Laboratories Limited.
ANDA 078606	Mitoxantrone Injection USP	Washington Food and Drug Consultants, U.S. Agent for Fresenius Kabi Oncology Plc., 3631 Martins Dairy Circle, Olney, MD 20832.
ANDA 080043	Nitrofurantoin Tablets, 50 mg and 100 mg	Sandoz Inc., 2555 W. Midway Blvd., Broomfield, CO 80038–0446.
ANDA 080203	Potassium Chloride Injection USP, 2 milliequivalents/mL.	Baxter Healthcare Corp., 25212 W. IL Route 120, Round Lake, IL 70073.
ANDA 080642	Hydrocortisone Tablets, 20 mg	Sandoz Inc.
ANDA 081142	Aminophylline Injection USP, 25 mg/mL	Teva Parenteral Medicines, Inc.
ANDA 081169	Glycopyrrolate Injection USP, 0.2 mg/mL	Do.
ANDA 081266	Methyprednisolone Sodium Succinate for Injection USP, 125 mg.	Do.

TABLE 1—Continued

Application No.	Drug	Applicant
ANDA 081267	Methylprednisolone Sodium Succinate for Injection USP, 500 mg.	Do.
ANDA 081268	Methyprednisolone Sodium Succinate for Injection USP, 1 g.	Do.
ANDA 081278	Leucovorin Calcium for Injection, 50 mg/vial	Do.
ANDA 083254	Halothane USP	Hospira, Inc., 275 North Field Dr., Lake Forest, IL 60045.
ANDA 083263	Alcohol in Dextrose Injection USP, 5%/5%	Do.
ANDA 083306	Niacin Tablets, 50 mg	Sandoz Inc.
ANDA 083486	Isoproterenol HCl Injection USP, 0.2 mg/mL	Baxter Healthcare Corp.
ANDA 084051	Dextroamphetamine Sulfate Tablets USP, 5 mg and 10 mg.	Shire Development Inc., 725 Chesterbrook Blvd., Wayne, PA 19087.
ANDA 084233	Promethazine HCl Tablets, 12.5 mg	Sandoz Inc.
ANDA 084472	Folic Acid Capsules, 1 mg	Do.
ANDA 084827	Hydrochlorothiazide and Reserpine Tablets, 25 mg/0.125 mg.	Do.
ANDA 085034	Phendimetrazine Tartrate Tablets, 35 mg	Do.
ANDA 085133	Imipramine HCl Tablets, 50 mg	Do.
ANDA 085200	Imipramine HCl Tablets, 10 mg	Do.
ANDA 085213	Hydrochlorothiazide and Reserpine Tablets, 50 mg/0.125 mg.	Do.
ANDA 085302	Estrogens, Esterified Tablets, 1.25 mg	Do.
ANDA 085362	Novocaine (procaine HCl Injection USP)	Hospira, Inc.
ANDA 085370	Dextroamphetamine Sulfate Tablets, 5 mg	Sandoz Inc.
ANDA 085371	Dextroamphetamine Sulfate Tablets, 10 mg	Do.
ANDA 085402	Phendimetrazine Tartrate Tablets, 35 mg	Do.
ANDA 085601	Triamcinolone Tablets, 4 mg	Do.
ANDA 085633	Phendimetrazine Tartrate Capsules, 35 mg	Do.
ANDA 085671	Phentermine HCl Tablets, 8 mg	Do.
ANDA 085689	Phentermine HCl Tablets USP, 8 mg	Do.
ANDA 085694	Phendimetrazine Tartrate Capsules, 35 mg	Do.
ANDA 085702	Phendimetrazine Tartrate Capsules, 35 mg	Do.
ANDA 085830	Phendimetrazine Tartrate Tablets, 35 mg	Do.
ANDA 085852	A-Methapred (methylprednisolone sodium succinate for injection USP), 1,000 mg/vial.	Hospira, Inc.
ANDA 085853	A-Methapred (methylprednisolone sodium succinate for injection USP), 40 mg/vial.	Do.
ANDA 085854	A-Methapred (methylprednisolone sodium succinate for injection USP), 500 mg/vial.	Do.
ANDA 085929	A-Hydrocort (hydrocortisone sodium succinate for injection USP), 100 mg/vial.	Hospira, Inc.
ANDA 085930	A-Hydrocort (hydrocortisone sodium succinate for injection USP), 250 mg/vial.	Do.
ANDA 085931	A-Hydrocort (hydrocortisone sodium succinate for injection USP), 500 mg/vial.	Do.
ANDA 085932	A-Hydrocort (hydrocortisone sodium for injection USP), 1,000 mg/val.	Do.
ANDA 086370	Phendimetrazine Tartrate Tablets, 35 mg	Sandoz Inc.
ANDA 086589	Barbidonna Tablets (phenobarbital, hyoscyamine sulfate, scopolamine hydrobromide, and atropine sulfate).	Meda Pharmaceuticals, Meda Pharmaceuticals, Inc., 265 Davidson Ave., Suite 300, Somerset, NJ 08873–4120.
ANDA 086590	Barbidonna Elixir (phenobarbital, hyoscyamine sulfate, atropine sulfate, scopolamine hydrobromide).	Do.
ANDA 086664	Butibel Elixir (sodium butabarbital and belladonna extract), 15 mg/5 mL and 15 mg/5 mL.	Do.
ANDA 087208	Phentermine HCl Capsules, 30 mg	Sandoz Inc.
ANDA 087223	Phentermine HCl Capsules, 30 mg	Do.
ANDA 087759	Prochlorperazine Edisylate Injection USP	Baxter Healthcare Corp.
ANDA 087572	Barbidonna No. 2 Tablets (phenobarbital, hyoscyamine sulfate, atropine sulfate, and scopolamine hydrobromide) 32 mg, 0.1286 mg, 0.025 mg, and 0.0074 mg.	Meda Pharmaceuticals.
ANDA 088099	Heparin Lock Flush Solution USP, 2,500 units/Ml	Hospira, Inc.
ANDA 088175	Chlorpropamide Tablets, 100 mg	Par Pharmaceutical, Inc., One Ram Ridge Rd., Spring Valley, NY 10977.
ANDA 088176	Chlorpropamide Tablets, 250 mg	Do.
ANDA 088184	Hydroxyzine HCl Injection USP, 25 mg/mL	Fresenius Kabi USA, LLC, Three Corporate Dr., Lake Zurich, IL 60047.
ANDA 088185	Hydroxyzine HCl Injection USP, 50 mg/mL	Do.
ANDA 088330	1.5% Lidocain HCl Injection USP	Hospira, Inc.
ANDA 089158	Methotrexate Injection USP, 25 mg/mL	Pharmachemie B.V., c/o Teva Parenteral Medicines, Inc., 19 Hughes, Irvine, CA 92618.

TABLE 1—Continued

Application No.	Drug	Applicant
ANDA 089420	Azdone Tablets (hydrocodone bitartrate 5 mg and aspirin 500 mg).	Schwarz Pharma, Inc., c/o UCB, Inc., 1950 Lake Park Dr., Smyrna, GA 30080.
ANDA 090183	Cetirizine HCl Syrup, 5 mg/5mL	Ranbaxy Laboratories Limited, c/o Ranbaxy Inc.
ANDA 090196	Letrozole Tablets USP, 2.5 mg	Synthon Pharmaceuticals, Inc.
ANDA 090464	Mycophenolate Mofetil Tablets, 500 mg	Dr. Reddy's Laboratories Limited, c/o Dr. Reddy's Laboratories, Inc., 200 Somerset Corporate Blvd., 7th Floor, Bridgewater, NJ 08807.
ANDA 090567	Polyethylene Glycol 3350 Powder for Oral Solution	Paddock Laboratories, LLC, a Perrigo Co., 3940 Quebec Ave. North, Minneapolis, MN 55427.
ANDA 090712	Polyethylene Glycol 3350 and Electrolytes for Oral Solution.	Do.
ANDA 090769	Clenz-Lyte (polyethylene glyol 3350 and electrolytes for oral solution).	Do.
ANDA 091315	Mycophenolalte Mofetil Capsules USP, 250 mg	Dr. Reddy's Laboratories Limited, c/o Dr. Reddy's Laboratories, Inc.

Therefore, under section 505(e) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(e)) and under authority delegated to the Director, Center for Drug Evaluation and Research, by the Commissioner, approval of the applications listed in table 1 in this document, and all amendments and supplements thereto, is hereby withdrawn, effective July 21, 2014. Introduction or delivery for introduction into interstate commerce of products without approved new drug applications violates section 301(a) and (d) of the FD&C Act (21 U.S.C. 331(a) and (d)). Drug products that are listed in table 1 that are in inventory on the date that this notice becomes effective (see the **DATES** section) may continue to be dispensed until the inventories have been depleted or the drug products have reached their expiration dates or otherwise become violative, whichever occurs first.

Dated: June 13, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–14288 Filed 6–18–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–0640]

Draft Guidance for Industry on Uncomplicated Gonorrhea: Developing Drugs for Treatment; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled ''Uncomplicated Gonorrhea: Developing Drugs for Treatment.'' The purpose of this draft guidance is to assist sponsors in the development of new antibacterial drugs for the treatment of uncomplicated gonorrhea.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by September 17, 2014.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 2201, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Joseph G. Toerner, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 6244, Silver Spring, MD 20993–0002, 301–796–1300.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Uncomplicated Gonorrhea: Developing Drugs for Treatment.'' The purpose of this draft guidance is to assist sponsors in the development of new antibacterial drugs for the treatment of uncomplicated gonorrhea.

This draft guidance describes approaches for trial designs for the evaluation of new drugs for the treatment of uncomplicated gonorrhea. The draft guidance focuses on the noninferiority trial design and describes an efficacy endpoint for which there is a well-defined treatment effect. The draft guidance also provides the justification for the noninferiority margin. In addition, this guidance reflects recent developments in scientific information that pertain to drugs being developed for the treatment of uncomplicated gonorrhea.

Issuance of this draft guidance fulfills a portion of the requirements of Title VIII, section 804, of the Food and Drug Administration Safety and Innovation Act (Public Law 112–144) that requires FDA to ''. . . review and, as appropriate, revise not fewer than 3 guidance documents per year . . . for the conduct of clinical trials with respect to antibacterial and antifungal drugs. . . .'' In 1998, FDA published a draft guidance entitled ''Uncomplicated Gonorrhea: Developing Drugs for Treatment'' (1998 draft guidance). In a **Federal Register** notice dated August 7, 2013 (78 FR 48175), FDA announced an initiative in the Center for Drug Evaluation and Research involving the review of draft guidance documents issued before 2010 to determine their status and to decide whether those guidances should be withdrawn, revised, or finalized with only minor changes. In the August 7, 2013, **Federal Register** notice, FDA announced that the 1998 draft guidance, as well as other draft guidances, was being withdrawn (78 FR 48175). FDA is now issuing a new draft guidance that revises the recommendations in the 1998 draft

guidance. Issuance of the new draft guidance constitutes a revision of a previously published draft guidance and fulfills a portion of the requirements of Public Law 112–144.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on developing drugs for the treatment of uncomplicated gonorrhea. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. The Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR parts 312 and 314 have been approved under OMB control numbers 0910–0014 and 0910–0001, respectively.

III. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

IV. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: June 12, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–14303 Filed 6–18–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Biological Data Management and Analysis.
Date: June 25, 2014.
Time: 10 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Mark Caprara, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5156, MSC 7844, Bethesda, MD 20892, 301–435–1042, *capraramg@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Single Cell Analysis.
Date: July 1–2, 2014.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Amy L. Rubinstein, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5152, MSC 7844, Bethesda, MD 20892, 301–408–9754, *rubinsteinal@csr.nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group; AIDS-associated Opportunistic Infections and Cancer Study Section.
Date: July 11, 2014.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: The St. Regis Washington DC, 923 16th Street NW., Washington, DC 20006.
Contact Person: Eduardo A. Montalvo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, (301) 435–1168, *montalve@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Omnibus Solicitation of the NIH for Small Business.
Date: July 11, 2014.
Time: 10 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.
Contact Person: Rebecca Henry, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3222, MSC 7808, Bethesda, MD 20892, 301–435–1717, *henryrr@mail.nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group; HIV/AIDS Vaccines Study Section.
Date: July 15, 2014.
Time: 8:30 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Row Hotel, 2015 Massachusetts Avenue NW., Washington, DC 20036.
Contact Person: Mary Clare Walker, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5208, MSC 7852, Bethesda, MD 20892, (301) 435–1165, *walkermc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Oncology.
Date: July 16–17, 2014.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: Michael L. Bloom, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6187, MSC 7804, Bethesda, MD 20892, 301–451–0132, *bloomm2@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Nutrition, Obesity and Diabetes.
Date: July 16, 2014.
Time: 10 a.m. to 1 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Nancy Sheard, SCD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6046–E, MSC 7892, Bethesda, MD 20892, 301–408–9901, *sheardn@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Shared Instrumentation: Flow Cytometry.
Date: July 16, 2014.
Time: 11 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: David Balasundaram, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5189, MSC 7840, Bethesda, MD 20892, 301–435–1022, *balasundaramd@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Genomics Shared Instrumentation.

Date: July 16, 2014.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Richard Panniers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2212, MSC 7890, Bethesda, MD 20892, (301) 435–1741, *pannierr@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business PAR Panel: Safe and Effective Instruments and Devices for Use in Neonatal and Pediatric Care Settings.

Date: July 16, 2014.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: John Firrell, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5118, MSC 7854, Bethesda, MD 20892, 301–435–2598, *firrellj@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: Nephrology, Urology and Pharmacology.

Date: July 16, 2014.

Time: 2 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Patricia Greenwel, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2178, MSC 7818, Bethesda, MD 20892, 301–435–1169, *greenwep@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 12, 2014.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–14296 Filed 6–18–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: Tobacco Control Regulatory Research.

Date: June 13, 2014.

Time: 4:30 p.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Mark P. Rubert, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1775, *rubertm@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 12, 2014.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–14297 Filed 6–18–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Symposium on Assessing Exposures and Health Effects Related to Indoor Biomass Fuel Burning; Notice of Meeting and Registration Information

SUMMARY: The National Toxicology Program (NTP) announces a symposium on ''Assessing Exposures and Health Effects Related to Indoor Biomass Fuel Burning.'' The symposium will bring together researchers working in the area of indoor biomass fuel burning emissions and health effects to discuss the latest science, policy, and future directions. The meeting is open to the public. Registration is requested for attendance and required to access the webcast. Information about the meeting and registration are available at *http://ntp.niehs.nih.gov/go/41613.*

DATES: *Meeting:* August 18, 2014, from 8 a.m. to approximately 5 p.m. Eastern Daylight Time (EDT).

Registration for Meeting: Registration is open through August 4, 2014. Registration to view the symposium via webcast is required.

ADDRESSES:

Meeting Location: Rodbell Auditorium, Rall Building, National Institute of Environmental Health Sciences (NIEHS), 111 T.W. Alexander Dr., Research Triangle Park, NC 27709.

Meeting Web page: The preliminary agenda and registration are at *http://ntp.niehs.nih.gov/go/41613.*

Webcast: The meeting will be webcast; the URL will be provided to those who register for viewing.

FOR FURTHER INFORMATION CONTACT: Dr. Cynthia Rider, NTP Toxicologist, NIEHS, P.O. Box 12233, MD K2–12, Research Triangle Park, NC 27709. Telephone: 919–541–7638, email: *cynthia.rider@nih.gov.*

SUPPLEMENTARY INFORMATION:

Background: The burning of solid fuels (e.g., wood, charcoal, dung) for cooking and heat results in a significant global health burden. According to the World Health Organization, over 4 million premature deaths per year are attributed to indoor air pollution from inefficient use of solid fuels (*http://www.who.int/mediacentre/factsheets/fs292/en/*). Understanding the health effects associated with indoor air pollution is a priority for NIEHS and is one of the five focus areas of the NIEHS' World Health Organization Collaborating Centre for Environmental Health Sciences (*http://www.niehs.nih.gov/research/programs/geh/partnerships/index.cfm*).

Progress on this important public health challenge requires a concerted cross-disciplinary effort involving exposure scientists, toxicologists, epidemiologists, engineers, and public policy experts. Towards this goal, this symposium will bring together researchers working in the area of indoor biomass fuel burning emissions and health effects to discuss the latest science including topics ranging from advances in exposure measurement to

health effects assessed in model systems and human populations. Additionally, the symposium will include a panel discussion about how that science might inform policies and potential areas for research funding.

Meeting and registration: This meeting is open to the public, free of charge, with attendance limited only by the space available. Individuals who plan to attend in person should register at *http://ntp.niehs.nih.gov/go/41613* by August 4, 2014, to facilitate meeting planning. Registration is required to view the webcast; the URL for the webcast will be provided in the email confirming registration. A preliminary agenda and additional information are available at *http://ntp.niehs.nih.gov/go/41613.* Individuals interested in this meeting are encouraged to access the Web site to stay abreast of the most current information regarding the meeting.

Visitor and security information for those attending in-person is available at *http://www.niehs.nih.gov/about/visiting/.* Individuals with disabilities who need accommodation to participate in this event should contact Dr. Rider at phone: (919) 541–7638 or email: *cynthia.rider@nih.gov.* TTY users should contact the Federal TTY Relay Service at 800–877–8339. Requests should be made at least five business days in advance of the event.

Background Information on the NTP: The NTP is an interagency program established in 1978 (43 FR 53060) to strengthen the Department's activities in toxicology research and testing, and develop and validate new and better testing methods. Other activities of the program focus on strengthening the science base in toxicology and providing information about potentially toxic chemicals to health regulatory and research agencies, scientific and medical communities, and the public. The NTP is located administratively at the NIEHS. Information about the NTP and NIEHS is found at *http://www.niehs.nih.gov* and *http://ntp.niehs.nih.gov*, respectively.

Dated: June 13, 2014.

John R. Bucher,

Associate Director, National Toxicology Program.

[FR Doc. 2014–14299 Filed 6–18–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Endocrinology, Metabolism, Nutrition, and Reproductive Sciences.
Date: July 17–18, 2014.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Dianne Hardy, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6175, MSC 7892, Bethesda, MD 20892 301–435–1154, *dianne.hardy@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Skeletal Muscle Function and Muscle Dystrophy.
Date: July 17–18, 2014.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Rajiv Kumar, Ph.D., Chief, MOSS IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4216, MSC 7802, Bethesda, MD 20892, 301–435–1212, *kumarra@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Cardiovascular Sciences.
Date: July 17–18, 2014.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.
Contact Person: Margaret Chandler, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7814, Bethesda, MD 20892, (301) 435–1743, *margaret.chandler@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Respiratory Sciences.
Date: July 17–18, 2014.
Time: 9 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: Ghenima Dirami, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4122, MSC 7814, Bethesda, MD 20892, 240–498–7546, *diramig@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Casual Variants for Autoimmune and Musculoskeletal Diseases.
Date: July 17, 2014.
Time: 10 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: Elaine Sierra-Rivera, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6184, MSC 7804, Bethesda, MD 20892, 301–435–1779, *riverase@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Shared Instrumentation: Electron Microscopy.
Date: July 17, 2014.
Time: 11 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: David Balasundaram, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5189, MSC 7840, Bethesda, MD 20892, 301–435–1022, *balasundaramd@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Arthritis, Connective Tissue, and Skin Sciences.
Date: July 17, 2014.
Time: 2 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Yi-Hsin Liu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, 301–435–1781, *liuyh@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 13, 2014.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–14298 Filed 6–18–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; 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 Heart, Lung, and Blood Institute Special Emphasis Panel; Clinical Research in Prevention, Diagnosis, and Treatment of HIV-Related Heart, Lung, and Blood Diseases (R01).

Date: August 1, 2014.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal Gateway Marriott, 1700 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Tony L. Creazzo, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7180, Bethesda, MD 20892–7924, 301–435–0725 *creazzotl@mail.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Basic Research in the Pathogenesis of HIV-Related Heart, Lung, and Blood Diseases (R01).

Date: August 6, 2014.

Time: 8:30 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal Gateway Marriott, 1700 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Tony L. Creazzo, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7180, Bethesda, MD 20892–7924, 301–435–0725 *creazzotl@mail.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Basic Research in the Pathogenesis of HIV-Related Heart, Lung, and Blood Diseases (R21).

Date: August 6, 2014.

Time: 1:30 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal Gateway Marriott, 1700 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Tony L. Creazzo, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7180, Bethesda, MD 20892–7924, 301–435–0725 *creazzotl@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: June 12, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–14301 Filed 6–18–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Request for Information: The National Toxicology Program Interagency Center for the Evaluation of Alternative Toxicological Methods Requests Data and Information on Devices and/or Technologies Used for Identifying Potential Inhalation Hazards

SUMMARY: The National Toxicology Program (NTP) Interagency Center for the Evaluation of Alternative Toxicological Methods (NICEATM) requests available data and information on devices and/or technologies currently used for identifying potential inhalation hazards. Submitted information will be used to assess the state of the science and determine the technical needs for a dynamic nonanimal system to assess the potential toxicity of inhaled chemicals and nanomaterials.

DATES: The deadline for receipt of information is July 18, 2014.

ADDRESSES: Data and information should be submitted electronically to *niceatm@niehs.nih.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Warren S. Casey, Director, NICEATM; email: *warren.casey@nih.gov;* telephone: (919) 316–4729.

SUPPLEMENTARY INFORMATION:

Background: NICEATM fosters the evaluation and promotion of alternative test methods for regulatory use in acute toxicity assessment. Efforts to date have focused primarily on assessing test methods for oral and dermal hazards with limited efforts directed towards identifying alternatives for inhalation toxicity assessment. NICEATM is interested in receiving information on the state of the science regarding alternative test methods and testing strategies for acute or sub-chronic inhalation toxicity. This information will be used to determine the technical requirements for developing effective inhalation toxicity tools to assess potential chemical and nanomaterial hazards without the use of animals in testing.

Request for Information: NICEATM requests available data and information on devices and/or technologies currently used to identify potential inhalation hazards. To that end, NICEATM requests that respondents provide information on any activities relevant to the development or validation of alternatives to *in vivo* inhalation toxicity test methods currently required by regulatory agencies, including submission of substance-specific data derived from non-animal tests to identify acute or sub-chronic inhalation hazard potential. If available, corresponding *in vivo* data obtained for these substances are also requested, including data from any ethical human or animal studies or accidental human exposures.

Respondents to this request for information should include their name, affiliation (if applicable), mailing address, telephone, email, and sponsoring organization (if any) with their communications. The deadline for receipt of the requested information is July 18, 2014. Responses to this notice will be posted at *http://ntp.niehs.nih.gov/go/41624* and persons submitting them will be identified by name and affiliation or sponsoring organization, if applicable.

Responses to this request are voluntary. No proprietary, classified, confidential, or sensitive information should be included in responses. This request for information is for planning purposes only and is not a solicitation for applications or an obligation on the part of the U.S. Government to provide support for any ideas identified in response to the request. Please note that the U.S. Government will not pay for the preparation of any information submitted or for its use of that information.

Background Information on NICEATM: NICEATM conducts data analyses, workshops, independent validation studies, and other activities to assess new, revised, and alternative

test methods and strategies. NICEATM also provides support for the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM). The ICCVAM Authorization Act of 2000 (42 U.S.C. 285*l*–3) provides authority for ICCVAM and NICEATM in the development of alternative test methods. Information about NICEATM and ICCVAM is found at *http://ntp.niehs.nih.gov/go/niceatm* and *http://ntp.niehs.nih.gov/go/iccvam.*

Dated: June 13, 2014.

John R. Bucher,

Associate Director, National Toxicology Program.

[FR Doc. 2014–14300 Filed 6–18–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2011–1156]

Draft Change to Navigation and Inspection Circular 01–13, Inspection and Certification of Vessels Under the Maritime Security Program

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability with request for comments.

SUMMARY: The Coast Guard announces the availability of a draft change to Navigation and Inspection Circular (NVIC) 01–13, Inspection and Certification of Vessels Under the Maritime Security Program (MSP). The MSP serves as a means for establishing a fleet of commercially viable and militarily useful vessels to meet national defense as well as other security requirements. NVIC 01–13 provides guidance to assist vessel owners/operators, Authorized Classification Societies, and Coast Guard personnel with the inspection and certification of vessels under the MSP. This draft change clarifies the process for the issuance of the Certificate of Documentation (COD) to the vessel during the reflag process, adds a note to the equivalency provisions for inspection of MSP vessels subsequent to initial certification, clarifies the trial period requirements for automated systems in machinery spaces, includes interim provisions for those vessels seeking to operate with minimally attended or periodically unattended machinery spaces, and makes other non-technical changes to NVIC 01–13. This notice solicits public comment on the impact of the draft change to NVIC 01–13 on applicable vessels and other affected parties.

DATES: Comments and related material must either be submitted to the online docket via *http://www.regulations.gov* or reach the Docket Management Facility, on or before August 18, 2014. Documents discussed in this notice should be available in the online docket within three business days of today's publication.

ADDRESSES: Submit comments using one of the listed methods, and see **SUPPLEMENTARY INFORMATION** for more information on public comments.

- *Online—http:www.regulations.gov* following Web site instructions.
- *Fax*—202–493–2251.
- *Mail* or *hand deliver*—Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Hours for hand delivery are 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays (telephone 202–366–9329).

FOR FURTHER INFORMATION CONTACT: For information about this document, call or email Lieutenant Corydon Heard, Office of Commercial Vessel Compliance (CG–CVC), U.S. Coast Guard; telephone 202–372–1208, email *Corydon.F.Heard@uscg.mil*. For information about viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826, toll free 1–800–647–5527.

SUPPLEMENTARY INFORMATION:

Public Participation and Comments

We encourage you to submit comments (or related material) on the draft change to NVIC 01–13. We will consider all submissions and may adjust our final action based on your comments. Comments should be marked with docket number USCG–2011–1156 and should provide a reason for each suggestion or recommendation. You should provide personal contact information so that we can contact you if we have questions regarding your comments; but please note that all comments will be posted to the online docket without change and that any personal information you include can be searchable online (see the **Federal Register** Privacy Act notice regarding our public dockets, 73 FR 3316, January 17, 2008).

Mailed or hand-delivered comments should be in an unbound 8½ x 11 inch format suitable for reproduction. The Docket Management Facility will acknowledge receipt of mailed comments if you enclose a stamped, self-addressed postcard or envelope with your submission.

Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following the Web site's instructions. You can also view the docket at the Docket Management Facility (see the mailing address under **ADDRESSES**) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

NVIC 01–13 provides uniform process guidance to assist vessel owners/operators, Authorized Classification Societies, and Coast Guard personnel regarding the MSP. Vessels that meet MSP eligibility criteria may obtain a Certificate Of Inspection (COI) by following the procedures and guidelines detailed in NVIC 01–13. NVIC 01–13 was first published in February 2013. As part of the first annual review, the Coast Guard has considered policy guidance enhancements in order to better facilitate the transition of vessels to U.S. registry under the MSP. This notice announces a change that would clarify trial period requirements for automated systems in machinery spaces, include interim provisions for those vessels seeking to operate with minimally attended or periodically unattended machinery spaces, and make other non-technical changes to NVIC 01–13.

Specifically, this draft change to NVIC 01–13 clarifies the process for the issuance of the Certificate of Documentation (COD) to the vessel during the reflag process, adds a note to the equivalency provisions for inspection of MSP vessels subsequent to initial certification, clarifies the trial period requirements for automated systems in machinery spaces, and includes interim provisions for those vessels seeking to operate with minimally attended or periodically unattended machinery spaces (MAMS/PUMS), which do not otherwise meet the requirements of 46 CFR 62.50–20 and/or 62.50–30 (as appropriate).

We request comments from all interested parties on this draft change to NVIC 01–13. The Coast Guard will consider all comments on this draft change before issuing an updated version of NVIC 01–13.

This notice is issued under authority of 5 U.S.C. 552(a).

Dated: June 11, 2014.

Jonathan C. Burton,

Captain, U.S. Coast Guard, Director, Inspections and Compliance.

[FR Doc. 2014–14403 Filed 6–18–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Intertek USA, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc. has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of January, 2014.

DATES: *Effective Dates:* The accreditation and approval of Intertek USA, Inc., as commercial gauger and laboratory became effective on January 14, 2014. The next triennial inspection date will be scheduled for January 2017.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Intertek USA, Inc., 2780 Highway 69N, Nederland, TX 77627, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Intertek USA, Inc. is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API Chapters	Title
3	Tank gauging.
7	Temperature determination.
8	Sampling.
12	Calculations.
17	Maritime measurement.

Intertek USA, Inc. is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–01	ASTM D–287	Standard test method for API gravity of crude Petroleum & Petroleum products (Hydrometer Method).
27–48	ASTM D–4052	Standard test method for density and relative density of liquids by digital density meter.
27–13	ASTM D–4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27–04	ASTM D–95	Standard test method for water in petroleum products and bituminous materials by distillation.
27–46	ASTM D–5002	Standard test method for density and relative density.
27–08	ASTM D–86	Standard test method for distillation of petroleum products at atmospheric pressure.
27–11	ASTM D–445	Standard test method for kinematic viscosity of transparent and opaque liquids (and calculations of dynamic viscosity).
27–58	ASTM D–5191	Standard test method for Vapor pressure of Petroleum products (Mini Method).
27–53	ASTM D–2709	Standard test method for water and sediment in middle distillate fuels by centrifuge.
27–06	ASTM D–473	Standard test method for sediment in crude oils and fuel oils by the extraction method.
27–50	ASTM D–93	Standard test methods for flash point by Penske-Martens Closed Cup Tester.
27–05	ASTM D–4928	Standard test method for water in crude oils by Coulometric Karl Fischer Titration.
27–10	ASTM D–323	Standard test method for vapor pressure of petroleum products (Reid Method).
27–03	ASTM D–4006	Standard test method for water in crude oils by distillation.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov*. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories

Dated: June 11, 2014.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2014–14345 Filed 6–18–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Saybolt, LP, as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Saybolt, LP, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Saybolt, LP, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of February 19, 2014.

DATES: *Effective Dates:* The accreditation and approval Saybolt, LP, as commercial gauger and laboratory became effective on February 19, 2014. The next triennial inspection date will be scheduled for February 2017.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Saybolt, LP, 414 Westchester Dr., Corpus Christi, TX 78469, has been approved to gauge petroleum and certain petroleum

products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Saybolt, LP is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API Chapters	Title
3	Tank gauging.
7	Temperature determination.
8	Sampling.
12	Calculations.
17	Maritime measurement.

Saybolt, LP is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–05	ASTM D–4928	Standard test method for water in crude oils by coulometric Karl Fischer Titration.
27–13	ASTM D–4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27–04	ASTM D–95	Standard test method for water in petroleum products and bituminous materials by distillation.
27–46	ASTM D–5002	Standard test method for density and relative density.
27–08	ASTM D–86	Standard test method for distillation of petroleum products at atmospheric pressure.
27–11	ASTM D–445	Standard test method for kinematic viscosity of transparent and opaque liquids (and calculations of dynamic viscosity).
27–58	ASTM D–5191	Standard test method for Vapor pressure of Petroleum products (Mini Method).
27–06	ASTM D–473	Standard test method for sediment in crude oils and fuel oils by the extraction method.
27–50	ASTM D–93	Standard test methods for flash point by Penske-Martens Closed Cup Tester.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories

Dated: June 11, 2014.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2014–14346 Filed 6–18–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of SGS North America, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of SGS North America, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that SGS North America, Inc., has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes for the next three years as of September 12, 2013.

DATES: *Effective Dates:* The accreditation and approval of SGS North America, Inc., as commercial gauger and laboratory became effective on September 12, 2013. The next triennial inspection date will be scheduled for September 2016.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that SGS North America, Inc., 8985 Columbia Rd., Port Canaveral, FL 32920, has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. SGS North America, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API Chapters	Title
3	Tank gauging.
7	Temperature Determination.
8	Sampling
9	Density Determination.
12	Calculations.
17	Maritime Measurements.

SGS North America, Inc., is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–04	ASTM D–95	Standard test method for water in petroleum products and bituminous materials by distillation.
27–06	ASTM D–473	Standard test method for sediment in crude oils and fuel oils by the extraction method.
27–08	ASTM D–473	Standard test method for distillation of petroleum products.
27–11	ASTM D–445	Standard test method for kinematic viscosity of transparent and opaque liquids (and calculations of dynamic viscosity).
27–13	ASTM D–4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27–14	ASTM D–2622	Standard Test Method for Sulfur in Petroleum Products (X-Ray Spectrographic Methods).

CBPL No.	ASTM	Title
27–48	ASTM D–4052	Standard test method for density and relative density of liquids by digital density meter.
27–54	ASTM D–1796	Standard test method for water and sediment in fuel oils by the centrifuge method (Laboratory procedure).
27–58	ASTM D–5191	Standard Test Method For Vapor Pressure of Petroleum Products.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov*. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://www.cbp.gov/sites/default/files/documents/gaulist_3.pdf

Dated: June 11, 2014.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2014–14351 Filed 6–18–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs And Border Protection

Accreditation and Approval of Saybolt, LP as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Saybolt, LP as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, Saybolt, LP has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of March 13, 2014.

DATES: *Effective Dates:* The accreditation and approval Saybolt, LP as commercial gauger and laboratory became effective on March 13, 2014. The next triennial inspection date will be scheduled for March 2017.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, Saybolt, LP, 4144 N. Twin City Highway, Nederland, TX 77627, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Saybolt, LP is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API Chapters	Title
3	Tank gauging.
7	Temperature determination.
8	Sampling.
12	Calculations.
17	Maritime measurement.

Saybolt, LP is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–05	ASTM D–4928	Standard test method for water in crude oils by coulometric Karl Fischer Titration.
27–13	ASTM D–4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27–04	ASTM D–95	Standard test method for water in petroleum products and bituminous materials by distillation.
27–46	ASTM D–5002	Standard test method for density and relative density.
27–08	ASTM D–86	Standard test method for distillation of petroleum products at atmospheric pressure.
27–11	ASTM D–445	Standard test method for kinematic viscosity of transparent and opaque liquids (and calculations of dynamic viscosity).
27–58	ASTM D–5191	Standard test method for Vapor pressure of Petroleum products (Mini Method).
27–06	ASTM D–473	Standard test method for sediment in crude oils and fuel oils by the extraction method.
27–50	ASTM D–93	Standard test methods for flash point by Penske-Martens Closed Cup Tester.
27–01	ASTM D–287	Standard test method for API Gravity of crude Petroleum Products (Hydrometer Method).
27–03	ASTM D–4006	Standard test method for water in crude oil by distillation.
27–48	ASTM D–4052	Standard test method for Density of liquids by digital density meter.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov*. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories

Dated: June 11, 2014.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2014–14348 Filed 6–18–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Intertek USA, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc., has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes for the next three years as of November 21, 2013.

DATES: *Effective Dates:* The accreditation and approval of Intertek USA, Inc., as commercial gauger and laboratory became effective on November 21, 2013. The next triennial inspection date will be scheduled for November 2016.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Intertek USA, Inc., 725 Oakridge Dr., Romeoville, IL 60446, has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Intertek USA, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API Chapters	Title
3	Tank gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Maritime Measurements.

Intertek USA, Inc., is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–01	ASTM D–287	Standard Test Method for API Gravity of crude Petroleum and Petroleum Products (Hydrometer Method).
27–02	ASTM D–1298	Standard Practice for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Meter.
27–03	ASTM D–4006	Standard Test Method for Water in Crude Oil by Distillation.
27–04	ASTM D–95	Standard test method for water in petroleum products and bituminous materials by distillation.
27–05	ASTM D–4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
27–06	ASTM D–473	Standard test method for sediment in crude oils and fuel oils by the extraction method.
27–08	ASTM D–86	Standard test method for distillation of petroleum products.
27–11	ASTM D–445	Standard test method for kinematic viscosity of transparent and opaque liquids (and calculations of dynamic viscosity).
27–13	ASTM D–4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27–46	ASTM D–5002	Standard Test Method for Density and Relative Density of Crude Oils by Digital Density Analyzer.
27–48	ASTM D–4052	Standard test method for density and relative density of liquids by digital density meter.
27–54	ASTM D–1796	Standard test method for water and sediment in fuel oils by the centrifuge method (Laboratory procedure).
27–58	ASTM D–5191	Standard Test Method For Vapor Pressure of Petroleum Products.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://www.cbp.gov/sites/default/files/documents/gaulist_3.pdf

Dated: June 11, 2014.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2014–14343 Filed 6–18–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Amspec Services, LLC, as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of AmSpec Services, LLC, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that AmSpec Services, LLC, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of February 20, 2014.

DATES: *Effective Dates:* The accreditation and approval of AmSpec Services, LLC, as commercial gauger and laboratory became effective on February 20, 2014. The next triennial inspection date will be scheduled for February 2017.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite

1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that AmSpec Services, LLC, 1906 Suntide Rd, Corpus Christi, TX 78409, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. AmSpec Services, LLC is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API Chapters	Title
3	Tank gauging.
7	Temperature determination.
8	Sampling.
12	Calculations.
17	Maritime measurement.

AmSpec Services, LLC is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–01	D–287	API gravity of crude petroleum and petroleum products (hydrometer method).
27–02	D–1298	Density, Relative density, or API gravity of crude petroleum and liquid petroleum products by hydrometer meter.
27–48	D–4052	Density and Relative density of liquids by digital density meter.
27–05	D–4928	Water in crude oils by coulometric Karl Fishcher Titration.
27–04	D–95	Water in Petroleum products and bituminous materials by distillation.
27–03	D–4006	Water in crude oil by distillation.
27–06	D–473	Sediment in crude oils and fuel oils by extraction method.
27–13	D–4294	Sulfur in petroleum and petroleum products by energy-dispersive X-ray fluorescence spectrometer.
27–14	D–2622	Test method for sulfur in petroleum products (X-ray spectrographic methods).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov*. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories

Dated: June 11, 2014.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2014–14347 Filed 6–18–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc., as a Commercial Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Intertek USA, Inc., as a commercial laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc., has been accredited to test petroleum and petroleum products for customs purposes for the next three years as of October 30, 2013.

DATES: *Effective Dates:* The accreditation and approval of Intertek USA, Inc., as commercial gauger and laboratory became effective on October 30, 2013. The next triennial inspection date will be scheduled for October 2016.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12, that Intertek USA, Inc., 1114 Seaco Dr., Deer Park, TX 77536, has been accredited to test petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12. Intertek USA, Inc., is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–01	ASTM D–287	Standard Test Method for API Gravity of crude Petroleum and Petroleum Products (Hydrometer Method).
27–02	ASTM D–1298	Standard Practice for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Meter.
27–03	ASTM D–4006	Standard Test Method for Water in Crude Oil by Distillation.
27–04	ASTM D–95	Standard test method for water in petroleum products and bituminous materials by distillation.
27–05	ASTM D–4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
27–06	ASTM D–473	Standard test method for sediment in crude oils and fuel oils by the extraction method.
27–07	ASTM D–4807	Standard test method for sediment in crude oil by membrane filtration.
27–08	ASTM D–86	Standard test method for distillation of petroleum products.
27–10	ASTM D–323	Standard test method for vapor pressure of petroleum products. (Reid Method).
27–11	ASTM D–445	Standard test method for kinematic viscosity of transparent and opaque liquids (and calculations of dynamic viscosity).

CBPL No.	ASTM	Title
27–13	ASTM D–4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27–14	ASTM D–2622	Standard test method for sulfur in petroleum products(X-Ray Spectrographic Methods).
27–46	ASTM D–5002	Standard Test Method for Density and Relative Density of Crude Oils by Digital Density Analyzer.
27–48	ASTM D–4052	Standard test method for density and relative density of liquids by digital density meter.
27–54	ASTM D–1796	Standard test method for water and sediment in fuel oils by the centrifuge method (Laboratory procedure).

Anyone wishing to employ this entity to conduct laboratory analyses should request and receive written assurances from the entity that it is accredited by the U.S. Customs and Border Protection to conduct the specific test requested. Alternatively, inquiries regarding the specific test this entity is accredited to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://www.cbp.gov/sites/default/files/documents/gaulist_3.pdf

Dated: June 11, 2014.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2014–14344 Filed 6–18–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–R–2014–N045; FXRS12610800000–145–FF08R00000]

San Diego National Wildlife Refuge, San Diego County, CA; Draft Comprehensive Conservation Plan and Environmental Assessment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a Draft Comprehensive Conservation Plan (CCP) and Environmental Assessment (EA) for the San Diego National Wildlife Refuge (NWR). The Draft CCP/EA, prepared under the National Wildlife Refuge System Improvement Act of 1997, and in accordance with the National Environmental Policy Act of 1969, describes how the Service proposes to manage the San Diego NWR for the next 15 years. Draft compatibility determinations for existing and future public uses, a draft feral pig monitoring and eradication plan, and a draft integrated pest management plan are also available for review and public comment with the Draft CCP/EA.

DATES: To ensure consideration, we must receive your written comments by August 18, 2014.

ADDRESSES: Send your comments, requests for more information, or requests to be added to the mailing list by any of the following methods.

Email: Victoria_Touchstone@fws.gov. Include ''San Diego NWR CCP'' in the subject line of the message.

Fax: Attn: Victoria Touchstone, 619–476–9149.

U.S. Mail: Victoria Touchstone, U.S. Fish and Wildlife Service, San Diego NWR Complex, P.O. Box 2358, Chula Vista, CA 91912

In-Person Drop-off: You may drop off comments at the San Diego NWR Complex Office; please call 619–476–9150, extension 103, for directions and access information.

FOR FURTHER INFORMATION CONTACT: Victoria Touchstone, Refuge Planner, at 619–476–9150, extension 103, or Jill Terp, Refuge Manager, at 619–468–9245, extension 226. Further information may also be found at *http://www.fws.gov/refuge/San_Diego/what_we_do/planning.html.*

SUPPLEMENTARY INFORMATION: The National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd-668ee), which amended the National Wildlife Refuge System Administration Act of 1966, requires the Service to develop a CCP for each national wildlife refuge. The purpose in developing a CCP is to provide refuge managers with a 15-year plan for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation.

Background

We initiated the CCP/EA for the San Diego NWR in May 2006. At that time and throughout the process, we requested, considered, and incorporated public scoping comments in numerous ways. Our public outreach included a **Federal Register** notice of intent published on May 24, 2006 (71 FR 29973), two public scoping meetings, three planning updates, and two public use workshops. The scoping comment period ended on July 15, 2006; however, additional input has been solicited from interested stakeholders throughout the planning process. Verbal comments were recorded at public meetings, and written comments have been received via letters, emails, and comment cards.

Refuge History

The San Diego NWR was established in 1996 under the authorities of the Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742(a)–754); Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1544, 87 Stat. 884); and Refuge Recreation Act of 1962, as amended (16 U.S.C. 460k–460k–4). Land acquisition from willing sellers within both the approved 43,860-acre Refuge boundary for the Otay-Sweetwater Unit and the 8,220-acre Vernal Pools Stewardship Project boundary is intended to conserve large contiguous blocks of undisturbed native habitat. As of August 2013, the Refuge included approximately 11,530 acres, with 11,470 acres distributed among several noncontiguous land areas within the Otay-Sweetwater Unit, and an additional 60 acres of vernal pool habitat included within the Del Mar Mesa Vernal Pool Unit.

Refuge Purposes

The primary purposes of the San Diego NWR are to contribute to the recovery of endangered, threatened, and rare species; to support the native biodiversity of the southwestern San Diego Region by contributing to the development of a regional preserve under the San Diego Multiple Species Conservation Program (MSCP); to provide breeding, migration, and wintering habitat for migratory birds; and to provide opportunities for compatible wildlife-dependent

recreation. A total of 16 species currently listed as threatened or endangered under the Federal Endangered Species Act (ESA) and/or the California Endangered Species Act (CESA) are known to occur on the Refuge or have occurred there within the last 20 years. Many other species of concern, including at least 35 species covered by the San Diego MSCP, have been documented on the Refuge.

Alternatives

The Draft CCP/EA identifies and evaluates four alternatives for managing the San Diego NWR. The alternative that appears to best meet the Refuge's purposes is identified as the preferred alternative. Identification of the preferred alternative is based on the analysis presented in the draft CCP/EA. The preferred alternative may be modified following the completion of the public comment period, after comments received from other agencies, tribal governments, nongovernmental organizations, and individuals have been reviewed and considered.

Alternative A (No-Action Alternative)

Alternative A (no-action alternative) describes the current management practices that would continue to be implemented over the next 15 years.

Alternative B

Alternative B focuses on maximizing habitat values and species protection. New and expanded wildlife and habitat management actions would be implemented to protect, restore, and enhance habitat values and support listed and sensitive species. The wildlife-dependent recreational uses currently occurring on the Refuge (i.e., wildlife observation, photography, environmental education, interpretation) would be managed to minimize disturbance to plants and wildlife. Public access would be restricted to a designated trail system consisting of both non-motorized multiple use (i.e., equestrian, mountain biking, hiking) trails and hiking-only trails. Unauthorized, user-created trails that contribute to erosion, habitat loss, habitat fragmentation, and species disturbance would be decommissioned. No dogs would be permitted on the Otay-Sweetwater Unit under this alternative.

Alternative C

Alternative C proposes to expand the opportunities for wildlife-dependent recreational uses on the Otay-Sweetwater Unit, while implementing the same wildlife and habitat management activities proposed under Alternative B. Public access would be restricted to the designated trail system, which would be expanded slightly under this alternative. Unauthorized trails would be decommissioned, as described under Alternative B, and all trails within the designated trail system would be open to non-motorized multiple use. Also under Alternative C, interpretive and environmental education programs would be expanded. Hunting, conducted in accordance with refuge-specific regulations, would be permitted on portions of the McGinty Mountain, Las Montañas, and Otay Mesa and Lakes management areas of the Refuge, and dogs would be permitted on the trails, provided they are maintained on a leash.

Alternative D (Preferred Alternative)

Alternative D, the preferred alternative, proposes to optimize species and habitat protection, while expanding opportunities for compatible public use over those currently provided on the Refuge. Under this alternative, in addition to the wildlife and habitat management activities proposed under Alternative B, the Refuge would implement a feral pig monitoring and eradication plan. No feral pigs are currently present on the Refuge, but feral pigs and the damage to resources associated with feral pig activity have been identified in the San Diego region. The initial implementation of this plan by the Refuge would therefore involve monitoring for the presence of pigs, with further action on the Refuge becoming necessary only if pigs are identified on Refuge lands.

Existing interpretive and environmental education programs would be expanded on the Otay-Sweetwater Unit under Alternative C, and hunting for big game (i.e., deer, feral pig), resident small game (i.e., rabbits), and resident and migratory upland game birds (e.g., dove, quail, wild turkey) is proposed, subject to refuge-specific conditions, on a portion of the Otay Mesa and Lakes management area. The designated trail system would consist primarily of non-motorized multiple use trails, with hiking only trails also provided in a few areas; unauthorized trails would be subject to closure. Leashed dogs would only be permitted on those trails designated for multiple use.

Habitat management and public use on the 60-acre Del Mar Mesa Vernal Pool Unit would occur in accordance with the City of San Diego's Carmel Mountain and Del Mar Mesa Preserves Management Plan under all of the action alternatives (i.e., Alternatives B, C, and D).

Public Meetings

The locations, dates, and times of public meetings will be listed in a planning update distributed to the project mailing list and posted on the San Diego NWR public Web site at *http://www.fws.gov/refuge/San_Diego/what_we_do/planning.html.*

Review and Comment

Copies of the Draft CCP/EA may be obtained by contacting Victoria Touchstone (see **ADDRESSES**). Copies of the Draft CCP/EA may be viewed at San Diego NWR Complex office (see **ADDRESSES** for contact information) and local libraries.

The Draft CCP/EA is also available for viewing and downloading online at: *http://www.fws.gov/refuge/San_Diego/what_we_do/planning.html.* Comments on the Draft CCP/EA should be addressed to Victoria Touchstone (see **ADDRESSES**).

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Next Steps

At the end of the review and comment period for this Draft CCP/EA, comments will be analyzed by the Service and addressed in the Final CCP.

Alexandra Pitts,

Acting Regional Director, Pacific Southwest Region, Sacramento, California.

[FR Doc. 2014–14323 Filed 6–18–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–15966; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before May 31, 2014.

Pursuant to § 60.13 of 36 CFR Part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th Floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by July 7, 2014. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: June 3, 2014.

Alexandra Lord,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

COLORADO

Routt County

Steamboat Springs Downtown Historic District, Lincoln Ave. roughly bounded by 5th to 11th Sts., Steamboat Springs, 14000387

DISTRICT OF COLUMBIA

District of Columbia

District of Columbia War Memorial, Independence Ave. between 17th & 23rd Sts. SW., Washington, 14000388

FLORIDA

Escambia County

United States Post Office and Court House, 100 N. Palafox St., Pensacola, 14000389

MINNESOTA

Hennepin County

Cameron Transfer and Storage Company Building, 756 N. 4th St., Minneapolis, 14000390

Lee, Arthur and Edith, House, 4600 Columbus Ave. S., Minneapolis, 14000391

Winona County

Laird, Norton Company Building, 125 W. 5th St., Winona, 14000392

MONTANA

Flathead County

Camas Creek Cutoff Road, Glacier National Park, West Glacier, 14000393

Missoula County

Milwaukee Road Railroad Substation No. 10, 5190 Primrose Dr., Missoula, 14000394

NEBRASKA

Harlan County

Alma City Auditorium and Sale Barn, 614 Main St., Alma, 14000395

Nemaha County

Auburn Historic District, Downtown Commercial District, Courthouse Sq. & Courthouse Ave., Auburn, 14000396

Saunders County

Kacirek—Woita General Store, 250 N. Elm St., Weston, 14000397

NEW YORK

Erie County

Sibley and Holmwood Candy Factory and Witkop and Holmes Headquarters, 149 & 145 Swan St., Buffalo, 14000398

New York County

West 114th Street Historic District, 204–246 & 215–277 W. 114th St., New York, 14000399

OREGON

Klamath County

Linkville Pioneer Cemetery, Jct. of Lexington Ave. & Upham St., Klamath Falls, 14000400

Yamhill County

99W Drive-in Theatre, 3110 Portland Rd., Newberg, 14000401

TEXAS

Bexar County

Voelcker Farmstead Historic District, (Farms and Ranches of Bexar County, Texas) Address Restricted, San Antonio, 14000402

Milam County

Pool, R.F. and Minta, House, 901 E. 8th St., Cameron, 14000403

Travis County

Perry, Edgar H., Jr., House, 801 Park Blvd., Austin, 14000404

VERMONT

Windsor County

Parker, Aaron, Jr. and Susan, Farm, 1715 Brook Rd., Cavendish, 14000405

[FR Doc. 2014–14307 Filed 6–18–14; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On June 12, 2014, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of South Carolina in the lawsuit entitled *United States et al.* v. *Albemarle Corporation,* Civil Action No. 5:11–cv–00991–JMC.

In *Albemarle,* the United States of America (''United States''), on behalf of the Administrator of the United States Environmental Protection Agency (''EPA''), and the South Carolina Department of Health and Environmental Control (''SCDHEC'') filed a complaint pursuant to the Clean Air Act, 42 U.S.C. 7401 et seq. and the South Carolina Pollution Control Act, S.C. Code Section 48–1–10 *et seq.,* alleging violations of these statutes at an Albemarle Corporation (''Albemarle'') facility in Orangeburg, South Carolina. Under the proposed consent decree, Albemarle agrees to demonstrate its compliance with these statutes and pay a civil penalty to the plaintiffs, of which $331,995.50 shall be paid to the United States.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States et al.* v. *Albemarle Corporation,* D.J. Ref. No. 90–5–2–1–2152/1. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By e-mail	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $ 6.00 (25 cents per page reproduction cost) payable to the United States Treasury.

Henry S. Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2014–14284 Filed 6–18–14; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Interchangeable Virtual Instruments Foundation, Inc.

Notice is hereby given that, on May 19, 2014, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Interchangeable Virtual Instruments Foundation, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, TSE Plazotta, Schweitenkirchen, GERMANY; and Chiyoda Electronics Co. Ltd., Saitama, JAPAN, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Interchangeable Virtual Instruments Foundation, Inc. intends to file additional written notifications disclosing all changes in membership.

On May 29, 2001, Interchangeable Virtual Instruments Foundation, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 30, 2001 (66 FR 39336).

The last notification was filed with the Department on March 11, 2014. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on April 15, 2014 (79 FR 21288).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2014–14302 Filed 6–18–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Armaments Consortium

Notice is hereby given that, on May 22, 2014, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), National Armaments Consortium (''NAC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Andrews Space, Tukwila, WA; CMA Technologies, Inc., Orlando, FL; Colorado Photopolymer Solutions, LLC, Boulder, CO; Copperhead Chemical Company Inc., Tamaqua, PA; CPS Technologies Corporation, Norton, MA; Custom Electronics, Inc., Oneonta, NY; Decatur Mold Tool & Engineering, Inc., North Vernon, IN; Dynamic Air Engineering, Inc., Santa Ana, CA; Dynamics Research Corporation (DRC), Andover, MA; Expal USA, Inc., Marshall, TX; FN Manufacturing LLC, Columbia, SC; Maryland Aerospace, Inc., Crofton, MD; Microcosm, Inc., Hawthorne, CA; Middle Forge Consulting LLC, Rockaway, NJ; NanoElectromagnetics LLC, Columbia, MO; Noble Plastics Inc., Grand Coteau, LA; Nobles Worldwide, Inc., Saint Croix Falls, WI; Northeastern Energetic Process Services Co, LLC, Berlin, CT; Orbis Sibro, Inc., Mt. Pleasant, SC; Polymer Technologies, Inc., Clifton, NJ; QuesTek Innovations LLC, Evanston, IL; REL, Inc., Calumet, MI; Sechan Electronics, Lititz, PA; Seton Hall University, South Orange, NJ; Solidica, Inc., Ann Arbor, MI; Soligie, Inc., Savage, MN; Southwest Research Institute, San Antonio, TX; Technovative Applications, Brea, CA; The University of Tennessee, Knoxville, TN; TLC Precision Wafer Technology Inc., Minneapolis, MN; and Wireless Technology Associates, Inc., Setauket, NY, have been added as parties to this venture. Also, Applied Energetics, Inc., Tucson, AZ; Arlington Machine and Tool Co., Fairfield, NJ; C–2 Innovations, Inc., Stow, MA; Cerebrus Corporation, Morris Plains, NJ; Chemring Energetic Devices, Downers Grove, IL; Conax Florida Corporation, St. Petersburg, FL; DSE, Inc., Tampa, FL; Lund & Company Invention LLC, River Forest, IL; nLIGHT Photonics Corporation, Vancouver, WA; Nu-Way Industries, Inc., Des Plaines, IL; Radiance Technologies, Inc., Huntsville, AL; Rocky Research, Boulder City, NV; Simulations, LLC, Simsbury, CT; TenCate Advanced Composites, Morgan Hill, CA; The Research Foundation of State University of New York, Binghamton, NY; and Universal Propulsion Company, Inc., Fairfield, CA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NAC intends to file additional written notifications disclosing all changes in membership.

On May 2, 2000, NAC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 30, 2000 (65 FR 40693).

The last notification was filed with the Department on February 6, 2014. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 13, 2014 (79 FR 14294).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2014–14293 Filed 6–18–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Members of SGIP 2.0, Inc.

Notice is hereby given that, on May 23, 2014, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Members of SGIP 2.0, Inc. (''MSGIP 2.0'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, SmartCloud, Inc., Bedford, MA; Lansing Board of Water and Light, Lansing, MI; LocalGrid Technologies, Mississauga, Ontario, CANADA; Maryland Public Service Commission, Baltimore, MD; Upperbay Systems, Franklin, MA; and Kladar Virtual Automation Ltd., Calgary, Alberta, CANADA, have been added as parties to this venture.

Also, iWire365, Garland, TX; Navigant Consulting, Rensselaer, NY; Samsung Telecommunications America, Richardson, TX; ThinkSmartGrid, Moffett Field, CA; Stroz Freidberg, LLC, New York, NY; Virginia State Corporation Commission, Richmond, VA; Lockheed Martin, Gaithersburg, MD; Alcatraz Energy, Boulder, CO; Grid Net, San Francisco, CA; Controlco,

Oakland, CA; Lutron Electronics Co., Inc., Coopersburg, PA; Patrick M Duggan Enterprises, Inc., Valley Cottage, NY; Yokogawa Electric Corporation, Tokyo, JAPAN; Reliant Energy Retail Services, Inc., Houston, TX; and IONEX Energy Storage Systems, Inc., Austin, TX, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and MSGIP 2.0 intends to file additional written notifications disclosing all changes in membership.

On February 5, 2013, MSGIP 2.0 filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 7, 2013 (78 FR 14836).

The last notification was filed with the Department on March 11, 2014. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on April 15, 2014 (79 FR 21289).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2014–14304 Filed 6–18–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—PXI System Alliance, Inc.

Notice is hereby given that, on May 19, 2014, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), PXI Systems Alliance, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Hitech, Xi'an City, PEOPLE'S REPUBLIC OF CHINA; and Brilliant Instruments, Inc., Campbell, CA, have been added as parties to this venture.

Also, Embedded Planet, Cleveland, OH; and Logic Instrument S.A., DOMONT, Cedex, FRANCE, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and PXI Systems Alliance, Inc. intends to file additional written notifications disclosing all changes in membership.

On November 22, 2000, PXI Systems Alliance, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 8, 2001 (66 FR 13971).

The last notification was filed with the Department on March 11, 2014. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on April 15, 2014 (79 FR 21289).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2014–14305 Filed 6–18–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—DVD Copy Control Association

Notice is hereby given that, on May 14, 2014, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), DVD Copy Control Association (''DVD CCA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Hitachi-LG Data Storage, Inc., Tokyo, JAPAN, and Skypine Electronics (Shenzhen) Co., Ltd., Shenzhen City, PEOPLE'S REPUBLIC OF CHINA, have been added as parties to this venture.

Also, City Brand International Limited, Kwun Tong, Kowloon, HONG KONG-CHINA, and Shenzhen Sea Star Technology Co., Ltd., Shenzhen, PEOPLE'S REPUBLIC OF CHINA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and DVD CCA intends to file additional written notifications disclosing all changes in membership.

On April 11, 2001, DVD CCA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on August 3, 2001 (66 FR 40727).

The last notification was filed with the Department on March 6, 2014. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on April 15, 2014 (79 FR 21289).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2014–14294 Filed 6–18–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2010–0052]

Material Hoists, Personnel Hoists, and Elevators Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

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

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend OMB approval of the information collection requirements specified in the Standard on Material Hoists, Personnel Hoists, and Elevators (29 CFR 1926.552).

DATES: Comments must be submitted (postmarked, sent, or received) by August 18, 2014.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, 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: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2010–0052, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–2625, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and 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 OSHA docket number (OSHA–2010–0052) for the Information Collection Request (ICR). All comments, 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.* For further information on submitting comments see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (e.g., copyrighted material) is not publicly available to read or download from the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accord with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 et seq.) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

Paragraph (a)(2) of the Material Hoists, Personnel Hoists, and Elevators Standard requires that the rated load capacities, recommended operating speeds, and special hazard warnings or instructions be posted on cars and platforms. Paragraph (b)(1)(i) requires that operating rules for material hoists be established and posted at the operator's station of the hoist. These rules shall include signal system and allowable line speed for various loads. Paragraph (c)(10) requires that cars be provided with a capacity and data plate secured in a conspicuous place on the car or crosshead.

These posting requirements are used by the operator and crew of the material and personnel hoists to determine how to use the specific machine and how much it will be able to lift as assembled in one or a number of particular configurations. If not properly used, the machine would be subject to failures, endangering the workers in the immediate vicinity.

Paragraph (c)(15) requires that a test and inspection of all functions and safety devices be made following the assembly and erection of hoists. The test and inspection are to be conducted under the supervision of a competent person. A similar inspection and test is required following major alteration of an existing installation. All hoists shall be inspected and tested at three-month intervals. A certification record (the most recent) of the test and inspection must be kept on file, including the date the test and inspection was completed, the identification of the equipment and the signature of the person who performed the test and inspection. This certification ensures that the equipment has been tested and is in safe operating condition. The most recent certification record will be disclosed to a Compliance Safety and Health Officer during an OSHA inspection.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend its approval of the information collection requirements contained in the Standard on Material Hoists, Personnel Hoists, and Elevators (29 CFR 1926.552). The Agency is requesting an adjustment decrease from 20,957 burden hours to 7,103 burden hours, a total reduction of 13,854 burden hours. The decrease is due to a decrease in the number hoists being used in the industry.

Type of Review: Extension of a currently approved collection.

Title: Material Hoists, Personnel Hoists, and Elevators (29 CFR 1926.552).

OMB Control Number: 1218–0231.

Affected Public: Business or other for-profits.

Number of Respondents: 5,868.

Frequency of Responses: On occasion.

Number of Responses: 26,547.

Average Time per Response: Varies from 2 minutes (.03 hour) for a supervisor to disclose test and inspection certification records to 60 minutes (1 hour) for a construction worker to obtain and post information for hoists.

Estimated Total Burden Hours: 7,103.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number (Docket No. OSHA–2010–0052 for the ICR. You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (e.g., copyrighted material) is not publicly available to read or download from this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* Web site to submit comments and access the docket is available at the Web site's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available from the Web site, and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 et seq.) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on June 13, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–14329 Filed 6–18–14; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2011–0055]

Steel Erection; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

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

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend OMB approval of the information collection requirements specified in the Standard on Steel Erection (29 CFR part 1926, subpart R).

DATES: Comments must be submitted (postmarked, sent, or received) by August 18, 2014.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, 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: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, OSHA Docket No. OSHA–2011–0055, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–2625, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and 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 OSHA docket number (OSHA–2011–0055) for the Information Collection request (ICR). All comments, 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.* For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (e.g., copyrighted material) is not publicly available to read or download from the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accord with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

Section 1926.752(a)(1). *Description of the requirement.* Based on the results of a specified method for testing field-cured samples, the controlling contractor must provide the steel erector with written notification that the concrete in the footings, piers, and walls, or the mortar in the masonry piers and walls, is at 75% of its minimum compressive-design strength or has sufficient strength to support loads imposed during steel erection. Note: This is not and will not be enforced for mortar in piers and walls until OSHA defines an appropriate substitute or until an appropriate American Society for Testing and Materials (ASTM) test method is developed.

Sections 1926.752(a)(2) and 1926.755(b)(1). *Description of the requirements.* Under § 1926.752(a)(2), the controlling contractor, before it authorizes commencement of steel erection, must notify the steel erector in writing that any repairs, replacements, and modifications to anchor bolts (rods) have been made in accord with § 1926.755(b)(1) which requires that the controlling contractor obtain approval from the project structural engineer of

record for the repairs, replacements, and modifications.

Section 1926.753(c)(5). *Description of the requirement.* Employers must not deactivate safety latches on hooks or make them inoperable except for the situation when a qualified rigger determines that it is safer to hoist and place purlins and single joists by doing so; or except when equivalent protection is provided in the site-specific erection plan.

Section 1926.753(e)(2). *Description of the requirement.* Employers must have the maximum capacity of the total multiple-lift rigging assembly, as well as each of its individual attachment points, certified by the manufacturer or a qualified rigger.

Sections 1926.755(b)(2) and 1926.755(b)(1). *Description of the requirements.* Under § 1926.755(b)(2), throughout steel erection the controlling contractor must notify the steel erector in writing of additional repairs, replacements, and modifications of anchor bolts (rods); § 1926.755(b)(1) requires that these repairs, replacements and modifications not be made without approval from the project structural engineer of record.

Section 1926.757(a)(4). *Description of the requirement.* If steel joists at or near columns span more than 60 feet, employers must set the joists in tandem with all bridging installed. However, the employer may use an alternative method of erection if a qualified person develops the alternative method, it provides equivalent stability, and the employer includes the method in the site-specific erection plan.

Section 1926.757(a)(7). *Description of the requirement.* Employers must not modify steel joists or steel joist girders in a way that affects their strength without the approval of the project structural engineer of record.

Sections 1926.757(a)(9) and 1926.758(g). *Description of the requirements.* An employer can use a steel joist, steel joist girder, purlin, or girt as an anchorage point for a fall arrest system only with the written approval of a qualified person.

Section 1926.757(e)(4)(i). *Description of the requirement.* An employer must install and anchor all bridging on joists and attach all joist bearing ends before placing a bundle of decking on the joists, unless: A qualified person determines that the structure or portion of the structure is capable of supporting the bundle, the employer documents this determination in the site-specific erection plan and follows the additional requirements specified in § 1926.757(e)(4)(ii)–(vi).

Section 1926.760(e) and (e)(1). *Description of the requirement.* The steel erector can leave its fall protection at the jobsite after completion of the erection activity only if the controlling contractor or its authorized representative directs the steel erector to do so and inspects and accepts responsibility for the fall protection.

Section 1926.761. *Description of the requirement.* Employers must have qualified persons provide training to all workers exposed to fall hazards. This training is to include: Recognition of fall hazards at the worksite; use and operation of guardrail systems, personal fall arrest systems, positioning device systems, fall restraint systems, safety net systems, and other fall protection implemented at the worksite; correct procedures for erecting, maintaining, disassembling, and inspecting these fall protection systems; procedures that prevent falls to lower levels, and through or into holes and openings in walking-working surfaces; and the fall protection requirements of this Subpart. In addition, employers are to provide special training to workers engaged in multiple-lift rigging procedures (i.e., to recognize multi-lift hazards and in the proper procedures and equipment to perform multiple lifts), connector procedures (i.e., to identify connector hazards and in the requirements of §§ 1926.756(c) and 1926.760(b)), and controlled decking zone (CDZ) procedures (i.e., knowledge of CDZ hazards and in the requirements of §§ 1926.754(e) and 1926.760(c)).

Paragraph (c)(4)(ii) of Appendix G to Subpart R. *Description of the requirement.* This mandatory appendix duplicates the regulatory requirements of § 1926.502 (''Fall protection systems criteria and practices''), notably the requirements specified in paragraph (c)(4)(ii). This paragraph addresses the certification of safety nets as an option available to employers who can demonstrate that performing a drop test on safety nets is unreasonable. This provision allows such employers to certify that their safety nets, including the installation of the nets, protect workers at least as well as safety nets that meet the drop test criteria. The employer must complete the certification process prior to using the net for fall protection, and the certificate must include the following information: Identification of the net and the type of installation used for the net; the date the certifying party determined that the net and its installation would meet the drop-test criteria; and the signature of the party making this determination. The most recent certificate must be available at the jobsite for inspection.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

The Agency is requesting that OMB extend its approval of the information collection requirements contained in the Standard on Steel Erection (29 CFR part 1926, subpart R). The Agency is requesting an adjustment decrease of 2,203 burden hours (from 23,602 hours to 21,399 hours). This decrease is due to a decline in worksites associated with this subpart from 15,578 to 13,864.

Type of Review: Extension of a currently approved collection.

Title: Steel Erection (29 CFR part 1926, subpart R).

OMB Control Number: 1218–0241.

Affected Public: Business or other for-profits.

Number of Respondents: 13,864.

Frequency of Responses: On occasion, annually; triennially.

Number of Responses: 72,317.

Average Time per Response: Varies from one minute (.02 hour) for a controlling contractor to inform a steel erector to leave fall protection at the jobsite to five hours for a project engineer to do research and analysis to provide approval for modifications to steel joists or joist girders.

Estimated Total Burden Hours: 21,399.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the

ICR (Docket No. OSHA–2011–0055). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (e.g., copyrighted material) is not publicly available to read or download from this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* Web site to submit comments and access the docket is available at the Web site's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available from the Web site, and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 et seq.) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on June 13, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–14330 Filed 6–18–14; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2014–038]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of information collection renewal request.

SUMMARY: NARA is giving public notice that the agency has submitted to OMB for approval the information collection described in this notice. NARA invites the public to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted to OMB at the address below on or before July 21, 2014 to be assured of consideration.

ADDRESSES: Send comments to Mr. Nicholas A. Fraser, Desk Officer for NARA, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5167; or electronically mailed to *Nicholas_A._Fraser@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collections and supporting statements should be directed to Tamee Fechhelm at telephone number 301–837–1694 or fax number 301–713–7409.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), NARA invites the general public and other Federal agencies to comment on proposed information collections. NARA published a notice of proposed collection for this information collection on April 9, 2014 (79 FR 19656 and 19657). No comments were received. NARA has submitted the described information collection to OMB for approval.

In response to this notice, comments and suggestions should address one or more of the following points: (a) Whether the proposed information collection is necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including the use of information technology; and (e) whether small businesses are affected by this collection. In this notice, NARA is soliciting comments concerning the following information collection:

Title: Order Forms for Genealogical Research in the National Archives.

OMB number: 3095–0027.

Agency form numbers: NATF Forms 84, 85, and 86.

Type of review: Regular.

Affected public: Individuals or households.

Estimated number of respondents: 13,525.

Estimated time per response: 10 minutes.

Frequency of response: On occasion.

Estimated total annual burden hours: 2,254.

Abstract: NARA receives a large volume of requests for these records and needs to obtain specific information from the researcher to search for the sought records. Using a standard form to for the requests and the needed information is necessary for NARA to handle the volume of requests in a timely fashion. As a convenience, the form also allows researchers to provide credit card information to authorize billing and expedited mailing of the copies. You can also use Order Online! (*http://www.archives.gov/research_room/obtain_copies/military_and_genealogy_order_forms.html*) to complete the forms and order the copies.

Dated: June 11, 2014.

Swarnali Haldar,

Acting Executive for Information Services/CIO.

[FR Doc. 2014–14277 Filed 6–18–14; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Mathematical and Physical Sciences Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Mathematical and Physical Sciences (#66).

Date/Time: July 18, 2014: 12:30 p.m. to 5:30 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Suite 1235, Arlington, Virginia 22230.

To help facilitate your entry into the building, contact Caleb Autrey (*cautrey@nsf.gov*). Your request should be received on or prior to July 14, 2014.

Virtual attendance will be supported. For detailed instructions, visit the meeting Web site at *http://www.nsf.gov/events/event_summ.jsp?cntn_id=130169&org=MPS.*

Type of Meeting: Open, Virtual.

Contact Person: Kelsey Cook, National Science Foundation, 4201 Wilson Boulevard, Suite 1005, Arlington, Virginia 22230, 703–292–7490 AND Caleb Autrey, National Science Foundation, 4201 Wilson Boulevard, Suite 1005, Arlington, Virginia 22230, 703–292–5137.

Minutes: Meeting minutes and other information may be obtained from the Staff Associate and MPSAC Designated Federal Officer at the above address or the Web site at *http://www.nsf.gov/mps/advisory.jsp.*

Purpose of Meeting: To study data, programs, policies, and other information pertinent to the National Science Foundation and to provide advice and recommendations concerning research in mathematics and physical sciences.

Agenda

- State of the Directorate for Mathematical and Physical Sciences (MPS): Challenges and Opportunities
- Final Reports for all four subcommittees (StatsNSF, Optics and Photonics, Food Security, and Materials Instrumentation)
- Follow-up to April 2014 Merit Review AC discussion.

Dated: June 13, 2014.

Suzanne Plimpton,

Acting, Committee Management Officer.

[FR Doc. 2014–14283 Filed 6–18–14; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR WASTE TECHNICAL REVIEW BOARD

Meeting

Board meeting: August 6, 2014—The U.S. Nuclear Waste Technical Review. Board will meet to discuss management and disposal of DOE spent nuclear fuel and high-level radioactive waste.

Pursuant to its authority under section 5051 of Public Law 100–203, Nuclear Waste Policy Amendments Act of 1987, the U.S. Nuclear Waste Technical Review Board will meet in Idaho Falls, Idaho, on Wednesday, August 6, 2014, to review U.S. Department of Energy (DOE) plans for the packaging, transportation, and disposal of DOE spent nuclear fuel (SNF) and high-level radioactive waste (HLW). Among the topics that will be discussed at the meeting are DOE SNF and HLW management activities that will affect the eventual disposal of the wastes, including: Extended storage of SNF at DOE sites, treatment of DOE SNF in preparation for offsite transportation and disposal, research and development related to dry-cask storage of high burnup SNF, aging management of SNF storage facilities, and the transportation of damaged SNF. The Nuclear Waste Policy Amendments Act (NWPAA) of 1987 charges the Board with conducting an ongoing and independent evaluation of the technical and scientific validity of DOE activities related to implementing the Nuclear Waste Policy Act.

The meeting will be held at the Marriott Residence Inn, 635 West Broadway, Idaho Falls, Idaho 83402; Telephone 208–542–0000. A block of rooms has been reserved for meeting attendees at the special rate of $129.00 per night. Reservations may be made by phone or online at *http://www.marriott.com/meeting-event-hotels/group-corporate-travel/groupCorp.mi?resLinkData=NWTRB∧IDARI%60NWTNWTS%60129.00%60USD%60false%608/4/14%608/8/14%607/6/14&app=resvlink&stop_mobi=yes.* Group Name: NWTRB. Reservations must be made by July 6, 2014, to ensure receiving the meeting rate.

The meeting will begin at 8:00 a.m. on Wednesday, August 6, 2014, with a call to order and introductory statement by the Board Chairman and is scheduled to adjourn at 5:20 p.m. A detailed meeting agenda will be available on the Board's Web site: *www.nwtrb.gov* approximately one week before the meeting. The agenda also may be requested by email or telephone at that time from Davonya Barnes of the Board's staff.

The meeting will be open to the public, and an opportunity for public comment will be provided at the end of the day. Those wanting to speak are encouraged to sign the ''Public Comment Register'' at the check-in table. Depending on the number of people who sign up, it may be necessary to set a time limit on individual remarks, but written comments of any length may be submitted for the record.

Transcripts of the meeting will be available on the Board's Web site no later than September 1, 2014. Copies may be requested for transmission by email, on computer disk, or in paper format from Davonya Barnes of the Board's staff

The Board was established in the NWPAA as an independent federal agency in the Executive Branch to provide objective expert advice to Congress and the Secretary of Energy on technical issues related to SNF and HLW management and disposal and to review the technical and scientific validity of DOE activities related to implementing the NWPA. Board members are experts in their fields and are appointed to the Board by the President from a list of candidates submitted by the National Academy of Sciences. The Board reports its findings, conclusions, and recommendations to Congress and the Secretary of Energy. All Board reports, correspondence, congressional testimony, and meeting transcripts and related materials are posted on the Board's Web site.

For information on the meeting agenda, contact Bret Leslie: *leslie@nwtrb.gov* or Karyn Severson: *severson@nwtrb.gov.* For information on lodging or logistics, contact Linda Coultry: *coultry@nwtrb.gov.* To request copies of the meeting agenda or the transcript, contact Davonya Barnes: *barnes@nwtrb.gov.* All three can be reached by mail at 2300 Clarendon Boulevard, Suite 1300; Arlington, VA 22201–3367; by telephone at 703–235–4473; or by fax at 703–235–4495.

Dated: June 16, 2014.

Nigel Mote,

Executive Director, U.S. Nuclear Waste Technical Review Board.

[FR Doc. 2014–14382 Filed 6–18–14; 8:45 am]

BILLING CODE 6820–AM–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2014–52; Order No. 2090]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing announcing its intention to change rates for Inbound Air Parcel Post (at Universal Postal Union (UPU) Rates). This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* June 20, 2014.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Contents of Filing
III. Commission Action
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I. Introduction

Notice of filing. On June 11, 2014, the Postal Service filed a notice pursuant to 39 CFR 3015.5, announcing its intention to change rates for Inbound Air Parcel Post (at Universal Postal Union (UPU)

Rates) effective July 1, 2014.[1] Notice at 1. The Notice does not include any classification changes. *Id.* at 2. The timing of the filing comports with a requirement that notice of this type of change be submitted at least 15 days before the effective date. *See* 39 CFR 3015.5.

II. Contents of Filing

To accompany its Notice, the Postal Service filed the following attachments:

- Attachment 1—an application for non-public treatment of material filed under seal;
- Attachment 2—a redacted copy of Governors' Decision No. 09–15;
- Attachment 3—a redacted copy of the new rates; and
- Attachment 4—a copy of the certification required under 39 CFR 3015.5(c)(2).

Id. at 2.

The Postal Service filed a redacted version of the sealed financial documents in a public Excel file. *Id.* The material filed under seal consists of unredacted copies of Governors' Decision No. 09–15, the new rates, and related financial information.[2] *Id.* at 3.

Classification and rates. The Notice incorporates by reference previous explanations concerning (1) the UPU Postal Operations Council's mechanism for setting base rates for Inbound Air Parcel Post, and (2) the formal nature of the Governors' Decision establishing those rates for purposes of statutory compliance.[3] *Id.* at 2. The Postal Service asserts that the prices comport with Governors' Decision No. 09–15 as they are the highest possible inward land rates that the Postal Service is eligible for based on inflation increases and other factors. *Id.* at 2–3. It also asserts that it has met its burden of providing notice to the Commission of changed rates within the scope of Governors' Decision No. 09–15, as required by 39 U.S.C. 3632(b)(3). *Id.* at 3.

III. Commission Action

The Commission establishes Docket No. CP2014–52 for consideration of matters raised in the Notice. Interested persons may submit comments on whether the Agreement is consistent with the requirements of 39 CFR 3015.5 and the policies of 39 U.S.C. 3632 and 3633. Comments are due no later than June 20, 2014. The public portions of the Postal Service's filing can be accessed via the Commission's Web site at *http://www.prc.gov*. Information on how to obtain access to nonpublic material appears at 39 CFR Part 3007. The Commission appoints Lyudmila Bzhilyanskaya to represent the interests of the general public (Public Representative) in this case.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2014–52 for consideration of matters raised in the Postal Service's Notice.
2. Pursuant to 39 U.S.C. 505, the Commission designates Lyudmila Bzhilyanskaya to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.
3. Comments are due no later than June 20, 2014.
4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2014–14279 Filed 6–18–14; 8:45 am]

BILLING CODE 7710–FW–P

[1] Notice of the United States Postal Service of Filing Changes in Rates Not of General Applicability for Inbound Air Parcel Post, June 11, 2014 (Notice).

[2] Governors' Decision No. 09–15 was filed, and remains, under seal in Docket Nos. MC2010–11 and CP2010–11. *See id.* at 1, n.1.

[3] Article RC 193.3 allows modifications to the bonus payment portion of inward land rates to be implemented twice each year on January 1 and July 1. The UPU's International Bureau will confirm to all designated operators by March 31 any changes to the inward land rates that apply beginning July 1 of that same year. *See id.* at 2, n.3.

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, & First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* June 19, 2014.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 13, 2014, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Express, Priority Mail, & First-Class Package Service Contract 3 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2014–27, CP2014–53.

Stanley F. Mires,

Attorney, Legal Policy & Legislative Advice.

[FR Doc. 2014–14306 Filed 6–18–14; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72391; File No. SR–DTC–2013–11]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Designation of Longer Period for Commission Action on Proceedings To Determine Whether the Approve or Disapprove Proposed Rule Change, as Modified by Amendment Nos. 1 and 2, To Specify Procedures Available to Issuers of Securities Deposited at DTC for Book Entry Services When DTC Imposes or Intends To Impose Restrictions on the Further Deposit and/or Book Entry Transfer of Those Securities

June 13, 2014.

I. Introduction

On December 5, 2013, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') proposed rule change SR–DTC–2013–11 (''Proposed Rules'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'')[1] and Rule 19b–4 thereunder.[2] The Proposed Rules were published in the **Federal Register** on December 24, 2013.[3] The Commission received ten comments from eight commenters to the Proposed Rules[4] and two letters from DTC responding to those comments.[5] On February 10, 2014,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Release No. 34–71132 (Dec. 18, 2013); 78 FR 77755 (Dec. 24, 2013).

[4] *See* Letters to Elizabeth M. Murphy, Secretary, Commission, from: Suzanne H. Shatto dated December 20, 2013 (''Shatto Letter I''); Simon Kogan dated December 22, 2013 (''Kogan Letter''); DTCC BigBake dated December 27, 2013 (''DTCC BigBake Letter I'') and March 14, 2014 (''DTCC BigBake Letter II''); Brenda Hamilton, Hamilton & Associates Law Group, PA (''Hamilton Letter''); Charles V. Rossi, Chairman, STA Board Advisory Committee, Securities Transfer Association dated January 14, 2014 (''STA Letter I''); Louis A. Brilleman, Louis A. Brilleman, P.C. dated January 14, 2014 (''Brilleman Letter I''); Gary Emmanuel and Harvey Kesner, Sichenzia Ross Friedman Ference LLP dated January 14, 2014 (''Sichenzia Letter I'') and February 24, 2014 (''Sichenzia Letter II''); and Susanne Trimbath, STP Advisory Services, LLC dated March 19, 2014 (''Trimbath Letter'').

[5] *See* Letters to Elizabeth M. Murphy, Secretary, Commission, from Isaac Montal, Managing Director

Continued

DTC filed Amendment No. 1 to the Proposed Rules.[6] On March 10, 2014, DTC Filed Amendment No 2 to the Proposed Rules.[7] On March 19, 2014, the Commission published Amendment Nos. 1 and 2 for comment and instituted proceedings to determine whether to approve or disapprove the Proposed Rules, as modified by Amendment Nos. 1 and 2 (''Order Instituting Proceedings'').[8] During the course of these proceedings, the Commission received six additional comment letters from five commenters [9] and two letters in response from DTC.[10]

Section 19(b)(2) of the Exchange Act [11] provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The Proposed Rules were published for notice and comment in the **Federal Register** on December 24, 2013; June 22, 2014 is 180 days from that date, and August 21, 2014 is 240 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the Proposed Rules so that it has sufficient time to consider the amended proposal, the issues raised in the comment letters, including comment letters submitted in response to the Order Instituting Proceedings, and DTC's responses to such comments.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Exchange Act,[12] designates August 21, 2014, as the date by which the Commission should either approve or disapprove the Proposed Rules (SR–DTC–2013–11).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–14319 Filed 6–18–14; 8:45 am]

BILLING CODE 8011–01–P

and Deputy General Counsel, DTCC dated February 10, 2014 (''DTC Letter I'') and March 3, 2014 (''DTC Letter II'').

[6] Amendment No. 1 requires DTC to send any Deposit Chill Notice, as defined herein, and Global Lock Notice, as defined herein, sent to an issuer to the issuer's transfer agent on record with DTC via overnight courier.

[7] Amendment No. 2 makes a variety of changes to the rule text clarifying the procedures set forth in the Proposed Rules.

[8] *See* Release No. 34–71745 (March 19, 2014); 79 FR 16392 (March 25, 2014).

[9] *See* Letters to Elizabeth M. Murphy, Secretary, Commission from: Louis A. Brilleman, Louis A. Brilleman, P.C. dated April 10, 2014 (''Brilleman Letter II''); Charles V. Rossi, Chairman, STA Board Advisory Committee, Securities Transfer Association dated April 15, 2014 (''STA Letter II''); Daniel Zwiren, President and CEO, Edward Petraglia, General Counsel, Optigenex Inc. dated May 5, 2014 (''Optigenex Letter I''); and Suzanne H. Shatto dated May 9, 2014 (Shatto Letter II''). *See* Letter to Elizabeth M. Murphy, Secretary, Commission and Lisa D. Levey, Secretary, the Depository Trust Company from Daniel Zwiren, President and CEO, Edward Petraglia, General Counsel, Optigenex Inc. dated April 15, 2014 (''Optigenex Letter II''). *See* Letter to Kevin M. O'Neill, Deputy Secretary, Commission from Gary Emmanuel and Harvey Kesner, Sichenzia Ross Friedman Ference LLP dated April 29, 2014 (''Sichenzia Letter III'').

[10] *See* Letters to Elizabeth M. Murphy, Secretary, Commission, from Isaac Montal, Managing Director and Deputy General Counsel, DTCC dated April 29, 2014 (''DTC Letter III'') and May 6, 2014 (''DTC Letter IV'').

[11] 15 U.S.C. 78s(b)(2).

[12] *Id.*

[13] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72332A; File No. SR–FINRA–2014–020]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change To Adopt FINRA Rule 2081, Prohibited Conditions Relating to Expungement of Customer Dispute Information; Correction

June 5, 2014.

Correction

In FR Vol. 79, No. 112 beginning on page 33625 for Wednesday, June 11, 2014, the self-regulatory organization's name was incorrectly stated in the title. The correct name is Financial Industry Regulatory Authority, Inc.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–14318 Filed 6–18–14; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72386; File No. SR–BX–2014–031]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Fee Schedule Under Exchange Rule 7018(a) With Respect to Transactions in Securities Priced at $1 per Share or More

June 13, 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 June 6, 2014, NASDAQ OMX BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the fee schedule under Exchange Rule 7018(a) with respect to transactions in securities priced at $1 per share or more.

The text of the proposed rule change is also available on the Exchange's Web site at *http://nasdaqomxbx.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing three changes to its fees and rebates applicable to transactions in securities priced at $1 or more under BX Rule 7018(a).

First, the Exchange proposes to increase for all members the credit for an order that executes against a midpoint pegged order from $0 to $0.0003 per share executed. Next, the Exchange proposes to create a new fee tier for members that add 3.5 million or more shares (but less than 5 million shares) of non-displayed liquidity per day of $0.0024 per share executed.

The Exchange also proposes to lower one of the parameters for a member with (i) shares of liquidity provided and (ii) total shares of liquidity accessed and provided in all securities through one or more of its NASDAQ OMX BX Equities System market participant identifiers (''MPIDs'') that represent more than 0.35% (proposed to be lowered to 0.30%) and 0.45%, respectively, of consolidated volume [3] (''Consolidated Volume'') during the month.

The Exchange believes that the proposed price cut for taking midpoint liquidity will encourage firms to access more resting midpoint liquidity before routing to other destinations for price improvement opportunities. Additionally, the Exchange believes that the proposed new tier for non-displayed liquidity will encourage additional liquidity adding activity from non-display participants. Also, relaxing the standard to qualify as Qualified Market Maker (''QMM'') (Tier 1) will enable more firms to be able to avail themselves of the more advantageous QMM credits and overall pricing.

2. Statutory Basis

BX believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[4] in general, and Sections 6(b)(4) and (b)(5) of the Act,[5] in particular, because it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system that the Exchange operates or controls, and it does not unfairly discriminate between customers, issuers, brokers or dealers.

The proposed rule changes, in part, are reflective of the Exchange's ongoing efforts to use rebates and discounted execution fees to attract orders that the Exchange believes will improve market quality. Generally, the Exchange seeks to provide members with discounts that they deem helpful, and to eliminate those that they do not. By offering a credit for members that take liquidity at the midpoint and by offering reduced execution fees for members that add a certain level of non-displayed shares per day, the Exchange believes it will be able to further promote these goals by providing better targeted incentives for market participants. Also, relaxing the standard to qualify as QMM (Tier 1) will enable more firms to be able to avail themselves of the more advantageous QMM credits and overall pricing. Each of the proposed changes is a pro-competitive price reduction designed to enhance the Exchange's position in the marketplace and broaden the execution opportunities for BX members.

Furthermore, the proposed rule changes are consistent with statutory requirements, as the proposed rule changes discussed herein are not unfairly discriminatory, do not place an unnecessary burden on competition, and represent an equitable allocation of fees for the reasons set forth below.

The proposed credit increase of $0 to $0.0003 per share executed for orders that execute against a midpoint pegged order is consistent with an equitable allocation of fees and is not unfairly discriminatory because this rebate applies uniformly across all members. The Exchange believes that this credit will incentivize members to execute against midpoint liquidity and this, in turn, will lead to an increase in price improvement liquidity and price improvement generally benefits the investing public. Also, it is reasonable and equitable because it reflects the availability of what is in effect a price reduction for all members that execute against a midpoint pegged order.

Additionally, the proposed rule change to create a new tier for members that add 3.5 million or more shares (but less than 5 million shares) of non-displayed liquidity per day of $0.0024 per share executed is consistent with an equitable allocation of fees and is not unfairly discriminatory because the Exchange believes that this new tier will incentivize members to add more non-displayed shares and this, in turn, will lead to an increase in price improvement liquidity and price improvement generally benefits the investing public and BX members have an equal opportunity to avail themselves of this tier should they desire to do so. It is reasonable in that it affects similarly situated members in the same way and because it encourages additional liquidity adding activity from participants that want to add non-displayed liquidity.

Also, the proposed rule change to relax the standard to qualify as QMM (Tier 1) by modifying one of the parameters for a member with (i) shares of liquidity provided and (ii) total shares of liquidity accessed and provided in all securities through one or more of its NASDAQ OMX BX Equities MPIDs that represent more than 0.35% (proposed to be lowered to 0.30%) and 0.45%, respectively, of Consolidated Volume during the month is consistent with an equitable allocation of fees and is not unfairly discriminatory because the Exchange believes that this will enable more firms to be able to avail themselves of the more advantageous QMM credits and overall pricing should they wish to pursue this opportunity to reduce trading costs, and because the opportunity will apply uniformly across all members. It is reasonable in that it affects similarly situated firms in the same way and because it encourages firms to take advantage of the more advantageous QMM credits and overall pricing.

The proposed pricing changes are, in part, reflective of BX's ongoing efforts to use responsive pricing to attract orders that BX believes will improve market quality.

Finally, BX notes that it operates in a highly competitive market in which market participants can easily and readily favor competing venues if they deem fee levels at a particular venue to be excessive or rebate opportunities to be insufficient. In such an environment, BX must continually adjust its fees or rebates to remain competitive with other exchanges. BX believes that the proposed rule changes reflect this very competitive environment because the proposed rule changes are designed to ensure that the charges and credits for participation on BX reflect its desire to attract order flow that improves the market for all participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.[6] BX notes that it operates in a highly competitive market in which market

[3] Consolidated Volume is the consolidated volume reported to all consolidated transaction reporting plans by all exchanges and trade reporting facilities. *See* BX Rule 7018(a)(1).

[4] 15 U.S.C. 78f.

[5] 15 U.S.C. 78f(b)(4), (5).

[6] 15 U.S.C. 78f(b)(8).

participants can readily favor over 40 different competing exchanges and alternative trading systems if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, BX must continually adjust its fees to remain competitive with other exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, BX believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. In this instance, the increase to the credit for an order that executes against a midpoint pegged order and the new tier for members that add 3.5 million or more shares (but less than 5 million shares) of non-displayed liquidity per day, plus the easing of the standards to qualify as QMM (Tier 1) enhances the Exchange's competitiveness by introducing a credit for some and reducing fees for others. Moreover, because there are numerous competitive alternatives to the use of the Exchange, it is likely that BX will lose market share as a result of the changes if they are unattractive to market participants. Accordingly, BX does not believe that the proposed rule changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing change has become effective pursuant to Section 19(b)(3)(A) of the Act [7] and paragraph (f) of Rule 19b–4 [8] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–BX–2014–031 *on the subject line.*

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2014–031. 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 offices 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–BX–2014–031, and should be submitted on or before July 10, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–14314 Filed 6–18–14; 8:45 am]

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[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72392; File No. SR–CFE–2014–002]

Self-Regulatory Organizations; CBOE Futures Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Notification and Reporting Provisions for Exchange of Contract for Related Position Transactions and Block Trades

June 13, 2014.

Pursuant to Section 19(b)(7) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on May 21, 2014 CBOE Futures Exchange, LLC (''CFE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change described in Items I, II, and III below, which Items have been prepared by CFE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. CFE also has filed this proposed rule change with the Commodity Futures Trading Commission (''CFTC''). CFE filed a written certification with the CFTC under Section 5c(c) of the Commodity Exchange Act (''CEA'') [2] on May 21, 2014.

I. Self-Regulatory Organization's Description of the Proposed Rule Change

CFE proposes to revise the notification and reporting provisions contained in CFE Rules 414 (Exchange of Contract for Related Position) (''ECRP'') and 415 (Block Trading).

The scope of this filing is limited solely to the application of the rule changes to security futures traded on CFE. The only security futures currently traded on CFE are traded under Chapter 16 of CFE's Rulebook which is applicable to Individual Stock Based and Exchange-Traded Fund Based Volatility Index (''Volatility Index'') security futures.

The text of the proposed rule change is attached as Exhibit 4 to the filing submitted by the Exchange but is not attached to the published notice of the filing.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CFE included statements concerning the

[1] 15 U.S.C. 78s(b)(7).

[2] 7 U.S.C. 7a–2(c).

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. CFE 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

Last year, CFE implemented a two-phased expansion of extended trading hours in CBOE Volatility Index (''VIX'') futures. Because the CFE Help Desk was staffed to support VIX futures trading during longer hours, CFE amended the notification and reporting provisions for ECRP transactions and Block Trades for all products traded on CFE, including security futures.[3]

CFE is again expanding extended trading hours in VIX futures to be nearly 24 hours a day, five days a week. As a result, the Exchange is changing the time frames during which ECRP transactions and Block Trades may be reported. Those time frames will be whenever the Exchange is open for trading VIX futures and from 3:15 p.m. to 3:30 p.m. (Chicago time) Monday through Friday. ECRP transactions and Block Trades will not be able to be consummated in a CFE contract outside of trading hours for the contract unless the transaction is fully reported to the Exchange during these time frames and by no later than the reporting deadline for these types of transactions (which is currently no later than ten minutes after the transaction is agreed upon for all CFE contracts).

The Exchange is also limiting the manner in which notification of ECRP transactions and Block Trades may be provided to the CFE Help Desk. Specifically, the manner of notification must be made by email and notification by phone will no longer be permitted.

Finally, the Exchange is clarifying that ECRP transactions and Block Trades in an expiring contract on the last trading day for that contract may not occur after the termination of trading hours in the expiring contract on that trading day. An ECRP transaction or Block Trade in an expiring contract that occurs during the trading hours for that contract may be reported to the Exchange after those trading hours, but only if the transaction is fully reported to the Exchange by no later than the reporting deadline referenced above.

To effectuate these changes, CFE is amending the notification and reporting provisions of CFE Rule 414 (which sets forth requirements relating to ECRP transactions) and CFE Rule 415 (which sets forth requirements relating to Block Trades).

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[4] in general, and furthers the objectives of Section 6(b)(5)[5] in particular in that it is designed to foster cooperation and coordination with persons engaged in 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 believes that the proposed rule change would benefit investors and market participants because it would enhance CFE's ECRP and Block Trade reporting provisions by extending the time frames during which ECRP transactions and Block Trades may be reported. The Exchange also believes that requiring notification of ECRP transactions and Block Trades to be made only by email would benefit the marketplace by creating a record evidencing the parties' specific details of the trade previously agreed upon. The Exchange believes that the proposed rule change is equitable and not unfairly discriminatory because amended CFE Rules 414 and 415 would apply to all TPHs and Authorized Reporters and do not discriminate between market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

CFE 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, in that the rule change makes enhancements to CFE's Block Trade and ECRP reporting process. In addition, the Exchange believes that the expansion of the ability to report Block Trades and ECRP transactions in security futures in conjunction with the expansion of trading hours in VIX futures will promote competition because it will provide for the reporting and dissemination of security futures Block Trades and ECRPs during additional time frames which will serve to promote additional transparency and thus potential further price competition.

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 proposed rule change will become operative on or after June 6, 2014.

At any time within 60 days of the date of effectiveness of the proposed rule change, the Commission, after consultation with the CFTC, may summarily abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of Section 19(b)(1) of the Act.[6]

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–CFE–2014–002 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CFE–2014–002. 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

[3] *See* Securities Exchange Act Release Nos. 70611 (October 4, 2013) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Notification and Reporting Provisions for Exchange of Contract for Related Position Transactions and Block Trades) (SR–CFE–2013–005) and 70789 (October 31, 2013) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Notification Provisions for Exchange of Contract for Related Position Transactions and Block Trades) (SR–CFE–2013–006).

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78s(b)(1).

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 offices 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–CFE–2014–002, and should be submitted on or before July 10, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–14310 Filed 6–18–14; 8:45 am]

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[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72390; File No. SR–CBOE–2014–050]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change Relating to Trade Nullification and Price Adjustment

June 13, 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 June 3, 2014, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Exchange rules regarding trade nullification and price adjustment. 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's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to add Rule 6.19, ''Trade Nullification and Price Adjustment Procedure.''[3] As proposed, Rule 6.19 will allow for transactions to be nullified if both parties to the transaction agree to the nullification and allow the price of executions to be adjusted if the price adjustment is agreed to by both parties to the transaction and authorized by the Exchange.[4] The Exchange is also proposing to make other conforming administrative changes to streamline the rules governing this subject within the Exchange's rules.

Background

Currently, pursuant to Exchange Rules 6.13(d) and 6.25(f), the Exchange allows for parties to agree to nullify an execution. Rule 6.13(d) also states that once both parties agree to the trade nullification, one party must ''contact the Help Desk which will confirm the agreement and disseminate cancellation information in prescribed OPRA format.'' In addition, the Exchange currently allows for a mutual price adjustment for trades that meet the obvious error requirements pursuant to Exchange Rules 6.25(a)(1)(i) and 6.25(a)(1)(ii) if those mutual agreements are done within specific timeframes.[5] The Exchange is now proposing to relocate the aforementioned trade nullification language and add a provision to allow parties to mutually adjust prices of executions outside of those done in obvious error.

Proposed New Rule 6.19

The Exchange is proposing to add Rule 6.19, ''Trade Nullification and Price Adjustment Procedure,'' which would: (a) Allow for any trades on the Exchange to be nullified if both parties to the trade agree to such nullification, and (b) allow for prices of executions to be adjusted if the price adjustment is agreed upon by both parties of the trade and authorized by the Exchange.[6]

As stated above, the Exchange currently allows for trades to be nullified based upon mutual agreement.[7] With the proposed addition of Rule 6.19, the Exchange is only moving the location of this provision to eliminate confusion. The Exchange believes that having the provision as a standalone rule will make it easier for Trading Permit Holders (''TPHs'') to locate. In addition, the Exchange believes this administrative change will streamline the provisions surrounding this notion to put in one place.

The Exchange is also proposing, however, to add a provision to allow TPHs to mutually agree to adjust a price of an execution. The Exchange believes this provision is necessary given the benefits of adjusting a trade price rather than nullifying the trade completely. Because options trades are used to hedge transactions in other markets, including securities and futures, many TPHs, and their customers, would rather adjust prices of executions rather than nullify the transactions and, thus, lose

[3] The Exchange notes that this proposal is only intended to be effective until the joint efforts by the exchanges to create uniform trade nullification and adjustment rules are approved and in effect. Once the uniform rule has been approved and is effective, the Exchange will amend its rules appropriately.

[4] The Exchange notes that, as proposed, Rule 6.19 will only apply to trades that were executed on the Exchange and, as such, any orders that were either fully or partially routed to, or executed, on another Exchange will not be subject to the proposed Rule 6.19.

[5] *See* Exchange Rule 6.25(a)(1)(i) which allows executions that are erroneous to be adjusted to an agreed upon price within ten (10) minutes where no party to the transaction is a non-broker-dealer customer. *See also* 6.25(a)(1)(ii) which allows parties to adjust an erroneous transaction to a mutually agreed upon price within thirty (30) minutes where at least one party is a non-broker-dealer customer.

[6] *See* note 4 *supra*.

[7] *See* Exchange Rules 6.13(d) and 6.25(f).

a hedge altogether. As such, the Exchange believes it is in the best interest of investors to allow for price adjustments as well as nullifications. In addition, the Exchange believes it is in the nature of a fair and orderly market to allow for price adjustments rather than only cancellations because an adjustment will result in the least amount of disruption to the overall market. The Exchange also notes that current Exchange rules allow for prices of trades to be adjusted at the consent of both parties if such transactions are within the current obvious error provisions. The Exchange is now proposing to merely allow this practice for any trade.

As proposed, Rule 6.19 expressly states that trades may be subject to nullification or price adjustment only if such trades are authorized by the Exchange. The Exchange notes that this process is very similar to the process TPHs follow today for trade nullification based upon mutual consent. As described in more detail above, current Rule 6.13(d) allows two parties to agree to a trade nullification and ''contact the Help Desk which will confirm the agreement and disseminate cancellation information in prescribed OPRA format.'' The Exchange is only slightly changing this procedure by expressly requiring Exchange authorization prior to the effectuation of such nullification or price adjustment. As part of the authorization process, in the case of a mutual nullification or mutual price adjustment, the Exchange will only authorize if the Exchange received verification from both parties to the trade that a mutual agreement has been made. In addition, prior to an authorization for a mutual price adjustment, the Exchange will ensure the agreed upon price would have been permissible and in compliance with all Exchange and Securities and Exchange Commission Rules, as amended, at the time the original transaction was executed.[8] Finally, the proposed rule will state that the format and information required by the Exchange for this submission will be released by the Exchange via Regulatory Circular. As such, prior to Rule 6.19 becoming operative, the Exchange will provide TPHs with specific requirements via an Exchange Regulatory Circular. The circular will, among other things, state specific timeframes required for requests and the format in which the requests will be accepted by the Exchange.

Administrative Changes

Finally, the Exchange is proposing to make administrative conforming changes to ensure Exchange rules on the subject are consistent. More specifically, the Exchange is proposing to delete the provisions in current Rules 6.13(d) and 6.25(f). The Exchange believes that deleting current Exchange Rule 6.13(d) will avoid any confusion with the proposed Rule 6.19. Because the proposed Rule 6.19 will address trade nullification and adjustments at all times, the Exchange does not believe it is still necessary to include a reference to trade nullification within the Exchange's rule related to obvious and catastrophic errors or other places in the Exchange's rules. Thus, the Exchange believes the proposed administrative changes are necessary to eliminate confusion given the proposed Rule 6.19.

Conclusion

To conclude, the Exchange believes that the proposed changes are in furtherance of the Act because the proposed Rule 6.19 will allow TPHs to agree to nullify transaction or adjusts prices of transactions to maintain a fair and orderly market. As stated above, the Exchange intends to release a Regulatory Circular to announce the implementation of the Rule and other specifics surrounding the procedures of the implementation. In addition, prior to implementation, the Exchange will ensure it has proper policies and procedures in place to correctly administer the Rule.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[9] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[10] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and 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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[11] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

More specifically, the Exchange believes that the proposed changes are consistent with the act as they are designed to promote just and equitable principles and protect investors and the public interest. In particular, the Exchange believes the proposed change to move the provision authorizing parties to mutually agree to nullify a trade protects investors by eliminating confusion and making the provision more clear. Because options trades are used to hedge transactions in other markets, including securities and futures, many market participants would rather adjust prices of executions rather than nullify the transactions and, thus, lose a hedge altogether. As such, the Exchange believes it is in the best interest of investors to allow for price adjustments as well as nullifications. In addition, the Exchange believes it is in the nature of a fair and orderly market to allow for price adjustments rather than only cancellations because an adjustment will result in the least amount of disruption to the overall market. Finally, the Exchange believes that the other administrative changes are just and equitable as they are merely trying to create more transparency in the Exchange's rules. Finally, the Exchange does not believe that the proposed changes are unfairly discriminatory because they will be applied to all Trading Permit Holders equally.

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. In contrary, the Exchange believes that the proposed rule change will foster competition as it will allow for less overall disruption to the market and encourage participation on the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

[8] For example, the Exchange would ensure that the mutually agreed upon price would ensure that that mutually agreed upon price would not have traded through resting interest at the time of the initial execution.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] *Id.*

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. By order approve or disapprove such 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–CBOE–2014–050 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2014–050. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2014–050 and should be submitted on or before July 10, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–14315 Filed 6–18–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72388; File No. SR–CBOE–2014–049]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Fees Schedule

June 13, 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 June 3, 2014, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fees Schedule. 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's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange always strives for clarity in its rules and Fees Schedule, so that market participants may best understand how rules and fees apply. As such, the Exchange proposes to make certain clarifications in its Fees Schedule. Currently, the ''Exception'' section of the Exchange's ''Linkage Fees'' table states: ''CBOE will not pass through or otherwise charge customer orders (of any size) routed to other exchanges that were originally transmitted to the Exchange from the trading floor through an Exchange-sponsored terminal (*e.g.* a Floor Broker Workstation).'' The Exchange proposes to add the phrase ''or PULSe Workstation'' into the parenthetical to clarify that CBOE will not pass through or otherwise charge customer orders routed to other exchanges that were originally transmitted to the Exchange from a PULSe Workstation (which, like a Floor Broker Workstation, is an Exchange-sponsored terminal on the trading floor).

The Exchange also proposes to make certain clarifications relating to the Floor Brokerage Fees table. Currently, the Floor Brokerage Fees table sets forth the fees per contract for the following: (i) ''OEX, SPX and SPXpm Index Options'', (ii) ''OEX SPX and SPXpm Crossed Orders'', (iii), ''SROs'', (iv) ''SRO Crossed Orders'' (v) ''VIX, VXST and Volatility Index Options'', and (vi) ''VIX, VXST and Volatility Crossed Orders.'' The Exchange first proposes to reorganize the table to group together like products and alleviate potential confusion. Additionally, the Exchange proposes to clarify that the fees per contract listed for current references to ''OEX, SPX, SPXpm Index Options,'' ''SROS,'' and ''VIX, VXST and Volatility Index Options'' are fees for ''non-

[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

crossed orders.'' Accordingly, the Exchange proposes to modify the Floor Brokerage Fees table to (i) group OEX, SPX and SPXpm Index Options together but explicitly differentiate between fees for ''Non-Crossed Orders'' and ''Crossed Orders,'' (ii) group together SROs, but explicitly differentiate between fees for ''Non-Crossed Orders'' and ''Crossed Orders,'' and (iii) group together VIX, VXST and Volatility Index Options but explicitly differentiate between ''Non-Crossed Orders'' and ''Crossed Orders.'' The Exchange notes that there is no change occurring in the amounts of the Floor Brokerage Fees. The Exchange believes reorganizing the Floor Brokerage Fees table and grouping together fees that apply to certain products, eliminates confusion regarding these fees and makes the Fees Schedule easier for investors to read.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[3] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[4] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

The Exchange believes that the proposed clarifications to the Fees Schedule will make the Fees Schedule easier to read and alleviate potential confusion. The alleviation of potential confusion will remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act CBOE does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change to alleviate confusion is not intended for competitive reasons and applies to all market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[5] and paragraph (f)(3) of Rule 19b–4[6] 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
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2014–049 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2014–049. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2014–049 and should be submitted on or before July 10, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–14311 Filed 6–18–14; 8:45 am]

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[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(4).

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(f)(3).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72389; File No. SR–NYSEMKT–2014–51]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 971.1NY(c)(4)(D) To Add Specificity Regarding When a Customer Best Execution Auction Would Conclude Early

June 13, 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 June 4, 2014, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 971.1NY(c)(4)(D) to add specificity regarding when a Customer Best Execution (''CUBE'') Auction would conclude early. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and the 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 971.1NY(c)(4)(D) to add specificity regarding when a CUBE Auction would conclude early. The Exchange recently received approval for new Rule 971.1NY, which sets forth an electronic crossing mechanism with a price improvement auction on the Exchange to be referred to as the Auction or CUBE Auction, which stands for Customer Best Execution.[3] The Exchange has not yet implemented the CUBE Auction mechanism.

Background

Rule 971.1NY provides for an electronic price improvement auction for single-leg options orders. The CUBE Auction is designed to work seamlessly with the Exchange's Consolidated Book, which is the Exchange's single electronic order book where all quotes and limit orders sent to the Exchange are placed and reside as a file on the NYSE Amex System (''System''). As specified in Rule 971.1NY(a), using the CUBE Auction, an ATP Holder can guarantee the execution of a limit order it represents as agent on behalf of a public customer, broker-dealer, or any other entity (''CUBE Order''). The ATP Holder that submits the CUBE Order (''Initiating Participant'') agrees to guarantee the execution of the CUBE Order at a specified price by submitting a contra-side order (''Contra Order'') that represents principal interest or interest it has solicited to trade with the CUBE Order. An Auction begins with an ''initiating price,'' which for a CUBE Order to buy (sell) is the lower (higher) of the CUBE Order's limit price or the National Best Offer (''NBO'') (National Best Bid (''NBB'')).[4] Although there is a specified period for the Auction, the time at which the Auction is initiated is considered the time of execution for the CUBE Order and the execution of orders in the Auction qualify as exceptions to Trade-Through Liability, pursuant to Rule 991NY(b)(5) and (9).[5]

Rule 971.1NY(b)(1) sets forth the ranges of permissible execution for a CUBE Auction. Unless otherwise specified, the references to National Best Bid or Offer (''NBBO'') and Exchange Best Bid or Offer (''BBO'') in the rule refer to the NBBO and BBO at the time the Auction was initiated.[6] Specifically, Rule 971.1NY(b)(1) provides that a CUBE Order to buy (sell) would generally have a range of permissible executions with an upper (lower) bound equal to the initiating price and the lower (upper) bound equal to the NBB (NBO). However, pursuant to paragraphs (b)(1)(A) and (b)(1)(B) of Rule 971.1NY, there is a tighter range of permissible executions for when there is Customer interest in the BBO on the same-side as the CUBE Order of 50 contracts or more or for when the CUBE Order is for fewer than 50 contracts. In addition, Rule 971.1NY(b)(1)(C) separately provides that if the BBO on the same side as the CUBE Order updates during the Auction, the range of permissible executions will adjust in accordance with the updated BBO, unless the Auction concludes early pursuant to paragraph (c)(4)(D) of the Rule.

Rule 971.1NY(c)(4) specifies scenarios when a CUBE Auction would conclude early. The purpose of these provisions is to enable the CUBE Auction to integrate seamlessly within the Exchange's Consolidated Book. Accordingly, a CUBE Auction will conclude early as a result of certain events that would otherwise disrupt the priority of the Auction within the Consolidated Book. Early conclusion allows the System to appropriately handle unrelated orders without the CUBE Auction impacting that handling, and further allows the CUBE Order, which has been guaranteed an execution, to execute against the Contra Order and any RFR Responses that may have been entered up to that point.

Rule 971.1NY(c)(4)(D) specifies that the CUBE Auction will conclude early if same-side incoming interest improves the initiating price. For example, if both the NBBO and BBO (with no customer interest) at the time a CUBE Auction initiates is $1.00–$1.10, and the initiating price for a CUBE Order to buy 60 contracts is $1.04, the permissible range of executions for that Auction is $1.00–$1.04. If the Exchange receives an unrelated order to buy priced at $1.05, because that order would set a new BB that is priced higher than the initiating price of $1.04, pursuant to Rule 971.1NY(b)(1)(C), the new lower bound of the range of permissible executions would be adjusted to $1.05, which does not allow for any execution opportunity because an execution of the CUBE Order to buy would trade through the new BB. Because this would prevent proper conclusion of the auction and price improvement for the CUBE Order, pursuant to Rule 971.1NY(c)(4)(D), the Auction is instead subject to an early conclusion event, in order both to allow the CUBE order to receive its guaranteed execution and to allow the Book to update its BB. The rationale for this early conclusion scenario therefore ties back to Rule 971.1NY(b)(1)(C), which provides that the permissible range of executions of a CUBE Auction adjusts if the BBO on the same side of the CUBE Order updates during the Auction.

Proposed Amendment

The Exchange proposes to amend Rule 971.1NY(c)(4)(D) to add additional specificity regarding when a CUBE Auction would conclude early. The proposed revisions are intended to add transparency regarding when the arrival of interest on the same side as the CUBE Order that would require an updated BBO during an Auction would require the Auction to conclude early. Specifically, the arrival of same-side interest that is priced the same as the initiating price may, in certain circumstances, similarly require an early conclusion to a CUBE Auction.

Assuming the same facts as above, if there is new same-side interest priced at $1.04 entered during the Auction on behalf of a Customer, pursuant to Rule 971.1NY(b)(1)(C), such interest would need to update the BB and would adjust

[3] *See* Securities Exchange Act Release No. 34–72025 (April 25, 2014), 79 FR 24779 (May 1, 2014) (SR–NYSEMKT–2014–17) (Approval Order).

[4] *See* Rule 971.1NY(a). Pursuant to Rule 971.1NY(b)(1)(B), the initiating price for a CUBE Order to buy (sell) must be lower (higher) than the NBO (NBB) by at least one penny if the CUBE Order is for less than 50 contracts.

[5] *See* Rule 971.1NY(b).

[6] *See* Rule 971.1NY(b).

the lower bound of the range of permissible executions for the Auction to $1.05.[7] This adjusted lower bound for the range of permissible executions would also not allow for any execution opportunity because it would be higher than the initiating price, and therefore the CUBE Order would not be able to execute. Therefore, just as in the case described above, the Exchange proposes that the CUBE Auction instead conclude early, before the BBO is updated. An early conclusion would allow the CUBE Order to receive its guaranteed execution and to allow the Book to update its BB.

Similarly, assuming the same facts as above, but the CUBE Order to buy is for 40 contracts, if there is new same-side interest priced at $1.04 entered during the Auction, pursuant to Rule 971.1NY(b)(1)(C), such interest would need to update the BB and would again adjust the lower bound of the range of permissible executions to $1.05.[8] As above, this adjusted lower bound for the range of permissible executions would not allow for any execution opportunity because it would similarly be higher than the initiating price, and therefore the CUBE Order would not be able to execute. Therefore, again for the same reasons as above, the Exchange proposes that the CUBE Auction conclude early, before the BBO is updated. An early conclusion would similarly allow the CUBE Order to receive its guaranteed execution and allow the Book to update its BB.

The Exchange proposes to amend Rule 971.1NY(c)(4)(D) to provide for these early conclusion events. First, the Exchange proposes to amend the subsection title, which currently states ''Same Side New BBO Improves initiating price,'' to instead provide ''Same Side Incoming Interest Would Create an Adjusted Range of Permissible Executions that Improves initiating price.'' The Exchange believes that the additional text makes clear that this provision concerns any circumstance when the range of permissible executions would need to be adjusted, consistent with Rule 971.1NY(b)(1)(C), because of incoming same-side interest such that the CUBE Auction must conclude early to allow for the CUBE Order to receive is [sic] guaranteed execution before the Book updates its BBO.

Next, the Exchange proposes to amend the body of the subsection. The rule text currently specifies a single event that would result in an early conclusion, i.e., when the Exchange receives during the Response Time Interval an unrelated, non-marketable quote or limit order that is on the same side of the market as the CUBE Order to buy (sell) and that is priced higher (lower) than the initiating price and therefore creates a new BB (BO). As noted above, an early conclusion must occur any time the Exchange receives during an Auction same-side interest that is priced such that it would require the lower (upper) bound of the range of permissible executions to be adjusted to be higher (lower) than the initiating price, which includes both the scenario currently specified in Rule 971.1NY(c)(4)(D) as well as the additional scenarios described above.

Accordingly, the Exchange proposes to amend Rule 971.1NY(c)(4)(D) to provide more generally that a CUBE Auction will conclude early any time same-side interest arrives during an Auction that would adjust the lower (upper) bound of the range of permissible executions higher (lower) than the initiating price. The Exchange believes that the proposed amended text captures both the existing specified scenario in Rule 971.1NY(c)(4)(D), as well as the additional scenarios described above. The proposed new text would read as follows (new text italicized, deletions bracketed):

(D) Same Side [New BBO] *Incoming Interest Would Create an Adjusted Range of Permissible Executions that* Improves initiating price. A CUBE Auction will conclude early if the Exchange receives during the Response Time Interval an unrelated, non-marketable quote or limit order that is on the same side of the market as the CUBE Order to buy (sell) and that *would adjust the lower (upper) bound of the range of permissible executions to be higher (lower) than the initiating price.* [is priced higher (lower) than the initiating price and therefore creates a new BB (BO) that is higher (lower) than the initiating price.] When the Auction concludes, the CUBE Order will execute pursuant to paragraph (c)(5) of this Rule. Unfilled GTX Orders are eligible to execute against the unrelated interest that caused the CUBE Auction to conclude early and then will cancel. Contracts remaining, if any, from such unrelated quote or order at the time the Auction ends will be processed in accordance with Rule 964NY Order Display and Priority.

The Exchange further proposes to amend Rule 971.1NY(b)(1)(C) to clarify that the early conclusion events identified in Rule 971.1NY(c)(4)(D) would occur before the same-side BBO is updated. Currently, Rule 971.1NY(b)(1)(C) provides that if the BBO on the same side as the CUBE Order updates during the Auction, the range of permissible executions adjusts in accordance with the updated BBO, unless the Auction concludes early pursuant to Rule 971.1NY(c)(4)(D). The Exchange proposes to revise the second clause of the sentence to instead provide: ''unless the incoming same-side interest that would update the BBO would cause the Auction to conclude early pursuant to paragraph (c)(4)(D) of this Rule.'' The Exchange believes that the revised text, read together with amended Rule 971.1NY(c)(4)(D), makes clear that the arrival of certain same-side interest may cause an Auction to end early, before the BBO is updated.

The Exchange believes that the proposed rule change is consistent with the manner that the Auction operates, as specified in Rule 971.1NY(b)(1)(C), and will provide transparency in the rule regarding the circumstances when the CUBE Auction should conclude early in order to allow the CUBE Order to receive its guaranteed execution without interfering with the priority of orders on the Book when the same-side BBO is updated.

The Exchange further notes that it intends to issue guidance advising ATP Holders that Contra Orders for the account of a Customer may not be entered into a CUBE Auction. This guidance is consistent with how other markets operate electronic auction mechanisms.[9]

Implementation

When the Exchange filed to adopt Rule 971.1NY, it stated that it would announce the implementation date of the proposed rule change in a Trader Update to be published no later than 60 days following Commission approval. The Exchange further provided that the implementation date would be no later than 60 days following publication of the Trader Update announcing Commission approval.

Because the Exchange will not implement Rule 971.1NY until this rule

[7] *See* Rule 971.1NY(b)(1)(A) (lower (upper) bound of the range of permissible executions for a CUBE Order to buy (sell) when there is customer interest on the BB (BO) is the BB (BO) plus (minus) one cent).

[8] *See* Rule 971.1NY(b)(1)(B) (lower (upper) bound of the range of permissible executions for a CUBE Order to buy (sell) for fewer than 50 contracts is the BB (BO) plus (minus) one cent).

[9] *See* NASDAQ OMX PHLX Frequently Asked Questions regarding PIXL, which provides that its auction mechanism will not accept customer orders as the guaranteeing order, available at: *http://www.nasdaqtrader.com/content/phlx/PIXLfaqs.pdf;* and Chicago Board Options Exchange, Inc. guidance on its Automated Improvement Mechanism (''AIM''), which provides that customer crosses do not participate in the AIM auction mechanism, available at: *https://www.cboe.org/hybrid/aim.aspx.*

change is effective, the Exchange proposes to revise this implementation schedule to provide that it will announce the implementation date of Rule 971.1NY, as amended by this rule proposal, in a Trader Update to be published no later than 30 days following the effective date of this rule change. The Exchange further proposes that the implementation date will be no later than 30 days following publication of the Trader Update announcing Commission approval. The Exchange believes that this implementation schedule would provide ATP Holders with adequate notice of the Auction and would allow ample time for ATP Holders to prepare their systems for participation in the Auction process, if such participation is desired. The Exchange notes that this proposed rule change would not require ATP Holders to make any changes to their systems.

2. Statutory Basis

For the reasons set forth above, the Exchange believes the proposed rule change is consistent with Section 6(b) of the Act in general, and furthers the objectives of Section 6(b)(5) of the Act, in that it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

In particular, the Exchange believes that the proposal would remove impediments to and perfect the mechanisms of a free and open market and a national market system because it would provide transparency in Exchange rules of when a CUBE Auction would conclude early. As noted above, the rationale for an early conclusion to an Auction is to allow the System to appropriately handle unrelated orders without the CUBE Auction impacting that handling, and further allow a CUBE Order, which has been guaranteed an execution, to execute against the Contra Order and any RFR Responses that may have been entered up to that point. The Exchange believes that concluding the Auction early as proposed is consistent with current Rule 971.1NY(b)(1)(C), which requires the Exchange to adjust the range of permissible executions if the same-side BBO as the CUBE Order updates during an Auction. As already provided for in Rule 971.1NY(c)(4)(D), an Auction concludes early if the same-side interest would update the BBO to a price better than the initiating price, which would have required adjusting the lower (upper) bound of the range of permissible executions to be higher (lower) than the initiating price to buy (sell). The Exchange believes the same rationale applies in any circumstance when the Exchange receives during the Auction same-side interest that would update the BBO in such a manner as to require the lower (upper) bound of the range of permissible executions to be adjusted to be higher (lower) than the initiating price to buy (sell). The Exchange believes that the proposed change is therefore consistent with the protection of investors and the public interest because it will provide specificity in Exchange rules when an Auction concludes early, thereby allowing both the CUBE Order to receive its guaranteed execution and the Book to update the BBO.

The Exchange further believes that the proposed revised implementation schedule would remove impediments to and perfect the mechanism of a free and open market and a national market system because it will enable the Exchange to delay implementation of the CUBE Auction until after this proposed rule change is effective, while also providing time to give notice to ATP Holders of the implementation date.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The rule proposal is not intended to address any competitive issues. Rather, the Exchange is proposing to add more specificity of circumstances when an Auction would conclude early, in a manner consistent with existing rule text. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues who offer similar functionality. The Exchange believes the proposed rule change is pro-competitive because it would enable the Exchange to provide market participants with functionality that is similar to that of other options exchanges. The Exchange notes that not having the CUBE Auction at the Exchange places the Exchange at a competitive disadvantage vis-à-vis other exchanges that offer similar price improvement mechanisms.

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 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 and Rule 19b–4(f)(6)(iii) thereunder.

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. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [12] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–NYSEMKT–2014–51 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2014–51. This file number should be included on the subject line if email is used. To help the Commission process and review your

[10] 15 U.S.C. 78s(b)(3)(A)(iii).

[11] 17 CFR 240.19b–4(f)(6).

[12] 15 U.S.C. 78s(b)(2)(B).

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 offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2014–51, and should be submitted on or before July 10, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–14312 Filed 6–18–14; 8:45 am]

BILLING CODE 8011–01–P

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72384; File No. SR–NASDAQ–2014–038]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change, as Modified by Amendment Nos. 1 and 2 Thereto, Relating to the Listing and Trading of the Shares of the Reality Shares NASDAQ–100 DIVS Index ETF of the Reality Shares ETF Trust Under Rule 5705

June 13, 2014.

On April 10, 2014, The NASDAQ Stock Market LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares of the Reality Shares NASDAQ–100 DIVS Index ETF (''Fund'') (formerly, Reality Shares NASDAQ–100 Isolated Dividend Growth Index ETF) under Rule 5705. The proposed rule change was published for comment in the **Federal Register** on April 30, 2014.[3] On May 13, 2014, the Exchange filed Amendment No. 1 to the proposed rule change, which amended and replaced the proposed rule change in its entirety.[4] On June 4, 2014, the Exchange filed Amendment No. 2 to the proposed rule change.[5] The Commission received no comment letters on the proposed rule change.

The proposed rule change would permit the listing and trading of shares of the Fund, which would seek long-term capital appreciation by tracking the performance of the Reality Shares NASDAQ–100 DIVS Index (''Index'') (formerly, Reality Shares NASDAQ–100 Isolated Dividend Growth Index). At least 80% of the Fund's total assets would be invested in the component securities of the Index, which would be calculated using a proprietary, rules-based methodology designed to track market expectations for dividend growth conveyed in real-time using the mid-point of the bid-ask spread on U.S. exchange-listed NASDAQ–100 Index options and U.S. exchange-listed options on exchange traded funds designed to track the NASDAQ–100 Index. Under the proposal, the Fund would buy (*i.e.,* hold a ''long'' position in) and sell (*i.e.,* hold a ''short'' position in) put and call options. The strategy of taking both a long position in a security through its ex-dividend date (the last date an investor can own the security and receive dividends paid on the security) and a corresponding short position in the same security immediately thereafter is designed to allow the Fund to isolate its exposure to the growth of the level of dividends expected to be paid on such security while minimizing its exposure to changes in the trading price of such security.

Section 19(b)(2) of the Act [6] 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 Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the unique nature of the investment strategy of the proposed Fund.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[7] designates July 29, 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 Number SR–NASDAQ–2014–038).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–14317 Filed 6–18–14; 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. 72014 (Apr. 24, 2014), 79 FR 24465.

[4] In Amendment No. 1, the Exchange confirms the three trading sessions on the Exchange, clarifies the valuation of investments for purposes of calculating net asset value, clarifies what information would be available on the Fund's Web site, and provides additional information relating to surveillance with respect to certain assets to be held by the Fund.

[5] In Amendment No. 2, the Exchange amends the proposal to reflect a name change to the Fund and the underlying index. Specifically, the Exchange replaces each reference to ''Reality Shares NASDAQ–100 Isolated Dividend Growth Index ETF'' in the proposal with ''Reality Shares NASDAQ–100 DIVS Index ETF,'' and replaces each reference to ''Reality Shares NASDAQ–100 Isolated Dividend Growth Index'' in the proposal with ''Reality Shares NASDAQ–100 DIVS Index.''

[6] 15 U.S.C. 78s(b)(2).

[7] *Id.*

[8] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72385; File No. SR–NYSEArca–2014–41)]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change, as Modified by Amendment Nos. 1 and 4 Thereto, Relating to Listing and Trading of Shares of the Reality Shares DIVS Index ETF Under NYSE Arca Equities Rule 5.2(j)(3)

June 13, 2014.

On April 11, 2014, NYSE Arca, Inc. (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section

19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares of the Reality Shares DIVS Index ETF (''Fund'') (formerly, Reality Shares Isolated Dividend Growth Index ETF) under NYSE Arca Equities Rule 5.2(j)(3). The proposed rule change was published for comment in the **Federal Register** on April 30, 2014.[3] On May 6, 2014, the Exchange filed Amendment No. 1 to the proposed rule change, which amended and replaced the proposed rule change in its entirety.[4] On June 6, 2014, the Exchange filed Amendment No. 4 to the proposed rule change.[5] The Commission received no comment letters on the proposed rule change.

The proposed rule change would permit the listing and trading of shares of the Fund, which would seek long-term capital appreciation by tracking the performance of the Reality Shares DIVS Index (''Index'') (formerly, Reality Shares Isolated Dividend Growth Index). At least 80% of the Fund's total assets would be invested in the component securities of the Index, which would be calculated using a proprietary, rules-based methodology designed to track market expectations for dividend growth conveyed in real-time using the mid-point of the bid-ask spread on U.S. exchange-listed S&P 500 Index options and U.S. exchange-listed options on exchange traded funds designed to track the S&P 500 Index. Under the proposal, the Fund would buy (*i.e.,* hold a ''long'' position in) and sell (*i.e.,* hold a ''short'' position in) put and call options. The strategy of taking both a long position in a security through its ex-dividend date (the last date an investor can own the security and receive dividends paid on the security) and a corresponding short position in the same security immediately thereafter is designed to allow the Fund to isolate its exposure to the growth of the level of dividends expected to be paid on such security while minimizing its exposure to changes in the trading price of such security.

Section 19(b)(2) of the Act[6] 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 Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the unique nature of the investment strategy of the proposed Fund.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[7] designates July 29, 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 Number SR–NYSEArca–2014–41).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–14316 Filed 6–18–14; 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. 72015 (Apr. 24, 2014), 79 FR 24475.

[4] In Amendment No. 1, the Exchange clarifies the valuation of investments for purposes of calculating net asset value, provides additional details regarding the dissemination of the Disclosed Portfolio, and makes other minor technical edits to the proposed rule change.

[5] The Exchange filed Amendment No. 2 on June 4, 2014 and withdrew it on June 5, 2014, and filed Amendment No. 3 on June 5, 2014 and withdrew it on June 6, 2014. Amendment No. 4 supersedes both Amendment Nos. 2 and 3. In Amendment No. 4, the Exchange amends the proposal to reflect a name change to the Fund and the underlying index. Specifically, the Exchange replaces each reference to ''Reality Shares Isolated Dividend Growth Index ETF'' in the proposal with ''Reality Shares DIVS Index ETF,'' and replaces each reference to ''Reality Shares Isolated Dividend Growth Index'' in the proposal with ''Reality Shares DIVS Index.''

[6] 15 U.S.C. 78s(b)(2).

[7] *Id.*

[8] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72387; File No. SR–CHX–2014–09]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Remove Obsolete Rule Language and To Permit the Exchange To Enable or Disable Trade Adjustment Functionalities Pursuant to Notice

June 13, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4[2] thereunder, notice is hereby given that on June 10, 2014, the Chicago Stock Exchange, Inc. (''CHX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CHX proposes to amend Article 1, Rule 1 (Definitions); Article 20, Rule 4 (Eligible Orders); Article 20, Rule 9 (Cancellation or Adjustment of Bona Fide Error Trades); Article 20, Rule 9A (Error Correction Transactions); and Article 20, Rule 11 (Cancellation or Adjustment of Stock Leg Trades) to remove obsolete rule language and to permit the Exchange to enable or disable trade adjustment functionalities pursuant to notice. The Exchange has designated this proposal as non-controversial and provided the Commission with the notice required by Rule 19b–4(f)(6)(iii) under the Act.[3]

The text of this proposed rule change is available on the Exchange's Web site at (*www.chx.com*) and in the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CHX included statements concerning the purpose of and basis for the proposed rule changes 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 CHX has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Article 1, Rule 1 (Definitions); Article 20, Rule 4 (Eligible Orders); Article 20, Rule 9 (Cancellation or Adjustment of Bona Fide Error Trades); Article 20,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6)(iii).

Rule 9A (Error Correction Transactions); and Article 20, Rule 11 (Cancellation or Adjustment of Stock Leg Trades) to remove obsolete rule language and to permit the Exchange to enable or disable trade adjustment functionalities pursuant to notice. Aside from these amendments, the Exchange does not propose to modify the operation of any of the foregoing rules.

Background

On October 31, 2013, the Securities and Exchange Commission (''Commission'') approved a proposed rule change to amend Article 20, Rule 9 to adopt new and modified rules for the cancellation and adjustment of trades based on Bona Fide Error; to adopt Article 20, Rule 9A to detail the Exchange's then-current requirements for Error Correction Transactions; and to adopt Article 20, Rule 11 to adopt new and modified rules for the cancellation or adjustment of the stock leg trade of Stock-Option or Stock-Future orders.[4]

Subsequently, on November 12, 2013, the Exchange filed a proposed rule change to, *inter alia,* adopt an operative date of December 2, 2013 for all changes approved under 34–70791 and to readopt the previous version of Article 20, Rule 9 (Cancellation of Transactions), so that it would remain operative through December 1, 2013.[5]

Proposed Deletion of Obsolete Rule Language

Given that the rule amendments approved under 34–70791 are all currently operative, the Exchange proposes to delete the previous version of Article 20, Rule 9, as it ceased to be operative as of December 2, 2013. The Exchange also proposes to delete language under current Article 1, Rule 1 and Article 20, Rules 9, 9A and 11 that provide that these rules ''shall be operative as of December 2, 2013,'' as all of these rules are currently operative.

Proposed Amendments to Article 20, Rules 9(b) and 11(c)(3)

Current Article 20, Rule 9(b) permits a Participant to request an adjustment of trades made in Bona Fide Error to the extent necessary to correct Bona Fide Errors.[6] Moreover, current Article 20, Rule 11(c)(3) permits the Participant that submitted the stock leg trade to request an adjustment of the stock leg trade, pursuant to one of the options enumerated under subparagraphs (A)–(C), per Stock-Option or Stock-Future order.[7]

While current Article 20, Rules 9 and 11 provide that Exchange operations personnel shall decide whether or not the requirements for trade cancellations or adjustments have been met, the rules do not, however, explicitly provide that the adjustment functionalities described therein shall be made available to Participants at the discretion of the Exchange. The Exchange submits that this discretion is necessary to provide the Exchange with rule-based authority to disable certain adjustment functionalities for all Participants when, for example, the Exchange decides to upgrade tools used to receive and verify a specific adjustment option, so as to better ensure compliance with CHX rules and securities laws. If the Exchange deactivates certain adjustment functionalities pursuant to the proposed rule, the Participant seeking a trade adjustment would still be permitted to cancel Bona Fide Error trades pursuant to Article 20, Rule 9(b) and stock leg trades pursuant to Article 20, Rule 11(b).

As such, the Exchange now proposes adopt the following language within current Article 20, Rule 9(b):

Bona Fide Error trade adjustments shall be available to Participants at the discretion of the Exchange. Announcements regarding the availability of Bona Fide Error trade adjustments shall be made by the Exchange via Information Memorandum and will be provided in a manner to give reasonable advance notice to its Participants.

In addition, the Exchange proposes to adopt the similar language within current Article 20, Rule 11(c)(3):

The following adjustment options under subparagraphs (A)–(C) shall be available to Participants at the discretion of the Exchange. Announcements regarding the availability of the adjustment options shall be made by the Exchange via Information Memorandum and will be provided in a manner to give reasonable advance notice to its Participants.

Both proposed paragraphs are similar to current Article 20, Rule 4(b), which permits the Exchange to designate which general order types, modifiers, and related terms listed under Article 1, Rule 2 may be eligible for entry to and acceptance by the Matching System, with notice via Regulatory Circular to its market participants.

Incidentally, the Exchange proposes to amend Article 20, Rule 4(b) to replace the term ''Regulatory Circular'' with the more accurate ''Information Memorandum'' and replace the term ''market participants,'' with the more accurate ''Participants,'' which is a defined term under Article 1, Rule 1(s).

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[8] Specifically, the proposal is also consistent with Section 6(b)(1) of the Act,[9] which requires that an exchange be so organized and have the capacity to be able to carry out the purposes of 15 U.S.C. 78a *et seq.* and to comply, and to enforce compliance by its members and persons associated with its members, with the provisions of 15 U.S.C. 78a *et seq.,* the rules and regulations thereunder, and the rules of the exchange. The proposal is also consistent with Section 6(b)(5) of the Act,[10] which requires exchange rules to promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, protect investors and the public interest.

The Exchange believes that the proposed deletion of obsolete rule

[4] *See* Securities Exchange Act Release No. 70791 (October 31, 2013), 78 FR 66791 (November 6, 2013) (Order Approving a Proposed Rule Change to Adopt Standards for the Cancellation or Adjustment of Bona Fide Error Trades, the Submission of Error Correction Transactions, and the Cancellation or Adjustment of Stock Leg Trades of Stock-Option or Stock-Future Orders).

[5] *See* Securities Exchange Act Release No. 70894 (November 18, 2013), 78 FR 70085 (November 22, 2013) (SR–CHX–2013–19).

[6] CHX Article 1, Rule 1(ii) defines ''Bona Fide Error'' as follows:

''Bona Fide Error'' means:

(1) The inaccurate conveyance or execution of any term of an order, including, but not limited to, price, number of shares or other unit of trading; identification of the security; identification of the account for which securities are purchased or sold; lost or otherwise misplaced order tickets; or the execution of an order on the wrong side of a market;

(2) the unauthorized or unintended purchase, sale, or allocation of securities, or the failure to follow specific client instructions;

(3) the incorrect entry of data into relevant systems, including reliance on incorrect cash positions, withdrawals, or securities positions reflected in an account; or

(4) a delay, outage, or failure of a communication system used to transmit market data prices or to facilitate the delivery or execution of an order.

[7] Under CHX Article 20, Rule 11(c)(3), assuming that the other requirements of Article 20, Rule 11 are met, a Participant may request to adjust (A) the price of a stock leg trade to maintain the originally-agreed aggregate cash flow of all components of the related Stock-Option or Stock-Future order; (B) the quantity of a stock leg trade to maintain the originally-agreed hedge ratio between all components of the related Stock-Option or Stock-Future order; or (C) the quantity of a stock leg trade to maintain the originally-agreed delta-based hedge ratio of all components of the related Stock-Option order.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(1).

[10] 15 U.S.C. 78f(b)(5).

language is consistent with Sections 6(b)(1) and 6(b)(5) of the Act because it promotes clarity of CHX rules by removing unnecessary and/or redundant language. This will, in turn, provide clear CHX rules for Participants to follow and the Exchange to enforce.

The Exchange also believes the proposed amendment to provide the Exchange with the discretion to enable or disable certain trade adjustment functionalities will prevent Participants from utilizing adjustment functionalities that are in the process of being optimized by Exchange operations personnel (*e.g.,* systems upgrade for verifying adjustment parameters).[11] Moreover, the notice requirements will provide Participants with reasonable notice as to the availability of such adjustment options. As such, the proposed rule change is also consistent with the requirements of Sections 6(b)(1) and 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposal is consistent with Section 6(b)(8) of the Act[12] in that it does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change either deletes obsolete non-substantive language or provides the Exchange with operational flexibility concerning the availability of certain trade adjustment functionalities that are already codified under CHX rules.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A) of the Act[13] and Rule 19b–4(f) thereunder,[14] CHX has designated this proposal as one that effects a change that (A) does not significantly affect the protection of investors or the public interest; (B) does not impose any significant burden on competition; and (C) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. The Exchange has also provided the Commission written notice of its 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.[15] The Exchange notes that this proposal does not propose any new policies or provisions that are unique or unproven, as all changes proposed herein correct non-substantive taxonomy issues and set an operative date for functionality that has already been approved by the Commission. Given these factors, this rule filing qualifies for immediate effectiveness as a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–CHX–2014–09 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File No. SR–CHX–2014–09. 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 changes 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 CHX. 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 No. SR–CHX–2014–09 and should be submitted on or before July 10, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–14313 Filed 6–18–14; 8:45 am]

BILLING CODE 8011–01–P

[11] Any substantive changes to adjustment options will only be effected through a Rule 19b–4 filing.

[12] 15 U.S.C. 78(f)(b)(8) [sic].

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6)(iii).

[16] *Id.*

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of Applied NeuroSolutions, Inc., Cowlitz Bancorporation, First Place Financial Corp., and Kedem Pharmaceuticals, Inc.; Order of Suspension of Trading

June 17, 2014.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Applied NeuroSolutions, Inc. because it has not filed any periodic reports since the period ended March 31, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Cowlitz Bancorporation because it has not filed any periodic reports since the period ended March 31, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information

concerning the securities of First Place Financial Corp. because it has not filed any periodic reports since the period ended June 30, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Kedem Pharmaceuticals, Inc. because it failed to include the required audited financial statements for the fiscal year ended May 31, 2012 in its Form 10–K for the period ended May 31, 2012, and it failed to file any periodic reports since it filed a Form 10–Q for the period ended November 30, 2012.

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. EDT on June 17, 2014, through 11:59 p.m. EDT on June 30, 2014.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–14438 Filed 6–17–14; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of Crescent Banking Co., Data Storage Consulting Services, Inc., First National Bancshares, Inc., Infosmart Group, Inc., Marco Community Bancorp, Inc., and Sun River Energy, Inc. (n/k/a New River Exploration, Inc.); Order of Suspension of Trading

June 17, 2014

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Crescent Banking Co. because it has not filed any periodic reports since the period ended March 31, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Data Storage Consulting Services, Inc. because it has not filed any periodic reports since the period ended March 31, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of First National Bancshares, Inc. because it has not filed any periodic reports since the period ended March 31, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Infosmart Group, Inc. because it has not filed any periodic reports since the period ended March 31, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Marco Community Bancorp, Inc. because it has not filed any periodic reports since the period ended June 30, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Sun River Energy, Inc. (n/k/a New River Exploration, Inc.) because it failed to include the required audited financial statements for the fiscal year ended April 30, 2011 in its Form 10–K for the period ended April 30, 2012, and failed to file any periodic reports since it filed a Form 10–Q for the period ended July 31, 2012.

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. EDT on June 17, 2014, through 11:59 p.m. EDT on June 30, 2014.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–14439 Filed 6–17–14; 4:15 pm]

BILLING CODE 8011–01–P

U.S. SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14028 and #14029]

VERMONT Disaster #VT–00030

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of VERMONT (FEMA–4178–DR), dated 06/11/2014.

Incident: Severe Storms and Flooding.

Incident Period: 04/15/2014 through 04/18/2014.

DATES: *Effective Date:* 06/11/2014.

Physical Loan Application Deadline Date: 08/11/2014.

Economic Injury (Eidl) Loan Application Deadline Date: 03/11/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 06/11/2014, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Caledonia, Essex, Franklin, Lamoille, Orange, Orleans, Washington

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere ...	2.625
Non-Profit Organizations without Credit Available Elsewhere	2.625
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14028B and for economic injury is 14029B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008).

James E. Rivera,

Associate Administrator, for Disaster Assistance.

[FR Doc. 2014–14340 Filed 6–18–14; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 8768]

60-Day Notice of Proposed Information Collection: Passport Demand Forecasting Study

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: The Department will accept comments from the public up to August 18, 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 8768'' in the Search bar. If necessary, use the Narrow by Agency filter option on the Results page.
- *Email: passportstudy@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 the Office of Passport Services, who may be reached at *Passportstudy@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Passport Demand Forecasting Study.
- *OMB Control Number:* 1405–0177.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Bureau of Consular Affairs, Office of Passport Services.
- *Form Number:* SV2012–0006.
- *Respondents:* A national representative sample of U.S. citizens, nationals, and any other categories of individuals that are entitled to a U.S. passport product.
- *Estimated Number of Respondents:* 4,000 survey respondents monthly.
- *Estimated Number of Responses:* 48,000 survey responses annually.
- *Average Time per Response:* approximately 10 minutes per survey.
- *Total Estimated Burden Time:* 8,000 hours.
- *Frequency:* Monthly.
- *Obligation to Respond:* Voluntary.

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

The Secretary of State is authorized to issue U.S. passports under 22 U.S.C. 211a. The Department of State, Passport Services administers the U.S. passport issuance program and operates passport agencies and application adjudication centers throughout the United States. As part of the Intelligence Reform and Terrorism Prevention Act of 2004, the Western Hemisphere Travel Initiative required the Secretary of Homeland Security and the Secretary of State to implement a plan to require all U.S. citizen and non-citizen nationals to present a passport and/or other sufficient documentation when entering the U.S. from abroad. This resulted in an increase in demand for U.S. passports.

The Passport Demand Forecasting Survey requests information from the public about the demand for U.S. passports, anticipated travel, and the demographic profile of the respondent. This voluntary survey is conducted on a monthly basis using responses from a randomly selected but nationally representative sample of U.S. nationals ages 16 and older. The information obtained from the survey is used to monitor and project the demand for U.S. passport books and U.S. passport cards. The Passport Demand Forecasting Survey aids the Department of State, Passport Services in making decisions about staffing, resource allocation, and budget planning.

Methodology

The Passport Demand Forecasting Study uses monthly surveys that will gather data from a national representative sample of U.S. citizens and nationals. Survey delivery methodologies can include mail, Internet/Web, telephone, and mix-mode surveys to ensure the CA/PPT reaches the appropriate audience and leverages the best research method to obtain valid responses. The survey data will cover an estimated 48,000 respondents annually.

Dated: June 6, 2014.

Brenda S. Sprague,

Deputy Assistant Secretary for Passport Services, Department of State.

[FR Doc. 2014–14362 Filed 6–18–14; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice 8767]

Bureau of Political-Military Affairs; Administrative Debarment of Carlos Dominguez, Elint, S.A., Spain Night Vision, S.A., and SNV, S.A. Under the Arms Export Control Act and the International Traffic in Arms Regulations

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of State has imposed administrative debarment pursuant to Section 127.7(a) of the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120 to 130) on Carlos Dominguez (individually and in his capacity as principal of the following entities); Elint, S.A.; Spain Night Vision, S.A.; and SNV, S.A. (including successors, assignees, and aliases).

DATES: *Effective Date:* June 4, 2014 (*Date of signature of the Order*).

FOR FURTHER INFORMATION CONTACT: Sue Gainor, Director, Office of Defense Trade Controls Compliance, Bureau of Political-Military Affairs, Department of State, (202) 632–2798.

SUPPLEMENTARY INFORMATION: The International Traffic in Arms Regulations (''ITAR''), the implementing regulations of Section 38 of the Arms Export Control Act, as amended, (''AECA'') (22 U.S.C. 2778), regulate the export and temporary import of defense articles and defense services. Section 127.7(a) of the ITAR authorizes the Assistant Secretary of State for Political-Military Affairs to debar any person who has been found, pursuant to Part 128 of the ITAR, to have committed a violation of the AECA or the ITAR of such a character as to provide a reasonable basis for the Directorate of Defense Trade Controls to believe that the violator cannot be relied upon to comply with the AECA or ITAR in the future. Such debarment prohibits the subject from participating directly or indirectly in any activities that are subject to the ITAR.

Debarred persons are generally ineligible to participate in activity

regulated under the ITAR (see e.g., sections 120.1(c) and (d), 126.7, 127.1(d), and 127.11(a)). The Department of State applies a presumption of denial for licenses or other approvals involving such persons as described in ITAR Section 127.11.

Pursuant to Section 38 of the AECA and Section 128.3 of the ITAR, on February 14, 2014, the Department of State initiated administrative proceedings, by means of a charging letter, against Carlos Dominguez (individually and in his capacity as principal of the following entities); Elint, S.A.; Spain Night Vision, S.A.; and SNV, S.A. (including successors, assignees, and aliases) (Respondents) to impose debarment in accordance with Section 127.7 of the ITAR. (The United States Department of State, Docket#14–DOS–0001). Respondents were charged with 366 violations related to the unauthorized re-export and retransfer of night vision devices and related technical data, conspiracy to and causing of the re-export and retransfer of defense articles without authorization, the violation of terms and conditions of Department authorizations, the continued engagement in U.S. defense trade despite ineligibility, the knowing and willful causation and the commission of prohibited acts, and the falsification, misrepresentation and omission of material facts on an export control document, all in violation of Section 38 of the AECA and Section 127 of the ITAR.

Since at least 2008, Respondents have re-exported and retransferred hundreds of night vision devices in violation of Department authorizations and falsified export control documents. After multiple unfavorable responses to 'Blue Lantern' end-use inquiries and subsequent compliance reviews, DTCC notified Respondents Dominguez and Elint in September 2009 that they were ineligible to engage in defense trade. Shortly thereafter, Dominguez and Elint changed or established new business names and engaged third-party purchasers in order to conceal their activities and evade detection. Further re-exports and retransfers of previously exported defense articles continued under these new business names, in violation of the AECA and ITAR.

Due to Respondents' failure to answer the charges as provided in Section 128.5(a) of the ITAR, the Department referred the case to an Administrative Law Judge for consideration, in accordance with Section 128.4 of the ITAR. Pursuant to Section 128.3 of the ITAR and the Default Order of the Administrative Law Judge, dated April 23, 2014, Respondents' failure to answer the charges constituted an admission of the truth of the charges.

Section 128.4 of the ITAR provides for a respondent's ability to petition to set aside defaults upon showing good cause; however, the filing of such a petition does not in any manner affect an order entered upon default and such order continues in full force and effect unless a further order is made modifying or terminating it.

On June 4, 2014, as the result of the established violations and pursuant to Section 127.7 of the ITAR, Carlos Dominguez (individually and in his capacity as principal of the following entities); Elint, S.A.; Spain Night Vision, S.A.; and SNV, S.A. (including successors, assignees, and aliases) were administratively debarred by the Assistant Secretary of State for Political-Military Affairs for a period of three years, until June 4, 2014; Reinstatement after June 4, 2014 is not automatic. At the end of the debarment period, Respondents may apply for reinstatement. Until licensing privileges are reinstated, Carlos Dominguez (individually and in his capacity as principal of the following entities); Elint, S.A.; Spain Night Vision, S.A.; and SNV, S.A. (including successors, assignees, and aliases) will remain debarred. No civil penalties have been imposed at this time.

This notice is provided to make the public aware that the persons listed above are prohibited from participating directly or indirectly in any brokering activities and in any export from or temporary import into the United States of defense articles, related technical data, or defense services in all situations covered by the ITAR.

Further, pursuant to Section 120.1(d) of the ITAR, persons with knowledge that another person is ineligible must obtain authorization from the Directorate of Defense Trade Controls prior to, directly or indirectly and in any manner or capacity, applying for, obtaining, or using any export control document for such ineligible person, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing or participating in any manner in any transaction that may involve any defense article, which includes technical data, defense services, or brokering activities, where such ineligible person may obtain any benefit therefrom or have any direct or indirect interest therein.

Exceptions may be made to this denial policy on a case-by-case basis at the discretion of the Directorate of Defense Trade Controls. However, such an exception would be granted only after a full review of all circumstances, paying particular attention to the following factors: Whether an exception is warranted by overriding U.S. foreign policy or national security interests; whether an exception would further law enforcement concerns that are consistent with foreign policy or national security interests of the United States; or whether other compelling circumstances exist that are consistent with the foreign policy or national security interests of the United States, and law enforcement concerns.

This notice involves a foreign affairs function of the United States encompassed within the meaning of the military and foreign affairs exclusion of the Administrative Procedures Act. Because the exercise of this foreign affairs function is highly discretionary, it is excluded from review under the Administrative Procedures Act.

Dated: June 4, 2014.

Tom Kelly,

Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State.

[FR Doc. 2014–14152 Filed 6–18–14; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Weather Product Change: Transition of Select Area Forecasts (FAs) to Digital and Graphical Alternatives

AGENCY: Federal Aviation Administration.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA), in coordination with the National Weather Service (NWS), will transition seven (7) Area Forecasts (FAs), currently used as flight planning and pilot weather briefing aids, to digital and graphical alternatives. A joint-agency working group has concluded that these digital and graphical alternatives better-meet the needs of today's aviation users. Guidance with respect to the proper use of these alternatives is forthcoming.

Note: Area Forecasts (FAs) for Alaska, the Caribbean, and the Gulf of Mexico will remain unaffected at this time.

DATES: The Federal Aviation Administration must receive comments on or before August 4, 2014. The Agencies are targeting early 2015 for transition.

ADDRESSES: Please mail comments concerning this notice to the NextGen

Aviation Weather Division (ANG–C6), Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Stewart Stepney, 202–385–7182 or *stewart.stepney@faa.gov.*

SUPPLEMENTARY INFORMATION: United States Code (citation below) directs the Administrator of the Federal Aviation Administration (FAA) to make recommendations to the Secretary of Commerce on providing meteorological services necessary for the safe and efficient movement of aircraft. The Secretary, in turn, is directed to cooperate with the Administrator and give complete consideration to these recommendations. As such, FAA has coordinated extensively with the National Weather Service (NWS) to review current and future aviation weather information requirements.

The Area Forecast (FA) is an abbreviated, plain-language forecast of specified weather phenomena, covering a geographical area designated by the FAA. The Area Forecast (FA) is used to determine en-route weather and to estimate conditions at airports that do not have a Terminal Aerodrome Forecast (TAF). It is produced by the National Weather Service (NWS) under the National Oceanic and Atmospheric Administration (NOAA), within the Department of Commerce (DoC).

The Area Forecast (FA) contains weather information in a format originally developed in the 1930s. By design, it carries a character-count limitation and is prohibited from describing Instrument Flight Rule (IFR) conditions (reserved for AIRMETs and SIGMETs). It covers an extremely large geographical area (typically, several states) and is only issued 3–4x daily (each valid for 18hrs).

These specifications tend to produce a broad forecast of limited value. While the Area Forecast (FA) met aviation weather information needs for many years, today NWS provides equivalent information through a number of better alternatives.

An FAA–NWS joint-agency working group recently recommended that the Area Forecast (FA) be transitioned to more-modern digital and graphical forecasts, observations, and communications capabilities that provide improved weather information to decision-makers.

Therefore, the FAA will formally recommend that NWS transition six (6) Area Forecasts (FAs) covering separate geographical areas of the Contiguous United States (CONUS) and one (1) Area Forecast (FA) covering Hawaii to digital and graphical alternatives already being produced by NWS.

The seven (7) Area Forecasts (FAs) affected include: FAUS41 (BOS), FAUS42 (MIA), FAUS43 (CHI), FAUS44 (DFW), FAUS45 (SLC), FAUS46 (SFO) and FAHW31 (Hawaii).

Note: Area Forecasts (FAs) for Alaska, the Caribbean, and the Gulf of Mexico will remain unaffected at this time.

Existing potential alternatives identified by the joint-agency working group include, but are not limited to:

- Surface weather analyses and prognostic charts
- public forecast discussions
- Significant Weather (SIGWX) charts
- National Digital Forecast Database (NDFD)
- Terminal Aerodrome Forecasts (TAFs)
- Airmen's Meteorological Information (AIRMETs)

Aviation users are already accustomed to consulting many of these weather products during normal flight planning. Together, they provide information similar to that found in the Area Forecast (FA), in higher resolution and with the added benefit of graphical depictions.

The joint-agency working group's membership included broad subject-matter expertise from both FAA and NWS, as well as the National Transportation Safety Board (NTSB). Members collected insight from additional aviation weather stakeholders including various pilot organizations, weather briefers, airlines and air traffic controllers.

Before the transition takes place, the FAA will conduct a formal Safety Risk Assessment as part of FAA's Safety Management System. Guidance with respect to the proper use of proposed alternatives is forthcoming.

Interested parties and stakeholders may submit comments regarding the planned transition by standard mail or by email (*kiley@avmet.com*). Comments must be received on or before August 4, 2014. The Agencies are targeting early 2015 for transition.

Authority: 49 U.S.C. § 44720(a).

Dated: June 11, 2014.

Richard J. Heuwinkel,

Manager, Aviation Weather Division.

[FR Doc. 2014–14364 Filed 6–18–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0006]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of applications for exemption from the vision requirement, request for comments.

SUMMARY: FMCSA announces receipt of applications from 34 individuals for exemption from the vision requirement for operating a commercial motor vehicle (CMV) in the Federal Motor Carrier Safety Regulations. The applicants are unable to meet the vision requirement in one eye for various reasons. The exemptions will allow these individuals to operate CMVs in interstate commerce without meeting the prescribed vision requirement in one eye. At the end of the comment period, the Agency will grant exemptions to the applicants listed herein if there are no adverse comments that indicate the driver's ability will not achieve a level of safety equivalent to or greater than the level of safety that would be obtained by complying with the regulations. All comments will be reviewed and evaluated by FMCSA. Some individuals appearing in this notice may not receive exemptions based on comments received during the comment period. Individuals not granted an exemption may either be published at a future date based on further evaluation or may not be deemed to meet the aforementioned level of safety if granted an exemption. These individuals will be published in a quarterly notice of exemption denials. As always, any adverse comments received after the exemption is granted will be evaluated, and if they indicate that the driver is not achieving a level of safety equivalent to or greater than the level of safety that would be obtained by complying with the regulation, the exemption will be revoked. When granted, the exemptions will allow these individuals with vision deficiencies in one eye to operate in interstate commerce.

DATES: Comments must be received on or before July 21, 2014. All comments will be investigated by FMCSA. The exemptions will be issued the day after the comment period closes.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–

2014–0006 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., 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., 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 Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

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:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations 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. The 34 individuals listed in this notice have recently requested such an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency has evaluated the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

Qualifications of Applicants

Abdullahi M. Abukar

Mr. Abukar, 29, has a prosthetic right eye due to a traumatic incident in 2009. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2014, his optometrist stated, ''Patient is capable of operating commercial vehicle.'' Mr. Abukar reported that he has driven straight trucks for 6 years, accumulating 31,200 miles, and tractor-trailer combinations for 19 months, accumulating 5200 miles. He holds a Class DA CDL from Kentucky. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Gregory K. Banister

Mr. Banister, 52, has had glaucoma secondary to Sturge-Weber Syndrome in his left eye since 2002. The visual acuity in his right eye is 20/20, and in his left eye, 20/100. Following an examination in 2014, his ophthalmologist stated, ''In my medical opinion, Mr. Banister has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Banister reported that he has driven tractor-trailer combinations for 36 years, accumulating 4.32 million miles. He holds a Class A CDL from South Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Amanuel W. Behon

Mr. Behon, 41, has a large chorioretinal scar over macula in his left eye due to a traumatic incident in 2004. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2014, his optometrist stated, ''In my medical opinion, Mr. Behon's vision is sufficient to perform the tasks required to operate a commercial vehicle.'' Mr. Behon reported that he has driven tractor-trailer combinations for 3 years, accumulating 144,600 miles. He holds a Class A CDL from Washington. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Oscar N. Bolton

Mr. Bolton, 72, has central vision loss in his left eye due to a traumatic incident in 1985. The visual acuity in his right eye is 20/20, and in his left eye, counting fingers. Following an examination in 2013, his optometrist stated, ''I see no reason, other than normal vision changes that come with aging, that Mr. Bolton should not be able to have sufficient vision to perform driving tasks required to operate a commercial vehicle.'' Mr. Bolton reported that he has driven straight trucks for 9 years, accumulating 324,000 miles, and tractor-trailer combinations for 30 years, accumulating 5.4 million miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Kenneth W. Bos

Mr. Bos, 43, has had complete loss of vision in his left eye since 2004. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2013, his optometrist stated, ''In my opinion, Kenneth has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Bos reported that he has driven straight trucks for 9.5 years, accumulating 541,500 miles, and tractor-trailer combinations for 25 years, accumulating 56,250 miles. He holds a Class A CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jerry W. Brinson

Mr. Brinson, 54, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/100. Following an examination in 2013, his ophthalmologist stated, ''With this level of field of vision, in my medical opinion, he can safely perform driving tasks of a commercial vehicle.'' Mr. Brinson reported that he has driven straight trucks for 17 years, accumulating 552,500 miles, and tractor-trailer combinations for 20 years, accumulating 2 million miles. He holds a Class AM CDL from Georgia. His

driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Michael C. Brown

Mr. Brown, 51, has had an idiopathic choroidial neovascular membrane in his left eye since 2010. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2014, his optometrist stated, ''In my medical opinion I do believe Mr. Brown has adequate vision for holding a commercial drivers [*sic*] license.'' Mr. Brown reported that he has driven straight trucks for 34 years, accumulating 136,000 miles, and tractor-trailer combinations for 33 years, accumulating 2.97 million miles. He holds an operator's license from Indiana. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Larry O. Burr

Mr. Burr, 60, has had aniosometropic amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/50. Following an examination in 2014, his optometrist stated, ''In my opinion, I believe that Larry Burr has sufficient vision required to operate a commercial vehicle.'' Mr. Burr reported that he has driven straight trucks for 25 years, accumulating 1.4 million miles. He holds a Class BCDM CDL from Wisconsin. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Brian L. Elliot

Mr. Elliot, 51, has a retinal detachment and macular scar in his left eye due to a traumatic incident during childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/250. Following an examination in 2013, his ophthalmologist stated, ''In my opinion his visual function is adequate for him to operate a commercial vehicle.'' Mr. Elliot reported that he has driven straight trucks for 26 years, accumulating 624,000 miles. He holds a Class A CDL from Missouri. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Juneau A. Faulkner

Mr. Faulkner, 52, has a central macular scar in his left eye due to a traumatic incident in 1982. The visual acuity in his right eye is 20/20, and in his left eye, 20/100. Following an examination in 2013, his optometrist stated that, in his opinion, Mr. Faulkner does have sufficient vision to operate a commercial motor vehicle safely. Mr. Faulkner reported that he has driven straight trucks for 18 years, accumulating 90,000 miles, and buses for 8 years, accumulating 8,000 miles. He holds a Class B CDL from Georgia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Gregory E. Gage

Mr. Gage, 48, has had amblyopia and strabismus in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/70. Following an examination in 2014, his optometrist stated, ''Mr. Gage has amblyopia and strabismus in his left eye. The condition is stable and should be sufficient to drive a commercial vehicle.'' Mr. Gage reported that he has driven straight trucks for 17 years, accumulating 595,000 miles. He holds an operator's license from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Robert Hall III

Mr. Hall, 49, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2014, his optometrist stated, ''I Dr. Richard Shank [*sic*] Certifies [*sic*] that in my medical opinion that Mr. Robert Hall III has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Hall reported that he has driven straight trucks for 10 years, accumulating 125,000 miles. He holds an operator's license from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Bradley C. Hansell

Mr. Hansell, 27, has a cataract in his left eye due to a traumatic incident during childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2014, his optometrist stated, ''In my medical opinion Mr. Hansell has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Hansell reported that he has driven straight trucks for 3 years, accumulating 150,000 miles. He holds an operator's license from Oregon. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Andrew P. Hawkins

Mr. Hawkins, 25, has had a retinal scar in his right eye since birth. The visual acuity in his right eye is 20/400, and in his left eye, 20/20. Following an examination in 2014, his ophthalmologist stated, ''In my medical opinion, Andrew Hawkins has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Hawkins reported that he has driven straight trucks for 4 years, accumulating 4,000 miles. He holds an operator's license from South Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Daniel Hollins

Mr. Hollins, 37, has had refractive anisometropia with amblyopia in his left eye since 2003. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2014, his optometrist stated, ''It is my professional opinion that Daniel Hollins has sufficient visual skills to be able to carry out all visual tasks required to successfully operate a commercial vehicle.'' Mr. Hollins reported that he has driven straight trucks for 7 years, accumulating 280,000 miles, and tractor-trailer combinations for 8 years, accumulating 728,000 miles. He holds a Class DA CDL from Kentucky. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Clarence H. Jacobsma

Mr. Jacobsma, 64, has had strabismic amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/150, and in his left eye, 20/20. Following an examination in 2013, his optometrist stated, ''Having examined Mr. Jacobsma's eyes for the last sixteen years, I believe he has sufficient vision to operate a commercial vehicle.'' Mr. Jacobsma reported that he has driven straight trucks for 35 years, accumulating 350,000 miles, and tractor-trailer combinations for 35 years, accumulating 350,000 miles. He holds an operator's license from Indiana. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Samuel L. Klaphake

Mr. Klaphake, 60, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, counting fingers. Following an examination in 2014, his optometrist stated, ''I recently saw Sam Klaphake for a complete eye examination on 2/27/2014 . . . I am confident in my assessment of Mr. Klaphake and in the

fact that he shows no signs of being a risk to himself or others in the operation of a commercial motor vehicle.'' Mr. Klaphake reported that he has driven straight trucks for 15 years, accumulating 1.8 million miles, and tractor-trailer combinations for 20 years, accumulating 2.4 million miles. He holds a Class A CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Timothy L. Klose

Mr. Klose, 75, has had optic nerve cupping, astigmatism, and presbyopia in his right eye since birth. The visual acuity in his right eye is 20/125, and in his left eye, 20/20. Following an examination in 2014, his optometrist stated, ''I believe that Tim Klose has sufficient vision to perform driving tasks required to operate a commercial vehicle.'' Mr. Klose reported that he has driven straight trucks for 59 years, accumulating 2.07 million miles, and tractor-trailer combinations for 51 years, accumulating 765,000 miles. He holds a Class AM CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Phillip E. Mason

Mr. Mason, 53, has had amblyopia due to astigmatism in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2014, his optometrist stated, ''In my opinion Phillip has no vision concerns which would impact his ability to safely operate a commercial vehicle.'' Mr. Mason reported that he has driven straight trucks for 43 years, accumulating 860,000 miles. He holds a Class A CDL from Missouri. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

David P. Monti

Mr. Monti, 65, has had optic neuropathy in his right eye since 1990. The visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2013, his ophthalmologist certified that, in his medical opinion, Mr. Monti has sufficient vision to operate a commercial motor vehicle. Mr. Monti reported that he has driven straight trucks for 18 years, accumulating 270,000 miles. He holds an operator's license from New Jersey. His driving record for the last 3 years shows no crashes and 1 conviction for a moving violation in a CMV; he was cited for unsafe operation of a motor vehicle.

Timothy L. Morton

Mr. Morton, 40, has had amblyopia in his right eye since birth. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an examination in 2013, his optometrist stated, ''An amblyopic patient is generally unfazed by this condition since adaptation begins from birth. I see no reason to expect his driving skills to be affected by this. He should be cleared to drive a commercial vehicle from a visual standpoint in my opinion.'' Mr. Morton reported that he has driven straight trucks for 7 years, accumulating 70,000 miles, and tractor-trailer combinations for 15 years, accumulating 750,000 miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows 2 crashes, for which he was not cited, and no convictions for moving violations in a CMV.

Larry G. Nikkel

Mr. Nikkel, 29, has a prosthetic left eye due to a traumatic incident during childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2014, his optometrist stated, ''Mr. Nikkel appears to have sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Nikkel reported that he has driven straight trucks for 12 years, accumulating 240,000 miles, and tractor-trailer combinations for 14 years, accumulating 560,000 miles. He holds an operator's license from Washington. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Kenneth A. Orrino

Mr. Orrino, 62, has a chorioretinal scar to macula and optic nerve in his left eye due to a traumatic incident in 1970. The visual acuity in his right eye is 20/20, and in his left eye, 20/60. Following an examination in 2014, his optometrist stated, ''. . . [I]n my medical opinion, Mr. Kenneth Orrino has sufficient vision to perform the driving tasks required to operate a commercial vehicle in interstate commerce.'' Mr. Orrino reported that he has driven straight trucks for 44 years, accumulating 1.1 million miles, and tractor-trailer combinations for 44 years, accumulating 2.64 million miles. He holds a Class A CDL from Washington. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Ruel W. Reed

Mr. Reed, 43, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/60. Following an examination in 2013, his optometrist stated, ''I don't see any reason, visually, why he should not be able to safely operate a commercial vehicle across state lines if he has already been deemed able to within North Carolina.'' Mr. Reed reported that he has driven buses for 4 years, accumulating 32,000 miles. He holds a Class B CDL from North Carolina. His driving record for the last 3 years shows 5 crashes, one of which he contributed to by following too closely, and no convictions for moving violations in a CMV.

Jose L. Sanchez

Mr. Sanchez, 33, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/60. Following an examination in 2014, his optometrist stated, ''Mr. Sanchez has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Sanchez reported that he has driven tractor-trailer combinations for 6.5 years, accumulating 526,500 miles. He holds a Class A CDL from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Nicholas J. Schiltgen

Mr. Schiltgen, 21, has had Coat's Disease in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, counting fingers. Following an examination in 2013, his optometrist stated, ''In my opinion, I do feel that Nicolas [*sic*] does have sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Schiltgen reported that he has driven straight trucks for 3 years, accumulating 90,000 miles. He holds an operator's license from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Warren J. Shatzer

Mr. Shatzer, 63, has had Reiter's Syndrome in his left eye since 1997. The visual acuity in his right eye is 20/25, and in his left eye, 20/400. Following an examination in 2013, his ophthalmologist stated, ''On his last full examination on December 27, 2013, his best vision was 20/25 in the right eye without prescription and 20/400 in the left eye . . . He does have color blindness, but states that he has been driving commercially for many years; therefore, I believe that he understands how to observe the red lights . . . I believe that he passes the certification

stating that he needs to have 120 degrees horizontally with both eyes open and since he has been driving for many years, although with color blindness, he can determine what a stop light is instructing him to do.'' Mr. Shatzer reported that he has driven straight trucks for 25 years, accumulating 1.38 million miles. He holds a Class A CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Loren A. Smith

Mr. Smith, 56, has a detached retina in his left eye due to a traumatic incident in 1990. The visual acuity in his right eye is 20/20, and in his left eye, 20/60. Following an examination in 2014, his optometrist stated, ''I feel his vision is more than adequate to perform driving tasks required to operate a commercial vehicle.'' Mr. Smith reported that he has driven straight trucks for 32 years, accumulating 2.56 million miles, and tractor-trailer combinations for 32 years, accumulating 2.56 million miles. He holds a Class A3 from South Dakota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Harlan L. Sugars

Mr. Sugars, 75, has a corneal scar in his right eye due to a traumatic incident during childhood. The visual acuity in his right eye is 20/400, and in his left eye, 20/20. Following an examination in 2013, his optometrist stated, ''I feel that Mr. Sugars has the vision to operate a commercial vehicle.'' Mr. Sugars reported that he has driven tractor-trailer combinations for 55 years, accumulating 4.68 million miles. He holds a Class A CDL from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Seth D. Sweeten

Mr. Sweeten, 36, has a retinal detachment in his left eye due to a traumatic incident in 2011. The visual acuity in his right eye is 20/15, and in his left eye, hand motion. Following an examination in 2014, his ophthalmologist stated, ''I believe his vision is sufficient to perform the tasks required of operating a commercial vehicle in the same capacity that he has been for 17 years.'' Mr. Sweeten reported that he has driven straight trucks for 2 years, accumulating 100,000 miles, and tractor-trailer combinations for 17 years, accumulating 901,000 miles. He holds a Class A CDL from Idaho. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

George R. Tieskoetter

Mr. Tieskoetter, 57, has had congenital optic nerve coloboma in his right eye since birth. The visual acuity in his right eye is counting fingers, and in his left eye, 20/20. Following an examination in 2014, his optometrist stated, ''It is in my medical opinion that Mr. Tieskoetter's stable visual difficulties do not pose a safety threat associated with his ability to drive and he should be granted a commercial driver's license.'' Mr. Tieskoetter reported that he has driven tractor-trailer combinations for 33 years, accumulating 1.98 million miles. He holds a Class A CDL from Iowa. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV; he exceeded the speed limit by 10 mph.

Ronald L. Weiss

Mr. Weiss, 49, has an injury to a muscle that causes the left eye to wander inward and downward due to a traumatic incident in 2010. The visual acuity in his right eye is 20/20, and in his left eye, 20/20, however, he is unable to use both eyes simultaneously. Following an examination in 2013, his optometrist stated, ''In my opinion, Ron should be able to perform the driving tasks to safely operate a commercial vehicle.'' Mr. Weiss reported that he has driven straight trucks for 30 years, accumulating 450,000 miles, and tractor-trailer combinations for 25 years, accumulating 375,000 miles. He holds a Class A CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

John T. White, Jr.

Mr. White, 53, has retinal damage in his left eye due to a traumatic incident in 2003. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2014, his optometrist stated, ''On examination today, his visual acuity without correction of the right eye was 20/20 and the left 20/400 . . . To the best of my knowledge he should be able to operate a commercial vehicle.'' Mr. White reported that he has driven tractor-trailer combinations for 29 years, accumulating 2.9 million miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Henry P. Wurtz

Mr. Wurtz, 53, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2013, his optometrist stated, ''His condition has been stable and in my medical opinion, he has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Wurtz reported that he has driven tractor-trailer combinations for 20 years, accumulating 70,000 miles. He holds a Class A CDL from South Dakota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

FMCSA has evaluated the eligibility of the 34 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)(10). If the Agency does not receive any comments that indicate a driver's ability would not achieve the aforementioned level of safety, the Agency will grant the drivers an exemption the day after the comment period closes.

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 at 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 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 34 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, and in most cases their eye conditions were not recently developed. Nineteen of the applicants were either born with their vision impairments or have had them since childhood. The 15 individuals that sustained their vision conditions as adults have had it for a period of 4 to 44 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 34 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. The qualifications, experience, and medical condition of each applicant is stated and discussed in detail above.

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.

FMCSA believes it 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 non-concurrent 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 34 applicants, two of the drivers were involved in crashes and two 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.

FMCSA believes 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 34 applicants listed in this notice.

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 34 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.

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.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. The Agency will consider all comments received before the close of business July 21, 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.

Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2014–0006 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2014–0006 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

Issued on: June 9, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–14335 Filed 6–18–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1999–6156; FMCSA–2001–9561; FMCSA–2001–10578; FMCSA–2001–11426; FMCSA–2002–11714; FMCSA–2002–13411; FMCSA–2003–16564; FMCSA–2004–17195; FMCSA–2005–21711; FMCSA–2005–22194; FMCSA–2005–23099; FMCSA–2006–23773; FMCSA–2006–24015; FMCSA–2006–24783; FMCSA–2008–0021]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 36 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective July 20, 2014. Comments must be received on or before July 21, 2014.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA–1999–6156; FMCSA–2001–9561; FMCSA–2001–10578; FMCSA–2001–11426; FMCSA–2002–11714; FMCSA–2002–13411; FMCSA–2003–16564; FMCSA–2004–17195; FMCSA–2005–21711; FMCSA–2005–22194; FMCSA–2005–23099; FMCSA–2006–23773; FMCSA–2006–24015; FMCSA–2006–24783; FMCSA–2008–0021], 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 or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov*, including any personal information included in a comment. Please see the Privacy Act heading below.

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 Federal Docket Management System (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 Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

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:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-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 set out in 49 CFR part 381.

Exemption Decision

This notice addresses 36 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 36 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Delmas C. Bergdoll (WV)
Kenneth J. Bernard (LA)
Allen G. Bors (NE)
Brad T. Braegger (UT)
John E. Breslin (NV)
Scott F. Chalfant (DE)
Harvis P. Cosby (MD)
Ronald D. Danberry (MN)
Norman J. Day (FL)
Francisco Espinal (IN)
Daniel R. Franks (OH)
David W. Grooms (IN)
Walter D. Hague, Jr. (VA)
William G. Hix (AR)
Ralph E. Holmes (MD)
Timothy B. Hummel (KY)
Fredrick C. Ingles (WV)
Larry L. Jarvis (VA)
Michael S. Johannsen (IA)
Charles E. Johnston (MO)
Harry L. Jones (OH)
Aaron C. Lougher (OR)
William F. Mack (WA)
Patrick E. Martin (WA)
Leland K. McAlhaney (IN)
Bobby G. Minton (NC)
Charles J. Morman (FL)
Corey L. Paraf (IL)
Ronald M. Price (MD)
John P. Raftis (FL)
Scott D. Russell (WI)
Alton M. Rutherford (FL)
Andrew W. Schollett (CO)
Wolfgang V. Spekis (MD)
Sandra J. Sperling (WA)
Duane L. Tysseling (IA)

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements 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 provides 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 and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded 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(e) and 31315.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 36 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (64 FR 54948; 65 FR 159; 66 FR 30502; 66 FR 41654; 66 FR 53826; 66 FR 66966; 67 FR 10471; 67 FR 10475; 67 FR 15662; 67 FR 17102; 67 FR 19798; 67 FR 37907; 67 FR 76439; 68 FR 10298; 68 FR 44837; 68 FR 69434; 68 FR 4699; 69 FR 8260; 69 FR 10503; 69 FR 17263; 69 FR 17267; 69 FR 19611; 69 FR 26206; 69 FR 26921; 69 FR 31447; 70 FR 41811; 70 FR 48797; 70 FR 57353; 70 FR 61493; 70 FR 72689; 70 FR 74102; 71 FR 4194; 71 FR 6824; 71 FR 6826; 71 FR 6828; 71 FR 6829; 71 FR 13450; 71 FR 14567; 71 FR 16410; 71 FR 19602; 71 FR 19604; 71 FR 26601; 71 FR 26602; 71 FR 27033; 71 FR 30229; 71 FR 32183; 71 FR 41310; 72 FR 52423; 73 FR 11989; 73 FR 15567; 73 FR 27017; 73 FR 27018; 73 FR 28187; 73 FR 36955; 75 FR 36778; 75 FR 36779; 77 FR 38384). Each of these 36 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements.

These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by July 21, 2014.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 36 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The

Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket numbers FMCSA–1999–6156; FMCSA–2001–9561; FMCSA–2001–10578; FMCSA–2001–11426; FMCSA–2002–11714; FMCSA–2002–13411; FMCSA–2003–16564; FMCSA–2004–17195; FMCSA–2005–21711; FMCSA–2005–22194; FMCSA–2005–23099; FMCSA–2006–23773; FMCSA–2006–24015; FMCSA–2006–24783; FMCSA–2008–0021 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–1999–6156; FMCSA–2001–9561; FMCSA–2001–10578; FMCSA–2001–11426; FMCSA–2002–11714; FMCSA–2002–13411; FMCSA–2003–16564; FMCSA–2004–17195; FMCSA–2005–21711; FMCSA–2005–22194; FMCSA–2005–23099; FMCSA–2006–23773; FMCSA–2006–24015; FMCSA–2006–24783; FMCSA–2008–0021 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

Issued on: June 10, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–14334 Filed 6–18–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2000–7363; FMCSA–2002–12294; FMCSA–2004–17195; FMCSA–2005–23099; FMCSA–2007–0071; FMCSA–2009–0011; FMCSA–2009–0303; FMCSA–2010–0082; FMCSA–2011–0366; FMCSA–2011–0379; FMCSA–2012–0104]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 20 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective July 12, 2014. Comments must be received on or before July 21, 2014.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA–2000–7363; FMCSA–2002–12294; FMCSA–2004–17195; FMCSA–2005–23099; FMCSA–2007–0071; FMCSA–2009–0011; FMCSA–2009–0303; FMCSA–2010–0082; FMCSA–2011–0366; FMCSA–2011–0379; FMCSA–2012–0104], 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 or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov*, including any personal information included in a comment. Please see the Privacy Act heading below.

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 Federal Docket Management System (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 Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

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:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-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 set out in 49 CFR part 381.

Exemption Decision

This notice addresses 20 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 20 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Paul J. Bannon (DE)
Clarke C. Boynton (MA)
Walter M. Brown (SC)
Clare H. Buxton (MI)
Chadwick S. Chambers (AL)
William C. Dempsey, Jr. (MA)
Miguel H. Espinoza (CA)
Billy R. Gibbs (MD)
Clyde J. Harms (IL)
Ricky P. Hastings (TX)
Gary McKown (WV)
Leland B. Moss (VT)
Jack W. Murphy, Jr. (OH)
Markus Perkins (LA)
Michael J. Rankin (OH)
Terry L. Rubendall (PA)
Kenneth D. Sisk (NC)
Anthony T. Smith (MI)
Steven C. Thomas (AR)
Robert D. Williams (LA)

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements 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 provides 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 and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded 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(e) and 31315.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 20 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (65 FR 45817; 65 FR 77066; 67 FR 46016; 67 FR 57627; 68 FR 54775; 69 FR 17263; 69 FR 31447; 69 FR 51346; 70 FR 53412; 71 FR 4194; 71 FR 13450; 71 FR 27033; 71 FR 50970; 72 FR 62896; 73 FR 6242; 73 FR 15255; 73 FR 16950; 73 FR 28186; 73 FR 75807; 74 FR 43221; 74 FR 60022; 75 FR 4623; 75 FR 9477; 75 FR 9481; 75 FR 20882; 75 FR 22178; 75 FR 25917; 75 FR 25918; 75 FR 25919; 75 FR 27624; 75 FR 39727; 75 FR 39729; 76 FR 55467; 77 FR 5874; 77 FR 15184; 77 FR 17117; 77 FR 23797; 77 FR 23800; 77 FR 27847; 77 FR 27850; 77 FR 36338; 77 FR 38386). Each of these 20 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements.

These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by July 21, 2014.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 20 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket numbers FMCSA–2000–7363; FMCSA–2002–12294; FMCSA–2004–17195; FMCSA–2005–23099; FMCSA–2007–0071; FMCSA–2009–0011; FMCSA–2009–0303; FMCSA–2010–0082; FMCSA–2011–0366; FMCSA–2011–0379; FMCSA–2012–0104 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would

like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2000–7363; FMCSA–2002–12294; FMCSA–2004–17195; FMCSA–2005–23099; FMCSA–2007–0071; FMCSA–2009–0011; FMCSA–2009–0303; FMCSA–2010–0082; FMCSA–2011–0366; FMCSA–2011–0379; FMCSA–2012–0104 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

Issued on: June 9, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–14341 Filed 6–18–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT–MARAD 20014 0087]

Request for Comments of a Previously Approved Information Collection

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on February 26, 2014 (79 FR 10870).

DATES: Comments must be submitted on or before July 21, 2014.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW., Washington, DC 20503.

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.

FOR FURTHER INFORMATION CONTACT: Daniel Ladd, Office of Financial Approvals and Marine Insurance, Division of Business Finance, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Room W23–322, Washington, DC 20590, (202) 366–1859.

SUPPLEMENTARY INFORMATION:

Title: Uniform Financial Reporting Requirements.

OMB Control Number: 2133–0005.

Type of Request: Renewal of a Previously Approved Information Collection.

Abstract: The Uniform Financial Reporting Requirements are used as a basis for preparing and filing semi-annual and annual financial statements with the Maritime Administration. Regulations requiring financial reports to MARAD are authorized by Section 801, Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1211). Financial reports are also required by regulation of purchasers of ships from MARAD on credit, companies chartering ships from MARAD, and of companies having Title XI guarantee obligations (46 CFR part 298).

Affected Public: Vessel owners acquiring ships from MARAD on credit, companies chartering ships from MARAD, and companies having Title XI guarantee obligations.

Estimated Number of Respondents: 66.

Estimated Number of Responses: 132.

Annual Estimated Total Annual Burden Hours: 1254.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:93.

Dated: June 10, 2014.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2014–14365 Filed 6–18–14; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2014–0086]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel MYTHOS; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 21, 2014.

ADDRESSES: Comments should refer to docket number MARAD–2014–0086. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel MYTHOS is:

Intended Commercial Use of Vessel: ''sailing charters''

Geographic Region: ''Florida''

The complete application is given in DOT docket MARAD–2014–0086 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders

or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

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 DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: June 9, 2014.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2014–14356 Filed 6–18–14; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2014–0083]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel INTEGRITY; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 21, 2014.

ADDRESSES: Comments should refer to docket number MARAD–2014–0083. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel INTEGRITY is:

Intended Commercial Use of Vessel: ''Small vessel captained charters with up to 12 passengers for sightseeing and pleasure cruising of three day duration or longer.''

Geographic Region: ''Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida''

The complete application is given in DOT docket MARAD–2014–0083 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

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 DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: June 9, 2014.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2014–14363 Filed 6–18–14; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2014–0085]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel ROGUE WAVE; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 21, 2014.

ADDRESSES: Comments should refer to docket number MARAD–2014–0085. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453,

Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel ROGUE WAVE is:

Intended Commercial Use of Vessel: ''Sport Fishing''.

Geographic Region: ''Florida, Georgia, South Carolina, North Carolina, Alabama''.

The complete application is given in DOT docket MARAD–2014–0085 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

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 DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: June 9, 2014.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2014–14355 Filed 6–18–14; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2014–0084]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel POPCORN; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 21, 2014.

ADDRESSES: Comments should refer to docket number MARAD–2014–0084. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION:

As described by the applicant the intended service of the vessel POPCORN is:

Intended Commercial Use of Vessel: ''Uninspected Passenger Vessel and Sail Training (with 6 or less trainees) operations on all waters (inland lates, inland, near coastal, and oceans) of California, Nevada, Oregon, and Washington. Primary operation of the vessel is intended for Donner Lake and Lake Tahoe in the summer season, and the Sacramento Delta and San Francisco Bay in the winter. Future Sail Training operations may range as far as Washington State and Hawaii.''

Geographic Region: ''California, Nevada, Oregon, Washington State, and Hawaii''.

The complete application is given in DOT docket MARAD–2014–0084 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

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 DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: June 9, 2014.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2014–14361 Filed 6–18–14; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2014–0054; Notice 1]

Ford Motor Company, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Ford Motor Company (Ford) has determined that certain model year (MY) 2010–2014 Transit Connect vehicles do not fully comply with paragraph S5.1 of Federal Motor Vehicle Safety Standard (FMVSS) No. 205, *Glazing Materials.* Ford has filed an appropriate report dated March 31, 2014, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.*

DATES: The closing date for comments on the petition is July 21, 2014.

ADDRESSES: Interested persons are invited to submit written data, views,

and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

• *Mail:* Send comments by mail addressed to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

• *Hand Deliver:* Deliver comments by hand to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.

• *Electronically:* Submit comments electronically by: Logging onto the Federal Docket Management System (FDMS) Web site at *http://www.regulations.gov/*. Follow the online instructions for submitting comments. Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *http://www.regulations.gov* by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477–78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

SUPPLEMENTARY INFORMATION:

I. *Ford's Petition:* Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Ford submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Ford's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. *Vehicles Involved:* Affected are approximately 174,453 Transit Connect vehicles built from March 20, 2009 through September 2, 2013 at the plant in Kocaeli, Turkey as well those built from August 1, 2013 through February 28, 2014 at the plant in Valencia, Spain.

III. *Noncompliance:* Ford explains that the noncompliance is that subject vehicles do not fully meet the requirements of paragraph S5.1 of FMVSS No. 205 because the windshields installed in the vehicles do not include the ''A↓S1'' upper boundary markings specified in Section 7 of ANSI/SAE Z 26.1–1996 *Marking of Safety Glazing Materials* which is incorporated by reference in FMVSS No. 205.

IV. *Rule Requirements:* FMVSS No. 205 incorporates ANSI Z26.1–1996 and other industry standards in paragraph S.5.1 by reference. Paragraph S6 of FMVSS No. 205 specifically requires manufacturers to mark the glazing material in accordance with Section 7 of ANSI Z26.1–1996 and to add other markings required by NHTSA. With respect to the subject noncompliance, Section 7 of ANSI Z26.1–1996 specifies that in addition to the item of glazing number and other required markings, the manufacturer shall include the ''A↓S1'' upper boundary which will identify the item of glazing, and the area that meets Test 2 of ANSI Z26.1 (1996). The direction of the arrow will point to the direction of the area that complies with Test 2 of ANSI Z26.1 (1996).

V. *Summary of Ford's Analyses:* Ford stated its belief that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

(A) The windshield glazing of the affected vehicles otherwise meets all marking and performance requirements of FMVSS No. 205 and ANSI Z26.1–1996. Because all transparent sections of the affected glazing fully meet all of the applicable performance requirements, Ford does not believe the absence of the ''A↓S1'' upper boundary markings impact the ability of the glazing to satisfy the stated purpose or affect the performance of the glazing intended by FMVSS No. 205.

(B) No other related FMVSSs are affected. The vision zones used for all other related FMVSSs are all in clear areas of the glazing and the vehicles are fully compliant to FMVSS No. 103 *Windshield Defrosting and Defogging Systems and* FMVSS No. 104 *Windshield Wiping and Washing Systems.*

(C) The windshields are appropriately marked with the AS1 marking adjacent to the Manufacturer's Trademark, as required by ANSI/SAE Z26.1–1996.

(D) Ford made reference to a previous petition for inconsequential noncompliance that addressed labeling issues that NHTSA granted.

Ford also stated that it is not aware of any field or owner complaints, accidents, or injuries attributed to this condition.

Ford has additionally informed NHTSA that it has corrected the noncompliance so that all future production vehicles will comply with FMVSS No. 205.

In summation, Ford believes that the described noncompliance of the subject vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt Ford from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that Ford no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Ford notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: Delegations of authority at 49 CFR 1.95 and 501.8)

Jeffrey M. Giuseppe,

Acting Director, Office of Vehicle Safety Compliance.

[FR Doc. 2014–14286 Filed 6–18–14; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2013–0144; Notice 1]

Ford Motor Company, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of Petition.

SUMMARY: Ford Motor Company, (Ford) has determined that certain model year (MY) 2014 Ford Focus passenger cars do not fully comply with paragraph S3.1.4.1(a) of Federal Motor Vehicle Safety Standard (FMVSS) No. 102, *Transmission Shift Position Sequence, Starter Interlock, and Transmission Braking Effect.* Ford has filed an appropriate report dated November 25, 2013 pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.*

DATES: The closing date for comments on the petition is July 21, 2014.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Deliver:* Deliver comments by hand to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by: logging onto the Federal Docket Management System (FDMS) Web site at *http://www.regulations.gov/*. Follow the online instructions for submitting comments. Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *http://www.regulations.gov* by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477–78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

SUPPLEMENTARY INFORMATION:

I. *Ford's Petition:* Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Ford submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Ford's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. *Vehicles Involved:* Affected are approximately 43,699 MY 2014 Ford Focus passenger cars manufactured from August 2, 2013 through September 27, 2013, at Ford's Michigan Assembly Plant in Wayne, Michigan.

III. *Noncompliance:* Ford explains that the noncompliance is that after the vehicle has been started under certain non-typical conditions the subject vehicles do not fully meet the requirements of paragraph S3.1.4.1(a) of FMVSS No. 102 because the transmission shift position indicator (PRNDx) does not display transmission shift position sequence and position, i.e., Park, until after the shifter release button is depressed.

IV. *Rule Text:* Paragraph S3.1.4.1 of FMVSS No. 102 requires in pertinent part:

S3.1.4.1 Except as specified in S3.1.4.3, if the transmission shift position sequence includes a park position, identification of shift positions, including the positions in relation to each other and the position selected, shall be displayed in view of the driver whenever any of the following exist:

(a) The ignition is in a position where the transmission can be shifted; or . . .

V. *Summary of Ford's Analyses:*

Ford stated that no other Ford vehicles are affected by this condition, and it is not aware of any owner complaints, accidents, or injuries related to this condition. In Ford's judgment, the condition does not present a risk to motor vehicle safety, for the following reasons:

(1) This concern condition can only occur after a non-typical key-on sequence and only when the transmission is in Park, thus not presenting a risk to motor vehicle safety.

(2) As soon as the transmission shift lever release button is depressed (required for shifting to any non-Park position), the PRNDx will illuminate, allowing the customer to select the desired gear.

(3) Under normal usage, the PRNDx illuminates as intended. For example, when the driver or passenger open a door and enter the car, the cluster will wake up from sleep mode and the concern condition will not occur.

(4) If the vehicle is left in any gear other than Park, the cluster will not go into sleep mode, this concern condition will not occur, and the PRNDx will illuminate as intended.

(5) All of the other requirements of FMVSS No. 102 are fully satisfied.

Ford has additionally informed NHTSA that it has corrected the noncompliance so that all future production vehicles will comply with FMVSS No. 102.

In summation, Ford believes that the described noncompliance of the subject vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt Ford from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that Ford no longer controlled at the time it determined that the noncompliance existed. However,

any decision on this petition does not relieve Ford distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Ford notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Jeffrey M. Giuseppe,

Acting Director, Office of Vehicle Safety Compliance.

[FR Doc. 2014–14287 Filed 6–18–14; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2014–0056; Notice 1]

Chrysler Group LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Chrysler Group LLC (Chrysler) [1] has determined that certain model year (MY) 2013 and 2014 Fiat brand, 500e model, passenger cars do not fully comply with paragraph S5.4.1 of Federal Motor Vehicle Safety Standard (FMVSS) No. 101, *Controls and Displays.* Chrysler has filed an appropriate report dated April 1, 2014, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.*

DATES: The closing date for comments on the petition is July 21, 2014.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Deliver:* Deliver comments by hand to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by: logging onto the Federal Docket Management System (FDMS) Web site at *http://www.regulations.gov/.* Follow the online instructions for submitting comments. Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *http://www.regulations.gov* by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477–78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

SUPPLEMENTARY INFORMATION:

I. *Chrysler's Petition:* Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Chrysler submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Chrysler's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. *Vehicles Involved:* Affected are approximately 3,447 MY 2013 and 2014 Fiat brand, 500e model, passenger cars manufactured between March 21, 2013 and February 11, 2014 at Chrysler's Toluca Assembly Plant.

III. *Noncompliance:* Chrysler explains that the noncompliance is that the low tire pressure indicator telltale installed on the subject vehicles is orange in color rather than yellow as required by paragraph S5.4 of FMVSS No. 101.

IV. *Rule Text:* Paragraph S5.4 of FMVSS No. 101 requires in pertinent part:

S5.4 Color

S5.4.1 The light of each telltale listed in Table 1 must be of the color specified for that telltale in column 6 of that table.

V. *Summary of Chrysler's Analyses:* Chrysler stated that in the FMVSS No. 138 Final Rule (**Federal Register** Volume 70, Number 67 (April 8, 2005)) NHTSA indicated that the intent of a TPMS warning telltale is to notify the operator of safety consequences that do not constitute an emergency requiring immediate service. While the affected vehicles may display an orange TPMS telltale, Chrysler's position is the operator notification conveys the appropriate message to the operator when there is either significant tire under-inflation or a TPMS malfunction.

Chrysler's reasoning in support of the position is as follows:

- For the subject vehicles, if the TPMS telltale is illuminated and the operator does not understand its meaning, the TPMS telltale graphic is shown and described in the *Introduction, Instrument Cluster Descriptions, and Starting and Operating* sections of the vehicle owner's manual. An operator can easily refer to the owner's manual and determine the TPMS telltale relates to significant tire under-inflation or a TPMS malfunction. The owner's manual does not reference the color of the TPMS telltale, but rather that it ''illuminates'' in the event of low tire pressure and/or TPMS fault.
- In the event there is significant under-inflation of tires, the TPMS telltale is illuminated and the instrument cluster Electronic Vehicle Information Center (EVIC) will display a highlighted graphic of the locations including the pressure values of the affected tires.
- In the event there is a TPMS fault, the telltale will flash on and off for 75 seconds and then maintain a continuous illumination. The system fault will sound a chime and also display a ''Service TPM System'' message in the EVIC for approximately 3 seconds. This message contains the same symbol as the telltale. If the ignition switch is cycled, this sequence will repeat, providing the system fault still exists. If

[1] Chrysler is a wholly owned subsidiary of the automaker Fiat S.p.A.

the system fault no longer exists, the TPMS telltale will no longer flash, and the ''Service TPM System'' message will no longer display.

In addition to the TPMS telltale alerting the operator of a significant loss of tire pressure, or a TPMS malfunction as required, the EVIC messages and owner's manual provide more than the minimum level of information required aiding the operator's association of the illuminated telltale with an appropriate response.

Chrysler also made reference to a previous petition for inconsequential noncompliance that addressed labeling issues that NHTSA granted.

Chrysler has additionally informed NHTSA that it has corrected the noncompliance so that all future production vehicles will comply with FMVSS No. 101.

In summation, Chrysler believes that the described noncompliance of the subject vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt Chrysler from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that Chrysler no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Chrysler notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Jeffrey M. Giuseppe,

Acting Director, Office of Vehicle Safety Compliance.

[FR Doc. 2014–14285 Filed 6–18–14; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket ID OCC–2013–0020; Docket No. OP–1474]

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

RIN 7100–AD 87

FEDERAL DEPOSIT INSURANCE CORPORATION

Addendum to the Interagency Policy Statement on Income Tax Allocation in a Holding Company Structure

AGENCY: Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, and Office of the Comptroller of the Currency, Department of the Treasury (Agencies).

ACTION: Final Addendum to Interagency Policy Statement.

SUMMARY: The Agencies are issuing jointly an Addendum (Addendum) to the ''Interagency Policy Statement on Income Tax Allocation in a Holding Company Structure'' to ensure that insured depository institutions (IDIs) in a consolidated group maintain an appropriate relationship regarding the payment of taxes and treatment of tax refunds. The Addendum instructs IDIs and their holding companies to review and revise their tax allocation agreements to ensure that the agreements expressly acknowledge that the holding company receives a tax refund from a taxing authority as agent for the IDI and are consistent with certain of the requirements of sections 23A and 23B of the Federal Reserve Act. The Addendum includes a sample paragraph that IDIs could include in their tax allocation agreements to facilitate the Agencies' instructions.

DATES: The Agencies expect institutions and holding companies to implement fully the Addendum to the Interagency Policy Statement as soon as reasonably possible, which the Agencies expect would not be later than October 31, 2014.

FOR FURTHER INFORMATION CONTACT:

Office of the Comptroller of the Currency: Steven Key, Assistant Director for Bank Activities and Structure, Bank Activities and Structure Division, Chief Counsel's Office, 202–649–5594 or *steven.key@occ.treas.gov;* Gary Jeffers, Counsel, Bank Activities and Structure Division, Chief Counsel's Office, 202–649–6208 or *gary.jeffers@occ.treas.gov,* Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

Board of Governors of the Federal Reserve System: Laurie Schaffer, Associate General Counsel, (202) 452–2272, Benjamin McDonough, Senior Counsel, (202) 452–2036, Pamela Nardolilli, Senior Counsel, (202) 452–3289, or Will Giles, Counsel, (202) 452–3351, Legal Division; or Matthew Kincaid, Sr. Accounting Policy Analyst, (202) 452–2028, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551. Users of Telecommunication Device for Deaf (TDD) only, call (202) 263–4869.

Federal Deposit Insurance Corporation: Robert Storch, Chief Accountant, 202–898–8906 or *rstorch@fdic.gov;* Mark G. Flanigan, Counsel, Legal Division, 202–898–7426 or *mflanigan@fdic.gov;* Jeffrey E. Schmitt, Counsel, Legal Division, 703–562–2429 or *jschmitt@fdic.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In 1998, the Agencies and the Office of Thrift Supervision issued the ''Interagency Policy Statement on Income Tax Allocation in a Holding Company Structure'' (Interagency Policy Statement) to provide guidance to insured depository institutions (IDIs) and their holding companies and other affiliates (Consolidated Groups) regarding the payment of taxes on a consolidated basis.[1] One of the principal goals of the Interagency Policy Statement is to protect IDIs' ownership rights in tax refunds, while permitting the Consolidated Group to file consolidated tax returns. The Interagency Policy Statement states that: (1) Tax settlements between an IDI and its holding company should be conducted in a manner that is no less favorable to the IDI than if it were a separate taxpayer; and (2) a holding company receives a tax refund from a taxing authority as agent for the IDI.

Since adoption of the Interagency Policy Statement, there have been many disputes between holding companies in bankruptcy and failed IDIs regarding the ownership of tax refunds generated by the IDIs. In these disputes, some courts have found that tax refunds generated by an IDI were the property of its holding company based on certain language contained in their tax allocation agreement that the courts interpreted as creating a debtor-creditor relationship. Accordingly, the Agencies are issuing an Addendum to the Interagency Policy Statement (Addendum) to ensure that IDIs in a

[1] 63 FR 64757 (November 23, 1998).

Consolidated Group maintain an appropriate relationship regarding the payment of taxes and treatment of tax refunds.

II. Description of Addendum

The Addendum is intended to clarify and supplement the Interagency Policy Statement to ensure that tax allocation agreements expressly acknowledge an agency relationship between a holding company and its subsidiary IDI to protect the IDI's ownership rights in tax refunds. The Addendum also clarifies how certain of the requirements of sections 23A and 23B of the Federal Reserve Act (FRA) apply to tax allocation agreements between IDIs and their affiliates.

The Addendum states that, to further the goals of the Interagency Policy Statement, IDIs and their holding companies should review and revise their tax allocation agreements to ensure their tax allocation agreements explicitly acknowledge that an agency relationship exists between the holding company and its subsidiary IDIs with respect to tax refunds and do not contain other language to suggest a contrary intent. The Addendum includes a sample paragraph for IDIs and their holding companies to use in their tax allocation agreements, which the Agencies generally would deem to adequately acknowledge that an agency relationship exists for purposes of the Interagency Policy Statement, the Addendum, and sections 23A and 23B of the FRA.

The Addendum also clarifies that all tax allocation agreements are subject to the requirements of section 23B of the FRA, and tax allocation agreements that do not clearly acknowledge that an agency relationship exists may be subject to additional requirements under section 23A of the FRA. Moreover, the Addendum clarifies that section 23B of the FRA requires a holding company to promptly transmit tax refunds received from a taxing authority to its subsidiary IDI. The sample paragraph in the Addendum incorporates this expectation.

III. Summary of Comments

The Agencies issued the Addendum in proposed form with a request for comment (Proposed Addendum) on December 19, 2013.[2] The comment period closed on January 21, 2014. The Agencies received two comment letters on the Proposed Addendum—one from an individual who viewed the Proposed Addendum favorably and did not suggest any modifications, and another from a financial institution trade association, which also did not suggest any modifications to the Proposed Addendum. However, this trade association requested that the Agencies provide institutions until the end of calendar year 2014 to amend their tax allocation agreements, as necessary, to ensure consistency with the Proposed Addendum. This commenter also suggested that this time period is appropriate because the Proposed Addendum will require reviews of existing tax allocation agreements and may require institutions and holding companies to receive board of directors' approvals to amend both their agreements and internal tax processes. The Agencies understand that institutions and holding companies require time to revise their tax allocation agreements, that some institutions and holding companies may wish to consult with tax counsel, and that more complex banking organizations with multiple subsidiaries and affiliates may require additional time to obtain all required approvals of the members of the Consolidated Group. Accordingly, the Agencies encourage institutions and holding companies to begin promptly the efforts to review and revise their tax allocation agreements. In this regard, the Agencies expect institutions and holding companies to implement fully the Addendum to the Interagency Policy Statement as soon as reasonably possible, which the Agencies expect would not be later than October 31, 2014.

The Agencies also received some informal inquiries regarding the applicability of the Addendum to holding companies that have elected S corporation status for federal income tax purposes.[3] The Addendum and Interagency Policy Statement concern tax allocation agreements between an IDI, its parent company, and its affiliates. Accordingly, the Addendum and Interagency Policy Statement does not apply to an IDI, its holding company, or other affiliates if the holding company is not subject to corporate income taxes at the federal or state level.

IV. Administrative Law Matters

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506; 5 CFR part 1320, Appendix A.1), the Agencies reviewed the Addendum guidance for any collection of information. The Agencies may not conduct or sponsor, and an organization is not required to respond to, an information collection unless the information collection displays a currently valid Office of Management and Budget control number. There is no collection of information contained in the Addendum.

V. Text of the Addendum

The text of the Addendum follows:

Addendum to Interagency Policy Statement on Income Tax Allocation in a Holding Company Structure

In 1998, the Board of Governors of the Federal Reserve System (Board), the Federal Deposit Insurance Corporation (FDIC), the Office of the Comptroller of the Currency (OCC) (collectively, the Agencies), and the Office of Thrift Supervision (OTS) issued the ''Interagency Policy Statement on Income Tax Allocation in a Holding Company Structure'' (the ''Interagency Policy Statement'').[4] Under the Interagency Policy Statement, members of a consolidated group, comprised of one or more insured depository institutions (IDIs) and their holding company and affiliates (the Consolidated Group), may prepare and file their federal and state income tax returns as a group so long as the act of filing as a group does not prejudice the interests of any one of the IDIs. That is, the Interagency Policy Statement affirms that intercorporate tax settlements between an IDI and its parent company should be conducted in a manner that is no less favorable to the IDI than if it were a separate taxpayer and that any practice that is not consistent with the policy statement may be viewed as an unsafe and unsound practice prompting either informal or formal corrective action.

The Interagency Policy Statement also addresses the nature of the relationship between an IDI and its parent company. It states in relevant part that:

- ''[A] parent company that receives a tax refund from a taxing authority obtains these funds as agent for the consolidated group on behalf of the group members,'' and
- A Consolidated Group's tax allocation agreement should not ''characterize refunds attributable to a subsidiary depository institution that the parent receives from a taxing authority as the property of the parent.''

Since the issuance of the Interagency Policy Statement, courts have reached

[2] 78 FR 76889 (December 19, 2013).

[3] S corporations are corporations that elect to pass corporate income, losses, deductions, and credits through to their shareholders for federal tax purposes.

[4] 63 FR 64757 (Nov. 23, 1998). Responsibilities of the OTS were transferred to the Board, FDIC, and OCC pursuant to Title III of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

varying conclusions regarding whether tax allocation agreements create a debtor-creditor relationship between a holding company and its IDI.[5] Some courts have found that the tax refunds in question were the property of the holding company in bankruptcy (rather than property of the subsidiary IDI) and held by the holding company as the IDI's debtor.[6] The Agencies are issuing this addendum to the Interagency Policy Statement (Addendum) to explain that Consolidated Groups should review their tax allocation agreements to ensure the agreements achieve the objectives of the Interagency Policy Statement. This Addendum also clarifies how certain of the requirements of sections 23A and 23B of the Federal Reserve Act (FRA) apply to tax allocation agreements between IDIs and their affiliates.

In reviewing their tax allocation agreements, Consolidated Groups should ensure the agreements: (1) Clearly acknowledge that an agency relationship exists between the holding company and its subsidiary IDIs with respect to tax refunds, and (2) do not contain other language to suggest a contrary intent.[7] In addition, all Consolidated Groups should amend their tax allocation agreements to include the following paragraph or substantially similar language:

The [holding company] is an agent for the [IDI and its subsidiaries] (the ''Institution'') with respect to all matters related to consolidated tax returns and refund claims, and nothing in this agreement shall be construed to alter or modify this agency relationship. If the [holding company] receives a tax refund from a taxing authority, these funds are obtained as agent for the Institution. Any tax refund attributable to income earned, taxes paid, and losses incurred by the Institution is the property of and owned by the Institution, and shall be held in trust by the [holding company] for the benefit of the Institution. The [holding company] shall forward promptly the amounts held in trust to the Institution. Nothing in this agreement is intended to be or should be construed to provide the [holding company] with an ownership interest in a tax refund that is attributable to income earned, taxes paid, and losses incurred by the Institution. The [holding company] hereby agrees that this tax sharing agreement does not give it an ownership interest in a tax refund generated by the tax attributes of the Institution.

Going forward, the Agencies generally will deem tax allocation agreements that contain this or similar language to acknowledge that an agency relationship exists for purposes of the Interagency Policy Statement, this Addendum, and sections 23A and 23B of the FRA.

All tax allocation agreements are subject to the requirements of section 23B of the FRA, and tax allocation agreements that do not clearly acknowledge that an agency relationship exists may be subject to additional requirements under section 23A of the FRA.[8] In general, section 23B requires affiliate transactions to be made on terms and under circumstances that are substantially the same, or at least as favorable to the IDI, as comparable transactions involving nonaffiliated companies or, in the absence of comparable transactions, on terms and circumstances that would in good faith be offered to non-affiliated companies.[9] Tax allocation agreements should require the holding company to forward promptly any payment due the IDI under the tax allocation agreement and specify the timing of such payment. Agreements that allow a holding company to hold and not promptly transmit tax refunds received from the taxing authority and owed to an IDI are inconsistent with the requirements of section 23B and subject to supervisory action. However, an Agency's determination of whether such provision, or the tax allocation agreement in total, is consistent with section 23B will be based on the facts and circumstances of the particular tax allocation agreement and any associated refund.

Dated: May 15, 2014.

Thomas J. Curry,

Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System, June 12, 2014.

Robert deV. Frierson,

Secretary of the Board.

By order of the Board of Directors.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, this 23rd day of May 2014.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–14325 Filed 6–18–14; 8:45 am]

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

[5] Case law on this issue is mixed. *Compare Zucker* v. *FDIC, as Receiver for BankUnited,* 727 F.3d 1100, 1108–09 (11th Cir. Aug. 15, 2013) (''The relationship between the Holding Company and the Bank is not a debtor-creditor relationship. When the Holding Company received the tax refunds it held the funds intact—as if in escrow—for the benefit of the Bank and thus the remaining members of the Consolidated Group.'') with *F.D.I.C.* v. *Siegel (In re IndyMac Bancorp, Inc.),* ____ F. App'x ____, 2014 WL 1568759, *2 (9th Cir. Apr. 21, 2014) (*per curiam*) (''The TSA does not create a trust relationship. The absence of language creating a trust relationship is explicitly an indication of a debtor-creditor relationship in California'').

[6] *See e.g., F.D.I.C.* v. *Siegel (In re IndyMac Bancorp, Inc.),* ____ F. App'x ____, 2014 WL 1568759 (9th Cir. Apr. 21, 2014) (*per curiam*).

[7] This Addendum clarifies and supplements but does not replace the Interagency Policy Statement.

[8] Section 23A requires, among other things, that loans and extensions of credit from a bank to its affiliates be properly collateralized. 12 U.S.C. 371c(c).

[9] 12 U.S.C. 371c–1(a). Transactions subject to section 23B include the payment of money by a bank to an affiliate under contract, lease, or otherwise and transactions in which the affiliate acts as agent of the bank. *Id.* at § 371c–1(a)(2) & (a)(4).

FEDERAL REGISTER

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Part II

Department of Agriculture

Forest Service

36 CFR Part 242

Department of the Interior

Fish and Wildlife Service

50 CFR Part 100

Subsistence Management Regulations for Public Lands in Alaska—2014–15 and 2015–16 Subsistence Taking of Wildlife Regulations; Final Rule

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

[Docket No. FWS–R7–SM–2012–0104; FBMS#4500065668; FXFR13350700640–134–FF07J00000]

RIN 1018–AY85

Subsistence Management Regulations for Public Lands in Alaska—2014–15 and 2015–16 Subsistence Taking of Wildlife Regulations

AGENCY: Forest Service, Agriculture; Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This final rule establishes regulations for seasons, harvest limits, and methods and means related to the taking of wildlife for subsistence uses in Alaska during the 2014–15 and 2015–16 regulatory years. The Federal Subsistence Board (Board) completes the biennial process of revising subsistence hunting and trapping regulations in even-numbered years and subsistence fishing and shellfish regulations in odd-numbered years; public proposal and review processes take place during the preceding year. The Board also addresses customary and traditional use determinations during the applicable biennial cycle. This rulemaking replaces the wildlife taking regulations that expire on June 30, 2014. This rule also revises wildlife customary and traditional use determinations.

DATES: This rule is effective July 1, 2014.

ADDRESSES: The Board meeting transcripts are available for review at the Office of Subsistence Management, 1011 East Tudor Road, Mail Stop 121, Anchorage, Alaska 99503, or on the Office of Subsistence Management Web site (*http://www.doi.gov/subsistence/index.cfm*) or in the docket at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Eugene R. Peltola, Jr., Office of Subsistence Management; (907) 786–3888 or *subsistence@fws.gov.* For questions specific to National Forest System lands, contact Steve Kessler, Subsistence Program Leader, USDA, Forest Service, Alaska Region, (907) 743–9461 or *skessler@fs.fed.us.*

SUPPLEMENTARY INFORMATION:

Background

Under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126), the Secretary of the Interior and the Secretary of Agriculture (Secretaries) jointly implement the Federal Subsistence Management Program (Program). This Program grants a preference for subsistence uses of fish and wildlife resources on Federal public lands and waters in Alaska. The Secretaries first published regulations to carry out this program in the **Federal Register** on May 29, 1992 (57 FR 22940). These regulations have subsequently been amended several times. Because this Program is a joint effort between Interior and Agriculture, these regulations are located in two titles of the Code of Federal Regulations (CFR): Title 36, ''Parks, Forests, and Public Property,'' and Title 50, ''Wildlife and Fisheries,'' at 36 CFR 242.1–28 and 50 CFR 100.1–28, respectively. The regulations contain subparts as follows: Subpart A, General Provisions; Subpart B, Program Structure; Subpart C, Board Determinations; and Subpart D, Subsistence Taking of Fish and Wildlife.

Federal Subsistence Board

Consistent with subpart B of these regulations, the Secretaries established a Federal Subsistence Board to administer the Federal Subsistence Management Program. The Board comprises:

- A Chair, appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture;
- The Alaska Regional Director, U.S. Fish and Wildlife Service;
- The Alaska Regional Director, U.S. National Park Service;
- The Alaska State Director, U.S. Bureau of Land Management;
- The Alaska Regional Director, U.S. Bureau of Indian Affairs;
- The Alaska Regional Forester, U.S. Forest Service; and
- Two public members appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture.

Through the Board, these agencies and public members participate in the development of regulations for subparts C and D, which, among other things, set forth program eligibility and specific harvest seasons and limits.

Federal Subsistence Regional Advisory Councils

In administration of the Program, the Secretaries divided Alaska into 10 subsistence resource regions, each of which is represented by a Regional Advisory Council (Council). The Councils provide a forum for rural residents with personal knowledge of local conditions and resources to have a meaningful role in the subsistence management of fish and wildlife on Federal public lands in Alaska. The Council members represent diverse geographical, cultural, and user interests within each region.

The Board addresses customary and traditional use determinations during the applicable biennial cycle. Section ___.24 (customary and traditional use determinations) was originally published in the **Federal Register** on May 29, 1992 (57 FR 22940). The regulations at 36 CFR 242.4 and 50 CFR 100.4 define ''customary and traditional use'' as ''a long-established, consistent pattern of use, incorporating beliefs and customs which have been transmitted from generation to generation. . . .'' Since 1992, the Board has made a number of customary and traditional use determinations at the request of affected subsistence users. Those modifications, along with some administrative corrections, were published in the **Federal Register** as follows:

Modifications to § __.24.

Federal Register citation	Date of publication	Rule made changes to the following provisions of __.24
59 FR 27462	May 27, 1994	Wildlife and Fish/Shellfish.
59 FR 51855	October 13, 1994	Wildlife and Fish/Shellfish.
60 FR 10317	February 24, 1995	Wildlife and Fish/Shellfish.
61 FR 39698	July 30, 1996	Wildlife and Fish/Shellfish.
62 FR 29016	May 29, 1997	Wildlife and Fish/Shellfish.
63 FR 35332	June 29, 1998	Wildlife and Fish/Shellfish.
63 FR 46148	August 28, 1998	Wildlife and Fish/Shellfish.

Modifications to § __.24.

Federal Register citation	Date of publication	Rule made changes to the following provisions of __.24
64 FR 1276	January 8, 1999	Fish/Shellfish.
64 FR 35776	July 1, 1999	Wildlife.
65 FR 40730	June 30, 2000	Wildlife.
66 FR 10142	February 13, 2001	Fish/Shellfish.
66 FR 33744	June 25, 2001	Wildlife.
67 FR 5890	February 7, 2002	Fish/Shellfish.
67 FR 43710	June 28, 2002	Wildlife.
68 FR 7276	February 12, 2003	Fish/Shellfish.
69 FR 5018	February 3, 2004	Fish/Shellfish.
69 FR 40174	July 1, 2004	Wildlife.
70 FR 13377	March 21, 2005	Fish/Shellfish.
70 FR 36268	June 22, 2005	Wildlife.
71 FR 15569	March 29, 2006	Fish/Shellfish.
71 FR 37642	June 30, 2006	Wildlife.
72 FR 12676	March 16, 2007	Fish/Shellfish.
72 FR 73426	December 27, 2007	Wildlife/Fish.
73 FR 35726	June 26, 2008	Wildlife.
74 FR 14049	March 30, 2009	Fish/Shellfish.
75 FR 37918	June 30, 2010	Wildlife.
76 FR 12564	March 8, 2011	Fish.
77 FR 35482	June 13, 2012	Wildlife.

Current Rule for Wildlife

The Departments published a proposed rule on January 11, 2013 (78 FR 2350), to amend the wildlife sections of subparts C and D of 36 CFR part 242 and 50 CFR part 100. The proposed rule opened a comment period, which closed on March 29, 2013. The Departments advertised the proposed rule by mail, email, Web page, radio, and newspaper. During that period, the Councils met and, in addition to other Council business, generated proposals and received suggestions for proposals from the public. The Board received a total of 57 proposals for changes to subparts C and D (2 were deemed invalid because the requested actions did not fall under the authority of the Board). After the comment period closed, the Board prepared a booklet describing the proposals and distributed it to the public. The proposals were also available online. The public then had an additional 45 days in which to comment on the proposals for changes to the regulations.

The 10 Regional Advisory Councils met again, received public comments, and formulated their recommendations to the Board on proposals for their respective regions. The Councils had a substantial role in reviewing the proposed rule and making recommendations for the final rule. Moreover, a Council Chair, or a designated representative, presented each Council's recommendations at the Board meeting on April 15–18, 2014. These final regulations reflect Board review and consideration of Regional Advisory Council recommendations, Tribal and Alaska Native corporation consultations, and public comments. The public received extensive opportunity to review and comment on all changes.

Of the 55 valid proposals, 3 were withdrawn by the proponents, 26 were on the Board's regular (non-consensus) agenda, and 26 were on the consensus agenda. The consensus agenda is made up of proposals for which there is agreement among the affected Councils, a majority of the Interagency Staff Committee, and the Alaska Department of Fish and Game concerning a proposed regulatory action. Anyone may request that the Board remove a proposal from the consensus agenda and place it on the regular agenda. The Board votes en masse on the consensus agenda after deliberation and action on all other proposals. Of the proposals on the consensus agenda, the Board adopted 15; adopted 6 with modification; and rejected 5. Analysis and justification for the action taken on each proposal on the consensus agenda are available for review at the Office of Subsistence Management, 1011 East Tudor Road, Mail Stop 121, Anchorage, Alaska 99503, or on the Federal Subsistence Management Programs Web site (*http://www.doi.gov/subsistence/index.cfm)* or at *http://www.regulations.gov.* Of the proposals on the regular agenda, the Board adopted 5; adopted 13 with modification; rejected 4; and took no action on 4.

Summary of Non-Consensus Proposals Rejected or No Action Taken by the Board

The Board rejected or took no action on 8 non-consensus proposals. The rejected proposals were recommended for rejection by one or more of the Councils unless noted below.

The Board rejected a proposal to require antler destruction in Units 15B and 15C for moose. This proposal was determined to be detrimental to the satisfaction of subsistence needs.

The Board took no action on one proposal to revise season dates and permit requirements in Unit 18 for caribou based on its action on a similar proposal.

The Board took no action on three proposals to revise the area descriptor and harvest limits for a part of Unit 18 for moose based on its action on a similar proposal.

The Board rejected a proposal to lift a closure to non-Federally qualified users in Unit 25A (Arctic Village Sheep Management Area) for sheep. This proposal was determined to be detrimental to the satisfaction of subsistence needs.

The Board rejected a proposal to expand the boundary for Unit 26A for moose. This proposal was found to violate recognized principles of wildlife conservation and was not supported by substantial evidence. This action was contrary to the Council recommendation.

The Board rejected a proposal to lift a closure to non-Federally qualified users in Unit 26C for moose. This proposal was found to violate recognized principles of wildlife

conservation and be detrimental to the satisfaction of subsistence needs.

Summary of Non-Consensus Proposals Adopted by the Board

The Board adopted or adopted with modification 18 non-consensus proposals. Modifications were suggested by the affected Council(s), developed during the analysis process, suggested during Tribal and Alaska Native corporation consultations, or developed during the Board's public deliberations. All of the adopted proposals were recommended for adoption by at least one of the Councils unless noted below.

The Board adopted a proposal to establish a late season hunt for moose in Unit 6C, based on the portion of the antlerless moose quota not harvested in the early season hunt and to close public lands during the late season hunt except to Federally qualified users.

The Board adopted a proposal with modification to combine the harvest quota of two hunt sub-areas for goats in Unit 6D.

The Board adopted a proposal with modification to require a permit, revise the season dates, and set a harvest quota when using bait stations for black bear in Unit 6D.

The Board adopted a proposal with modification that limits the eligibility to harvest moose in a portion of Unit 7 to residents of Chenega Bay and Tatitlek only, should the season be opened.

The Board adopted a proposal to lift a closure in the Resurrection Creek Closed Area for the taking of moose in Unit 7.

The Board adopted a proposal with modifications to establish permit requirements for caribou in Units 9A, 9B, 9C, 17A, 17B, 17C, 18, 19A, and 19B, to revise the season dates in Units 17A and 17C, and revise the harvest limits in Unit 18.

The Board adopted a proposal with modification to establish a winter hunt for moose in a portion of Unit 11.

The Board adopted a proposal to revise the season dates for caribou in Unit 12.

The Board adopted a proposal with modification to revise the harvest limit and season dates for a ''to be announced'' hunt for moose in Unit 17A.

The Board adopted a proposal to extend the season dates and revise the area descriptor and harvest limits for moose in a portion of Unit 18.

The Board adopted a proposal to revise the area descriptor of the Paradise Controlled Use Area in Unit 21.

The Board adopted four proposals with modifications to revise the harvest limits, season dates, limit the number of permits issued, and adopt Section 804 priorities for musk ox in portions of Units 22B and 22D (the Board shall establish a priority among the rural Alaska residents when it is necessary to restrict the subsistence taking of fish and wildlife on public lands in order to protect the continued viability of those resources, or to continue subsistence uses).

The Board adopted a proposal to revise the harvest limit for sheep in a portion of Unit 24A by removing the requirement that a ram have a 7/8 curl or larger horn.

The Board adopted a proposal to allow the take of brown bears over bait in Unit 25D.

The Board adopted a proposal to remove certain harvest restrictions, revise the harvest limit and extend the season dates for moose in Unit 26C and portions of 26B.

These final regulations reflect Board review and consideration of Regional Advisory Council recommendations, Tribal and Alaska Native corporation consultations, and public comments. Because this rule concerns public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical text will be incorporated into 36 CFR part 242 and 50 CFR part 100.

Conformance With Statutory and Regulatory Authorities

Administrative Procedure Act Compliance

The Board has provided extensive opportunity for public input and involvement in compliance with Administrative Procedure Act requirements, including publishing a proposed rule in the **Federal Register** that opened a 78-day comment period, participation in multiple Regional Advisory Council meetings, additional public review and comment on all proposals for regulatory change, and opportunity for additional public comment during the Board meeting prior to deliberation. Additionally, an administrative mechanism exists (and has been used by the public) to request reconsideration of the Board's decision on any particular proposal for regulatory change (36 CFR 242.20 and 50 CFR 100.20). Therefore, the Board believes that sufficient public notice and opportunity for involvement have been given to affected persons regarding Board decisions.

National Environmental Policy Act Compliance

A Draft Environmental Impact Statement (DEIS) for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. That document described the major issues associated with Federal subsistence management as identified through public meetings, written comments, and staff analyses and examined the environmental consequences of four alternatives. Proposed regulations (subparts A, B, and C) that would implement the preferred alternative were included in the DEIS as an appendix. The DEIS and the proposed administrative regulations presented a framework for a regulatory cycle regarding subsistence hunting and fishing regulations (subpart D). The Final Environmental Impact Statement (FEIS) was published on February 28, 1992.

Based on the public comments received, the analysis contained in the FEIS, and the recommendations of the Federal Subsistence Board and the Department of the Interior's Subsistence Policy Group, the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, through the U.S. Department of Agriculture–Forest Service, implemented Alternative IV as identified in the DEIS and FEIS (Record of Decision on Subsistence Management for Federal Public Lands in Alaska (ROD), signed April 6, 1992). The DEIS and the selected alternative in the FEIS defined the administrative framework of a regulatory cycle for subsistence hunting and fishing regulations. The final rule for subsistence management regulations for public lands in Alaska, subparts A, B, and C, implemented the Federal Subsistence Management Program and included a framework for a regulatory cycle for the subsistence taking of wildlife and fish. The following **Federal Register** documents pertain to this rulemaking:

SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA, SUBPARTS A, B, AND C: **Federal Register** DOCUMENTS PERTAINING TO THE FINAL RULE

Federal Register citation	Date of publication	Category	Details
57 FR 22940	May 29, 1992	Final Rule	''Subsistence Management Regulations for Public Lands in Alaska; Final Rule'' was published in the **Federal Register**.
64 FR 1276	January 8, 1999	Final Rule	Amended the regulations to include subsistence activities occurring on inland navigable waters in which the United States has a reserved water right and to identify specific Federal land units where reserved water rights exist. Extended the Federal Subsistence Board's management to all Federal lands selected under the Alaska Native Claims Settlement Act and the Alaska Statehood Act and situated within the boundaries of a Conservation System Unit, National Recreation Area, National Conservation Area, or any new national forest or forest addition, until conveyed to the State of Alaska or to an Alaska Native Corporation. Specified and clarified the Secretaries' authority to determine when hunting, fishing, or trapping activities taking place in Alaska off the public lands interfere with the subsistence priority.
66 FR 31533	June 12, 2001	Interim Rule	Expanded the authority that the Board may delegate to agency field officials and clarified the procedures for enacting emergency or temporary restrictions, closures, or openings.
67 FR 30559	May 7, 2002	Final Rule	Amended the operating regulations in response to comments on the June 12, 2001, interim rule. Also corrected some inadvertent errors and oversights of previous rules.
68 FR 7703	February 18, 2003	Direct Final Rule	Clarified how old a person must be to receive certain subsistence use permits and removed the requirement that Regional Councils must have an odd number of members.
68 FR 23035	April 30, 2003	Affirmation of Direct Final Rule.	Because no adverse comments were received on the direct final rule (68 FR 7703), the direct final rule was adopted.
69 FR 60957	October 14, 2004	Final Rule	Clarified the membership qualifications for Regional Advisory Council membership and relocated the definition of ''regulatory year'' from subpart A to subpart D of the regulations.
70 FR 76400	December 27, 2005	Final Rule	Revised jurisdiction in marine waters and clarified jurisdiction relative to military lands.
71 FR 49997	August 24, 2006	Final Rule	Revised the jurisdiction of the subsistence program by adding submerged lands and waters in the area of Makhnati Island, near Sitka, AK. This allowed subsistence users to harvest marine resources in this area under seasons, harvest limits, and methods specified in the regulations.
72 FR 25688	May 7, 2007	Final Rule	Revised rural determinations.
75 FR 63088	October 14, 2010	Final Rule	Amended the regulations for accepting and addressing special action requests and the role of the Regional Advisory Councils in the process.
76 FR 56109	September 12, 2011	Final Rule	Revised the composition of the Board.
77 FR 12477	March 1, 2012	Final Rule	Extended the May 7, 2012, compliance date on rural determinations for 5 years or upon the completion of actions taken on rural determinations as a result of the Secretarial review of the Federal Subsistence Program.

An environmental assessment was prepared in 1997 on the expansion of Federal jurisdiction over fisheries and is available from the office listed under **FOR FURTHER INFORMATION CONTACT**. The Secretary of the Interior with the concurrence of the Secretary of Agriculture determined that the expansion of Federal jurisdiction did not constitute a major Federal action significantly affecting the human environment and, therefore, signed a Finding of No Significant Impact.

Section 810 of ANILCA

An ANILCA section 810 analysis was completed as part of the FEIS process on the Federal Subsistence Management Program. The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. The final section 810 analysis determination appeared in the April 6, 1992, ROD and concluded that the Program, under Alternative IV with an annual process for setting subsistence regulations, may have some local impacts on subsistence uses, but will not likely restrict subsistence uses significantly.

During the subsequent environmental assessment process for extending fisheries jurisdiction, an evaluation of the effects of this rule was conducted in accordance with section 810. That evaluation also supported the Secretaries' determination that the rule will not reach the ''may significantly restrict'' threshold that would require notice and hearings under ANILCA section 810(a).

Paperwork Reduction Act

An agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. This rule does not contain any new collections of information that require OMB approval. OMB has reviewed and approved the collections of information associated with the subsistence regulations at 36 CFR part 242 and 50 CFR part 100, and assigned OMB Control Number 1018–0075, which expires February 29, 2016.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. In general, the resources to be harvested under this rule are already being harvested and consumed by the local harvester and do not result in an additional dollar benefit to the economy. Therefore, the Departments certify that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Small Business Regulatory Enforcement Fairness Act

Under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 et seq.), this rule is not a major rule. It does not have an effect on the economy of $100 million or more, will not cause a major increase in costs or prices for consumers, and does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Executive Order 12630

Title VIII of ANILCA requires the Secretaries to administer a subsistence priority on public lands. The scope of this Program is limited by definition to certain public lands. Likewise, these regulations have no potential takings of private property implications as defined by Executive Order 12630.

Unfunded Mandates Reform Act

The Secretaries have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 et seq., that this rulemaking will not impose a cost of $100 million or more in any given year on local or State governments or private entities. The implementation of this rule is by Federal agencies and there is no cost imposed on any State or local entities or tribal governments.

Executive Order 12988

The Secretaries have determined that these regulations meet the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988, regarding civil justice reform.

Executive Order 13132

In accordance with Executive Order 13132, the rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. Title VIII of ANILCA precludes the State from exercising subsistence management authority over fish and wildlife resources on Federal lands unless it meets certain requirements.

Executive Order 13175

The Alaska National Interest Lands Conservation Act does not provide rights to Tribes for the subsistence taking of wildlife, fish, and shellfish. However, the Board provided Federally recognized Tribes and Alaska Native corporations an opportunity to consult on this rule. Consultation with Alaska Native corporations is based on Public Law 108–199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides that: ''The Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175.''

The Secretaries, through the Board, provided a variety of opportunities for tribal consultation: Submitting proposals to change the existing rule and commenting on proposed changes to the existing rule; engaging in dialogue at the Regional Advisory Council meetings; engaging in dialogue at the Board's meetings; and providing input in person, by mail, email, or phone at any time during this rulemaking process. In addition, three teleconference opportunities were provided to allow for consultation with the Board in each of the 10 subsistence resource regions for Tribal entities and two specifically for Alaska Native corporations.

On April 15, 2014, the Board provided Federally recognized Tribes and Alaska Native corporations a specific final opportunity to consult on this rule. Federally recognized Tribes and Alaska Native corporations were notified by mail and telephone and were given the opportunity to attend in person or via teleconference.

Executive Order 13211

This Executive Order requires agencies to prepare Statements of Energy Effects when undertaking certain actions. However, this rule is not a significant regulatory action under E.O. 13211, affecting energy supply, distribution, or use, and no Statement of Energy Effects is required.

Drafting Information

Theo Matuskowitz drafted these regulations under the guidance of Eugene R. Peltola, Jr. of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional assistance was provided by

- Daniel Sharp, Alaska State Office, Bureau of Land Management;
- Clarence Summers, Alaska Regional Office, National Park Service;
- Dr. Glenn Chen, Alaska Regional Office, Bureau of Indian Affairs;
- Charles Ardizzone, Alaska Regional Office, U.S. Fish and Wildlife Service; and
- Steve Kessler, Alaska Regional Office, U.S. Forest Service.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

Regulation Promulgation

For the reasons set out in the preamble, the Federal Subsistence Board amends title 36, part 242, and title 50, part 100, of the Code of Federal Regulations, as set forth below.

PART __—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

■ 1. The authority citation for both 36 CFR part 242 and 50 CFR part 100 continues to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Subpart C—Board Determinations

■ 2. In subpart C of 36 CFR part 242 and 50 CFR part 100, § __.24(a)(1) is revised to read as follows:

§ __.24 Customary and traditional use determinations.

(a) * * *

(1) *Wildlife determinations.* The rural Alaska residents of the listed communities and areas have a customary and traditional use of the specified species on Federal public lands within the listed areas:

Area	Species	Determination
Unit 1C	Black Bear	Residents of Units 1C, 1D, 3, Hoonah, Pelican, Point Baker, Sitka, and Tenakee Springs.
Unit 1A	Brown Bear	Residents of Unit 1A, excluding residents of Hyder.
Unit 1B	Brown Bear	Residents of Unit 1A, Petersburg, and Wrangell, excluding residents of Hyder.
Unit 1C	Brown Bear	Residents of Unit 1C, Haines, Hoonah, Kake, Klukwan, Skagway, and Wrangell, excluding residents of Gustavus.
Unit 1D	Brown Bear	Residents of Unit 1D.
Unit 1A	Deer	Residents of Units 1A and 2.
Unit 1B	Deer	Residents of Units 1A, 1B, 2, and 3.
Unit 1C	Deer	Residents of Units 1C, 1D, Hoonah, Kake, and Petersburg.
Unit 1D	Deer	No Federal subsistence priority.
Unit 1B	Goat	Residents of Units 1B and 3.
Unit 1C	Goat	Residents of Haines, Kake, Klukwan, Petersburg, and Hoonah.
Unit 1B	Moose	Residents of Units 1, 2, 3, and 4.
Unit 1C	Moose	Residents of Units 1, 2, 3, 4, and 5.
Unit 1D	Moose	Residents of Unit 1D.
Unit 2	Deer	Residents of Units 1A, 2, and 3.
Unit 3	Deer	Residents of Units 1B, 3, Port Alexander, Port Protection, Pt. Baker, and Meyers Chuck.
Unit 3, Wrangell and Mitkof Islands	Moose	Residents of Units 1B, 2, and 3.
Unit 4	Brown Bear	Residents of Unit 4 and Kake.
Unit 4	Deer	Residents of Unit 4, Kake, Gustavus, Haines, Petersburg, Pt. Baker, Klukwan, Port Protection, Wrangell, and Yakutat.
Unit 4	Goat	Residents of Sitka, Hoonah, Tenakee, Pelican, Funter Bay, Angoon, Port Alexander, and Elfin Cove.
Unit 5	Black Bear	Residents of Unit 5A.
Unit 5	Brown Bear	Residents of Yakutat.
Unit 5	Deer	Residents of Yakutat.
Unit 5	Goat	Residents of Unit 5A
Unit 5	Moose	Residents of Unit 5A.
Unit 5	Wolf	Residents of Unit 5A.
Unit 6A	Black Bear	Residents of Yakutat and Units 6C and 6D, excluding residents of Whittier.
Unit 6, remainder	Black Bear	Residents of Units 6C and 6D, excluding residents of Whittier.
Unit 6	Brown Bear	No Federal subsistence priority.
Unit 6A	Goat	Residents of Units 5A, 6C, Chenega Bay, and Tatitlek.
Unit 6C and Unit 6D	Goat	Residents of Units 6C and D.
Unit 6A	Moose	Residents of Units 5A, 6A, 6B, and 6C.
Unit 6B and Unit 6C	Moose	Residents of Units 6A, 6B, and 6C.
Unit 6D	Moose	No Federal subsistence priority.
Unit 6A	Wolf	Residents of Units 5A, 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 6, remainder	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 7	Brown Bear	No Federal subsistence priority.
Unit 7	Caribou	Residents of Cooper Landing and Hope.
Unit 7, Brown Mountain hunt area	Goat	Residents of Port Graham and Nanwalek.
Unit 7	Moose	Residents of Chenega Bay, Cooper Landing, Hope, and Tatitlek.
Unit 7	Sheep	No Federal subsistence priority.
Unit 7	Ruffed Grouse	No Federal subsistence priority.
Unit 8	Brown Bear	Residents of Old Harbor, Akhiok, Larsen Bay, Karluk, Ouzinkie, and Port Lions.
Unit 8	Deer	Residents of Unit 8.
Unit 8	Elk	Residents of Unit 8.
Unit 8	Goat	No Federal subsistence priority.
Unit 9D	Bison	No Federal subsistence priority.
Unit 9A and Unit 9B	Black Bear	Residents of Units 9A, 9B, 17A, 17B, and 17C.
Unit 9A	Brown Bear	Residents of Pedro Bay.
Unit 9B	Brown Bear	Residents of Unit 9B.
Unit 9C	Brown Bear	Residents of Unit 9C, Igiugig, Kakhonak, and Levelock.
Unit 9D	Brown Bear	Residents of Units 9D and 10 (Unimak Island).

Area	Species	Determination
Unit 9E	Brown Bear	Residents of Chignik, Chignik Lagoon, Chignik Lake, Egegik, Ivanof Bay, Perryville, Pilot Point, Ugashik, and Port Heiden/Meshik.
Unit 9A and Unit 9B	Caribou	Residents of Units 9B, 9C, and 17.
Unit 9C	Caribou	Residents of Units 9B, 9C, 17, and Egegik.
Unit 9D	Caribou	Residents of Unit 9D, Akutan, and False Pass.
Unit 9E	Caribou	Residents of Units 9B, 9C, 9E, 17, Nelson Lagoon, and Sand Point.
Unit 9A, Unit 9B, Unit 9C and Unit 9E.	Moose	Residents of Units 9A, 9B, 9C, and 9E.
Unit 9D	Moose	Residents of Cold Bay, False Pass, King Cove, Nelson Lagoon, and Sand Point.
Unit 9B	Sheep	Residents of Iliamna, Newhalen, Nondalton, Pedro Bay, Port Alsworth, and Lake Clark National Park and Preserve within Unit 9B.
Unit 9	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 9A, Unit 9B, Unit 9C, and Unit 9E.	Beaver	Residents of Units 9A, 9B, 9C, 9E, and 17.
Unit 10 Unimak Island	Brown Bear	Residents of Units 9D and 10 (Unimak Island).
Unit 10 Unimak Island	Caribou	Residents of Akutan, False Pass, King Cove, and Sand Point.
Unit 10, remainder	Caribou	No Federal subsistence priority.
Unit 10	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 11	Bison	No Federal subsistence priority.
Unit 11, north of the Sanford River	Black Bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Units 11 and 12.
Unit 11, remainder	Black Bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Nabesna Road (mileposts 25–46), Slana, Tazlina, Tok Cutoff Road (mileposts 79–110), Tonsina, and Unit 11.
Unit 11, north of the Sanford River	Brown Bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Units 11 and 12.
Unit 11, remainder	Brown Bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Nabesna Road (mileposts 25–46), Slana, Tazlina, Tok Cutoff Road (mileposts 79–110), Tonsina, and Unit 11.
Unit 11, north of the Sanford River	Caribou	Residents of Units 11, 12, 13A–D, Chickaloon, Healy Lake, and Dot Lake.
Unit 11, remainder	Caribou	Residents of Units 11, 13A–D, and Chickaloon.
Unit 11	Goat	Residents of Unit 11, Chitina, Chistochina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Dot Lake, Tok Cutoff Road (mileposts 79–110 Mentasta Pass), and Nabesna Road (mileposts 25–46).
Unit 11, north of the Sanford River	Moose	Residents of Units 11, 12, 13A–D, Chickaloon, Healy Lake, and Dot Lake.
Unit 11, remainder	Moose	Residents of Units 11, 13A–D, and Chickaloon.
Unit 11, north of the Sanford River	Sheep	Residents of Unit 12, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Glennallen, Gulkana, Healy Lake, Kenny Lake, Mentasta Lake, Slana, McCarthy/South Wrangell/South Park, Tazlina, Tonsina, residents along the Nabesna Road—Milepost 0–46 (Nabesna Road), and residents along the McCarthy Road—Milepost 0–62 (McCarthy Road).
Unit 11, remainder	Sheep	Residents of Chisana, Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, McCarthy/South Wrangell/South Park, Tazlina, Tonsina, residents along the Tok Cutoff—Milepost 79–110 (Mentasta Pass), residents along the Nabesna Road—Milepost 0–46 (Nabesna Road), and residents along the McCarthy Road—Milepost 0–62 (McCarthy Road).
Unit 11	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 11	Grouse (Spruce, Blue, Ruffed and Sharp-tailed).	Residents of Units 11, 12, 13, and Chickaloon, 15, 16, 20D, 22, and 23.
Unit 11	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 12, 13, Chickaloon, 15, 16, 20D, 22, and 23.
Unit 12	Brown Bear	Residents of Unit 12, Dot Lake, Chistochina, Gakona, Mentasta Lake, and Slana.
Unit 12	Caribou	Residents of Unit 12, Chistochina, Dot Lake, Healy Lake, and Mentasta Lake.

Area	Species	Determination
Unit 12, that portion within the Tetlin National Wildlife Refuge and those lands within the Wrangell-St. Elias National Preserve north and east of a line formed by the Pickerel Lake Winter Trail from the Canadian border to Pickerel Lake.	Moose	Residents of Units 12 and 13C, Dot Lake, and Healy Lake.
Unit 12, that portion east of the Nabesna River and Nabesna Glacier, and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border.	Moose	Residents of Units 12 and 13C and Healy Lake.
Unit 12, remainder	Moose	Residents of Unit 11 north of 62nd parallel, Units 12 and 13A–D, Chickaloon, Dot Lake, and Healy Lake.
Unit 12	Sheep	Residents of Unit 12, Chistochina, Dot Lake, Healy Lake, and Mentasta Lake.
Unit 12	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 13	Brown Bear	Residents of Unit 13 and Slana.
Unit 13B	Caribou	Residents of Units 11, 12 (along the Nabesna Road and Tok Cutoff Road, mileposts 79–110), 13, 20D (excluding residents of Fort Greely), and Chickaloon.
Unit 13C	Caribou	Residents of Units 11, 12 (along the Nabesna Road and Tok Cutoff Road, mileposts 79–110), 13, Chickaloon, Dot Lake, and Healy Lake.
Unit 13A and Unit 13D	Caribou	Residents of Units 11, 12 (along the Nabesna Road), 13, and Chickaloon.
Unit 13E	Caribou	Residents of Units 11, 12 (along the Nabesna Road), 13, Chickaloon, McKinley Village, and the area along the Parks Highway between mileposts 216 and 239 (excluding residents of Denali National Park headquarters).
Unit 13D	Goat	No Federal subsistence priority.
Unit 13A and Unit 13D	Moose	Residents of Unit 13, Chickaloon, and Slana.
Unit 13B	Moose	Residents of Units 13 and 20D (excluding residents of Fort Greely) and Chickaloon and Slana.
Unit 13C	Moose	Residents of Units 12 and 13, Chickaloon, Healy Lake, Dot Lake, and Slana.
Unit 13E	Moose	Residents of Unit 13, Chickaloon, McKinley Village, Slana, and the area along the Parks Highway between mileposts 216 and 239 (excluding residents of Denali National Park headquarters).
Unit 13D	Sheep	No Federal subsistence priority.
Unit 13	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 13	Grouse (Spruce, Blue, Ruffed Sharp-tailed).	Residents of Units 11, 13, Chickaloon, 15, 16, 20D, 22 and 23.
Unit 13	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 13, Chickaloon, 15, 16, 20D, 22 and 23.
Unit 14C	Brown Bear	No Federal subsistence priority.
Unit 14	Goat	No Federal subsistence priority.
Unit 14	Moose	No Federal subsistence priority.
Unit 14A and Unit 14C	Sheep	No Federal subsistence priority.
Unit 15A and Unit 15B	Black Bear	Residents of Ninilchik.
Unit 15C	Black Bear	Residents of Ninilchik, Port Graham, and Nanwalek.
Unit 15	Brown Bear	Residents of Ninilchik.
Unit 15A and Unit 15B	Moose	Residents of Cooper Landing, Ninilchik, Nanwalek, Port Graham, and Seldovia.
Unit 15C	Moose	Residents of Ninilchik, Nanwalek, Port Graham, and Seldovia.
Unit 15	Sheep	No Federal subsistence priority.
Unit 15	Ptarmigan (Rock, Willow and White-tailed).	Residents of Unit 15.
Unit 15	Grouse (Spruce)	Residents of Unit 15.
Unit 15	Grouse (Ruffed)	No Federal subsistence priority.
Unit 16B	Black Bear	Residents of Unit 16B.
Unit 16	Brown Bear	No Federal subsistence priority.
Unit 16A	Moose	No Federal subsistence priority.
Unit 16B	Moose	Residents of Unit 16B.
Unit 16	Sheep	No Federal subsistence priority.
Unit 16	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 16	Grouse (Spruce and Ruffed)	Residents of Units 11, 13, Chickaloon, 15, 16, 20D, 22 and 23.
Unit 16	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 13, Chickaloon, 15, 16, 20D, 22 and 23.

Area	Species	Determination
Unit 17A and that portion of 17B draining into Nuyakuk Lake and Tikchik Lake.	Black Bear	Residents of Units 9A and B, 17, Akiak, and Akiachak.
Unit 17, remainder	Black Bear	Residents of Units 9A and B, and 17.
Unit 17A and Unit 17B, those portions north and west of a line beginning from the Unit 18 boundary at the northwestern end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills.	Brown Bear	Residents of Kwethluk.
Unit 17A, remainder	Brown Bear	Residents of Unit 17, Akiak, Akiachak, Goodnews Bay, and Platinum.
Unit 17B, that portion draining into Nuyakuk Lake and Tikchik Lake.	Brown Bear	Residents of Akiak and Akiachak.
Unit 17B and Unit 17C	Brown Bear	Residents of Unit 17.
Unit 17A, that portion west of the Izavieknik River, Upper Togiak Lake, Togiak Lake, and the main course of the Togiak River.	Caribou	Residents of Goodnews Bay, Platinum, Quinhagak, Eek, Tuntutuliak, and Napakiak.
Unit 17A, that portion north of Togiak Lake that includes Izavieknik River drainages.	Caribou	Residents of Akiak, Akiachak, and Tuluksak.
Units 17A and 17B, those portions north and west of a line beginning from the Unit 18 boundary at the northwestern end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills.	Caribou	Residents of Kwethluk.
Unit 17B, that portion of Togiak National Wildlife Refuge within Unit 17B.	Caribou	Residents of Bethel, Goodnews Bay, Platinum, Quinhagak, Eek, Akiak, Akiachak, Tuluksak, Tuntutuliak, and Napakiak.
Unit 17, remainder	Caribou	Residents of Units 9B, 17, Lime Village, and Stony River.
Unit 17A and Unit 17B, those portions north and west of a line beginning from the Unit 18 boundary at the northwestern end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills.	Moose	Residents of Kwethluk.
Unit 17A, that portion north of Togiak Lake that includes Izavieknik River drainages.	Moose	Residents of Akiak, Akiachak.
Unit 17A, remainder	Moose	Residents of Unit 17, Goodnews Bay and Platinum; excluding residents of Akiachak, Akiak, and Quinhagak.
Unit 17B, that portion within the Togiak National Wildlife Refuge.	Moose	Residents of Akiak, Akiachak.
Unit 17B, remainder and Unit 17C	Moose	Residents of Unit 17, Nondalton, Levelock, Goodnews Bay, and Platinum.
Unit 17	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 17	Beaver	Residents of Units 9A, 9B, 9C, 9E, and 17.
Unit 18	Black Bear	Residents of Unit 18, Unit 19A living downstream of the Holokuk River, Holy Cross, Stebbins, St. Michael, Twin Hills, and Togiak.
Unit 18	Brown Bear	Residents of Akiachak, Akiak, Eek, Goodnews Bay, Kwethluk, Mountain Village, Napaskiak, Platinum, Quinhagak, St. Marys, and Tuluksak.
Unit 18	Caribou	Residents of Unit 18, Manokotak, Stebbins, St. Michael, Togiak, Twin Hills, and Upper Kalskag.

Area	Species	Determination
Unit 18, that portion of the Yukon River drainage upstream of Russian Mission and that portion of the Kuskokwim River drainage upstream of, but not including, the Tuluksak River drainage.	Moose	Residents of Unit 18, Upper Kalskag, Aniak, and Chuathbaluk.
Unit 18, that portion north of a line from Cape Romanzof to Kusilvak Mountain to Mountain Village, and all drainages north of the Yukon River downstream from Marshall.	Moose	Residents of Unit 18, St. Michael, Stebbins, and Upper Kalskag.
Unit 18, remainder	Moose	Residents of Unit 18 and Upper Kalskag.
Unit 18	Musk ox	No Federal subsistence priority.
Unit 18	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 19C and Unit 19D	Bison	No Federal subsistence priority.
Unit 19A and Unit 19B	Brown Bear	Residents of Units 18 and 19 within the Kuskokwim River drainage upstream from, and including, the Johnson River.
Unit 19C	Brown Bear	No Federal subsistence priority.
Unit 19D	Brown Bear	Residents of Units 19A and D, Tuluksak, and Lower Kalskag.
Unit 19A and Unit 19B	Caribou	Residents of Units 19A and 19B, Unit 18 within the Kuskokwim River drainage upstream from, and including, the Johnson River, and residents of St. Marys, Marshall, Pilot Station, and Russian Mission.
Unit 19C	Caribou	Residents of Unit 19C, Lime Village, McGrath, Nikolai, and Telida.
Unit 19D	Caribou	Residents of Unit 19D, Lime Village, Sleetmute, and Stony River.
Unit 19A and Unit 9B	Moose	Residents of Unit 18 within Kuskokwim River drainage upstream from and including the Johnson River, and residents of Unit 19.
Unit 19B, west of the Kogrukluk River.	Moose	Residents of Eek and Quinhagak.
Unit 19C	Moose	Residents of Unit 19.
Unit 19D	Moose	Residents of Unit 19 and Lake Minchumina.
Unit 19	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 20D	Bison	No Federal subsistence priority.
Unit 20F	Black Bear	Residents of Unit 20F, Stevens Village, and Manley Hot Springs.
Unit 20E	Brown Bear	Residents of Unit 12 and Dot Lake.
Unit 20F	Brown Bear	Residents of Unit 20F, Stevens Village, and Manley Hot Springs.
Unit 20A	Caribou	Residents of Cantwell, Nenana, and those domiciled between mileposts 216 and 239 of the Parks Highway, excluding residents of households of the Denali National Park Headquarters.
Unit 20B	Caribou	Residents of Unit 20B, Nenana, and Tanana.
Unit 20C	Caribou	Residents of Unit 20C living east of the Teklanika River, residents of Cantwell, Lake Minchumina, Manley Hot Springs, Minto, Nenana, Nikolai, Tanana, Telida, and those domiciled between mileposts 216 and 239 of the Parks Highway and between mileposts 300 and 309, excluding residents of households of the Denali National Park Headquarters.
Unit 20D and Unit 20E	Caribou	Residents of Units 20D, 20E, 20F, 25, 12 (north of the Wrangell-St. Elias National Park and Preserve), Eureka, Livengood, Manley, and Minto.
Unit 20F	Caribou	Residents of Units 20F and 25D and Manley Hot Springs.
Unit 20A	Moose	Residents of Cantwell, Minto, Nenana, McKinley Village, and the area along the Parks Highway between mileposts 216 and 239, excluding residents of households of the Denali National Park Headquarters.
Unit 20B, Minto Flats Management Area.	Moose	Residents of Minto and Nenana.
Unit 20B, remainder	Moose	Residents of Unit 20B, Nenana, and Tanana.
Unit 20C	Moose	Residents of Unit 20C (except that portion within Denali National Park and Preserve and that portion east of the Teklanika River), Cantwell, Manley Hot Springs, Minto, Nenana, those domiciled between mileposts 300 and 309 of the Parks Highway, Nikolai, Tanana, Telida, McKinley Village, and the area along the Parks Highway between mileposts 216 and 239, excluding residents of households of the Denali National Park Headquarters.
Unit 20D	Moose	Residents of Unit 20D and Tanacross.
Unit 20E	Moose	Residents of Unit 20E, Unit 12 north of the Wrangell-St. Elias National Preserve, Circle, Central, Dot Lake, Healy Lake, and Mentasta Lake.
Unit 20F	Moose	Residents of Unit 20F, Manley Hot Springs, Minto, and Stevens Village.

Area	Species	Determination
Unit 20E	Sheep	Residents of Units 20E, 25B, 25C, 25D, and Dot Lake, Healy Lake, Northway, Tanacross, Tetlin, and Tok.
Unit 20F	Wolf	Residents of Unit 20F, Stevens Village, and Manley Hot Springs.
Unit 20, remainder	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 20D	Grouse, (Spruce, Ruffed and Sharp-tailed).	Residents of Units 11, 13, Chickaloon, 15, 16, 20D, 22, and 23.
Unit 20D	Ptarmigan (Rock and Willow)	Residents of Units 11, 13, Chickaloon, 15, 16, 20D, 22, and 23.
Unit 21	Brown Bear	Residents of Units 21 and 23.
Unit 21A	Caribou	Residents of Units 21A, 21D, 21E, Aniak, Chuathbaluk, Crooked Creek, McGrath, and Takotna.
Unit 21B and Unit 21C	Caribou	Residents of Units 21B, 21C, 21D, and Tanana.
Unit 21D	Caribou	Residents of Units 21B, 21C, 21D, and Huslia.
Unit 21E	Caribou	Residents of Units 21A, 21E, Aniak, Chuathbaluk, Crooked Creek, McGrath, and Takotna.
Unit 21A	Moose	Residents of Units 21A, 21E, Takotna, McGrath, Aniak, and Crooked Creek.
Unit 21B and Unit 21C	Moose	Residents of Units 21B, 21C, Tanana, Ruby, and Galena.
Unit 21D	Moose	Residents of Units 21D, Huslia, and Ruby.
Unit 21E, south of a line beginning at the western boundary of Unit 21E near the mouth of Paimiut Slough, extending easterly along the south bank of Paimiut Slough to Upper High Bank, and southeasterly in the direction of Molybdenum Mountain to the juncture of Units 19A, 21A, and 21E.	Moose	Residents of Unit 21E, Aniak, Chuathbaluk, Kalskag, Lower Kalskag, and Russian Mission.
Unit 21E remainder	Moose	Residents of Unit 21E and Russian Mission.
Unit 21	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 22A	Black Bear	Residents of Unit 22A and Koyuk.
Unit 22B	Black Bear	Residents of Unit 22B.
Unit 22C, Unit 22D, and Unit 22E	Black Bear	No Federal subsistence priority.
Unit 22	Brown Bear	Residents of Unit 22.
Unit 22A	Caribou	Residents of Units 21D west of the Koyukuk and Yukon Rivers, 22 (except residents of St. Lawrence Island), 23, 24, Kotlik, Emmonak, Hooper Bay, Scammon Bay, Chevak, Marshall, Mountain Village, Pilot Station, Pitka's Point, Russian Mission, St. Marys, Nunam Iqua, and Alakanuk.
Unit 22, remainder	Caribou	Residents of Units 21D west of the Koyukuk and Yukon Rivers, 22 (excluding residents of St. Lawrence Island), 23, and 24.
Unit 22	Moose	Residents of Unit 22.
Unit 22A	Musk ox	All rural residents.
Unit 22B, west of the Darby Mountains.	Musk ox	Residents of Units 22B and 22C.
Unit 22B, remainder	Musk ox	Residents of Unit 22B.
Unit 22C	Musk ox	Residents of Unit 22C.
Unit 22D	Musk ox	Residents of Units 22B, 22C, 22D, and 22E (excluding St. Lawrence Island).
Unit 22E	Musk ox	Residents of Unit 22E (excluding Little Diomede Island).
Unit 22	Wolf	Residents of Units 23, 22, 21D north and west of the Yukon River, and Kotlik.
Unit 22	Grouse (Spruce)	Residents of Units 11, 13, Chickaloon, 15, 16, 20D, 22, and 23.
Unit 22	Ptarmigan (Rock and Willow)	Residents of Units 11, 13, Chickaloon, 15, 16, 20D, 22, and 23.
Unit 23	Black Bear	Residents of Unit 23, Alatna, Allakaket, Bettles, Evansville, Galena, Hughes, Huslia, and Koyukuk.
Unit 23	Brown Bear	Residents of Units 21 and 23.
Unit 23	Caribou	Residents of Units 21D west of the Koyukuk and Yukon Rivers, Galena, 22, 23, 24 including residents of Wiseman but not including other residents of the Dalton Highway Corridor Management Area, and 26A.
Unit 23	Moose	Residents of Unit 23.
Unit 23, south of Kotzebue Sound and west of and including the Buckland River drainage.	Musk ox	Residents of Unit 23 south of Kotzebue Sound and west of and including the Buckland River drainage.
Unit 23, remainder	Musk ox	Residents of Unit 23 east and north of the Buckland River drainage.
Unit 23	Sheep	Residents of Point Lay and Unit 23 north of the Arctic Circle.
Unit 23	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 23	Grouse (Spruce and Ruffed)	Residents of Units 11, 13, Chickaloon, 15, 16, 20D, 22, and 23.
Unit 23	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 13, Chickaloon, 15, 16, 20D, 22, and 23.

Area	Species	Determination
Unit 24, that portion south of Caribou Mountain, and within the public lands composing or immediately adjacent to the Dalton Highway Corridor Management Area.	Black Bear	Residents of Stevens Village, Unit 24, and Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.
Unit 24, remainder	Black Bear	Residents of Unit 24 and Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.
Unit 24, that portion south of Caribou Mountain, and within the public lands composing or immediately adjacent to the Dalton Highway Corridor Management Area.	Brown Bear	Residents of Stevens Village and Unit 24.
Unit 24, remainder	Brown Bear	Residents of Unit 24.
Unit 24	Caribou	Residents of Unit 24, Galena, Kobuk, Koyukuk, Stevens Village, and Tanana.
Unit 24	Moose	Residents of Unit 24, Koyukuk, and Galena.
Unit 24	Sheep	Residents of Unit 24 residing north of the Arctic Circle, Allakaket, Alatna, Hughes, and Huslia.
Unit 24	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 25D	Black Bear	Residents of Unit 25D.
Unit 25D	Brown Bear	Residents of Unit 25D.
Unit 25, remainder	Brown Bear	Residents of Unit 25 and Eagle.
Unit 25A	Caribou	Residents of Units 24A and 25.
Unit 25B and Unit 25C	Caribou	Residents of Units 12 (north of Wrangell-St. Elias National Preserve), 20D, 20E, 20F, and 25.
Unit 25D	Caribou	Residents of Units 20F and 25D and Manley Hot Springs.
Unit 25A	Moose	Residents of Units 25A and 25D.
Unit 25D, west	Moose	Residents of Unit 25D West.
Unit 25D, remainder	Moose	Residents of remainder of Unit 25.
Unit 25A	Sheep	Residents of Arctic Village, Chalkyitsik, Fort Yukon, Kaktovik, and Venetie.
Unit 25B and Unit 25C	Sheep	Residents of Units 20E, 25B, 25C, and 25D.
Unit 25D	Wolf	Residents of Unit 25D.
Unit 25, remainder	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 26	Brown Bear	Residents of Unit 26 (excluding the Prudhoe Bay-Deadhorse Industrial Complex), Anaktuvuk Pass, and Point Hope.
Unit 26A and C	Caribou	Residents of Unit 26, Anaktuvuk Pass, and Point Hope.
Unit 26B	Caribou	Residents of Unit 26, Anaktuvuk Pass, Point Hope, and Unit 24 within the Dalton Highway Corridor Management Area.
Unit 26	Moose	Residents of Unit 26 (excluding the Prudhoe Bay-Deadhorse Industrial Complex), Point Hope, and Anaktuvuk Pass.
Unit 26A	Musk ox	Residents of Anaktuvuk Pass, Atqasuk, Barrow, Nuiqsut, Point Hope, Point Lay, and Wainwright.
Unit 26B	Musk ox	Residents of Anaktuvuk Pass, Nuiqsut, and Kaktovik.
Unit 26C	Musk ox	Residents of Kaktovik.
Unit 26A	Sheep	Residents of Unit 26, Anaktuvuk Pass, and Point Hope.
Unit 26B	Sheep	Residents of Unit 26, Anaktuvuk Pass, Point Hope, and Wiseman.
Unit 26C	Sheep	Residents of Unit 26, Anaktuvuk Pass, Arctic Village, Chalkyitsik, Fort Yukon, Point Hope, and Venetie.
Unit 26	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.

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Subpart D—Subsistence Taking of Fish and Wildlife

■ 3. In subpart D of 36 CFR part 242 and 50 CFR part 100, § __.26 is revised to read as follows:

§ __.26 Subsistence taking of wildlife.

(a) You may take wildlife for subsistence uses by any method, except as prohibited in this section or by other Federal statute. Taking wildlife for subsistence uses by a prohibited method is a violation of this part. Seasons are closed unless opened by Federal regulation. Hunting or trapping during a closed season or in an area closed by this part is prohibited.

(b) Except for special provisions found at paragraphs (n)(1) through (26) of this section, the following methods and means of taking wildlife for subsistence uses are prohibited:

(1) Shooting from, on, or across a highway.

(2) Using any poison.

(3) Using a helicopter in any manner, including transportation of individuals, equipment, or wildlife; however, this prohibition does not apply to transportation of an individual, gear, or wildlife during an emergency rescue operation in a life-threatening situation.

(4) Taking wildlife from a motorized land or air vehicle when that vehicle is in motion, or from a motor-driven boat when the boat's progress from the motor's power has not ceased.

(5) Using a motorized vehicle to drive, herd, or molest wildlife.

(6) Using or being aided by use of a machine gun, set gun, or a shotgun larger than 10 gauge.

(7) Using a firearm other than a shotgun, muzzle-loaded rifle, rifle, or pistol using center-firing cartridges for the taking of ungulates, bear, wolves, or wolverine, except that—

(i) An individual in possession of a valid trapping license may use a firearm that shoots rimfire cartridges to take wolves and wolverine; and

(ii) Only a muzzle-loading rifle of .54-caliber or larger, or a .45-caliber muzzle-loading rifle with a 250-grain, or larger, elongated slug may be used to take brown bear, black bear, elk, moose, musk ox, and mountain goat.

(8) Using or being aided by use of a pit, fire, artificial light, radio communication, artificial salt lick, explosive, barbed arrow, bomb, smoke, chemical, conventional steel trap with a jaw spread over 9 inches, or conibear style trap with a jaw spread over 11 inches.

(9) Using a snare, except that an individual in possession of a valid hunting license may use nets and snares to take unclassified wildlife, ptarmigan, grouse, or hares; and individuals in possession of a valid trapping license may use snares to take furbearers.

(10) Using a trap to take ungulates or bear.

(11) Using hooks to physically snag, impale, or otherwise take wildlife; however, hooks may be used as a trap drag.

(12) Using a crossbow to take ungulates, bear, wolf, or wolverine in any area restricted to hunting by bow and arrow only.

(13) Taking of ungulates, bear, wolf, or wolverine with a bow, unless the bow is capable of casting an inch-wide broadhead-tipped arrow at least 175 yards horizontally, and the arrow and broadhead together weigh at least 1 ounce (437.5 grains).

(14) Using bait for taking ungulates, bear, wolf, or wolverine; except you may use bait to take wolves and wolverine with a trapping license, and you may use bait to take black bears and brown bears with a hunting license as authorized in Unit-specific regulations at paragraphs (n)(1) through (26) of this section. Baiting of black bears and brown bears is subject to the following restrictions:

(i) Before establishing a bear bait station, you must register the site with ADF&G;

(ii) When using bait, you must clearly mark the site with a sign reading ''black bear bait station'' that also displays your hunting license number and ADF&G-assigned number;

(iii) You may use only biodegradable materials for bait; you may use only the head, bones, viscera, or skin of legally harvested fish and wildlife for bait;

(iv) You may not use bait within ¼ mile of a publicly maintained road or trail;

(v) You may not use bait within 1 mile of a house or other permanent dwelling, or within 1 mile of a developed campground or developed recreational facility;

(vi) When using bait, you must remove litter and equipment from the bait station site when done hunting;

(vii) You may not give or receive payment for the use of a bait station, including barter or exchange of goods; and

(viii) You may not have more than two bait stations with bait present at any one time;

(15) Taking swimming ungulates, bears, wolves, or wolverine.

(16) Taking or assisting in the taking of ungulates, bear, wolves, wolverine, or other furbearers before 3:00 a.m. following the day in which airborne travel occurred (except for flights in regularly scheduled commercial aircraft); however, this restriction does not apply to subsistence taking of deer, the setting of snares or traps, or the removal of furbearers from traps or snares.

(17) Taking a bear cub or a sow accompanied by cub(s).

(c) Wildlife taken in defense of life or property is not a subsistence use; wildlife so taken is subject to State regulations.

(d) The following methods and means of trapping furbearers for subsistence uses pursuant to the requirements of a trapping license are prohibited, in addition to the prohibitions listed at paragraph (b) of this section:

(1) Disturbing or destroying a den, except that you may disturb a muskrat pushup or feeding house in the course of trapping;

(2) Disturbing or destroying any beaver house;

(3) Taking beaver by any means other than a steel trap or snare, except that you may use firearms in certain Units with established seasons as identified in Unit-specific regulations found in this subpart;

(4) Taking otter with a steel trap having a jaw spread of less than 5 ⅞ inches during any closed mink and marten season in the same Unit;

(5) Using a net or fish trap (except a blackfish or fyke trap); and

(6) Taking or assisting in the taking of furbearers by firearm before 3:00 a.m. on the day following the day on which airborne travel occurred; however, this does not apply to a trapper using a firearm to dispatch furbearers caught in a trap or snare.

(e) *Possession and transportation of wildlife.* (1) Except as specified in paragraphs (e)(2) or (f)(1) of this section, or as otherwise provided, you may not take a species of wildlife in any unit, or portion of a unit, if your total take of that species already obtained anywhere in the State under Federal and State regulations equals or exceeds the harvest limit in that unit.

(2) An animal taken under Federal or State regulations by any member of a community with an established community harvest limit for that species counts toward the community harvest limit for that species. Except for wildlife taken pursuant to § __.10(d)(5)(iii) or as otherwise provided for by this part, an animal taken as part of a community harvest limit counts toward every community member's harvest limit for that species taken under Federal or State of Alaska regulations.

(f) *Harvest limits.* (1) The harvest limit specified for a trapping season for a species and the harvest limit set for a hunting season for the same species are separate and distinct. This means that if you have taken a harvest limit for a particular species under a trapping season, you may take additional animals under the harvest limit specified for a hunting season or vice versa.

(2) A brown/grizzly bear taken in a Unit or portion of a Unit having a harvest limit of ''one brown/grizzly bear per year'' counts against a ''one brown/grizzly bear every four regulatory years'' harvest limit in other Units. You may not take more than one brown/grizzly bear in a regulatory year.

(g) *Evidence of sex and identity.* (1) If subsistence take of Dall sheep is restricted to a ram, you may not possess or transport a harvested sheep unless both horns accompany the animal.

(2) If the subsistence taking of an ungulate, except sheep, is restricted to one sex in the local area, you may not possess or transport the carcass of an animal taken in that area unless sufficient portions of the external sex organs remain attached to indicate conclusively the sex of the animal, except that in Units 1–5 antlers are also considered proof of sex for deer if the antlers are naturally attached to an entire carcass, with or without the viscera; and except in Units 11, 13, 19, 21, and 24, where you may possess either sufficient portions of the external sex organs (still attached to a portion of the carcass) or the head (with or without antlers attached; however, the antler stumps must remain attached) to indicate the sex of the harvested moose;

however, this paragraph (g)(2) does not apply to the carcass of an ungulate that has been butchered and placed in storage or otherwise prepared for consumption upon arrival at the location where it is to be consumed.

(3) If a moose harvest limit requires an antlered bull, an antler size, or configuration restriction, you may not possess or transport the moose carcass or its parts unless both antlers accompany the carcass or its parts. If you possess a set of antlers with less than the required number of brow tines on one antler, you must leave the antlers naturally attached to the unbroken, uncut skull plate; however, this paragraph (g)(3) does not apply to a moose carcass or its parts that have been butchered and placed in storage or otherwise prepared for consumption after arrival at the place where it is to be stored or consumed.

(h) *Removing harvest from the field.* You must leave all edible meat on the bones of the front quarters and hind quarters of caribou and moose harvested in Units 9, 17, 18, and 19B prior to October 1 until you remove the meat from the field or process it for human consumption. You must leave all edible meat on the bones of the front quarters, hind quarters, and ribs of moose harvested in Unit 21 prior to October 1 until you remove the meat from the field or process it for human consumption. You must leave all edible meat on the bones of the front quarters, hind quarters, and ribs of caribou and moose harvested in Unit 24 prior to October 1 until you remove the meat from the field or process it for human consumption. Meat of the front quarters, hind quarters, or ribs from a harvested moose or caribou may be processed for human consumption and consumed in the field; however, meat may not be removed from the bones for purposes of transport out of the field. You must leave all edible meat on the bones of the front quarters, hind quarters, and ribs of caribou and moose harvested in Unit 25 until you remove the meat from the field or process it for human consumption.

(i) *Returning of tags, marks, or collars.* If you take an animal that has been marked or tagged for scientific studies, you must, within a reasonable time, notify the ADF&G or the agency identified on the collar or marker when and where the animal was taken. You also must retain any ear tag, collar, radio, tattoo, or other identification with the hide until it is sealed, if sealing is required; in all cases, you must return any identification equipment to the ADF&G or to an agency identified on such equipment.

(j) *Sealing of bear skins and skulls.* (1) Sealing requirements for bear apply to brown bears taken in all Units, except as specified in this paragraph, and black bears of all color phases taken in Units 1–7, 11–17, and 20.

(2) You may not possess or transport from Alaska the untanned skin or skull of a bear unless the skin and skull have been sealed by an authorized representative of ADF&G in accordance with State or Federal regulations, except that the skin and skull of a brown bear taken under a registration permit in Units 5, 9B, 9E, 17, 18, 19A, and 19B downstream of and including the Aniak River drainage, 21D, 22, 23, 24, and 26A need not be sealed unless removed from the area.

(3) You must keep a bear skin and skull together until a representative of the ADF&G has removed a rudimentary premolar tooth from the skull and sealed both the skull and the skin; however, this provision does not apply to brown bears taken within Units 5, 9B, 9E, 17, 18, 19A, and 19B downstream of and including the Aniak River drainage, 21D, 22, 23, 24, and 26A and which are not removed from the Unit.

(i) In areas where sealing is required by Federal regulations, you may not possess or transport the hide of a bear that does not have the penis sheath or vaginal orifice naturally attached to indicate conclusively the sex of the bear.

(ii) If the skin or skull of a bear taken in Units 9B, 17, 18, and 19A and 19B downstream of and including the Aniak River drainage is removed from the area, you must first have it sealed by an ADF&G representative in Bethel, Dillingham, or McGrath; at the time of sealing, the ADF&G representative must remove and retain the skin of the skull and front claws of the bear.

(iii) If you remove the skin or skull of a bear taken in Units 21D, 22, 23, 24, and 26A from the area or present it for commercial tanning within the area, you must first have it sealed by an ADF&G representative in Barrow, Galena, Nome, or Kotzebue; at the time of sealing, the ADF&G representative must remove and retain the skin of the skull and front claws of the bear.

(iv) If you remove the skin or skull of a bear taken in Unit 5 from the area, you must first have it sealed by an ADF&G representative in Yakutat.

(v) If you remove the skin or skull of a bear taken in Unit 9E from Unit 9, you must first have it sealed by an authorized sealing representative. At the time of sealing, the representative must remove and retain the skin of the skull and front claws of the bear.

(4) You may not falsify any information required on the sealing certificate or temporary sealing form provided by the ADF&G in accordance with State regulations.

(k) *Sealing of beaver, lynx, marten, otter, wolf, and wolverine.* You may not possess or transport from Alaska the untanned skin of a marten taken in Units 1–5, 7, 13E, or 14–16 or the untanned skin of a beaver, lynx, otter, wolf, or wolverine, whether taken inside or outside the State, unless the skin has been sealed by an authorized representative in accordance with State or Federal regulations.

(1) In Unit 18, you must obtain an ADF&G seal for beaver skins only if they are to be sold or commercially tanned.

(2) In Unit 2, you must seal any wolf taken on or before the 14th day after the date of taking.

(l) If you take a species listed in paragraph (k) of this section but are unable to present the skin in person, you must complete and sign a temporary sealing form and ensure that the completed temporary sealing form and skin are presented to an authorized representative of ADF&G for sealing consistent with requirements listed in paragraph (k) of this section.

(m) You may take wildlife, outside of established season or harvest limits, for food in traditional religious ceremonies, which are part of a funerary or mortuary cycle, including memorial potlatches, under the following provisions:

(1) The harvest does not violate recognized principles of wildlife conservation and uses the methods and means allowable for the particular species published in the applicable Federal regulations. The appropriate Federal land manager will establish the number, species, sex, or location of harvest, if necessary, for conservation purposes. Other regulations relating to ceremonial harvest may be found in the unit-specific regulations in paragraph (n) of this section.

(2) No permit or harvest ticket is required for harvesting under this section; however, the harvester must be a Federally qualified subsistence user with customary and traditional use in the area where the harvesting will occur.

(3) In Units 1–26 (except for Koyukon/Gwich'in potlatch ceremonies in Units 20F, 21, 24, or 25):

(i) A tribal chief, village or tribal council president, or the chief's or president's designee for the village in which the religious/cultural ceremony will be held, or a Federally qualified subsistence user outside of a village or tribal-organized ceremony, must notify the nearest Federal land manager that a

wildlife harvest will take place. The notification must include the species, harvest location, and number of animals expected to be taken.

(ii) Immediately after the wildlife is taken, the tribal chief, village or tribal council president or designee, or other Federally qualified subsistence user must create a list of the successful hunters and maintain these records, including the name of the decedent for whom the ceremony will be held. If requested, this information must be available to an authorized representative of the Federal land manager.

(iii) The tribal chief, village or tribal council president or designee, or other Federally qualified subsistence user outside of the village in which the religious/cultural ceremony will be held must report to the Federal land manager the harvest location, species, sex, and number of animals taken as soon as practicable, but not more than 15 days after the wildlife is taken.

(4) In Units 20F, 21, 24, and 25 (for Koyukon/Gwich'in potlatch ceremonies only):

(i) Taking wildlife outside of established season and harvest limits is authorized if it is for food for the traditional Koyukon/Gwich'in Potlatch Funerary or Mortuary ceremony and if it is consistent with conservation of healthy populations.

(ii) Immediately after the wildlife is taken, the tribal chief, village or tribal council president, or the chief's or president's designee for the village in which the religious ceremony will be held must create a list of the successful hunters and maintain these records. The list must be made available, after the harvest is completed, to a Federal land manager upon request.

(iii) As soon as practical, but not more than 15 days after the harvest, the tribal chief, village council president, or designee must notify the Federal land manager about the harvest location, species, sex, and number of animals taken.

(n) *Unit regulations.* You may take for subsistence unclassified wildlife, all squirrel species, and marmots in all Units, without harvest limits, for the period of July 1–June 30. Unit-specific restrictions or allowances for subsistence taking of wildlife are identified at paragraphs (n)(1) through (26) of this section.

(1) *Unit 1.* Unit 1 consists of all mainland drainages from Dixon Entrance to Cape Fairweather, and those islands east of the center line of Clarence Strait from Dixon Entrance to Caamano Point, and all islands in Stephens Passage and Lynn Canal north of Taku Inlet:

(i) Unit 1A consists of all drainages south of the latitude of Lemesurier Point including all drainages into Behm Canal, excluding all drainages of Ernest Sound.

(ii) Unit 1B consists of all drainages between the latitude of Lemesurier Point and the latitude of Cape Fanshaw including all drainages of Ernest Sound and Farragut Bay, and including the islands east of the center lines of Frederick Sound, Dry Strait (between Sergief and Kadin Islands), Eastern Passage, Blake Channel (excluding Blake Island), Ernest Sound, and Seward Passage.

(iii) Unit 1C consists of that portion of Unit 1 draining into Stephens Passage and Lynn Canal north of Cape Fanshaw and south of the latitude of Eldred Rock including Berners Bay, Sullivan Island, and all mainland portions north of Chichagof Island and south of the latitude of Eldred Rock, excluding drainages into Farragut Bay.

(iv) Unit 1D consists of that portion of Unit 1 north of the latitude of Eldred Rock, excluding Sullivan Island and the drainages of Berners Bay.

(v) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) Public lands within Glacier Bay National Park are closed to all taking of wildlife for subsistence uses;

(B) Unit 1A—in the Hyder area, the Salmon River drainage downstream from the Riverside Mine, excluding the Thumb Creek drainage, is closed to the taking of bear;

(C) Unit 1B—the Anan Creek drainage within 1 mile of Anan Creek downstream from the mouth of Anan Lake, including the area within a 1-mile radius from the mouth of Anan Creek Lagoon, is closed to the taking of bear;

(D) Unit 1C:

(*1*) You may not hunt within one-fourth mile of Mendenhall Lake, the U.S. Forest Service Mendenhall Glacier Visitor's Center, and the Center's parking area;

(*2*) You may not take mountain goat in the area of Mt. Bullard bounded by the Mendenhall Glacier, Nugget Creek from its mouth to its confluence with Goat Creek, and a line from the mouth of Goat Creek north to the Mendenhall Glacier.

(vi) You may not trap furbearers for subsistence uses in Unit 1C, Juneau area, on the following public lands:

(A) A strip within one-quarter mile of the mainland coast between the end of Thane Road and the end of Glacier Highway at Echo Cove;

(B) That area of the Mendenhall Valley bounded on the south by the Glacier Highway, on the west by the Mendenhall Loop Road and Montana Creek Road and Spur Road to Mendenhall Lake, on the north by Mendenhall Lake, and on the east by the Mendenhall Loop Road and Forest Service Glacier Spur Road to the Forest Service Visitor Center;

(C) That area within the U.S. Forest Service Mendenhall Glacier Recreation Area;

(D) A strip within one-quarter mile of the following trails as designated on U.S. Geological Survey maps: Herbert Glacier Trail, Windfall Lake Trail, Peterson Lake Trail, Spaulding Meadows Trail (including the loop trail), Nugget Creek Trail, Outer Point Trail, Dan Moller Trail, Perseverance Trail, Granite Creek Trail, Mt. Roberts Trail and Nelson Water Supply Trail, Sheep Creek Trail, and Point Bishop Trail.

(vii) Unit-specific regulations:

(A) You may hunt black bear with bait in Units 1A, 1B, and 1D between April 15 and June 15.

(B) You may not shoot ungulates, bear, wolves, or wolverine from a boat, unless you are certified as disabled.

(C) Coyotes taken incidentally with a trap or snare during an open Federal trapping season for wolf, wolverine, or beaver may be legally retained.

(D) Trappers are prohibited from using a trap or snare unless the trap or snare has been individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's permanent identification number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's permanent identification number. The trapper must use the trapper's Alaska driver's license number or State identification card number as the required permanent identification number. If a trapper chooses to place a sign at a snaring site rather than tagging individual snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.

Harvest limits	Open season
HUNTING	
Black Bear: 2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
Brown Bear: 1 bear every four regulatory years by State registration permit only	Sept. 15–Dec. 31. Mar. 15–May 31.
Deer:	
Unit 1A—4 antlered deer	Aug. 1–Dec. 31.
Unit 1B —2 antlered deer	Aug. 1–Dec. 31.
Unit 1C—4 deer; however, female deer may be taken only from Sept. 15–Dec. 31	Aug. 1–Dec. 31.
Goat:	
Unit 1A—Revillagigedo Island only	No open season.
Unit 1B—that portion north of LeConte Bay—1 goat by State registration permit only; the taking of kids or nannies accompanied by kids is prohibited.	Aug. 1–Dec. 31.
Unit 1A and Unit 1B—that portion on the Cleveland Peninsula south of the divide between Yes Bay and Santa Anna Inlet.	No open season.
Unit 1A and Unit 1B—remainder—2 goats; a State registration permit will be required for the taking of the first goat and a Federal registration permit for the taking of a second goat. The taking of kids or nannies accompanied by kids is prohibited.	Aug. 1–Dec. 31.
Unit 1C—that portion draining into Lynn Canal and Stephens Passage between Antler River and Eagle Glacier and River, and all drainages of the Chilkat Range south of the Endicott River—1 goat by State registration permit only.	Oct. 1–Nov. 30.
Unit 1C—that portion draining into Stephens Passage and Taku Inlet between Eagle Glacier and River and Taku Glacier.	No open season.
Unit 1C—remainder—1 goat by State registration permit only	Aug. 1–Nov. 30.
Unit 1D—that portion lying north of the Katzehin River and northeast of the Haines highway—1 goat by State registration permit only.	Sept. 15–Nov. 30.
Unit 1D— that portion lying between Taiya Inlet and River and the White Pass and Yukon Railroad	No open season.
Unit 1D—remainder—1 goat by State registration permit only	Aug. 1–Dec. 31.
Moose:	
Unit 1A—1 antlered bull by Federal registration permit	Sept. 5–Oct. 15.
Unit 1B—1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on one side, or antlers with 2 brow tines on both sides, by State registration permit only.	Sept. 15–Oct. 15.
Unit 1C—that portion south of Point Hobart including all Port Houghton drainages—1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on one side, or antlers with 2 brow tines on both sides, by State registration permit only.	Sept. 15–Oct. 15.
Unit 1C—remainder, excluding drainages of Berners Bay—1 antlered bull by State registration permit only	Sept. 15–Oct. 15.
Unit 1C, Berners Bay	No open season.
Unit 1D	No open season.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black, and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–Apr. 30.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce, Blue, and Ruffed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
TRAPPING	
Beaver: Unit 1—No limit	Dec. 1–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black, and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Dec. 1–Feb. 15.
Mink and Weasel: No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.
Wolverine: No limit	Nov. 10–Mar. 1.

(2) *Unit 2.* Unit 2 consists of Prince of Wales Island and all islands west of the center lines of Clarence Strait and Kashevarof Passage, south and east of the center lines of Sumner Strait, and east of the longitude of the westernmost point on Warren Island.

(i) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15.

(B) You may not shoot ungulates, bear, wolves, or wolverine from a boat, unless you are certified as disabled.

(C) Coyotes taken incidentally with a trap or snare during an open Federal trapping season for wolf, wolverine, or beaver may be legally retained.

(D) Trappers are prohibited from using a trap or snare unless the trap or snare has been individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's permanent identification number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's permanent identification number. The trapper must use the trapper's Alaska driver's license number or State identification card number as the required permanent identification number. If a trapper chooses to place a sign at a snaring site rather than tagging individual snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth

inch wide in a color that contrasts with the color of the sign.

(ii) [Reserved]

Harvest limits	Open season
HUNTING	
Black Bear: 2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
Deer:	
5 deer; however, no more than one may be a female deer. Female deer may be taken only during the period Oct. 15–Dec. 31. The harvest limit may be reduced to 4 deer based on conservation concerns.	July 24–Dec. 31.
The Federal public lands on Prince of Wales Island, excluding the southeastern portion (lands south of the West Arm of Cholmondeley Sound draining into Cholmondeley Sound or draining eastward into Clarence Strait), are closed to hunting of deer from Aug. 1 to Aug. 15, except by Federally qualified subsistence users hunting under these regulations.	
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black, and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves. Federal hunting and trapping season may be closed when the combined Federal-State harvest quota is reached. Any wolf taken in Unit 2 must be sealed within 14 days of harvest.	Sept. 1–Mar. 31.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce and Ruffed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
TRAPPING	
Beaver: No limit	Dec. 1–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black, and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Dec. 1–Feb. 15.
Mink and Weasel: No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit. Federal hunting and trapping season may be closed when the combined Federal-State harvest quota is reached. Any wolf taken in Unit 2 must be sealed within 14 days of harvest.	Nov. 15–Mar. 31.
Wolverine: No limit	Nov. 10–Mar. 1.

(3) *Unit 3.* (i) Unit 3 consists of all islands west of Unit 1B, north of Unit 2, south of the center line of Frederick Sound, and east of the center line of Chatham Strait including Coronation, Kuiu, Kupreanof, Mitkof, Zarembo, Kashevaroff, Woronkofski, Etolin, Wrangell, and Deer Islands.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) In the Petersburg vicinity, you may not take ungulates, bear, wolves, and wolverine along a strip one-fourth mile wide on each side of the Mitkof Highway from Milepost 0 to Crystal Lake campground;

(B) You may not take black bears in the Petersburg Creek drainage on Kupreanof Island;

(C) You may not hunt in the Blind Slough draining into Wrangell Narrows and a strip one-fourth mile wide on each side of Blind Slough, from the hunting closure markers at the southernmost portion of Blind Island to the hunting closure markers 1 mile south of the Blind Slough bridge.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15.

(B) You may not shoot ungulates, bear, wolves, or wolverine from a boat, unless you are certified as disabled.

(C) Coyotes taken incidentally with a trap or snare during an open Federal trapping season for wolf, wolverine, or beaver may be legally retained.

(D) Trappers are prohibited from using a trap or snare unless the trap or snare has been individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's permanent identification number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's permanent identification number. The trapper must use the trapper's Alaska driver's license number or State identification card number as the required permanent identification number. If a trapper chooses to place a sign at a snaring site rather than tagging individual snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.

Harvest limits	Open season
HUNTING	
Black Bear: 2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
Deer:	
Unit 3—Mitkof, Woewodski, and Butterworth Islands—1 antlered deer	Oct. 15–31.
Unit 3—Kupreanof Island, that portion east of the Portage Bay-Duncan Canal Portage—1 antlered deer	Oct. 15–31.
Unit 3—remainder—2 antlered deer	Aug. 1–Nov. 30. Dec. 1–31, season to be announced.
Moose: 1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler, or antlers with 2 brow tines on both sides by State registration permit only.	Sept. 15–Oct. 15.
Coyote: 2 coyotes	Sept. 1–Apr. 30.

Harvest limits	Open season
Fox, Red (including Cross, Black, and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–Apr. 30.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce, Blue, and Ruffed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
TRAPPING	
Beaver:	
Unit 3—Mitkof Island—No limit	Dec. 1–May 15.
Unit 3—except Mitkof Island—No limit	Dec. 1–Apr. 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black, and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Dec. 1–Feb. 15.
Mink and Weasel: No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.
Wolverine: No limit	Nov. 10–Mar. 1.

(4) *Unit 4.* (i) Unit 4 consists of all islands south and west of Unit 1C and north of Unit 3 including Admiralty, Baranof, Chichagof, Yakobi, Inian, Lemesurier, and Pleasant Islands.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take brown bears in the Seymour Canal Closed Area (Admiralty Island) including all drainages into northwestern Seymour Canal between Staunch Point and the southernmost tip of the unnamed peninsula separating Swan Cove and King Salmon Bay including Swan and Windfall Islands;

(B) You may not take brown bears in the Salt Lake Closed Area (Admiralty Island) including all lands within one-fourth mile of Salt Lake above Klutchman Rock at the head of Mitchell Bay;

(C) You may not take brown bears in the Port Althorp Closed Area (Chichagof Island), that area within the Port Althorp watershed south of a line from Point Lucan to Salt Chuck Point (Trap Rock);

(D) You may not use any motorized land vehicle for brown bear hunting in the Northeast Chichagof Controlled Use Area (NECCUA) consisting of all portions of Unit 4 on Chichagof Island north of Tenakee Inlet and east of the drainage divide from the northwestern point of Gull Cove to Port Frederick Portage, including all drainages into Port Frederick and Mud Bay.

(iii) Unit-specific regulations:

(A) You may shoot ungulates from a boat. You may not shoot bear, wolves, or wolverine from a boat, unless you are certified as disabled.

(B) Five Federal registration permits will be issued by the Sitka or Hoonah District Ranger for the taking of brown bear for educational purposes associated with teaching customary and traditional subsistence harvest and use practices. Any bear taken under an educational permit does not count in an individual's one bear every four regulatory years limit.

(C) Coyotes taken incidentally with a trap or snare during an open Federal trapping season for wolf, wolverine, or beaver may be legally retained.

(D) Trappers are prohibited from using a trap or snare unless the trap or snare has been individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's permanent identification number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's permanent identification number. The trapper must use the trapper's Alaska driver's license number or State identification card number as the required permanent identification number. If a trapper chooses to place a sign at a snaring site rather than tagging individual snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.

Harvest limits	Open season
HUNTING	
Brown Bear:	
Unit 4—Chichagof Island south and west of a line that follows the crest of the island from Rock Point (58° N. lat., 136°21′ W. long.) to Rodgers Point (57°35′ N. lat., 135°33′ W. long.) including Yakobi and other adjacent islands; Baranof Island south and west of a line which follows the crest of the island from Nismeni Point (57°34′ N. lat., 135°25′ W. long.) to the entrance of Gut Bay (56°44′ N. lat. 134°38′ W. long.) including the drainages into Gut Bay and including Kruzof and other adjacent islands—1 bear every four regulatory years by State registration permit only.	Sept. 15–Dec. 31. Mar. 15–May 31.
Unit 4—remainder—1 bear every 4 regulatory years by State registration permit only	Sept. 15–Dec. 31. Mar. 15–May 20.
Deer: 6 deer; however, female deer may be taken only from Sept. 15–Jan. 31	Aug. 1–Jan. 31.
Goat: 1 goat by State registration permit only	Aug. 1–Dec. 31.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black, and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–Apr. 30.

Harvest limits	Open season
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce, Blue, and Ruffed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
TRAPPING	
Beaver: No limit	Dec. 1–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black, and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Dec. 1–Feb. 15.
Mink and Weasel: No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.
Wolverine: No limit	Nov. 10–Mar. 1.

(5) *Unit 5.* (i) Unit 5 consists of all Gulf of Alaska drainages and islands between Cape Fairweather and the center line of Icy Bay, including the Guyot Hills:

(A) Unit 5A consists of all drainages east of Yakutat Bay, Disenchantment Bay, and the eastern edge of Hubbard Glacier, and includes the islands of Yakutat and Disenchantment Bays;

(B) Unit 5B consists of the remainder of Unit 5.

(ii) You may not take wildlife for subsistence uses on public lands within Glacier Bay National Park.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15.

(B) You may not shoot ungulates, bear, wolves, or wolverine from a boat, unless you are certified as disabled.

(C) You may hunt brown bear in Unit 5 with a Federal registration permit in lieu of a State metal locking tag if you have obtained a Federal registration permit prior to hunting.

(D) Coyotes taken incidentally with a trap or snare during an open Federal trapping season for wolf, wolverine, or beaver may be legally retained.

(E) Trappers are prohibited from using a trap or snare unless the trap or snare has been individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's permanent identification number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's permanent identification number. The trapper must use the trapper's Alaska driver's license number or State identification card number as the required permanent identification number. If a trapper chooses to place a sign at a snaring site rather than tagging individual snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.

Harvest limits	Open season
HUNTING	
Black Bear: 2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
Brown Bear: 1 bear by Federal registration permit only	Sept. 1–May 31.
Deer:	
Unit 5A—1 buck	Nov. 1–Nov. 30.
Unit 5B	No open season.
Goat:	
Unit 5A—that area between the Hubbard Glacier and the West Nunatak Glacier on the north and east sides of Nunatak Fjord.	No open season.
Unit 5A—remainder—1 goat by Federal registration permit. The harvest quota will be announced prior to the season. A minimum of four goats in the harvest quota will be reserved for Federally qualified subsistence users.	Aug. 1–Jan. 31.
Unit 5B—1 goat by Federal registration permit only	Aug. 1–Jan. 31.
Moose:	
Unit 5A—Nunatak Bench—1 moose by State registration permit only. The season will be closed when 5 moose have been taken from the Nunatak Bench.	Nov. 15–Feb. 15.
Unit 5A—except Nunatak Bench—1 bull by joint State/Federal registration permit only. From Oct. 8–21, public lands will be closed to taking of moose, except by residents of Unit 5A hunting under these regulations.	Oct. 8–Nov. 15.
Unit 5B—1 antlered bull by State registration permit only. The season will be closed when 25 antlered bulls have been taken from the entirety of Unit 5B.	Sept. 1–Dec. 15.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–Apr. 30.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce and Ruffed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
TRAPPING	
Beaver: No limit	Nov. 10–May 15.
Coyote: No limit	Nov. 10–Feb. 15.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov 10–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Nov. 10–Feb. 15.

Harvest limits	Open season
Mink and Weasel: No limit	Nov. 10–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Nov. 10–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.
Wolverine: No limit	Nov. 10–Mar. 1.

(6) *Unit 6*. (i) Unit 6 consists of all Gulf of Alaska and Prince William Sound drainages from the center line of Icy Bay (excluding the Guyot Hills) to Cape Fairfield including Kayak, Hinchinbrook, Montague, and adjacent islands, and Middleton Island, but excluding the Copper River drainage upstream from Miles Glacier, and excluding the Nellie Juan and Kings River drainages:

(A) Unit 6A consists of Gulf of Alaska drainages east of Palm Point near Katalla including Kanak, Wingham, and Kayak Islands;

(B) Unit 6B consists of Gulf of Alaska and Copper River Basin drainages west of Palm Point near Katalla, east of the west bank of the Copper River, and east of a line from Flag Point to Cottonwood Point;

(C) Unit 6C consists of drainages west of the west bank of the Copper River, and west of a line from Flag Point to Cottonwood Point, and drainages east of the east bank of Rude River and drainages into the eastern shore of Nelson Bay and Orca Inlet;

(D) Unit 6D consists of the remainder of Unit 6.

(ii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15. In addition, you may use bait in Unit 6D between June 16 and June 30. The harvest quota in Unit 6D is 20 bears taken with bait between June 16 and June 30.

(B) You may take coyotes in Units 6B and 6C with the aid of artificial lights.

(C) One permit will be issued by the Cordova District Ranger to the Native Village of Eyak to take one moose from Federal lands in Units 6B or C for their annual Memorial/Sobriety Day potlatch.

(D) A Federally qualified subsistence user (recipient) who is either blind, 65 years of age or older, at least 70 percent disabled, or temporarily disabled may designate another Federally qualified subsistence user to take any moose, deer, black bear, and beaver on his or her behalf in Unit 6, and goat in Unit 6D, unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients, but may have no more than one harvest limit in his or her possession at any one time.

(E) A hunter younger than 10 years old at the start of the hunt may not be issued a Federal subsistence permit to harvest black bear, deer, goat, moose, wolf, and wolverine.

(F) A hunter younger than 10 years old may harvest black bear, deer, goat, moose, wolf, and wolverine under the direct, immediate supervision of a licensed adult, at least 18 years old. The animal taken is counted against the adult's harvest limit. The adult is responsible for ensuring that all legal requirements are met.

(G) Up to five permits will be issued by the Cordova District Ranger to the Native Village of Chenega annually to harvest up to five deer total from Federal public lands in Unit 6D for their annual Old Chenega Memorial and other traditional memorial potlatch ceremonies. Permits will have effective dates of July 1–June 30.

(H) Up to five permits will be issued by the Cordova District Ranger to the Tatitlek IRA Council annually to harvest up to five deer total from Federal public lands in Unit 6D for their annual Cultural Heritage Week. Permits will have effective dates of July 1–June 30.

Harvest limits	Open season
HUNTING	
Black Bear: 1 bear. In Unit 6D a Federal registration permit is required to harvest black bear from June 11 to June 30	Sept. 1–June 30.
Deer: 4 deer; however, antlerless deer may be taken only from Oct. 1–Dec. 31	Aug. 1–Dec. 31.
Goats:	
Unit 6A and B—1 goat by State registration permit only	Aug. 20–Jan. 31.
Unit 6C	No open season.
Unit 6D (subareas RG242, RG243, RG244, RG245, RG249, RG266 and RG252 only)—1 goat by Federal registration permit only. In each of the Unit 6D subareas, goat seasons will be closed by the Cordova District Ranger when harvest limits for that subarea are reached. Harvest quotas are as follows: RG242—2 goats, RG243—4 goats, RG244 and RG245 combined—2 goats, RG249—4 goats, RG266—4 goats, RG252—1 goat.	Aug. 20–Jan. 31.
Moose:	
Unit 6C—1 antlerless moose by Federal drawing permit only	Sept. 1–Oct. 31.
Permits for the portion of the antlerless moose quota not harvested in the Sept. 1–Oct. 31 hunt may be available for redistribution for a Nov. 1–Dec. 31 hunt.	
Unit 6C—1 bull by Federal drawing permit only	Sept. 1–Dec. 31.
In Unit 6C, only one moose permit may be issued per household. A household receiving a State permit for Unit 6C moose may not receive a Federal permit. The annual harvest quota will be announced by the U.S. Forest Service, Cordova Office, in consultation with ADF&G. The Federal harvest allocation will be 100% of the antlerless moose permits and 75% of the bull permits. Federal public lands are closed to the harvest of moose except by Federally qualified users with a Federal permit for Unit 6C moose, Nov. 1–Dec. 31.	
Unit 6—remainder	No open season.
Beaver: 1 beaver per day, 1 in possession	May 1–Oct. 31.
Coyote:	
Unit 6A and D—2 coyotes	Sept. 1–Apr. 30.
Unit 6B and 6C—No limit	July 1–June 30.
Fox, Red (including Cross, Black and Silver Phases)	No open season.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Jan. 31.

Harvest limits	Open season
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
TRAPPING	
Beaver: No limit	Dec. 1–Apr. 30.
Coyote:	
Unit 6C—south of the Copper River Highway and east of the Heney Range—No limit	Nov. 10–Apr. 30.
Units 6A, 6B, 6C remainder, and 6D—No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Marten: No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31
Wolf: No imit.	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(7) *Unit 7.* (i) Unit 7 consists of Gulf of Alaska drainages between Gore Point and Cape Fairfield including the Nellie Juan and Kings River drainages, and including the Kenai River drainage upstream from the Russian River, the drainages into the south side of Turnagain Arm west of and including the Portage Creek drainage, and east of 150° W. long., and all Kenai Peninsula drainages east of 150° W. long., from Turnagain Arm to the Kenai River.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take wildlife for subsistence uses in the Kenai Fjords National Park.

(B) You may not hunt in the Portage Glacier Closed Area in Unit 7, which consists of Portage Creek drainages between the Anchorage-Seward Railroad and Placer Creek in Bear Valley, Portage Lake, the mouth of Byron Creek, Glacier Creek, and Byron Glacier; however, you may hunt grouse, ptarmigan, hares, and squirrels with shotguns after September 1.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15, except in the drainages of Resurrection Creek and its tributaries.

(B) [Reserved]

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Caribou:	
Unit 7—north of the Sterling Highway and west of the Seward Highway—1 caribou by Federal registration permit only. The Seward District Ranger will close the Federal season when 5 caribou are harvested by Federal registration permit.	Aug. 10–Dec. 31.
Unit 7, remainder	No open season.
Moose:	
Unit 7—that portion draining into Kings Bay—Federal public lands are closed to the taking of moose except by residents of Chenega Bay and Tatitlek.	No open season.
Unit 7, remainder—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only.	Aug. 10–Sept. 20.
Beaver: 1 beaver per day, 1 in possession	May 1–Oct. 10.
Coyote: No limit	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases)	No open season.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Jan. 31.
Wolf:	
Unit 7—that portion within the Kenai National Wildlife Refuge—2 wolves	Aug. 10–Apr. 30.
Unit 7, remainder—5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce): 10 per day, 20 in possession	Aug. 10–Mar. 31.
Grouse (Ruffed)	No open season.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.
TRAPPING	
Beaver: 20 beaver per season	Nov. 10–Mar. 31.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Jan. 1–Jan. 31.
Marten: No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–May 15.
Otter: No limit	Nov. 10–Feb. 28.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(8) *Unit 8.* Unit 8 consists of all islands southeast of the centerline of Shelikof Strait including Kodiak, Afognak, Whale, Raspberry, Shuyak, Spruce, Marmot, Sitkalidak, Amook, Uganik, and Chirikof Islands, the Trinity Islands, the Semidi Islands, and other adjacent islands.

(i) If you have a trapping license, you may take beaver with a firearm in Unit 8 from Nov. 10–Apr. 30.

(ii) [Reserved]

Harvest limits	Open season
HUNTING	
Brown Bear: 1 bear by Federal registration permit only. Up to 2 permits may be issued in Akhiok; up to 1 permit may be issued in Karluk; up to 3 permits may be issued in Larsen Bay; up to 3 permits may be issued in Old Harbor; up to 2 permits may be issued in Ouzinkie; and up to 2 permits may be issued in Port Lions. Permits will be issued by the Kodiak Refuge Manager.	Dec. 1–Dec. 15. Apr. 1–May 15.
Deer: Unit 8—all lands within the Kodiak Archipelago within the Kodiak National Wildlife Refuge, including lands on Kodiak, Ban, Uganik, and Afognak Islands—3 deer; however, antlerless deer may be taken only from Oct. 1–Jan. 31.	Aug. 1–Jan. 31.
Elk: Kodiak, Ban, Uganik, and Afognak Islands—1 elk per household by Federal registration permit only. The season will be closed by announcement of the Refuge Manager, Kodiak National Wildlife Refuge when the combined Federal/State harvest reaches 15% of the herd.	Sept. 15–Nov. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver: 30 beaver per season	Nov. 10–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Mar. 31.
Marten: No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Jan. 31.

(9) *Unit 9.* (i) Unit 9 consists of the Alaska Peninsula and adjacent islands, including drainages east of False Pass, Pacific Ocean drainages west of and excluding the Redoubt Creek drainage; drainages into the south side of Bristol Bay, drainages into the north side of Bristol Bay east of Etolin Point, and including the Sanak and Shumagin Islands:

(A) Unit 9A consists of that portion of Unit 9 draining into Shelikof Strait and Cook Inlet between the southern boundary of Unit 16 (Redoubt Creek) and the northern boundary of Katmai National Park and Preserve.

(B) Unit 9B consists of the Kvichak River drainage except those lands drained by the Kvichak River/Bay between the Alagnak River drainage and the Naknek River drainage.

(C) Unit 9C consists of the Alagnak (Branch) River drainage, the Naknek River drainage, lands drained by the Kvichak River/Bay between the Alagnak River drainage and the Naknek River drainage, and all land and water within Katmai National Park and Preserve.

(D) Unit 9D consists of all Alaska Peninsula drainages west of a line from the southernmost head of Port Moller to the head of American Bay, including the Shumagin Islands and other islands of Unit 9 west of the Shumagin Islands.

(E) Unit 9E consists of the remainder of Unit 9.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take wildlife for subsistence uses in Katmai National Park;

(B) You may not use motorized vehicles, except aircraft, boats, or snowmobiles used for hunting and transporting a hunter or harvested animal parts from Aug. 1–Nov. 30 in the Naknek Controlled Use Area, which includes all of Unit 9C within the Naknek River drainage upstream from and including the King Salmon Creek drainage; however, you may use a motorized vehicle on the Naknek-King Salmon, Lake Camp, and Rapids Camp roads and on the King Salmon Creek trail, and on frozen surfaces of the Naknek River and Big Creek.

(iii) Unit-specific regulations:

(A) If you have a trapping license, you may use a firearm to take beaver in Unit 9B from April 1–May 31 and in the remainder of Unit 9 from April 1–30.

(B) You may hunt brown bear by State registration permit in lieu of a resident tag in Unit 9B, except that portion within the Lake Clark National Park and Preserve, if you have obtained a State registration permit prior to hunting.

(C) In Unit 9B, Lake Clark National Park and Preserve, residents of Iliamna, Newhalen, Nondalton, Pedro Bay, Port Alsworth, and that portion of the park resident zone in Unit 9B and 13.440 permit holders may hunt brown bear by Federal registration permit in lieu of a resident tag. Ten permits will be available with at least one permit issued in each community; however, no more than five permits will be issued in a single community. The season will be closed when four females or ten bears have been taken, whichever occurs first. The permits will be issued and closure announcements made by the Superintendent Lake Clark National Park and Preserve.

(D) Residents of Iliamna, Newhalen, Nondalton, Pedro Bay, and Port Alsworth may take up to a total of 10 bull moose in Unit 9B for ceremonial purposes, under the terms of a Federal registration permit from July 1–June 30. Permits will be issued to individuals only at the request of a local organization. This 10-moose limit is not cumulative with that permitted for potlatches by the State.

(E) For Units 9C and 9E only, a Federally qualified subsistence user (recipient) of Units 9C and 9E may designate another Federally qualified subsistence user of Units 9C and 9E to take bull caribou on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report and turn over all meat to the recipient. There is no restriction on the number of possession limits the designated hunter may have in his/her possession at any one time.

(F) For Unit 9D, a Federally qualified subsistence user (recipient) may designate another Federally qualified subsistence user to take caribou on his or her behalf unless the recipient is a member of a community operating

under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than four harvest limits in his/her possession at any one time.

(G) The communities of False Pass, King Cove, Cold Bay, Sand Point, and Nelson Lagoon annually may each take, from October 1–December 31 or May 10–25, one brown bear for ceremonial purposes, under the terms of a Federal registration permit. A permit will be issued to an individual only at the request of a local organization. The brown bear may be taken from either Unit 9D or Unit 10 (Unimak Island) only.

(H) You may hunt brown bear in Unit 9E with a Federal registration permit in lieu of a State locking tag if you have obtained a Federal registration permit prior to hunting.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 9B—Lake Clark National Park and Preserve—Rural residents of Iliamna, Newhalen, Nondalton, Pedro Bay, Port Alsworth, residents of that portion of the park resident zone in Unit 9B; and 13.440 permit holders—1 bear by Federal registration permit only.	July 1–June 30.
The season will be closed by the Lake Clark National Park and Preserve Superintendent when four females or ten bear have been taken, whichever occurs first.	
Unit 9B, remainder—1 bear by State registration permit only	Sept. 1–May 31.
Unit 9C—1 bear by Federal registration permit only	Oct. 1–May 31.
The season will be closed by the Katmai National Park and Preserve Superintendent in consultation with BLM and FWS land managers and ADF&G, when six females or ten bear have been taken, whichever occurs first.	
Unit 9E—1 bear by Federal registration permit	Sept. 25–Dec. 31. Apr. 15–May 25.
Caribou:	
Unit 9A—2 caribou by State registration permit; no more than 1 caribou may be a bull, and no more than 1 caribou may be taken Aug. 1–Jan. 31.	Aug. 1–Mar. 15.
Unit 9B—2 caribou by State registration permit; no more than 1 caribou may be a bull, and no more than 1 caribou may be taken Aug. 1–Jan. 31.	Aug. 1–Mar. 15.
Unit 9C, that portion within the Alagnak River drainage—2 caribou by State registration permit; no more than 1 caribou may be a bull, and no more than 1 caribou may be taken Aug. 1–Jan. 31.	Aug. 1–Mar. 15.
Unit 9C, remainder—Federal public lands are closed to the taking of caribou	No open season.
Unit 9D—1 bull caribou by Federal registration permit only. Quotas and any needed closures will be announced by the Izembek Refuge Manager after consultation with ADF&G.	Aug. 10–Sept 20 Nov. 15–Mar. 31
Unit 9E—Federal public lands are closed to the taking of caribou	No open season.
Sheep:	
Unit 9B, that portion within Lake Clark National Park and Preserve—1 ram with 3/4 curl or larger horn by Federal registration permit only. By announcement of the Lake Clark National Park and Preserve Superintendent, the summer/fall season will be closed when up to 5 sheep are taken and the winter season will be closed when up to 2 sheep are taken.	July 15–Oct. 15. Jan. 1–Apr. 1.
Unit 9B— remainder—1 ram with 7/8 curl or larger horn by Federal registration permit only	Aug. 10–Oct. 10.
Unit 9—remainder—1 ram with 7/8 curl or larger horn	Aug. 10–Sept. 20.
Moose:	
Unit 9A—1 bull by State registration permit	Sept. 1–15.
Unit 9B—1 bull by State registration permit	Sept. 1–20.
Unit 9C—that portion draining into the Naknek River from the north—1 bull by State registration permit	Dec. 1–Jan. 15.
Unit 9C—that portion draining into the Naknek River from the south—1 bull. A State registration permit is required during the Aug. 20–Sept. 20 season; a Federal registration permit is required during the Dec. 1–31 season. Public lands are closed during December for the hunting of moose, except by Federally qualified subsistence users hunting under these regulations.	Sept. 1–20. Dec. 1–31.
Unit 9C—remainder—1 bull by State registration permit	Sept. 1–20. Dec. 15–Jan. 15.
Unit 9D—1 bull by Federal registration permit. Federal public lands will be closed by announcement of the Izembek Refuge Manager to the harvest of moose when a total of 10 bulls have been harvested between State and Federal hunts.	
Unit 9E—1 bull by State registration permit, however only antlered bulls may be taken Dec. 1–Jan. 31	Sept. 1–25. Dec. 1–Jan. 31.
Beaver: Unit 9B and 9E—2 beaver per day	Apr. 15–May 31.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White): No limit	Dec. 1–Mar. 15.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Feb. 28.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver:	
No limit	Oct. 10–Mar. 31.
2 beaver per day; only firearms may be used	Apr. 15–May 31.
Coyote: No limit	Nov. 10–Mar. 31.

Harvest limits	Open season
Fox, Arctic (Blue and White): No limit	Nov. 10–Feb. 28.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Nov. 10–Feb. 28.
Marten: No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(10) *Unit 10.* (i) Unit 10 consists of the Aleutian Islands, Unimak Island, and the Pribilof Islands.

(ii) You may not take any wildlife species for subsistence uses on Otter Island in the Pribilof Islands.

(iii) In Unit 10—Unimak Island only, a Federally qualified subsistence user (recipient) may designate another Federally qualified subsistence user to take caribou on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than four harvest limits in his/her possession at any one time.

(iv) The communities of False Pass, King Cove, Cold Bay, Sand Point, and Nelson Lagoon annually may each take, from October 1–December 31 or May 10–25, one brown bear for ceremonial purposes, under the terms of a Federal registration permit. A permit will be issued to an individual only at the request of a local organization. The brown bear may be taken from either Unit 9D or Unit 10 (Unimak Island) only.

Harvest limits	Open season
HUNTING	
Caribou:	
Unit 10—Unimak Island only	No open season.
Unit 10, remainder—No limit	July 1–June 30.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): No limit	July 1–June 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Ptarmigan (Rock and Willow): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): No limit	July 1–June 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(11) *Unit 11.* Unit 11 consists of that area draining into the headwaters of the Copper River south of Suslota Creek and the area drained by all tributaries into the east bank of the Copper River between the confluence of Suslota Creek with the Slana River and Miles Glacier.

(i) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15.

(B) One moose without calf may be taken from June 20–July 31 in the Wrangell–St. Elias National Park and Preserve in Unit 11 or 12 for the Batzulnetas Culture Camp. Two hunters from either Chistochina or Mentasta Village may be designated by the Mt. Sanford Tribal Consortium to receive the Federal subsistence harvest permit. The permit may be obtained from a Wrangell–St. Elias National Park and Preserve office.

(ii) A joint permit may be issued to a pair of a minor and an elder to hunt sheep during the Aug. 1–Oct. 20 hunt. The following conditions apply:

(A) The permittees must be a minor aged 8 to 15 years old and an accompanying adult 60 years of age or older.

(B) Both the elder and the minor must be Federally qualified subsistence users with a positive customary and traditional use determination for the area they want to hunt.

(C) The minor must hunt under the direct immediate supervision of the accompanying adult, who is responsible for ensuring that all legal requirements are met.

(D) Only one animal may be harvested with this permit. The sheep harvested will count against the harvest limits of both the minor and accompanying adult.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: 1 bear	Aug. 10–June 15.

Harvest limits	Open season
Caribou:	No open season.
Sheep:	
1 sheep	Aug. 10–Sept. 20.
1 sheep by Federal registration permit only by persons 60 years of age or older. Ewes accompanied by lambs or lambs may not be taken.	Aug. 1–Oct. 20.
Goat:	
Unit 11—that portion within the Wrangell–St. Elias National Park and Preserve that is bounded by the Chitina and Nizina rivers on the south, the Kennicott River and glacier on the southeast, and the Root Glacier on the east—1 goat by Federal registration permit only.	Aug. 25–Dec. 31.
Unit 11—the remainder of the Wrangell-St. Elias National Park and Preserve—1 goat by Federal registration permit only.	Aug. 10–Dec. 31.
Unit 11—that portion outside of the Wrangell-St. Elias National Park and Preserve	No open season
Federal public lands will be closed by announcement of the Superintendent, Wrangell–St. Elias National Park and Preserve to the harvest of goats when a total of 45 goats has been harvested between Federal and State hunts.	
Moose:	
Unit 11—that portion draining into the east bank of the Copper River upstream from and including the Slana River drainage—1 antlered bull by joint Federal/State registration permit.	Aug 20–Sept. 20.
Unit 11—that portion south and east of a line running along the north bank of the Chitina River, the north and west banks of the Nazina River, and the west bank of West Fork of the Nazina River, continuing along the western edge of the West Fork Glacier to the summit of Regal Mountain—1 bull by Federal registration permit. However, during the period Aug. 20–Sept. 20, only an antlered bull may be taken.	Aug. 20–Sept. 20. Nov. 20–Dec. 20.
Unit 11 remainder—1 antlered bull by Federal registration permit only	Aug 20–Sept. 20.
Muskrat: No limit	Sept. 20–Jun. 10.
Beaver: 1 beaver per day, 1 in possession	June 1–Oct. 10.
Coyote: 10 coyotes	Aug. 10–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Feb. 28.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Jan. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.
TRAPPING	
Beaver: No limit	Sept. 25–May 31.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Nov. 10–Feb. 28.
Marten: No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(12) *Unit 12.* Unit 12 consists of the Tanana River drainage upstream from the Robertson River, including all drainages into the east bank of the Robertson River, and the White River drainage in Alaska, but excluding the Ladue River drainage.

(i) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30; you may use bait to hunt wolves on FWS and BLM lands.

(B) You may not use a steel trap, or a snare using cable smaller than 3/32-inch diameter to trap coyotes or wolves in Unit 12 during April and October.

(C) One moose without calf may be taken from June 20–July 31 in the Wrangell–St. Elias National Park and Preserve in Unit 11 or 12 for the Batzulnetas Culture Camp. Two hunters from either Chistochina or Mentasta Village may be designated by the Mt. Sanford Tribal Consortium to receive the Federal subsistence harvest permit. The permit may be obtained from a Wrangell–St. Elias National Park and Preserve office.

(ii) A joint permit may be issued to a pair of a minor and an elder to hunt sheep during the Aug. 1–Oct. 20 hunt. The following conditions apply:

(A) The permittees must be a minor aged 8 to 15 years old and an accompanying adult 60 years of age or older.

(B) Both the elder and the minor must be Federally qualified subsistence users with a positive customary and traditional use determination for the area they want to hunt.

(C) The minor must hunt under the direct immediate supervision of the accompanying adult, who is responsible for ensuring that all legal requirements are met.

(D) Only one animal may be harvested with this permit. The sheep harvested will count against the harvest limits of both the minor and accompanying adult.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears.	July 1–June 30.
Brown Bear: 1 bear.	Aug. 10–June 30.

Harvest limits	Open season
Caribou:	
Unit 12—that portion within the Wrangell–St. Elias National Park that lies west of the Nabesna River and the Nabesna Glacier. All hunting of caribou is prohibited on Federal public lands.	No open season.
Unit 12—that portion east of the Nabesna River and the Nabesna Glacier and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border—1 bull by Federal registration permit only.	Aug. 10–Sept. 30.
Federal public lands are closed to the harvest of caribou except by residents of Chisana, Chistochina, Mentasta, Northway, Tetlin, Tok, Unit 12 along the Nabesna Road (mileposts 25–46), and that portion of Unit 12 east of the Nabesna River and the Nabesna Glacier and south of the Winter Trail.	
Unit 12—remainder—1 bull	Sept. 1–20.
Unit 12—remainder—1 caribou may be taken by a Federal registration permit during a winter season to be announced. Dates for a winter season to occur between Oct. 1 and Apr. 30 and sex of animal to be taken will be announced by Tetlin National Wildlife Refuge Manager in consultation with Wrangell–St. Elias National Park and Preserve Superintendent, Alaska Department of Fish and Game area biologists, and Chairs of the Eastern Interior Regional Advisory Council and Upper Tanana/Fortymile Fish and Game Advisory Committee.	Winter season to be announced.
Sheep:	
Unit 12—1 ram with full curl or larger horn	Aug. 10–Sept. 20.
Unit 12—that portion within Wrangell–St. Elias National Park and Preserve—1 ram with full curl horn or larger by Federal registration permit only by persons 60 years of age or older.	Aug. 1–Oct. 20.
Moose:	
Unit 12—that portion within the Tetlin National Wildlife Refuge and those lands within the Wrangell–St. Elias National Preserve north and east of a line formed by the Pickerel Lake Winter Trail from the Canadian border to Pickerel Lake—1 antlered bull by Federal registration permit.	Aug. 24–Sept. 20. Nov. 1–Feb. 28.
Unit 12—that portion east of the Nabesna River and Nabesna Glacier, and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border—1 antlered bull.	Aug. 24–Sept. 30.
Unit 12—remainder—1 antlered bull by joint Federal/State registration permit only	Aug. 20–Sept. 20.
Beaver: Unit 12—Wrangell–Saint Elias National Park and Preserve—6 beaver per season. Meat from harvested beaver must be salvaged for human consumption.	Sept. 20–May 15.
Coyote: 10 coyotes	Aug. 10–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Mar. 15.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver: 15 beaver per season. Only firearms may be used during Sept. 20–Oct. 31 and Apr. 16–May 15, to take up to 6 beaver. Only traps or snares may be used Nov. 1–Apr. 15. The total annual harvest limit for beaver is 15, of which no more than 6 may be taken by firearm under trapping or hunting regulations. Meat from beaver harvested by firearm must be salvaged for human consumption.	Sept. 20–May 15.
Coyote: No limit	Oct. 15–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx: No limit; however, no more than 5 lynx may be taken between Nov. 1 and Nov. 30	Nov. 1–Dec. 31.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Sept. 20–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Oct. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Feb. 28.

(13) *Unit 13.* (i) Unit 13 consists of that area westerly of the east bank of the Copper River and drained by all tributaries into the west bank of the Copper River from Miles Glacier and including the Slana River drainages north of Suslota Creek; the drainages into the Delta River upstream from Falls Creek and Black Rapids Glacier; the drainages into the Nenana River upstream from the southeastern corner of Denali National Park at Windy; the drainage into the Susitna River upstream from its junction with the Chulitna River; the drainage into the east bank of the Chulitna River upstream to its confluence with Tokositna River; the drainages of the Chulitna River (south of Denali National Park) upstream from its confluence with the Tokositna River; the drainages into the north bank of the Tokositna River upstream to the base of the Tokositna Glacier; the drainages into the Tokositna Glacier; the drainages into the east bank of the Susitna River between its confluences with the Talkeetna and Chulitna Rivers; the drainages into the north and east bank of the Talkeetna River including the Talkeetna River to its confluence with Clear Creek, the eastside drainages of a line going up the south bank of Clear Creek to the first unnamed creek on the south, then up that creek to lake 4408, along the northeastern shore of lake 4408, then southeast in a straight line to the northernmost fork of the Chickaloon River; the drainages into the east bank of the Chickaloon River below the line from lake 4408; the drainages of the Matanuska River above its confluence with the Chickaloon River:

(A) Unit 13A consists of that portion of Unit 13 bounded by a line beginning at the Chickaloon River bridge at Mile 77.7 on the Glenn Highway, then along the Glenn Highway to its junction with the Richardson Highway, then south along the Richardson Highway to the foot of Simpson Hill at Mile 111.5, then east to the east bank of the Copper River, then northerly along the east bank of the Copper River to its junction with

the Gulkana River, then northerly along the west bank of the Gulkana River to its junction with the West Fork of the Gulkana River, then westerly along the west bank of the West Fork of the Gulkana River to its source, an unnamed lake, then across the divide into the Tyone River drainage, down an unnamed stream into the Tyone River, then down the Tyone River to the Susitna River, then down the south bank of the Susitna River to the mouth of Kosina Creek, then up Kosina Creek to its headwaters, then across the divide and down Aspen Creek to the Talkeetna River, then southerly along the boundary of Unit 13 to the Chickaloon River bridge, the point of beginning.

(B) Unit 13B consists of that portion of Unit 13 bounded by a line beginning at the confluence of the Copper River and the Gulkana River, then up the east bank of the Copper River to the Gakona River, then up the Gakona River and Gakona Glacier to the boundary of Unit 13, then westerly along the boundary of Unit 13 to the Susitna Glacier, then southerly along the west bank of the Susitna Glacier and the Susitna River to the Tyone River, then up the Tyone River and across the divide to the headwaters of the West Fork of the Gulkana River, then down the West Fork of the Gulkana River to the confluence of the Gulkana River and the Copper River, the point of beginning.

(C) Unit 13C consists of that portion of Unit 13 east of the Gakona River and Gakona Glacier.

(D) Unit 13D consists of that portion of Unit 13 south of Unit 13A.

(E) Unit 13E consists of the remainder of Unit 13.

(ii) Within the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take wildlife for subsistence uses on lands within Mount McKinley National Park as it existed prior to December 2, 1980. Subsistence uses as authorized by paragraph (n)(13) of this section are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980.

(B) You may not use motorized vehicles or pack animals for hunting from Aug. 5–25 in the Delta Controlled Use Area, the boundary of which is defined as: A line beginning at the confluence of Miller Creek and the Delta River, then west to vertical angle benchmark Miller, then west to include all drainages of Augustana Creek and Black Rapids Glacier, then north and east to include all drainages of McGinnis Creek to its confluence with the Delta River, then east in a straight line across the Delta River to Mile 236.7 Richardson Highway, then north along the Richardson Highway to its junction with the Alaska Highway, then east along the Alaska Highway to the west bank of the Johnson River, then south along the west bank of the Johnson River and Johnson Glacier to the head of the Cantwell Glacier, then west along the north bank of the Cantwell Glacier and Miller Creek to the Delta River.

(C) Except for access and transportation of harvested wildlife on Sourdough and Haggard Creeks, Middle Fork trails, or other trails designated by the Board, you may not use motorized vehicles for subsistence hunting in the Sourdough Controlled Use Area. The Sourdough Controlled Use Area consists of that portion of Unit 13B bounded by a line beginning at the confluence of Sourdough Creek and the Gulkana River, then northerly along Sourdough Creek to the Richardson Highway at approximately Mile 148, then northerly along the Richardson Highway to the Middle Fork Trail at approximately Mile 170, then westerly along the trail to the Gulkana River, then southerly along the east bank of the Gulkana River to its confluence with Sourdough Creek, the point of beginning.

(D) You may not use any motorized vehicle or pack animal for hunting, including the transportation of hunters, their hunting gear, and/or parts of game from July 26–September 30 in the Tonsina Controlled Use Area. The Tonsina Controlled Use Area consists of that portion of Unit 13D bounded on the west by the Richardson Highway from the Tiekel River to the Tonsina River at Tonsina, on the north along the south bank of the Tonsina River to where the Edgerton Highway crosses the Tonsina River, then along the Edgerton Highway to Chitina, on the east by the Copper River from Chitina to the Tiekel River, and on the south by the north bank of the Tiekel River.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15.

(B) Upon written request by the Camp Director to the Glennallen Field Office, 2 caribou, sex to be determined by the Glennallen Field Office Manager of the BLM, may be taken from Aug. 10–Sept. 30 or Oct. 21–Mar. 31 by Federal registration permit for the Hudson Lake Residential Treatment Camp. Additionally, 1 bull moose may be taken Aug. 1–Sept. 20. The animals may be taken by any Federally qualified hunter designated by the Camp Director. The hunter must have in his/her possession the permit and a designated hunter permit during all periods that are being hunted.

(C) Upon written request from the Ahtna Heritage Foundation to the Glennallen Field Office, either 1 bull moose or 2 caribou, sex to be determined by the Glennallen Field Office Manager of the Bureau of Land Management, may be taken from Aug. 1–Sept. 20 for 1 moose or Aug. 10–Sept. 20 for 2 caribou by Federal registration permit for the Ahtna Heritage Foundation's culture camp. The permit will expire on September 20 or when the camp closes, whichever comes first. No combination of caribou and moose is allowed. The animals may be taken by any Federally qualified hunter designated by the Camp Director. The hunter must have in his/her possession the permit and a designated hunter permit during all periods that are being hunted.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: 1 bear. Bears taken within Denali National Park must be sealed within 5 days of harvest. That portion within Denali National Park will be closed by announcement of the Superintendent after 4 bears have been harvested.	Aug. 10–May 31.
Caribou:	
Unit 13A and 13B—2 caribou by Federal registration permit only. The sex of animals that may be taken will be announced by the Glennallen Field Office Manager of the Bureau of Land Management in consultation with the Alaska Department of Fish and Game area biologist and Chairs of the Eastern Interior Regional Advisory Council and the Southcentral Regional Advisory Council.	Aug. 1–Sept. 30. Oct. 21–Mar. 31.
Unit 13—remainder—2 bulls by Federal registration permit only	Aug. 1–Sept. 30. Oct. 21–Mar. 31.
You may not hunt within the Trans-Alaska Oil Pipeline right-of-way. The right-of-way is the area occupied by the pipeline (buried or above ground) and the cleared area 25 feet on either side of the pipeline.	

Harvest limits	Open season
Sheep: Unit 13, excluding Unit 13D and the Tok Management Area and Delta Controlled Use Area—1 ram with 7/8 curl or larger horn.	Aug. 10–Sept. 20.
Moose:	
Unit 13E—1 antlered bull moose by Federal registration permit only; only 1 permit will be issued per household	Aug. 1–Sept. 20.
Unit 13–remainder—1 antlered bull moose by Federal registration permit only	Aug. 1–Sept. 20.
Beaver: 1 beaver per day, 1 in possession	June 15–Sept. 10.
Coyote: 10 coyotes	Aug. 10–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Feb. 28.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Jan. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession.	Aug. 10–Mar. 31.
TRAPPING	
Beaver: No limit	Sept. 25–May 31.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Nov. 10–Feb. 28.
Marten: Unit 13—No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: No limit	Sept. 25–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Oct. 15–Apr. 30.
Wolverine: No limit	Nov. 10–Jan. 31.

(14) *Unit 14.* (i) Unit 14 consists of drainages into the northern side of Turnagain Arm west of and excluding the Portage Creek drainage, drainages into Knik Arm excluding drainages of the Chickaloon and Matanuska Rivers in Unit 13, drainages into the northern side of Cook Inlet east of the Susitna River, drainages into the east bank of the Susitna River downstream from the Talkeetna River, and drainages into the south and west bank of the Talkeetna River to its confluence with Clear Creek, the western side drainages of a line going up the south bank of Clear Creek to the first unnamed creek on the south, then up that creek to lake 4408, along the northeastern shore of lake 4408, then southeast in a straight line to the northernmost fork of the Chickaloon River:

(A) Unit 14A consists of drainages in Unit 14 bounded on the west by the east bank of the Susitna River, on the north by the north bank of Willow Creek and Peters Creek to its headwaters, then east along the hydrologic divide separating the Susitna River and Knik Arm drainages to the outlet creek at lake 4408, on the east by the eastern boundary of Unit 14, and on the south by Cook Inlet, Knik Arm, the south bank of the Knik River from its mouth to its junction with Knik Glacier, across the face of Knik Glacier and along the northern side of Knik Glacier to the Unit 6 boundary;

(B) Unit 14B consists of that portion of Unit 14 north of Unit 14A;

(C) Unit 14C consists of that portion of Unit 14 south of Unit 14A.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take wildlife for subsistence uses in the Fort Richardson and Elmendorf Air Force Base Management Areas, consisting of the Fort Richardson and Elmendorf Military Reservations;

(B) You may not take wildlife for subsistence uses in the Anchorage Management Area, consisting of all drainages south of Elmendorf and Fort Richardson military reservations and north of and including Rainbow Creek.

(iii) Unit-specific regulations:

Harvest limits	Open season
HUNTING	
Black Bear: Unit 14C—1 bear	Jul. 1–Jun. 30.
Beaver: Unit 14C—1 beaver per day, 1 in possession	May 15–Oct. 31.
Coyote: Unit 14C—2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): Unit 14C—2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): Unit 14C—5 hares per day	Sept. 8–Apr. 30.
Lynx: Unit 14C—2 lynx	Dec. 1–Jan. 31.
Wolf: Unit 14C—5 wolves	Aug. 10–Apr. 30.
Wolverine: Unit 14C—1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce and Ruffed): Unit 14C—5 per day, 10 in possession	Sept. 8–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): Unit 14C—10 per day, 20 in possession	Sept. 8–Mar. 31.
TRAPPING	
Beaver: Unit 14C—that portion within the drainages of Glacier Creek, Kern Creek, Peterson Creek, the Twentymile River and the drainages of Knik River outside Chugach State Park—20 beaver per season.	Dec. 1–Apr. 15.
Coyote: Unit 14C—No limit	Nov. 10–Feb. 28.
Fox, Red (including Cross, Black and Silver Phases): Unit 14C—1 fox	Nov. 10–Feb. 28.
Lynx: Unit 14C—No limit	Dec. 15–Jan. 31.
Marten: Unit 14C—No limit	Nov. 10–Jan. 31.

Harvest limits	Open season
Mink and Weasel: Unit 14C—No limit	Nov. 10–Jan. 31.
Muskrat: Unit 14C—No limit	Nov. 10–May 15.
Otter: Unit 14C—No limit	Nov. 10–Feb. 28.
Wolf: Unit 14C—No limit	Nov. 10–Feb. 28.
Wolverine: Unit 14C—2 wolverines	Nov. 10–Jan. 31.

(15) *Unit 15.* (i) Unit 15 consists of that portion of the Kenai Peninsula and adjacent islands draining into the Gulf of Alaska, Cook Inlet, and Turnagain Arm from Gore Point to the point where longitude line 150°00′ W. crosses the coastline of Chickaloon Bay in Turnagain Arm, including that area lying west of longitude line 150°00′ W. to the mouth of the Russian River, then southerly along the Chugach National Forest boundary to the upper end of Upper Russian Lake; and including the drainages into Upper Russian Lake west of the Chugach National Forest boundary:

(A) Unit 15A consists of that portion of Unit 15 north of the north bank of the Kenai River and the northern shore of Skilak Lake;

(B) Unit 15B consists of that portion of Unit 15 south of the north bank of the Kenai River and the northern shore of Skilak Lake, and north of the north bank of the Kasilof River, the northern shore of Tustumena Lake, Glacier Creek, and Tustumena Glacier;

(C) Unit 15C consists of the remainder of Unit 15.

(ii) You may not take wildlife, except for grouse, ptarmigan, and hares that may be taken only from October 1 through March 1 by bow and arrow only, in the Skilak Loop Management Area, which consists of that portion of Unit 15A bounded by a line beginning at the easternmost junction of the Sterling Highway and the Skilak Loop (milepost 76.3), then due south to the south bank of the Kenai River, then southerly along the south bank of the Kenai River to its confluence with Skilak Lake, then westerly along the northern shore of Skilak Lake to Lower Skilak Lake Campground, then northerly along the Lower Skilak Lake Campground Road and the Skilak Loop Road to its westernmost junction with the Sterling Highway, then easterly along the Sterling Highway to the point of beginning.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may not trap furbearers for subsistence in the Skilak Loop Wildlife Management Area;

(C) You may not trap marten in that portion of Unit 15B east of the Kenai River, Skilak Lake, Skilak River, and Skilak Glacier;

(D) You may not take red fox in Unit 15 by any means other than a steel trap or snare.

Harvest limits	Open season
HUNTING	
Black Bear:	
Units 15A and 15B—2 bears by Federal registration permit	Jul. 1–Jun. 30.
Unit 15C—3 bears	Jul. 1–Jun. 30.
Unit 14C—1 bear.	
Brown Bear: Unit 15—1 bear every 4 regulatory years by Federal registration permit. The season may be opened or closed by announcement from the Kenai National Wildlife Refuge Manager after consultation with ADF&G and the Chair of the Southcentral Alaska Subsistence Regional Advisory Council.	Sept. 1–Nov. 30, to be announced and Apr. 1–Jun. 15, to be announced.
Moose:	
Unit 15A—Skilak Loop Wildlife Management Area	No open season.
Unit 15A—remainder, 15B, and 15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only.	Aug. 10–Sept. 20.
Units 15B and 15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only. The Kenai NWR Refuge Manager is authorized to close the October/November season based on conservation concerns, in consultation with ADF&G and the Chair of the Southcentral Alaska Subsistence Regional Advisory Council.	Oct. 20–Nov. 10.
Unit 15C—1 cow by Federal registration permit only	Aug. 10–Sept. 20.
Coyote: No limit	Sept. 1–Apr. 30.
Hare (Snowshoe): No limit	July 1–Jun. 30.
Lynx: 2 lynx	Nov. 10–Jan. 31.
Wolf:	
Unit 15—that portion within the Kenai National Wildlife Refuge—2 wolves	Aug. 10–Apr. 30.
Unit 15—remainder—5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Grouse (Ruffed)	No open season.
Ptarmigan (Rock, Willow, and White-tailed):	
Unit 15A and 15B—20 per day, 40 in possession	Aug. 10–Mar. 31.
Unit 15C—20 per day, 40 in possession	Aug. 10–Dec. 31.
Unit 15C—5 per day, 10 in possession	Jan. 1–Mar. 31.
TRAPPING	
Beaver: 20 beaver per season	Nov. 10–Mar. 31.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): 1 Fox	Nov. 10–Feb. 28.
Lynx: No limit	Jan. 1–Jan. 31.
Marten:	
Unit 15B—that portion east of the Kenai River, Skilak Lake, Skilak River, and Skilak Glacier	No open season.

Harvest limits	Open season
Remainder of Unit 15—No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–May 15.
Otter: Unit 15—No limit	Nov. 10–Feb. 28.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: Unit 15B and C—No limit	Nov. 10–Feb. 28.

(16) *Unit 16.* (i) Unit 16 consists of the drainages into Cook Inlet between Redoubt Creek and the Susitna River, including Redoubt Creek drainage, Kalgin Island, and the drainages on the western side of the Susitna River (including the Susitna River) upstream to its confluence with the Chulitna River; the drainages into the western side of the Chulitna River (including the Chulitna River) upstream to the Tokositna River, and drainages into the southern side of the Tokositna River upstream to the base of the Tokositna Glacier, including the drainage of the Kahiltna Glacier:

(A) Unit 16A consists of that portion of Unit 16 east of the east bank of the Yentna River from its mouth upstream to the Kahiltna River, east of the east bank of the Kahiltna River, and east of the Kahiltna Glacier;

(B) Unit 16B consists of the remainder of Unit 16.

(ii) You may not take wildlife for subsistence uses in the Mount McKinley National Park, as it existed prior to December 2, 1980. Subsistence uses as authorized by paragraph (n)(16) of this section are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15.

(B) [Reserved]

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Caribou: 1 caribou	Aug. 10–Oct. 31.
Moose:	
Unit 16B—Redoubt Bay Drainages south and west of, and including the Kustatan River drainage—1 bull	Sept. 1–15.
Unit 16B—Denali National Preserve only—1 bull by Federal registration permit. One Federal registration permit for moose issued per household.	Sept. 1–30. Dec. 1–Feb. 28.
Unit 16B, remainder—1 bull	Sept. 1–30. Dec. 1–Feb. 28.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe): No limit	July 1–Jun. 30.
Lynx: 2 lynx	Dec. 1–Jan. 31.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce and Ruffed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.
TRAPPING	
Beaver: No limit	Oct. 10–May 15.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Dec. 15–Jan. 31.
Marten: No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–Jun. 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(17) *Unit 17.* (i) Unit 17 consists of drainages into Bristol Bay and the Bering Sea between Etolin Point and Cape Newenham, and all islands between these points including Hagemeister Island and the Walrus Islands:

(A) Unit 17A consists of the drainages between Cape Newenham and Cape Constantine, and Hagemeister Island and the Walrus Islands;

(B) Unit 17B consists of the Nushagak River drainage upstream from, and including the Mulchatna River drainage and the Wood River drainage upstream from the outlet of Lake Beverley;

(C) Unit 17C consists of the remainder of Unit 17.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) Except for aircraft and boats and in legal hunting camps, you may not use any motorized vehicle for hunting ungulates, bears, wolves, and wolverine, including transportation of hunters and parts of ungulates, bear, wolves, or wolverine in the Upper Mulchatna Controlled Use Area consisting of Unit 17B, from Aug. 1–Nov. 1.

(B) [Reserved]

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15.

(B) You may hunt brown bear by State registration permit in lieu of a resident tag if you have obtained a State registration permit prior to hunting.

(C) If you have a trapping license, you may use a firearm to take beaver in Unit 17 from April 15–May 31. You may not take beaver with a firearm under a

trapping license on National Park Service lands.

Harvest limits	Open season
HUNTING	
Black Bear: 2 bears	Aug. 1–May 31.
Brown Bear: Unit 17—1 bear by State registration permit only	Sept. 1–May 31.
Caribou:	
Unit 17A—all drainages west of Right Hand Point—2 caribou by State registration permit; no more than 1 caribou may be a bull, and no more than 1 caribou may be taken Aug. 1–Jan. 31. The season may be closed and harvest limit reduced for the drainages between the Togiak River and Right Hand Point by announcement of the Togiak National Wildlife Refuge Manager.	Aug. 1–Mar. 15.
Units 17A and 17C—that portion of 17A and 17C consisting of the Nushagak Peninsula south of the Igushik River, Tuklung River and Tuklung Hills, west to Tvativak Bay—up to 2 caribou by Federal registration permit. Public lands are closed to the taking of caribou except by residents of Togiak, Twin Hills, Manokotak, Aleknagik, Dillingham, Clark's Point, and Ekuk hunting under these regulations. The harvest quota, harvest limit, and the number of permits available will be announced by the Togiak National Wildlife Refuge Manager after consultation with the Alaska Department of Fish and Game and the Nushagak Peninsula Caribou Planning Committee. Successful hunters must report their harvest to the Togiak National Wildlife Refuge within 24 hours after returning from the field. The season may be closed by announcement of the Togiak National Wildlife Refuge Manager.	Aug. 1–Sept. 30. Dec. 1–Mar. 31.
Units 17A remainder and 17C remainder—selected drainages; a harvest limit of up to 2 caribou by State registration permit will be determined at the time the season is announced. Season, harvest limit, and hunt area to be announced by the Togiak National Wildlife Refuge Manager.	Season may be announced between Aug. 1–Mar. 15.
Units 17B and 17C—that portion of 17C east of the Wood River and Wood River Lakes—2 caribou by State registration permit; no more than 1 caribou may be a bull, and no more than 1 caribou from Aug. 1–Jan 31.	Aug. 1–Mar. 15.
Sheep: 1 ram with full curl or larger horn	Aug. 10–Sept. 20.
Moose:	
Unit 17A—1 bull by State registration permit	Aug. 25–Sept. 20.
Unit 17A—up to 2 moose by State registration permit	Up to a 31-day season may be announced between Dec. 1–Jan. 31.
Units 17B and 17C—one bull	Aug. 20–Sept. 15.
During the period Aug. 20–Sept. 15—one bull by State registration permit; or	Dec. 1–31.
During the period Sept. 1–15—one bull with spike-fork or 50-inch antlers or antlers with three or more brow tines on at least one side with a State harvest ticket; or During the period Dec. 1–31—one antlered bull by State registration permit.	
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): No limit	Dec. 1–Mar. 15.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Feb. 28.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce and Ruffed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock and Willow): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver:	
Unit 17—No limit	Oct. 10–Mar. 31.
Unit 17—2 beaver per day. Only firearms may be used	Apr. 15–May 31.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Arctic (Blue and White Phase): No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Mar. 31.
Lynx: No limit	Nov. 10–Mar. 31.
Marten: No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: 2 muskrats	Nov. 10–Feb. 28.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(18) *Unit 18.* (i) Unit 18 consists of that area draining into the Yukon and Kuskokwim Rivers downstream from a straight line drawn between Lower Kalskag and Paimiut and the drainages flowing into the Bering Sea from Cape Newenham on the south to and including the Pastolik River drainage on the north; Nunivak, St. Matthew, and adjacent islands between Cape Newenham and the Pastolik River.

(ii) In the Kalskag Controlled Use Area, which consists of that portion of Unit 18 bounded by a line from Lower Kalskag on the Kuskokwim River, northwesterly to Russian Mission on the Yukon River, then east along the north bank of the Yukon River to the old site of Paimiut, then back to Lower Kalskag, you are not allowed to use aircraft for hunting any ungulate, bear, wolf, or wolverine, including the transportation of any hunter and ungulate, bear, wolf, or wolverine part; however, this does not apply to transportation of a hunter or ungulate, bear, wolf, or wolverine part by aircraft between publicly owned airports in the Controlled Use Area or between a publicly owned airport

within the Area and points outside the Area.

(iii) Unit-specific regulations:

(A) If you have a trapping license, you may use a firearm to take beaver in Unit 18 from Apr. 1 through Jun. 10.

(B) You may hunt brown bear by State registration permit in lieu of a resident tag if you have obtained a State registration permit prior to hunting.

(C) You may take caribou from a boat moving under power in Unit 18.

(D) You may take moose from a boat moving under power in that portion of Unit 18 west of a line running from the mouth of the Ishkowik River to the closest point of Dall Lake, then to the east bank of the Johnson River at its entrance into Nunavakanukakslak Lake (N 60°59.41′ Latitude; W 162°22.14′ Longitude), continuing upriver along a line ½ mile south and east of, and paralleling a line along the southerly bank of the Johnson River to the confluence of the east bank of Crooked Creek, then continuing upriver to the outlet at Arhymot Lake, then following the south bank west to the Unit 18 border.

(E) Taking of wildlife in Unit 18 while in possession of lead shot size T, .20 calibre or less in diameter, is prohibited.

(F) You may not pursue with a motorized vehicle an ungulate that is at or near a full gallop.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: 1 bear by State registration permit only	Sept. 1–May 31.
Caribou:	
Unit 18—that portion to the east and south of the Kuskokwim River—2 caribou by State registration permit	Aug. 1–Mar. 15.
Unit 18 remainder—2 caribou by State registration permit	Aug. 1–Mar. 15.
Moose:	
Unit 18—that portion east of a line running from the mouth of the Ishkowik River to the closest point of Dall Lake, then to the east bank of the Johnson River at its entrance into Nunavakanukakslak Lake (N 60°59.41′ Latitude; W162°22.14′ Longitude), continuing upriver along a line ½ mile south and east of, and paralleling a line along the southerly bank of the Johnson River to the confluence of the east bank of Crooked Creek, then continuing upriver to the outlet at Arhymot Lake, then following the south bank east of the Unit 18 border and then north of and including the Eek River drainage—1 antlered bull by State registration permit; quotas will be announced annually by the Yukon Delta National Wildlife Refuge Manager.	Sept. 1–30.
Federal public lands are closed to the taking of moose except by residents of Tuntutuliak, Eek, Napakiak, Napaskiak, Kasigluk, Nunapitchuk, Atmautlauk, Oscarville, Bethel, Kwethluk, Akiachak, Akiak, Tuluksak, Lower Kalskag, and Kalskag.	
Unit 18—south of and including the Kanektok River drainages to the Goodnews River drainage. Federal public lands are closed to the taking of moose by all users.	No open season.
Unit 18—Goodnews River drainage and south to the Unit 18 boundary—1 antlered bull by State registration permit. Any needed closures will be announced by the Togiak National Wildlife Refuge Manager after consultation with BLM, ADF&G, and the Chair of the Yukon–Kuskokwim Delta Subsistence Regional Advisory Council.	Sept. 1–30.
Unit 18, remainder—2 moose, only one of which may be antlered. Antlered bulls may not be harvested from Oct. 1 through Nov. 30.	Aug 1–Mar. 31.
Beaver: No limit	July 1–June 30.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): 2 foxes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 5 lynx	Aug. 10–Apr. 30.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 2 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce and Ruffed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock and Willow): 50 per day, 100 in possession	Aug. 10–May 30.
TRAPPING	
Beaver: No limit	July 1–June 30.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Arctic (Blue and White Phase): No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Mar. 31.
Lynx: No limit	Nov. 10–Mar. 31.
Marten: No limit	Nov. 10–Mar. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Mar. 31.

(19) *Unit 19.* (i) Unit 19 consists of the Kuskokwim River drainage upstream from a straight line drawn between Lower Kalskag and Piamiut:

(A) Unit 19A consists of the Kuskokwim River drainage downstream from and including the Moose Creek drainage on the north bank and downstream from and including the Stony River drainage on the south bank, excluding Unit 19B.

(B) Unit 19B consists of the Aniak River drainage upstream from and including the Salmon River drainage, the Holitna River drainage upstream from and including the Bakbuk Creek drainage, that area south of a line from the mouth of Bakbuk Creek to the radar dome at Sparrevohn Air Force Base, including the Hoholitna River drainage upstream from that line, and the Stony River drainage upstream from and including the Can Creek drainage.

(C) Unit 19C consists of that portion of Unit 19 south and east of a line from Benchmark M#1.26 (approximately 1.26 miles south of the northwestern corner of the original Mt. McKinley National Park boundary) to the peak of Lone Mountain, then due west to Big River, including the Big River drainage upstream from that line, and including the Swift River drainage upstream from and including the North Fork drainage.

(D) Unit 19D consists of the remainder of Unit 19.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not take wildlife for subsistence uses on lands within Mount McKinley National Park as it existed prior to December 2, 1980. Subsistence uses as authorized by paragraph (n)(19) of this section are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980.

(B) In the Upper Kuskokwim Controlled Use Area, which consists of that portion of Unit 19D upstream from the mouth of the Selatna River, but excluding the Selatna and Black River drainages, to a line extending from Dyckman Mountain on the northern Unit 19D boundary southeast to the 1,610-foot crest of Munsatli Ridge, then south along Munsatli Ridge to the 2,981-foot peak of Telida Mountain, then northeast to the intersection of the western boundary of Denali National Preserve with the Minchumina–Telida winter trail, then south along the western boundary of Denali National Preserve to the southern boundary of Unit 19D, you may not use aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the Controlled Use Area, or between a publicly owned airport within the area and points outside the area.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30;

(B) You may hunt brown bear by State registration permit in lieu of a resident tag in those portions of Units19A and 19B downstream of and including the Aniak River drainage if you have obtained a State registration permit prior to hunting.

(C) In Unit 19C, individual residents of Nikolai may harvest sheep during the Aug. 10 to Sept. 20 season and not have that animal count against the community harvest limit (during the Oct. 1 to Mar. 30 season). Individual residents of Nikolai that harvest a sheep under State regulations may not participate in the Oct. 1 to Mar. 30 community harvest.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 19A and 19B—those portions which are downstream of and including the Aniak River drainage—1 bear by State registration permit.	Aug. 10–June 30.
Unit 19A, remainder, 19B, remainder, and Unit 19D—1 bear	Aug. 10–June 30.
Caribou:	
Unit 19A—north of Kuskokwim River—2 caribou by State registration permit, no more than 1 caribou may be a bull; no more than 1 caribou may be taken from Aug. 1–Jan. 31.	Aug. 1–Mar. 15.
Unit 19A—south of the Kuskokwim River and Unit 19B (excluding rural Alaska residents of Lime Village)—2 caribou by State registration permit; no more than 1 caribou may be a bull; no more than 1caribou may be taken Aug. 1–Jan. 31.	
Unit 19C—1 caribou	Aug. 10–Oct. 10.
Unit 19D—south and east of the Kuskokwim River and North Fork of the Kuskokwim River—1 caribou	Aug. 10–Sept. 30. Nov. 1–Jan. 31.
Unit 19D, remainder—1 caribou	Aug. 10–Sept. 30.
Unit 19—Residents domiciled in Lime Village only—no individual harvest limit but a village harvest quota of 200 caribou; cows and calves may not be taken from Apr. 1–Aug. 9. Reporting will be by a community reporting system.	July 1–June 30.
Sheep:	
1 ram with 7/8 curl horn or larger	Aug. 10–Sept. 20.
Unit 19C—that portion within the Denali National Park and Preserve—residents of Nikolai only—no individual harvest limit, but a community harvest quota will be set annually by the Denali National Park and Preserve Superintendent; rams or ewes without lambs only. Reporting will be by a community reporting system.	Oct. 1–Mar. 30.
Moose:	
Unit 19—Residents of Lime Village only—no individual harvest limit, but a village harvest quota of 28 bulls (including those taken under the State permits). Reporting will be by a community reporting system.	July 1–June 30.
Unit 19A—North of the Kuskokwim River, upstream from but excluding the George River drainage, and south of the Kuskokwim River upstream from and including the Downey Creek drainage, not including the Lime Village Management Area; Federal public lands are closed to the taking of moose.	No open season.
Unit 19A, remainder—1 antlered bull by Federal drawing permit or a State permit. Federal public lands are closed to the taking of moose except by residents of Tuluksak, Lower Kalskag, Upper Kalskag, Aniak, Chuathbaluk, and Crooked Creek hunting under these regulations. The Refuge Manager of the Yukon Delta NWR, in cooperation with the BLM Field Office Manager, will annually establish the harvest quota and number of permits to be issued in coordination with the State Tier I hunt. If the allowable harvest level is reached before the regular season closing date, the Refuge Manager, in consultation with the BLM Field Office Manager, will announce an early closure of Federal public lands to all moose hunting.	Sept. 1–20.
Unit 19B—1 bull with spike-fork or 50-inch antlers or antlers with 4 or more brow tines on one side	Sept. 1–20.
Unit 19C—1 antlered bull	Sept. 1–20.
Unit 19C—1 bull by State registration permit	Jan. 15–Feb. 15.
Unit 19D—that portion of the Upper Kuskokwim Controlled Use Area within the North Fork drainage upstream from the confluence of the South Fork to the mouth of the Swift Fork—1 antlered bull.	Sept. 1–30.
Unit 19D—remainder of the Upper Kuskokwim Controlled Use Area—1 bull	Sept. 1–30. Dec. 1–Feb. 15.
Unit 19D, remainder—1 antlered bull	Sept. 1–30 Dec. 1–15.

Harvest limits	Open season
Coyote: 10 coyotes	Aug. 10–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Feb. 28.
Wolf:	
Unit 19D—10 wolves per day	Aug. 10–Apr. 30.'
Unit 19, remainder—5 wolves	Aug. 10–Apr. 30.
Wolverine:	
1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver: No limit	Nov. 1–Jun. 10.
Coyote: No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit.	Nov. 1–Mar. 31.
Lynx: No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Mar. 31.

(20) *Unit 20.* (i) Unit 20 consists of the Yukon River drainage upstream from and including the Tozitna River drainage to and including the Hamlin Creek drainage, drainages into the south bank of the Yukon River upstream from and including the Charley River drainage, the Ladue River and Fortymile River drainages, and the Tanana River drainage north of Unit 13 and downstream from the east bank of the Robertson River:

(A) Unit 20A consists of that portion of Unit 20 bounded on the south by the Unit 13 boundary, bounded on the east by the west bank of the Delta River, bounded on the north by the north bank of the Tanana River from its confluence with the Delta River downstream to its confluence with the Nenana River, and bounded on the west by the east bank of the Nenana River.

(B) Unit 20B consists of drainages into the northern bank of the Tanana River from and including Hot Springs Slough upstream to and including the Banner Creek drainage.

(C) Unit 20C consists of that portion of Unit 20 bounded on the east by the east bank of the Nenana River and on the north by the north bank of the Tanana River downstream from the Nenana River.

(D) Unit 20D consists of that portion of Unit 20 bounded on the east by the east bank of the Robertson River and on the west by the west bank of the Delta River, and drainages into the north bank of the Tanana River from its confluence with the Robertson River downstream to, but excluding, the Banner Creek drainage.

(E) Unit 20E consists of drainages into the south bank of the Yukon River upstream from and including the Charley River drainage, and the Ladue River drainage.

(F) Unit 20F consists of the remainder of Unit 20.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not take wildlife for subsistence uses on lands within Mount McKinley National Park as it existed prior to December 2, 1980. Subsistence uses as authorized by paragraph (n)(20) of this section are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980.

(B) You may not use motorized vehicles or pack animals for hunting Aug. 5–25 in the Delta Controlled Use Area, the boundary of which is defined as: A line beginning at the confluence of Miller Creek and the Delta River, then west to vertical angle benchmark Miller, then west to include all drainages of Augustana Creek and Black Rapids Glacier, then north and east to include all drainages of McGinnis Creek to its confluence with the Delta River, then east in a straight line across the Delta River to Mile 236.7 of the Richardson Highway, then north along the Richardson Highway to its junction with the Alaska Highway, then east along the Alaska Highway to the west bank of the Johnson River, then south along the west bank of the Johnson River and Johnson Glacier to the head of the Canwell Glacier, then west along the north bank of the Canwell Glacier and Miller Creek to the Delta River.

(C) You may not use firearms, snowmobiles, licensed highway vehicles or motorized vehicles, except aircraft and boats, in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending 5 miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor may use firearms within the Corridor only for subsistence taking of wildlife;

(D) You may not use any motorized vehicle for hunting August 5–September 20 in the Glacier Mountain Controlled Use Area, which consists of that portion of Unit 20E bounded by a line beginning at Mile 140 of the Taylor Highway, then north along the highway to Eagle, then west along the cat trail from Eagle to Crooked Creek, then from Crooked Creek southwest along the west bank of Mogul Creek to its headwaters on North Peak, then west across North Peak to the headwaters of Independence Creek, then southwest along the west bank of Independence Creek to its confluence with the North Fork of the Fortymile River, then easterly along the south bank of the North Fork of the Fortymile River to its confluence with Champion

Creek, then across the North Fork of the Fortymile River to the south bank of Champion Creek and easterly along the south bank of Champion Creek to its confluence with Little Champion Creek, then northeast along the east bank of Little Champion Creek to its headwaters, then northeasterly in a direct line to Mile 140 on the Taylor Highway; however, this does not prohibit motorized access via, or transportation of harvested wildlife on, the Taylor Highway or any airport.

(E) You may by permit hunt moose on the Minto Flats Management Area, which consists of that portion of Unit 20 bounded by the Elliot Highway beginning at Mile 118, then northeasterly to Mile 96, then east to the Tolovana Hotsprings Dome, then east to the Winter Cat Trail, then along the Cat Trail south to the Old Telegraph Trail at Dunbar, then westerly along the trail to a point where it joins the Tanana River 3 miles above Old Minto, then along the north bank of the Tanana River (including all channels and sloughs except Swan Neck Slough), to the confluence of the Tanana and Tolovana Rivers and then northerly to the point of beginning.

(F) You may only hunt moose by bow and arrow in the Fairbanks Management Area. The Area consists of that portion of Unit 20B bounded by a line from the confluence of Rosie Creek and the Tanana River, northerly along Rosie Creek to Isberg Road, then northeasterly on Isberg Road to Cripple Creek Road, then northeasterly on Cripple Creek Road to the Parks Highway, then north on the Parks Highway to Alder Creek, then westerly to the middle fork of Rosie Creek through section 26 to the Parks Highway, then east along the Parks Highway to Alder Creek, then upstream along Alder Creek to its confluence with Emma Creek, then upstream along Emma Creek to its headwaters, then northerly along the hydrographic divide between Goldstream Creek drainages and Cripple Creek drainages to the summit of Ester Dome, then down Sheep Creek to its confluence with Goldstream Creek, then easterly along Goldstream Creek to Sheep Creek Road, then north on Sheep Creek Road to Murphy Dome Road, then west on Murphy Dome Road to Old Murphy Dome Road, then east on Old Murphy Dome Road to the Elliot Highway, then south on the Elliot Highway to Goldstream Creek, then easterly along Goldstream Creek to its confluence with First Chance Creek, Davidson Ditch, then southeasterly along the Davidson Ditch to its confluence with the tributary to Goldstream Creek in Section 29, then downstream along the tributary to its confluence with Goldstream Creek, then in a straight line to First Chance Creek, then up First Chance Creek to Tungsten Hill, then southerly along Steele Creek to its confluence with Ruby Creek, then upstream along Ruby Creek to Esro Road, then south on Esro Road to Chena Hot Springs Road, then east on Chena Hot Springs Road to Nordale Road, then south on Nordale Road to the Chena River, to its intersection with the Trans-Alaska Pipeline right of way, then southeasterly along the easterly edge of the Trans-Alaska Pipeline right of way to the Chena River, then along the north bank of the Chena River to the Moose Creek dike, then southerly along the Moose Creek dike to its intersection with the Tanana River, and then westerly along the north bank of the Tanana River to the point of beginning.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear April 15–June 30; you may use bait to hunt wolves on FWS and BLM lands.

(B) You may not use a steel trap, or a snare using cable smaller than 3/32-inch diameter to trap coyotes or wolves in Unit 20E during April and October.

(C) Residents of Units 20 and 21 may take up to three moose per regulatory year for the celebration known as the Nuchalawoyya Potlatch, under the terms of a Federal registration permit. Permits will be issued to individuals at the request of the Native Village of Tanana only. This three-moose limit is not cumulative with that permitted by the State.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 20A—1 bear	Sept. 1–May 31.
Unit 20E—1 bear	Aug. 10–June 30.
Unit 20, remainder—1 bear	Sept. 1–May 31.
Caribou:	
Unit 20E—1 caribou A joint State/Federal registration permit is required. During the Aug. 10–Sept. 30 season, the harvest is restricted to 1 bull. The harvest quota for the period Aug. 10–29 in Units 20E, 20F, and 25C is 100 caribou. During the Nov. 1–Mar. 31 season, area closures or hunt restrictions may be announced when Nelchina caribou are present in a mix of more than 1 Nelchina caribou to 15 Fortymile caribou, except when the number of caribou present is low enough that fewer than 50 Nelchina caribou will be harvested regardless of the mixing ratio for the two herds.	Aug. 10–Sept. 30. Nov. 1–Mar. 31.
Unit 20F—north of the Yukon River—1 caribou	Aug. 10–Mar. 31.
Unit 20F—east of the Dalton Highway and south of the Yukon River—1 caribou; A joint State/Federal registration permit is required. During the Aug. 10–Sept. 30 season, the harvest is restricted to 1 bull. The harvest quota for the period Aug. 10–29 in Units 20E, 20F, and 25C is 100 caribou.	Aug. 10–Sept. 30. Nov. 1–Mar. 31.
Moose:	
Unit 20A—1 antlered bull	Sept. 1–20.
Unit 20B—that portion within the Minto Flats Management Area—1 bull by Federal registration permit only	Sept. 1–20. Jan. 10–Feb. 28.
Unit 20B, remainder—1 antlered bull	Sept. 1–20.
Unit 20C—that portion within Denali National Park and Preserve west of the Toklat River, excluding lands within Mount McKinley National Park as it existed prior to December 2, 1980—1 antlered bull; however, white-phased or partial albino (more than 50 percent white) moose may not be taken.	Sept. 1–30. Nov. 15–Dec. 15.
Unit 20C, remainder—1 antlered bull; however, white-phased or partial albino (more than 50 percent white) moose may not be taken.	Sept. 1–30.
Unit 20E—that portion within Yukon–Charley Rivers National Preserve—1 bull	Aug. 20–Sept. 30.
Unit 20E—that portion drained by the Middle Fork of the Fortymile River upstream from and including the Joseph Creek drainage—1 bull.	Aug. 20–Sept. 30.
Unit 20E remainder—1 bull by joint Federal/State registration permit	Aug. 24–Sept. 25.

Harvest limits	Open season
Unit 20F—that portion within the Dalton Highway Corridor Management Area—1 antlered bull by Federal registration permit only.	Sept. 1–25.
Unit 20F, remainder—1 antlered bull	Sept. 1–30. Dec. 1–10.
Sheep:	
Unit 20E—1 ram with full-curl horn or larger	Aug. 10–Sept. 20.
Unit 20, remainder	No open season.
Beaver:	
Unit 20E—Yukon–Charley Rivers National Preserve—6 beaver per season. Meat from harvested beaver must be salvaged for human consumption.	Sept. 20–May 15.
Coyote: 10 coyotes	Aug. 10–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx:	
Unit 20A, 20B, and that portion of 20C east of the Teklanika River—2 lynx	Dec. 1–Jan. 31.
Unit 20E—2 lynx	Nov. 1–Jan. 31.
Unit 20, remainder—2 lynx	Dec. 1–Jan. 31.
Muskrat:	
Unit 20E, that portion within Yukon–Charley Rivers National Preserve—No limit	Sept. 20–June 10.
Unit 20C, that portion within Denali National Park and Preserve—25 muskrat	Nov. 1–Jun. 10.
Unit 20, remainder	No open season.
Wolf:	
Unit 20—10 wolves	Aug. 10–Apr. 30.
Unit 20C, that portion within Denali National Park and Preserve—1 wolf during the Aug. 10–Oct. 31 period; 5 wolves during the Nov. 1–Apr. 30 period, for a total of 6 wolves for the season.	Aug. 10–Oct. 31. Nov. 1–Apr. 30.
Unit 20C, remainder—10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed): Units 20A, 20B, 20C, 20E, and 20F—15 per day, 30 in possession.	Aug. 10–Mar. 31.
Ptarmigan (Rock and Willow):	
Unit 20—those portions within 5 miles of Alaska Route 5 (Taylor Highway, both to Eagle and the Alaska-Canada boundary) and that portion of Alaska Route 4 (Richardson Highway) south of Delta Junction—20 per day, 40 in possession.	Aug. 10–Mar. 31.
Unit 20, remainder—20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver:	
Units 20A, 20B, 20C, and 20F—No limit	Nov. 1–Apr. 15.
Unit 20E—25 beaver per season. Only firearms may be used during Sept. 20–Oct. 31 and Apr. 16–May 15, to take up to 6 beaver. Only traps or snares may be used Nov. 1–Apr. 15. The total annual harvest limit for beaver is 25, of which no more than 6 may be taken by firearm under trapping or hunting regulations. Meat from beaver harvested by firearm must be salvaged for human consumption.	Sept. 20–May 15.
Coyote:	
Unit 20E—No limit	Oct. 15–Apr. 30.
Unit 20, remainder—No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx:	
Unit 20A, 20B, and 20C east of the Teklanika River—No limit	Dec. 15–Feb. 15.
Unit 20E—No limit; however, no more than 5 lynx may be taken between Nov. 1 and Nov. 30	Nov. 1–Dec. 31.
Unit 20F and 20C—remainder—No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat:	
Unit 20E—No limit	Sept. 20–June 10.
Unit 20, remainder—No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf:	
Unit 20A, 20B, 20C, and 20F—No limit	Nov. 1–Apr. 30.
Unit 20E—No limit	Oct. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Feb. 28.

(21) *Unit 21.* (i) Unit 21 consists of drainages into the Yukon River upstream from Paimiut to, but not including, the Tozitna River drainage on the north bank, and to, but not including, the Tanana River drainage on the south bank; and excluding the Koyukuk River drainage upstream from the Dulbi River drainage:

(A) Unit 21A consists of the Innoko River drainage upstream from and including the Iditarod River drainage.

(B) Unit 21B consists of the Yukon River drainage upstream from Ruby and east of the Ruby–Poorman Road, downstream from and excluding the Tozitna River and Tanana River drainages, and excluding the Melozitna River drainage upstream from Grayling Creek.

(C) Unit 21C consists of the Melozitna River drainage upstream from Grayling Creek, and the Dulbi River drainage upstream from and including the Cottonwood Creek drainage.

(D) Unit 21D consists of the Yukon River drainage from and including the Blackburn Creek drainage upstream to

Ruby, including the area west of the Ruby–Poorman Road, excluding the Koyukuk River drainage upstream from the Dulbi River drainage, and excluding the Dulbi River drainage upstream from Cottonwood Creek.

(E) Unit 21E consists of the Yukon River drainage from Paimiut upstream to, but not including, the Blackburn Creek drainage, and the Innoko River drainage downstream from the Iditarod River drainage.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) The Koyukuk Controlled Use Area, which consists of those portions of Unit 21 and 24 bounded by a line from the north bank of the Yukon River at Koyukuk at 64°52.58′ N. lat., 157°43.10′ W. long., then northerly to the confluences of the Honhosa and Kateel Rivers at 65°28.42′ N. lat., 157°44.89′ W. long., then northeasterly to the confluences of Billy Hawk Creek and the Huslia River (65°57′ N. lat., 156°41′ W. long.) at 65°56.66′ N. lat., 156°40.81′ W. long., then easterly to the confluence of the forks of the Dakli River at 66°02.56′ N. lat., 156°12.71′ W. long., then easterly to the confluence of McLanes Creek and the Hogatza River at 66°00.31′ N. lat., 155°18.57′ W. long., then southwesterly to the crest of Hochandochtla Mountain at 65°31.87′ N. lat., 154°52.18′ W. long., then southwest to the mouth of Cottonwood Creek at 65°13.00′ N. lat., 156°06.43′ W. long., then southwest to Bishop Rock (Yistletaw) at 64°49.35′ N. lat., 157°21.73′ W. long., then westerly along the north bank of the Yukon River (including Koyukuk Island) to the point of beginning, is closed during moose hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or between a publicly owned airport within the area and points outside the area; all hunters on the Koyukuk River passing the ADF&G-operated check station at Ella's Cabin (15 miles upstream from the Yukon on the Koyukuk River) are required to stop and report to ADF&G personnel at the check station.

(B) The Paradise Controlled Use Area, which consists of that portion of Unit 21 bounded by a line beginning at the old village of Paimiut, then north along the west bank of the Yukon River to Paradise, then northwest to the mouth of Stanstrom Creek on the Bonasila River, then northeast to the mouth of the Anvik River, then along the west bank of the Yukon River to the lower end of Eagle Island (approximately 45 miles north of Grayling), then to the mouth of the Iditarod River, then extending 2 miles easterly down the east bank of the Innoko River to its confluence with Paimiut Slough, then south along the east bank of Paimiut Slough to its mouth, and then to the old village of Paimiut, is closed during moose hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or part of moose; however, this does not apply to transportation of a moose hunter or part of moose by aircraft between publicly owned airports in the Controlled Use Area or between a publicly owned airport within the area and points outside the area.

(iii) In Unit 21D, you may hunt brown bear by State registration permit in lieu of a resident tag if you have obtained a State registration permit prior to hunting. Aircraft may not be used in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears, or parts of bears; however, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iv) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30; and in the Koyukuk Controlled Use Area, you may also use bait to hunt black bear between September 1 and September 25.

(B) If you have a trapping license, you may use a firearm to take beaver in Unit 21(E) from Nov. 1–June 10.

(C) The residents of Units 20 and 21 may take up to three moose per regulatory year for the celebration known as the Nuchalawoyya Potlatch, under the terms of a Federal registration permit. Permits will be issued to individuals only at the request of the Native Village of Tanana. This three-moose limit is not cumulative with that permitted by the State.

(D) The residents of Unit 21 may take up to three moose per regulatory year for the celebration known as the Kaltag/Nulato Stickdance, under the terms of a Federal registration permit. Permits will be issued to individuals only at the request of the Native Village of Kaltag or Nulato. This three-moose limit is not cumulative with that permitted by the State.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 21D—1 bear by State registration permit only	Aug. 10–June 30.
Unit 21, remainder—1 bear	Aug. 10–June 30.
Caribou:	
Unit 21A—1 caribou	Aug. 10–Sept. 30. Dec. 10–Dec. 20.
Unit 21B—that portion north of the Yukon River and downstream from Ukawutni Creek	No open season.
Unit 21C—the Dulbi and Melozitna River drainages downstream from Big Creek	No open season.
Unit 21B remainder, 21C remainder, and 21E—1 caribou	Aug. 10–Sept. 30.
Unit 21D—north of the Yukon River and east of the Koyukuk River—caribou may be taken during a winter season to be announced by the Refuge Manager of the Koyukuk/Nowitna National Wildlife Refuge Manager and the BLM Central Yukon Field Office Manager, in consultation with ADF&G and the Chairs of the Western Interior Subsistence Regional Advisory Council, and the Middle Yukon and Ruby Fish and Game Advisory Committees.	Winter season to be announced.
Unit 21D, remainder—5 caribou per day; however, cow caribou may not be taken May 16–June 30	July 1–June 30.
Moose:	
Unit 21B—that part of the Nowitna River drainage downstream from and including the Little Mud River drainage—1 bull. A State registration permit is required from Sept. 5–25. A Federal registration permit is required from Sept. 26–Oct. 1.	Sept. 5–Oct. 1.

Harvest limits	Open season
Unit 21B—that part of the Nowitna River drainage downstream from and including the Little Mud River drainage—1 antlered bull. A Federal registration permit is required during the 5-day season and will be limited to one per household. The 5-day season may be announced by the Koyukuk/Nowitna National Wildlife Refuge Manager after consultation with the ADF&G and the Chairs of the Western Interior Regional Advisory Council and the Ruby Fish and Game Advisory Committee.	Five-day season to be announced between Dec. 1 and March 31.
Unit 21A and 21B, remainder—1 bull	Aug. 20–Sept. 25. Nov. 1–30.
Unit 21C—1 antlered bull	Sept. 5–25.
Unit 21D—Koyukuk Controlled Use Area—1 bull; 1 antlerless moose by Federal permit if authorized by announcement by the Koyukuk/Nowitna NWR manager. Harvest of cow moose accompanied by calves is prohibited. A harvestable surplus of cows will be determined for a quota, or.	Sep. 1–25. Mar. 1–5 season to be announced.
1 antlered bull by Federal permit, if there is no Mar. 1–5 season and if authorized by announcement by the Koyukuk/Nowitna NWR manager and BLM Central Yukon field office manager. A harvestable surplus of bulls will be determined for a quota. Announcement for the Mar. and Apr. seasons and harvest quotas will be made after consultation with the ADF&G area biologist and the Chairs of the Western Interior Regional Advisory Council and Middle Yukon and Koyukuk River Fish and Game Advisory Committee.	Apr. 10–15 season to be announced.
Unit 21D, remainder—1 moose; however, antlerless moose may be taken only during Sept. 21–25 and the Mar. 1–5 season if authorized jointly by the Koyukuk/Nowitna National Wildlife Refuge Manager and the Central Yukon Field Office Manager, Bureau of Land Management. Harvest of cow moose accompanied by calves is prohibited. During the Aug. 22–31 and Sept. 5–25 seasons, a State registration permit is required. During the Mar. 1–5 season a Federal registration permit is required. Announcement for the antlerless moose seasons and cow quotas will be made after consultation with the ADF&G area biologist and the Chairs of the Western Interior Regional Advisory Council and the Middle Yukon Fish and Game Advisory Committee.	Aug. 22–31. Sept. 5–25. Mar. 1–5 season to be announced.
Unit 21E—1 moose; however, only bulls may be taken from Aug. 25–Sept. 30	Aug. 25–Sept. 30. Feb. 15–Mar. 15.
During the Feb. 15–Mar. 15 season, a Federal registration permit is required. The permit conditions and any needed closures for the winter season will be announced by the Innoko NWR manager after consultation with the ADF&G area biologist and the Chairs of the Western Interior Regional Advisory Council and the Middle Yukon Fish and Game Advisory Committee as stipulated in a letter of delegation. Moose may not be taken within one-half mile of the Innoko or Yukon River during the winter season.	
Beaver:	
Unit 21E—No limit	Nov. 1–June 10.
Unit 21, remainder	No open season.
Coyote: 10 coyotes	Aug. 10–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Feb. 28.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine.	Sept. 1–Mar. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver: No Limit	Nov. 1–June 10.
Coyote: No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx: No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Mar. 31.

(22) *Unit 22.* (i) Unit 22 consists of Bering Sea, Norton Sound, Bering Strait, Chukchi Sea, and Kotzebue Sound drainages from, but excluding, the Pastolik River drainage in southern Norton Sound to, but not including, the Goodhope River drainage in Southern Kotzebue Sound, and all adjacent islands in the Bering Sea between the mouths of the Goodhope and Pastolik Rivers:

(A) Unit 22A consists of Norton Sound drainages from, but excluding, the Pastolik River drainage to, and including, the Ungalik River drainage, and Stuart and Besboro Islands.

(B) Unit 22B consists of Norton Sound drainages from, but excluding, the Ungalik River drainage to, and including, the Topkok Creek drainage.

(C) Unit 22C consists of Norton Sound and Bering Sea drainages from, but excluding, the Topkok Creek drainage to, and including, the Tisuk River drainage, and King and Sledge Islands.

(D) Unit 22D consists of that portion of Unit 22 draining into the Bering Sea north of, but not including, the Tisuk River to and including Cape York and St. Lawrence Island;

(E) Unit 22E consists of Bering Sea, Bering Strait, Chukchi Sea, and Kotzebue Sound drainages from Cape York to, but excluding, the Goodhope River drainage, and including Little Diomede Island and Fairway Rock.

(ii) You may hunt brown bear by State registration permit in lieu of a resident tag if you have obtained a State registration permit prior to hunting. Aircraft may not be used in any manner for brown bear hunting under the authority of a brown bear State

registration permit, including transportation of hunters, bears, or parts of bears; however, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iii) Unit-specific regulations:

(A) If you have a trapping license, you may use a firearm to take beaver in Unit 22 during the established seasons.

(B) Coyote, incidentally taken with a trap or snare, may be used for subsistence purposes.

(C) A snowmachine may be used to position a hunter to select individual caribou for harvest provided that the animals are not shot from a moving snowmachine.

(D) The taking of one bull moose and up to three musk oxen by the community of Wales is allowed for the celebration of the Kingikmuit Dance Festival under the terms of a Federal registration permit. Permits will be issued to individuals only at the request of the Native Village of Wales. The harvest may only occur within regularly established seasons in Unit 22E. The harvest will count against any established quota for the area.

(E) A Federally qualified subsistence user (recipient) may designate another Federally qualified subsistence user to take musk oxen on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must get a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients in the course of a season, but have no more than two harvest limits in his/her possession at any one time, except in Unit 22E where a resident of Wales or Shishmaref acting as a designated hunter may hunt for any number of recipients, but have no more than four harvest limits in his/her possession at any one time.

Harvest limits	Open season
HUNTING	
Black Bear:	
Unit 22A and 22B—3 bears	Jul. 1–Jun. 30.
Unit 22, remainder	No open season.
Brown Bear:	
Unit 22A, 22B, 22D, and 22E—1 bear by State registration permit only	Aug. 1–May 31.
Unit 22C—1 bear by State registration permit only	Aug. 1–Oct. 31. May 10–25.
Caribou:	
Unit 22B west of Golovin Bay and west of a line along the west bank of the Fish and Niukluk Rivers and excluding the Libby River drainage—5 caribou per day.	Oct. 1–Apr. 30. May 1–Sept. 30, a season may be opened by announcement by the Anchorage Field Office Manager of the BLM, in consultation with ADF&G.
Units 22A, 22B remainder, that portion of Unit 22D in the Kougaruk, Kuzitrin (excluding the Pilgrim River drainage), American, and Agiapuk River Drainages, and Unit 22E, that portion east of and including the Sanaguich River drainage—5 caribou per day; cow caribou may not be taken May 16–June 30.	July 1–June 30.
Moose:	
Unit 22A—that portion north of and including the Tagoomenik and Shaktoolik River drainages—1 bull. Federal public lands are closed to hunting except by residents of Unit 22A hunting under these regulations.	Aug. 1–Sept. 30.
Unit 22A—that portion in the Unalakleet drainage and all drainages flowing into Norton Sound north of the Golsovia River drainage and south of the Tagoomenik and Shaktoolik River drainages—Federal public lands are closed to the taking of moose, except that residents of Unalakleet, hunting under these regulations, may take 1 bull by Federal registration permit, administered by the BLM Anchorage Field Office with the authority to close the season in consultation with ADF&G.	Aug. 15–Sept. 14.
Unit 22A, remainder—1 bull. However, during the period Jan.1–Feb. 15, only an antlered bull may be taken. Federal public lands are closed to the taking of moose except by residents of Unit 22A hunting under these regulations.	Aug. 1–Sept. 30. Jan. 1–Feb. 15.
Unit 22B—west of the Darby Mountains—1 bull by State registration permit. Quotas and any needed closures will be announced by the Anchorage Field Office Manager of the BLM, in consultation with NPS and ADF&G. Federal public lands are closed to the taking of moose except by Federally qualified subsistence users hunting under these regulations.	Sept. 1–14.
Unit 22B—west of the Darby Mountains—1 bull by either Federal or State registration permit. Quotas and any needed season closures will be announced by the Anchorage Field Office Manager of the BLM, in consultation with NPS, and ADF&G. Federal public lands are closed to the taking of moose except by residents of White Mountain and Golovin hunting under these regulations.	Jan. 1–31.
Unit 22B, remainder—1 bull	Aug. 1–Jan. 31.
Unit 22C—1 antlered bull	Sept. 1–14.
Unit 22D—that portion within the Kougarok, Kuzitrin, and Pilgrim River drainages—1 bull by State registration permit. Quotas and any needed closures will be announced by the Anchorage Field Office Manager of the BLM, in consultation with NPS and ADF&G. Federal public lands are closed to the taking of moose except by residents of Units 22D and 22C hunting under these regulations.	Sept. 1–14.
Unit 22D—that portion west of the Tisuk River drainage and Canyon Creek—1 bull by State registration permit. Quotas and any needed closures will be announced by the Anchorage Field Office Manager of the BLM, in consultation with NPS and ADF&G.	Sept. 1–14.

Harvest limits	Open season
Unit 22D—that portion west of the Tisuk River drainage and Canyon Creek—1 bull by Federal registration permit. Quotas and any needed closures will be announced by the Anchorage Field Office Manager of the BLM, in consultation with NPS and ADF&G. Federal public lands are closed to the taking of moose except by residents of Units 22D and 22C hunting under these regulations.	Dec. 1–31.
Unit 22D, remainder—1 bull.	
Unit 22D, remainder—1 moose; however, no person may take a calf or a cow accompanied by a calf	Aug. 10–Sept. 14. Oct. 1–Nov.
Unit 22D, remainder—1 antlered bull	Dec. 1–31.
Unit 22E—1 antlered bull. Federal public lands are closed to the taking of moose except by Federally qualified subsistence users hunting under these regulations.	Jan. 1–31. Aug. 1–Mar. 15.
Musk ox:	
Unit 22B—1 bull by Federal permit or State permit. Federal public lands are closed to the taking of musk ox except by Federally qualified subsistence users hunting under these regulations.	Aug.1–Mar. 15.
Unit 22D—that portion west of the Tisuk River drainage and Canyon Creek—1 bull by Federal permit or State permit. Federal public lands are closed to the harvest of musk ox except by residents of Nome and Teller hunting under these regulations.	Sept.1–Mar. 15.
Unit 22D, that portion within the Kuzitrin River drainages—1 bull by Federal permit or State permit. Federal public lands are closed to the taking of musk ox except for residents of Council, Golovin, White Mountain, Nome, Teller, and Brevig Mission hunting under these regulations.	Aug.1–Mar. 15.
Unit 22D, remainder—1 bull by Federal permit or State permit. Federal public lands are closed to the taking of musk ox except by residents of Elim, White Mountain, Nome, Teller, and Brevig Mission hunting under these regulations.	Aug. 1–Mar. 15.
Unit 22E—1 bull by Federal permit or State permit. Federal public lands are closed to the harvest of musk ox except by Federally qualified subsistence users hunting under these regulations.	Aug. 1–Mar. 15.
Unit 22, remainder.	No open season.
Beaver:	
Unit 22A, 22B, 22D, and 22E—50 beaver	Nov. 1–June 10.
Unit 22, remainder	No open season.
Coyote	No open season.
Fox, Arctic (Blue and White Phase): 2 foxes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes	Nov. 1–Apr. 15.
Hare (Snowshoe and Tundra): No limit	Sept. 1–Apr. 15.
Lynx: 2 lynx	Nov. 1–Apr. 15.
Marten:	
Unit 22A and 22B—No limit	Nov. 1–Apr. 15.
Unit 22, remainder	No open season.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 15.
Wolverine: 3 wolverines	Sept. 1–Mar. 31.
Grouse (Spruce): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock and Willow):	
Unit 22A and 22B east of and including the Niukluk River drainage—40 per day, 80 in possession	Aug. 10–Apr. 30.
Unit 22E—20 per day, 40 in possession	July 15–May 15.
Unit 22, remainder—20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver:	
Unit 22A, 22B, 22D, and 22E—50 beaver	Nov. 1–June 10.
Unit 22C	No open season.
Coyote	No open season.
Fox, Arctic (Blue and White Phase): No limit	Nov. 1–Apr. 15.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Apr. 15.
Lynx: No limit	Nov. 1–Apr. 15.
Marten: No limit	Nov. 1–Apr. 15.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Apr. 15.

(23) *Unit 23.* (i) Unit 23 consists of Kotzebue Sound, Chukchi Sea, and Arctic Ocean drainages from and including the Goodhope River drainage to Cape Lisburne.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not use aircraft in any manner either for hunting of ungulates, bear, wolves, or wolverine, or for transportation of hunters or harvested species in the Noatak Controlled Use Area for the period August 15–September 30. The Area consists of that portion of Unit 23 in a corridor extending 5 miles on either side of the Noatak River beginning at the mouth of the Noatak River, and extending upstream to the mouth of Sapun Creek. This closure does not apply to the transportation of hunters or parts of ungulates, bear, wolves, or wolverine by regularly scheduled flights to communities by carriers that normally provide scheduled air service.

(B) [Reserved]

(iii) You may not use aircraft in any manner for brown bear hunting, including transportation of hunters,

bears, or parts of bears; however, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iv) Unit-specific regulations:

(A) You may take caribou from a boat moving under power in Unit 23.

(B) In addition to other restrictions on method of take found in this section, you may also take swimming caribou with a firearm using rimfire cartridges.

(C) If you have a trapping license, you may take beaver with a firearm in all of Unit 23 from Nov. 1–Jun. 10.

(D) For the Baird and DeLong Mountain sheep hunts—A Federally qualified subsistence user (recipient) may designate another Federally qualified subsistence user to take sheep on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for only one recipient in the course of a season and may have both his and the recipients' harvest limits in his/her possession at the same time.

(E) A snowmachine may be used to position a hunter to select individual caribou for harvest provided that the animals are not shot from a moving snowmachine.

(F) A Federally qualified subsistence user (recipient) may designate another Federally qualified subsistence user to take musk oxen on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must get a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients, but have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: Unit 23—1 bear by State subsistence registration permit	Aug. 1–May 31.
Caribou: 15 caribou per day; however, cow caribou may not be taken May 16–June 30	July 1–June 30.
Sheep:	
Unit 23—south of Rabbit Creek, Kiyak Creek, and the Noatak River, and west of the Cutler and Redstone Rivers (Baird Mountains)—1 sheep by Federal registration permit. The total allowable harvest of sheep is 21, of which 15 may be rams and 6 may be ewes. Federal public lands are closed to the taking of sheep except by Federally qualified subsistence users hunting under these regulations.	Aug. 10–April 30. If the allowable harvest levels are reached before the regular season closing date, the Superintendent of the Western Arctic National Parklands will announce an early closure.
Unit 23—north of Rabbit Creek, Kiyak Creek, and the Noatak River, and west of the Aniuk River (DeLong Mountains)—1 sheep by Federal registration permit. The total allowable harvest of sheep for the DeLong Mountains is 8, of which 5 may be rams and 3 may be ewes.	Aug. 10–April 30. If the allowable harvest levels are reached before the regular season closing date, the Superintendent of the Western Arctic National Parklands will announce an early closure.
Unit 23, remainder (Schwatka Mountains)—1 ram with 7/8 curl or larger horn	Aug. 10–Sept. 20.
Unit 23, remainder (Schwatka Mountains)—1 sheep	Oct. 1–Apr. 30.
Moose:	
Unit 23—that portion north and west of and including the Singoalik River drainage, and all lands draining into the Kukpuk and Ipewik Rivers—1 moose; no person may take a calf or a cow accompanied by a calf.	July 1–Mar. 31.
Unit 23—that portion lying within the Noatak River drainage—1 moose; however, antlerless moose may be taken only from Nov. 1–Mar. 31; no person may take a calf or a cow accompanied by a calf.	Aug. 1–Mar. 31.
Unit 23, remainder—1 moose; no person may take a calf or a cow accompanied by a calf	Aug. 1–Mar. 31.
Musk ox:	
Unit 23—south of Kotzebue Sound and west of and including the Buckland River drainage—1 bull by Federal permit or State permit.	Aug. 1–Mar. 15.
Federal public lands are closed to the taking of musk ox except by Federally qualified subsistence users hunting under these regulations.	
Unit 23—Cape Krusenstern National Monument—1 bull by Federal permit. Annual harvest quotas and any needed closures will be announced by the Superintendent of Western Arctic National Parklands. Cape Krusenstern National Monument is closed to the taking of musk oxen except by resident zone community members with permanent residence within the Monument or the immediately adjacent Napaktuktuk Mountain area, south of latitude 67°05′ N and west of longitude 162°30′ W hunting under these regulations.	Aug. 1–Mar. 15.
Unit 23, remainder	No open season.
Beaver: No limit	July 1–June 30.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): No limit	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): No limit	Sept. 1–Mar.15.
Hare: (Snowshoe and Tundra) No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Apr. 15.

Harvest limits	Open season
Wolf: 15 wolves	Oct. 1–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Muskrat: No limit	July 1–June 30
Grouse (Spruce and Ruffed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver:	
Unit 23—the Kobuk and Selawik River drainages—50 beaver	July 1–June 30.
Unit 23, remainder—30 beaver.	July 1–June 30.
Coyote: No limit	Nov. 1–Apr. 15.
Fox, Arctic (Blue and White Phase): No limit	Nov. 1–Apr. 15.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Apr. 15.
Lynx: No limit	Nov. 1–Apr. 15.
Marten: No limit	Nov. 1–Apr. 15.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Apr. 15.

(24) *Unit 24.* (i) Unit 24 consists of the Koyukuk River drainage upstream from but not including the Dulbi River drainage:

(A) Unit 24A consists of the Middle Fork of the Koyukuk River drainage upstream from but not including the Harriet Creek and North Fork Koyukuk River drainages, to the South Fork of the Koyukuk River drainage upstream from Squaw Creek, the Jim River Drainage, the Fish Creek drainage upstream from and including the Bonanza Creek drainage, to the 1,410 ft. peak of the hydrologic divide with the northern fork of the Kanuti Chalatna River at N. Lat. 66°33.303′ W. Long. 151°03.637′ and following the unnamed northern fork of the Kanuti Chalatna Creek to the confluence of the southern fork of the Kanuti Chalatna River at N. Lat 66°27.090′ W. Long. 151°23.841′, 4.2 miles SSW (194 degrees true) of Clawanmenka Lake and following the unnamed southern fork of the Kanuti Chalatna Creek to the hydrologic divide with the Kanuti River drainage at N. Lat. 66°19.789′ W. Long. 151°10.102′, 3.0 miles ENE (79 degrees true) from the 2,055 ft. peak on that divide, and the Kanuti River drainage upstream from the confluence of an unnamed creek at N. Lat. 66°13.050′ W. Long.151°05.864′, 0.9 miles SSE (155 degrees true) of a 1,980 ft. peak on that divide, and following that unnamed creek to the Unit 24 boundary on the hydrologic divide to the Ray River drainage at N. Lat. 66°03.827′ W. Long. 150°49.988′ at the 2,920 ft. peak of that divide.

(B) Unit 24B consists of the Koyukuk River Drainage upstream from Dog Island to the Subunit 24A boundary.

(C) Unit 24C consists of the Hogatza River Drainage, the Koyukuk River Drainage upstream from Batza River on the north side of the Koyukuk River and upstream from and including the Indian River Drainage on the south side of the Koyukuk River to the Subunit 24B boundary.

(D) Unit 24D consists of the remainder of Unit 24.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not use firearms, snowmobiles, licensed highway vehicles, or motorized vehicles, except aircraft and boats, in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending 5 miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, and Stevens Village, and residents living within the Corridor may use firearms within the Corridor only for subsistence taking of wildlife.

(B) You may not use aircraft for hunting moose, including transportation of any moose hunter or moose part in the Kanuti Controlled Use Area, which consists of that portion of Unit 24 bounded by a line from the Bettles Field VOR to the east side of Fish Creek Lake, to Old Dummy Lake, to the south end of Lake Todatonten (including all waters of these lakes), to the northernmost headwaters of Siruk Creek, to the highest peak of Double Point Mountain, then back to the Bettles Field VOR; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or between a publicly owned airport within the area and points outside the area.

(C) You may not use aircraft for hunting moose, including transportation of any moose hunter or moose part in the Koyukuk Controlled Use Area, which consists of those portions of Unit 21s and 24 bounded by a line from the north bank of the Yukon River at Koyukuk at 64°52.58′ N. lat., 157°43.10′ W. long., then northerly to the confluences of the Honhosa and Kateel Rivers at 65°28.42′ N. lat., 157°44.89′ W. long., then northeasterly to the confluences of Billy Hawk Creek and the Huslia River (65°57N. lat., 156°41 W. long.) at 65°56.66′ N. lat., 156°40.81′ W. long., then easterly to the confluence of the forks of the Dakli River at 66°02.56′ N. lat., 156°12.71′ W. long., then easterly to the confluence of McLanes Creek and the Hogatza River at 66°00.31′ N. lat., 155°18.57′ W. long., then southwesterly to the crest of Hochandochtla Mountain at 65°31.87′ N. lat., 154°52.18′ W. long., then southwest to the mouth of Cottonwood Creek at 65°13.00′ N. lat., 156°06.43′ W. long., then southwest to Bishop Rock (Yistletaw) at 64°49.35′ N. lat., 157°21.73′ W. long., then westerly along the north bank of the Yukon River (including Koyukuk Island) to the point of beginning. However, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or between a publicly owned airport within the area and points outside the area. All hunters

on the Koyukuk River passing the ADF&G-operated check station at Ella's Cabin (15 miles upstream from the Yukon on the Koyukuk River) are required to stop and report to ADF&G personnel at the check station.

(iii) You may hunt brown bear by State registration permit in lieu of a resident tag if you have obtained a State registration permit prior to hunting. You may not use aircraft in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears, or parts of bears. However, this prohibition does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iv) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30; and in the Koyukuk Controlled Use Area, you may also use bait to hunt black bear between September 1 and September 25;

(B) Arctic fox, incidentally taken with a trap or snare intended for red fox, may be used for subsistence purposes.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: Unit 24—1 bear by State registration permit	Aug. 10–June 30.
Caribou:	
Unit 24—that portion south of the south bank of the Kanuti River, upstream from and including that portion of the Kanuti-Kilolitna River drainage, bounded by the southeast bank of the Kodosin-Nolitna Creek, then downstream along the east bank of the Kanuti-Kilolitna River to its confluence with the Kanuti River—1 caribou.	Aug. 10–Mar. 31.
Unit 24, remainder—5 caribou per day; however, cow caribou may not be taken May 16–June 30	July 1–June 30.
Sheep:	
Unit 24A and 24B—(Anaktuvuk Pass residents only)—that portion within the Gates of the Arctic National Park—community harvest quota of 60 sheep, no more than 10 of which may be ewes and a daily possession limit of 3 sheep per person, no more than 1 of which may be a ewe.	July 15–Dec. 31.
Unit 24A and 24B—(excluding Anaktuvuk Pass residents)—that portion within the Gates of the Arctic National Park—3 sheep.	Aug. 1–Apr. 30.
Unit 24A—except that portion within the Gates of the Arctic National Park—1 ram by Federal registration permit only.	Aug. 20–Sept. 30.
Unit 24, remainder—1 ram with 7/8 curl or larger horn	Aug. 10–Sept. 20.
Moose:	
Unit 24A—1 antlered bull by Federal registration permit	Aug. 25–Oct. 1.
Unit 24B—that portion within the John River Drainage—1 moose	Aug. 1–Dec. 31.
Unit 24B—All drainages of the Koyukuk River downstream from and including the Henshaw Creek drainage—1 antlered bull by Federal registration permit.	Aug. 25–Oct. 1. Dec. 15–Apr. 15.
Federal public lands in the Kanuti Controlled Use Area, as described in Federal regulations, are closed to taking of moose, except by Federally qualified subsistence users of Unit 24, Koyukuk, and Galena hunting under these regulations.	
Unit 24B, remainder 1 antlered bull. A Federal registration permit is required for the Sept. 26–Oct. 1 period	Aug. 25–Oct. 1.
Federal public lands in the Kanuti Controlled Use Area, as described in Federal regulations, are closed to taking of moose, except by Federally qualified subsistence users of Unit 24, Koyukuk, and Galena hunting under these regulations.	
Unit 24C and 24D—that portion within the Koyukuk Controlled Use Area and Koyukuk National Wildlife Refuge—1 bull.	Sept. 1–25.
1 antlerless moose by Federal permit if authorized by announcement by the Koyukuk/Nowitna National Wildlife Refuge Manager and BLM Field Office Manager Central Yukon Field Office. Harvest of cow moose accompanied by calves is prohibited. A harvestable surplus of cows will be determined for a quota, or	Mar. 1–5 to be announced.
1 antlered bull by Federal permit, if there is no Mar. 1–5 season and if authorized by announcement by the Koyukuk/Nowitna National Wildlife Refuge Manager and BLM Field Office Manager Central Yukon Field Office. Harvest of cow moose accompanied by calves is prohibited. Announcement for the Mar. and Apr. seasons and harvest quotas will be made after consultation with the ADF&G Area Biologist and the Chairs of the Western Interior Alaska Subsistence Regional Advisory Council, and the Middle Yukon and Koyukuk River Fish and Game Advisory Committees.	Apr. 10–15 to be announced.
Unit 24C, remainder and Unit 24D, remainder—1 antlered bull. During the Sept. 5–25 season, a State registration permit is required.	Aug. 25–Oct. 1.
Coyote: 10 coyotes	Aug. 10–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Feb. 28.
Wolf: 15 wolves; however, no more than 5 wolves may be taken prior to Nov. 1	Aug. 10–Apr. 30.
Wolverine: 5 wolverine; however, no more than 1 wolverine may be taken prior to Nov. 1	Sept. 1–Mar. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock and Willow): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver: No limit	Nov. 1–June 10.
Coyote: No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx: No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.

Harvest limits	Open season
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Mar. 31.

(25) *Unit 25.* (i) Unit 25 consists of the Yukon River drainage upstream from but not including the Hamlin Creek drainage, and excluding drainages into the south bank of the Yukon River upstream from the Charley River:

(A) Unit 25A consists of the Hodzana River drainage upstream from the Narrows, the Chandalar River drainage upstream from and including the East Fork drainage, the Christian River drainage upstream from Christian, the Sheenjek River drainage upstream from and including the Thluichohnjik Creek, the Coleen River drainage, and the Old Crow River drainage.

(B) Unit 25B consists of the Little Black River drainage upstream from but not including the Big Creek drainage, the Black River drainage upstream from and including the Salmon Fork drainage, the Porcupine River drainage upstream from the confluence of the Coleen and Porcupine Rivers, and drainages into the north bank of the Yukon River upstream from Circle, including the islands in the Yukon River.

(C) Unit 25C consists of drainages into the south bank of the Yukon River upstream from Circle to the Subunit 20E boundary, the Birch Creek drainage upstream from the Steese Highway bridge (milepost 147), the Preacher Creek drainage upstream from and including the Rock Creek drainage, and the Beaver Creek drainage upstream from and including the Moose Creek drainage.

(D) Unit 25D consists of the remainder of Unit 25.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not use firearms, snowmobiles, licensed highway vehicles or motorized vehicles, except aircraft and boats in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending 5 miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor may use firearms within the Corridor only for subsistence taking of wildlife.

(B) The Arctic Village Sheep Management Area consists of that portion of Unit 25A north and west of Arctic Village, which is bounded on the east by the East Fork Chandalar River beginning at the confluence of Red Sheep Creek and proceeding southwesterly downstream past Arctic Village to the confluence with Crow Nest Creek, continuing up Crow Nest Creek, through Portage Lake, to its confluence with the Junjik River; then down the Junjik River past Timber Lake and a larger tributary, to a major, unnamed tributary, northwesterly, for approximately 6 miles where the stream forks into 2 roughly equal drainages; the boundary follows the easternmost fork, proceeding almost due north to the headwaters and intersects the Continental Divide; the boundary then follows the Continental Divide easterly, through Carter Pass, then easterly and northeasterly approximately 62 miles along the divide to the headwaters of the most northerly tributary of Red Sheep Creek then follows southerly along the divide designating the eastern extreme of the Red Sheep Creek drainage then to the confluence of Red Sheep Creek and the East Fork Chandalar River.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30 and between August 1 and September 25; in Unit 25D you may use bait to hunt brown bear between April 15 and June 30 and between August 1 and September 25; you may use bait to hunt wolves on FWS and BLM lands.

(B) You may take caribou and moose from a boat moving under power in Unit 25.

(C) The taking of bull moose outside the seasons provided in this part for food in memorial potlatches and traditional cultural events is authorized in Unit 25D west provided that:

(*1*) The person organizing the religious ceremony or cultural event contacts the Refuge Manager, Yukon Flats National Wildlife Refuge prior to taking or attempting to take bull moose and provides to the Refuge Manager the name of the decedent, the nature of the ceremony or cultural event, number to be taken, and the general area in which the taking will occur;

(*2*) Each person who takes a bull moose under this section must submit a written report to the Refuge Manager, Yukon Flats National Wildlife Refuge not more than 15 days after the harvest specifying the harvester's name and address, and the date(s) and location(s) of the taking(s);

(*3*) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in Unit 25D west;

(*4*) Any moose taken under this provision counts against the annual quota of 60 bulls.

Harvest limits	Open season
HUNTING	
Black Bear:	
Units 25A, 25B, and 25C—3 bears	Jul. 1–Jun. 30.
or 3 bears by State community harvest permit	Jul. 1–Jun. 30.
Unit 25D—5 bears	Jul. 1–Jun. 30.
Brown Bear:	
Units 25A and 25B—1 bear	Aug. 10–Jun. 30.
Unit 25C—1 bear	Sept. 1–May 31.
Unit 25D—2 bears every regulatory year	July. 1–Jun. 30.
Caribou:	

Harvest limits	Open season
Unit 25A—in those portions west of the east bank of the East Fork of the Chandalar River extending from its confluence with the Chandalar River upstream to Guilbeau Pass and north of the south bank of the mainstem of the Chandalar River at its confluence with the East Fork Chandalar River west (and north of the south bank) along the West Fork Chandalar River—10 caribou. However, only bulls may be taken May 16–Jun. 30.	Jul. 1–June 30.
Unit 25C—1 caribou; a joint Federal/State registration permit is required. During the Aug. 10–Sept. 30 season, the harvest is restricted to 1 bull. The harvest quota between Aug. 10–29 in Units 20E, 20F, and 25C is 100 caribou.	Aug. 10–Sept. 30. Nov. 1–Mar. 31.
Unit 25D—that portion of Unit 25D drained by the west fork of the Dall River west of 150° W. long.—1 bull	Aug. 10–Sept. 30. Dec. 1–31.
Unit 25A remainder, 25B, and Unit 25D, remainder—10 caribou	July 1–Apr. 30.
Sheep:	
Unit 25A—that portion within the Dalton Highway Corridor Management Area	No open season.
Units 25A—Arctic Village Sheep Management Area—2 rams by Federal registration permit only	Aug. 10–Apr. 30.
Federal public lands are closed to the taking of sheep except by rural Alaska residents of Arctic Village, Venetie, Fort Yukon, Kaktovik, and Chalkyitsik hunting under these regulations.	
Unit 25A, remainder—3 sheep by Federal registration permit only	Aug. 10–Apr. 30.
Units 25B, 25C, and 25D—1 ram with full-curl horn or larger	Aug. 10–Sept. 20.
Moose:	
Unit 25A–1 antlered bull	Aug. 25–Sept. 25. Dec. 1–10.
Unit 25B—that portion within Yukon-Charley National Preserve—1 bull	Aug. 20–Sept. 30.
Unit 25B—that portion within the Porcupine River drainage upstream from, but excluding the Coleen River drainage—1 antlered bull.	Aug. 25–Sept. 30. Dec. 1–10.
Unit 25B—that portion, other than Yukon-Charley Rivers National Preserve, draining into the north bank of the Yukon River upstream from and including the Kandik River drainage, including the islands in the Yukon River—1 antlered bull.	Sept. 5–30. Dec. 1–15.
Unit 25B, remainder—1 antlered bull	Aug. 25–Sept. 25. Dec. 1–15.
Unit 25C—1 antlered bull	Aug. 20–Sept. 30.
Unit 25D (west)—that portion lying west of a line extending from the Unit 25D boundary on Preacher Creek, then downstream along Preacher Creek, Birch Creek, and Lower Mouth of Birch Creek to the Yukon River, then downstream along the north bank of the Yukon River (including islands) to the confluence of the Hadweenzic River, then upstream along the west bank of the Hadweenzic River to the confluence of Forty and One-Half Mile Creek, then upstream along Forty and One-Half Mile Creek to Nelson Mountain on the Unit 25D boundary—1 bull by a Federal registration permit. Permits will be available in the following villages: Beaver (25 permits), Birch Creek (10 permits), and Stevens Village (25 permits). Permits for residents of 25D (west) who do not live in one of the three villages will be available by contacting the Yukon Flats National Wildlife Refuge Office in Fairbanks or a local Refuge Information Technician. Moose hunting on public land in Unit 25D (west) is closed at all times except for residents of Unit 25D (west) hunting under these regulations. The moose season will be closed by announcement of the Refuge Manager Yukon Flats NWR when 60 moose have been harvested in the entirety (from Federal and non-Federal lands) of Unit 25D (west).	Aug. 25–Feb. 28.
Unit 25D, remainder—1 antlered moose	Aug. 25–Oct. 1. Dec. 1–20.
Beaver:	
Unit 25A, 25B, and 25D—1 beaver per day; 1 in possession	Apr. 16–Oct. 31.
Unit 25C	No open season.
Coyote: 10 coyotes	Aug. 10–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx:	
Unit 25C—2 lynx	Dec. 1–Jan. 31.
Unit 25, remainder—2 lynx	Nov. 1–Feb. 28.
Muskrat:	
Unit 25B and 25C, that portion within Yukon-Charley Rivers National Preserve—No limit	Nov. 1–June 10.
Unit 25, remainder	No open season.
Wolf:	
Unit 25A—No limit	Aug. 10–Apr. 30.
Unit 25, remainder—10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed):	
Unit 25C—15 per day, 30 in possession	Aug. 10–Mar. 31.
Unit 25, remainder—15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock and Willow):	
Unit 25C—those portions within 5 miles of Route 6 (Steese Highway)—20 per day, 40 in possession	Aug. 10–Mar. 31.
Unit 25, remainder—20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver:	
Unit 25C—No limit	Nov. 1–Apr. 15.
Unit 25—remainder—50 beaver	Nov. 1–Apr. 15.
Coyote: No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx: No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.

Harvest limits	Open season
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Oct. 1–Apr. 30.
Wolverine:	
Unit 25C—No limit	Nov. 1–Feb. 28.
Unit 25, remainder—No limit	Nov. 1–Mar. 31.

(26) *Unit 26.* (i) Unit 26 consists of Arctic Ocean drainages between Cape Lisburne and the Alaska-Canada border, including the Firth River drainage within Alaska:

(A) Unit 26A consists of that portion of Unit 26 lying west of the Itkillik River drainage and west of the east bank of the Colville River between the mouth of the Itkillik River and the Arctic Ocean;

(B) Unit 26B consists of that portion of Unit 26 east of Unit 26A, west of the west bank of the Canning River and west of the west bank of the Marsh Fork of the Canning River;

(C) Unit 26C consists of the remainder of Unit 26.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not use aircraft in any manner for moose hunting, including transportation of moose hunters or parts of moose during the periods July. 1–Sept. 14 and Jan. 1–Mar. 31 in Unit 26A; however, this does not apply to transportation of moose hunters, their gear, or moose parts by aircraft between publicly owned airports.

(B) You may not use firearms, snowmobiles, licensed highway vehicles or motorized vehicles, except aircraft and boats, in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending 5 miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor may use firearms within the Corridor only for subsistence taking of wildlife.

(iii) You may not use aircraft in any manner for brown bear hunting, including transportation of hunters, bears or parts of bears. However, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iv) Unit-specific regulations:

(A) You may take caribou from a boat moving under power in Unit 26.

(B) In addition to other restrictions on method of take found in this section, you may also take swimming caribou with a firearm using rimfire cartridges.

(C) In Kaktovik, a Federally qualified subsistence user (recipient) may designate another Federally qualified subsistence user to take sheep or musk ox on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

(D) For the DeLong Mountain sheep hunts—A Federally qualified subsistence user (recipient) may designate another Federally qualified subsistence user to take sheep on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for only one recipient in the course of a season and may have both his and the recipient's harvest limits in his/her possession at the same time.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 26A—1 bear by State subsistence registration permit	July 1–June 30.
Unit 26B—1 bear	Jan. 1–Dec. 31.
Unit 26 C—1 bear	Aug. 10–June 30.
Caribou:	
Unit 26A—10 caribou per day; however, cow caribou may not be taken May 16–June 30	July 1–June 30.
Unit 26B—10 caribou per day; however, cow caribou may be taken only from Oct. 1–Apr. 30	jULY 1–June 30.
Unit 26C—10 caribou per day	July 1–Apr. 30.
(You may not transport more than 5 caribou per regulatory year from Unit 26 except to the community of Anaktuvuk Pass.).	
Sheep:	
Unit 26A and 26B—(Anaktuvuk Pass residents only)—that portion within the Gates of the Arctic National Park—community harvest quota of 60 sheep, no more than 10 of which may be ewes and a daily possession limit of 3 sheep per person, no more than 1 of which may be a ewe.	July 15–Dec. 31.
Unit 26A—(excluding Anaktuvuk Pass residents)—those portions within the Gates of the Arctic National Park—3 sheep.	Aug. 1–Apr. 30.
Unit 26A—that portion west of Howard Pass and the Etivluk River (DeLong Mountains)—1 sheep by Federal registration permit. The total allowable harvest of sheep for the DeLong Mountains is 8, of which 5 may be rams and 3 may be ewes. If the allowable harvest levels are reached before the regular season closing date, the Superintendent of the Western Arctic National Parklands will announce an early closure.	Aug. 10–April 30.

Harvest limits	Open season
Unit 26B—that portion within the Dalton Highway Corridor Management Area—1 ram with 7/8 curl or larger horn by Federal registration permit only.	Aug. 10–Sept.20.
Unit 26A, remainder and 26B, remainder—including the Gates of the Arctic National Preserve—1 ram with 7/8 curl or larger horn.	Aug. 10–Sept. 20.
Unit 26C—3 sheep per regulatory year; the Aug. 10–Sept. 20 season is restricted to 1 ram with 7/8 curl or larger horn. A Federal registration permit is required for the Oct. 1–Apr. 30 season.	Aug. 10–Sept.20. Oct.1–Apr. 30.
Moose:	
Unit 26A—that portion of the Colville River drainage upstream from and including the Anaktuvuk River drainage—1 bull.	Aug. 1–Sept. 14.
Unit 26A—that portion of the Colville River drainage upstream from and including the Anaktuvuk River drainage—1 moose; however, you may not take a calf or a cow accompanied by a calf.	Feb. 15–Apr. 15.
Unit 26A—that portion west of 156°00′ W. longitude excluding the Colville River drainage—1 moose, however, you may not take a calf or a cow accompanied by a calf.	July 1–Sept. 14.
Unit 26A, remainder—1 bull	Aug. 1–Sept. 14.
Unit 26B, excluding the Canning River drainage—1 bull	Sept. 1–14.
Units 26B, remainder and 26C—1 moose by Federal registration permit by residents of Kaktovik only. The harvest quota is 5 moose. You may not take a cow accompanied by a calf in Unit 26B. Only 5 Federal registration permits will be issued. Federal public lands are closed to the taking of moose except by a Kaktovik resident holding a Federal registration permit and hunting under these regulations.	Jul. 1–Jun. 30.
Musk ox Unit 26C—1 bull by Federal registration permit only. The number of permits that may be issued only to the residents of the village of Kaktovik will not exceed three percent (3%) of the number of musk oxen counted in Unit 26C during a pre-calving census. Public lands are closed to the taking of musk ox, except by rural Alaska residents of the village of Kaktovik hunting under these regulations	Jul. 15–Mar. 31.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): 2 foxes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases):	
Units 26A and 26B—10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1	Sept. 1–Mar. 15.
Unit 26C—10 foxes	Nov. 1–Apr. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Apr. 15.
Wolf: 15 wolves	Aug. 10–Apr. 30.
Wolverine: 5 wolverine	Sept. 1–Mar. 31.
Ptarmigan (Rock and Willow): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Coyote: No limit	Nov. 1–Apr. 15.
Fox, Arctic (Blue and White Phase): No limit	Nov. 1–Apr. 15.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1 –Apr. 15.
Lynx: No limit	Nov. 1–Apr. 15.
Marten: No limit	Nov. 1–Apr. 15.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Apr. 15.

Dated: May 19, 2014.

Eugene R. Peltola, Jr.,

Assistant Regional Director, U.S. Fish and Wildlife Service, Acting Chair, Federal Subsistence Board.

Dated: May 20, 2014.

Steve Kessler,

Subsistence Program Leader, USDA—Forest Service.

[FR Doc. 2014–13833 Filed 6–18–14; 8:45 am]

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