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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

Docket No. FAA–2014–0450; Amendment No. 71–46

RIN 2120–AA66

Airspace Designations; Incorporation by Reference

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 relating to airspace designations to reflect the approval by the Director of the Federal Register of the incorporation by reference of FAA Order 7400.9Y, Airspace Designations and Reporting Points. This action also explains the procedures the FAA will use to amend the listings of Class A, B, C, D, and E airspace areas; air traffic service routes; and reporting points incorporated by reference.

DATES: These regulations are effective September 15, 2014, through September 15, 2015. The incorporation by reference of FAA Order 7400.9Y is approved by the Director of the Federal Register as of September 15, 2014, through September 15, 2015.

FOR FURTHER INFORMATION CONTACT: Sarah A. Combs, Airspace Policy and Regulations Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

FAA Order 7400.9X, Airspace Designations and Reporting Points, effective September 15, 2013, listed Class A, B, C, D and E airspace areas; air traffic service routes; and reporting points. Due to the length of these descriptions, the FAA requested approval from the Office of the Federal Register to incorporate the material by reference in the Federal Aviation Regulations section 71.1, effective September 15, 2013, through September 15, 2014. During the incorporation by reference period, the FAA processed all proposed changes of the airspace listings in FAA Order 7400.9X in full text as proposed rule documents in the **Federal Register**. Likewise, all amendments of these listings were published in full text as final rules in the **Federal Register**. This rule reflects the periodic integration of these final rule amendments into a revised edition of Order 7400.9Y, Airspace Designations and Reporting Points. The Director of the Federal Register has approved the incorporation by reference of FAA Order 7400.9Y in section 71.1, as of September 15, 2014, through September 15, 2015. This rule also explains the procedures the FAA will use to amend the airspace designations incorporated by reference in part 71. Sections 71.5, 71.15, 71.31, 71.33, 71.41, 71.51, 71.61, 71.71, and 71.901 are also updated to reflect the incorporation by reference of FAA Order 7400.9Y.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 to reflect the approval by the Director of the Federal Register of the incorporation by reference of FAA Order 7400.9Y, effective September 15, 2014, through September 15, 2015. During the incorporation by reference period, the FAA will continue to process all proposed changes of the airspace listings in FAA Order 7400.9Y in full text as proposed rule documents in the **Federal Register**. Likewise, all amendments of these listings will be published in full text as final rules in the **Federal Register**. The FAA will periodically integrate all final rule amendments into a revised edition of the Order, and submit the revised edition to the Director of the Federal Register for approval for incorporation by reference in section 71.1.

The FAA has determined that this action: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. This action neither places any new restrictions or requirements on the public, nor changes the dimensions or operation requirements of the airspace listings incorporated by reference in part 71.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

■ 2. Section 71.1 is revised to read as follows:

§ 71.1 Applicability.

A listing for Class A, B, C, D, and E airspace areas; air traffic service routes; and reporting points can be found in FAA Order 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014. This incorporation by reference was approved by the Director of the Federal Registerin accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The approval to incorporate by reference FAA Order 7400.9Y is effective September 15, 2014, through September 15, 2015. During the incorporation by reference period, proposed changes to the listings of Class A, B, C, D, and E airspace areas; air traffic service routes; and reporting points will be published in full text as proposed rule documents in the **Federal Register**. Amendments to the listings of Class A, B, C, D, and E airspace areas; air traffic service routes; and reporting points will be published in full text as final rules in the **Federal Register**. Periodically, the final rule amendments will be integrated into a revised edition of the Order and submitted to the Director of the Federal Register for approval for incorporation by reference

in this section. Copies of FAA Order 7400.9Y may be obtained from Airspace Policy and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, (202) 267–8783. An electronic version of the Order is available on the FAA Web site at *http://www.faa.gov/air_traffic/publications.* Copies of FAA Order 7400.9Y may be inspected in Docket No. FAA–2014–0450; Amendment No. 71–46 on *http://www.regulations.gov.* A copy of FAA Order 7400.9Y may be inspected 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.*

§ 71.5 [Amended]

■ 3. Section 71.5 is amended by removing the words ''FAA Order 7400.9X'' and adding, in their place, the words ''FAA Order 7400.9Y.''

§ 71.15 [Amended]

■ 4. Section 71.15 is amended by removing the words ''FAA Order 7400.9X'' and adding, in their place, the words ''FAA Order 7400.9Y.''

§ 71.31 [Amended]

■ 5. Section 71.31 is amended by removing the words ''FAA Order 7400.9X'' and adding, in their place, the words ''FAA Order 7400.9Y.''

§ 71.33 [Amended]

■ 6. Paragraph (c) of section 71.33 is amended by removing the words ''FAA Order 7400.9X'' and adding, in their place, the words ''FAA Order 7400.9Y.''

§ 71.41 [Amended]

■ 7. Section 71.41 is amended by removing the words ''FAA Order 7400.9X'' and adding, in their place, the words ''FAA Order 7400.9Y.''

§ 71.51 [Amended]

■ 8. Section 71.51 is amended by removing the words ''FAA Order 7400.9X'' and adding, in their place, the words ''FAA Order 7400.9Y.''

§ 71.61 [Amended]

■ 9. Section 71.61 is amended by removing the words ''FAA Order 7400.9X'' and adding, in their place, the words ''FAA Order 7400.9Y.''

§ 71.71 [Amended]

■ 10. Paragraphs (b), (c), (d), (e), and (f) of section 71.71 are amended by removing the words ''FAA Order 7400.9X'' and adding, in their place, the words ''FAA Order 7400.9Y.''

§ 71.901 [Amended]

■ 11. Paragraph (a) of section 71.901 is amended by removing the words ''FAA Order 7400.9X'' and adding, in their place, the words ''FAA Order 7400.9Y.''

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

Ellen Crum,

Acting Manager, Airspace Policy and Regulations Group.

[FR Doc. 2014–20692 Filed 8–29–14; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30973; Amdt. No. 3604]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective September 2, 2014. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 2, 2014.

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

For Examination—

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

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

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

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

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

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

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

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

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

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

airport and its location, the procedure and the amendment number.

The Rule

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

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

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

Conclusion

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

List of Subjects in 14 CFR part 97

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

Issued in Washington, DC on August 1, 2014.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

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

* * *

Effective Upon Publication

AIRAC Date	State	City	Airport	FDC No.	FDC Date	Subject
18-Sep-14	CA	Santa Rosa	Charles M. Schulz—Sonoma County.	4/0400	07/17/14	RNAV (GPS) RWY 2, Orig.
18-Sep-14	NC	Elizabeth City	Elizabeth City CG Air Station/Rgnl.	4/0862	07/17/14	VOR/DME RWY 28, Amdt 1A.
18-Sep-14	NC	Elizabeth City	Elizabeth City CG Air Station/Rgnl.	4/0863	07/17/14	VOR/DME RWY 19, Amdt 10E.
18-Sep-14	NC	Elizabeth City	Elizabeth City CG Air Station/Rgnl.	4/0864	07/17/14	VOR/DME RWY 10, Orig-D.
18-Sep-14	NC	Elizabeth City	Elizabeth City CG Air Station/Rgnl.	4/0865	07/17/14	NDB RWY 10, Orig-F.
18-Sep-14	NC	Elizabeth City	Elizabeth City Cg Air Station/Rgnl.	4/0866	07/29/14	RNAV (GPS) RWY 1, Orig-B.
18-Sep-14	NC	Elizabeth City	Elizabeth City CG Air Station/Rgnl.	4/0867	07/17/14	RNAV (GPS) RWY 19, Orig-A.
18-Sep-14	NC	Elizabeth City	Elizabeth City CG Air Station/Rgnl.	4/0869	07/17/14	ILS OR LOC RWY 10, Amdt 1.
18-Sep-14	NC	Elizabeth City	Elizabeth City Cg Air Station/Rgnl.	4/0870	07/17/14	RNAV (GPS) RWY 10, Amdt 1A.
18-Sep-14	KY	Sturgis	Sturgis Muni	4/0921	07/22/14	RNAV (GPS) RWY 19, Amdt 1.
18-Sep-14	KY	Sturgis	Sturgis Muni	4/0923	07/22/14	RNAV (GPS) RWY 1, Amdt 1.
18-Sep-14	SC	Florence	Florence Rgnl	4/1071	07/17/14	VOR OR TACAN A, Amdt 6.
18-Sep-14	SC	Florence	Florence Rgnl	4/1072	07/17/14	RNAV (GPS) RWY 27, Orig.
18-Sep-14	SC	Florence	Florence Rgnl	4/1073	07/17/14	RNAV (GPS) RWY 19, Orig.
18-Sep-14	SC	Florence	Florence Rgnl	4/1080	07/17/14	ILS OR LOC RWY 9, Amdt 12.
18-Sep-14	SC	Florence	Florence Rgnl	4/1086	07/17/14	RNAV (GPS) RWY 1, Orig.
18-Sep-14	AZ	Flagstaff	Flagstaff Pulliam	4/1775	07/22/14	RNAV (GPS) Y RWY 21, Orig.
18-Sep-14	AZ	Flagstaff	Flagstaff Pulliam	4/1778	07/22/14	VOR/DME RWY 21, Orig-C.
18-Sep-14	NC	Wilson	Wilson Industrial Air Center	4/1779	07/25/14	RNAV (GPS) RWY 3, Amdt 1A.
18-Sep-14	NY	Newburgh	Stewart Intl	4/1853	07/25/14	ILS OR LOC RWY 27, Amdt 1A.
18-Sep-14	NY	Newburgh	Stewart Intl	4/1855	07/25/14	RNAV (GPS) RWY 27, Amdt 1A.
18-Sep-14	NY	Newburgh	Stewart Intl	4/1856	07/25/14	RNAV (GPS) RWY 9, Amdt 1A.
18-Sep-14	WA	Seattle	Seattle-Tacoma Intl	4/1891	07/22/14	RNAV (GPS) Y RWY 34R, Amdt 2B.

AIRAC Date	State	City	Airport	FDC No.	FDC Date	Subject
18-Sep-14	NV	Las Vegas	North Las Vegas	4/2060	07/22/14	GPS RWY 12R, Orig-D.
18-Sep-14	TN	Chattanooga	Lovell Field	4/2277	07/29/14	RNAV (GPS) RWY 15, Orig.
18-Sep-14	TN	Chattanooga	Lovell Field	4/2278	07/29/14	RNAV (GPS) RWY 33, Orig.
18-Sep-14	FL	Orlando	Orlando Sanford Intl	4/2302	07/25/14	ILS OR LOC RWY 9L, Amdt 4.
18-Sep-14	NC	Wilson	Wilson Industrial Air Center	4/2351	07/25/14	RNAV (GPS) RWY 21, Orig-B.
18-Sep-14	NC	Wilson	Wilson Industrial Air Center	4/2354	07/25/14	RNAV (GPS) RWY 33, Orig-A.
18-Sep-14	NJ	Caldwell	Essex County	4/2357	07/17/14	RNAV (GPS) RWY 4, Orig.
18-Sep-14	DE	Wilmington	New Castle	4/2362	07/22/14	RNAV (GPS) RWY 27, Orig.
18-Sep-14	DE	Wilmington	New Castle	4/2397	07/22/14	RNAV (GPS) RWY 9, Orig.
18-Sep-14	PA	St Marys	St Marys Muni	4/2401	07/25/14	RNAV (GPS) RWY 28, Amdt 1A.
18-Sep-14	PA	St Marys	St Marys Muni	4/2402	07/25/14	LOC/DME RWY 28, Amdt 4A.
18-Sep-14	PA	St Marys	St Marys Muni	4/2403	07/25/14	VOR RWY 28, Amdt 7.
18-Sep-14	NC	Raleigh/Durham	Raleigh-Durham Intl	4/2407	07/25/14	VOR RWY 32, Amdt 3C.
18-Sep-14	MA	Chatham	Chatham Muni	4/2408	07/25/14	RNAV (GPS) B, Orig-A.
18-Sep-14	MA	Chatham	Chatham Muni	4/2409	07/25/14	NDB A, Amdt 1A.
18-Sep-14	PA	Reading	Reading Rgnl/Carl A Spaatz Field.	4/2411	07/29/14	RNAV (GPS) RWY 18, Orig.
18-Sep-14	PA	Reading	Reading Rgnl/Carl A Spaatz Field.	4/2412	07/29/14	RNAV (GPS) RWY 13, Orig.
18-Sep-14	NJ	Caldwell	Essex County	4/2415	07/17/14	RNAV (GPS) RWY 10, Orig.
18-Sep-14	NJ	Caldwell	Essex County	4/2441	07/17/14	LOC RWY 22, Amdt 3.
18-Sep-14	NJ	Caldwell	Essex County	4/2456	07/17/14	RNAV (GPS) RWY 22, Amdt 1.
18-Sep-14	NC	Erwin	Harnett Rgnl Jetport	4/2513	07/29/14	NDB RWY 23, Amdt 2A.
18-Sep-14	MA	Great Barrington	Walter J. Koladza	4/2699	07/17/14	RNAV (GPS) RWY 11, Orig.
18-Sep-14	FL	Tampa	Peter O Knight	4/2742	07/29/14	RNAV (GPS) RWY 22, Amdt 2.
18-Sep-14	NY	Newburgh	Stewart Intl	4/2932	07/22/14	RNAV (GPS) RWY 34, Amdt 1A.
18-Sep-14	WV	Parkersburg	Mid-Ohio Valley Rgnl	4/3460	07/29/14	RNAV (GPS) RWY 10, Orig.
18-Sep-14	WV	Parkersburg	Mid-Ohio Valley Rgnl	4/3461	07/29/14	RNAV (GPS) RWY 28, Orig.
18-Sep-14	WV	Parkersburg	Mid-Ohio Valley Rgnl	4/3462	07/29/14	RNAV (GPS) RWY 3, Amdt 2.
18-Sep-14	WV	Parkersburg	Mid-Ohio Valley Rgnl	4/3463	07/29/14	RNAV (GPS) RWY 21, Amdt 2A.
18-Sep-14	GA	Jekyll Island	Jekyll Island	4/3560	07/17/14	RNAV (GPS) RWY 36, Amdt 1.
18-Sep-14	GA	Jekyll Island	Jekyll Island	4/3564	07/17/14	RNAV (GPS) RWY 18, Orig.
18-Sep-14	ME	Pittsfield	Pittsfield Muni	4/3566	07/17/14	RNAV (GPS) RWY 18, Orig-B.
18-Sep-14	WY	Casper	Casper/Natrona County Intl	4/3995	07/29/14	ILS OR LOC RWY 8, Amdt 25A.
18-Sep-14	WA	Olympia	Olympia Rgnl	4/4127	07/17/14	VOR A, Amdt 1A.
18-Sep-14	WA	Olympia	Olympia Rgnl	4/4129	07/17/14	ILS OR LOC RWY 17, Amdt 12.
18-Sep-14	WA	Olympia	Olympia Rgnl	4/4130	07/17/14	VOR/DME RWY 35, Amdt 12A.
18-Sep-14	WA	Puyallup	Pierce County—Thun Field	4/4161	07/17/14	GPS RWY 34, Orig-B.
18-Sep-14	NY	Buffalo	Buffalo Airfield	4/4167	07/17/14	RNAV (GPS) RWY 24, Amdt 1.
18-Sep-14	NY	Buffalo	Buffalo Airfield	4/4168	07/17/14	RNAV (GPS) RWY 6, Orig.
18-Sep-14	FL	Palm Coast	Flagler County	4/4237	07/29/14	RNAV (GPS) RWY 24, Orig-A.
18-Sep-14	FL	Palm Coast	Flagler County	4/4239	07/29/14	RNAV (GPS) RWY 29, Orig-A.
18-Sep-14	AK	Cold Bay	Cold Bay	4/4395	07/17/14	RNAV (GPS) RWY 33, Amdt 2A.
18-Sep-14	AK	Cold Bay	Cold Bay	4/4398	07/17/14	LOC/DME BC RWY 33, Amdt 10A.
18-Sep-14	AK	Cold Bay	Cold Bay	4/4399	07/17/14	RNAV (GPS) RWY 15, Amdt 2.
18-Sep-14	AK	Cold Bay	Cold Bay	4/4400	07/17/14	VOR RWY 15, Amdt 15.
18-Sep-14	AK	Cold Bay	Cold Bay	4/4404	07/17/14	ILS OR LOC/DME RWY 15, Amdt 18.
18-Sep-14	AL	Alexander City	Thomas C Russell Fld	4/4458	07/17/14	RNAV (GPS) RWY 36, Amdt 2.
18-Sep-14	AK	Kenai	Kenai Muni	4/4494	07/17/14	VOR RWY 19R, Amdt 19.
18-Sep-14	AK	Kenai	Kenai Muni	4/4496	07/17/14	RNAV (GPS) RWY 19R, Amdt 2.
18-Sep-14	AK	Kenai	Kenai Muni	4/4497	07/17/14	ILS OR LOC RWY 19R, Amdt 4.
18-Sep-14	CT	Willimantic	Windham	4/4544	07/22/14	RNAV (GPS) RWY 9, Amdt 1.
18-Sep-14	CT	Willimantic	Windham	4/4547	07/22/14	RNAV (GPS) RWY 27, Amdt 1.
18-Sep-14	MS	Bay St Louis	Stennis Intl	4/4555	07/22/14	RNAV (GPS) RWY 36, Amdt 2.
18-Sep-14	FL	Punta Gorda	Punta Gorda	4/4618	07/17/14	VOR RWY 22, Amdt 4A.
18-Sep-14	FL	Punta Gorda	Punta Gorda	4/4619	07/17/14	RNAV (GPS) RWY 33, Orig-A.
18-Sep-14	AK	Dillingham	Dillingham	4/4748	07/29/14	VOR/DME RWY 19, Amdt 7B.
18-Sep-14	AK	Dillingham	Dillingham	4/4749	07/29/14	RNAV (GPS) RWY 19, Amdt 2C.
18-Sep-14	AK	Dillingham	Dillingham	4/4750	07/29/14	LOC/DME RWY 19, Amdt 6C.
18-Sep-14	AK	Deering	Deering	4/4880	07/17/14	RNAV (GPS) RWY 29, Orig-B.
18-Sep-14	AK	Deering	Deering	4/4881	07/17/14	RNAV (GPS) RWY 11, Orig-B.
18-Sep-14	AK	Klawock	Klawock	4/4883	07/17/14	NDB/DME RWY 2, Amdt 1B.
18-Sep-14	PA	Erie	Erie Intl/Tom Ridge Field	4/5229	07/25/14	RNAV (GPS) RWY 24, Amdt 1.
18-Sep-14	AL	Troy	Troy Muni Airport At N. Kenneth Campbell Field.	4/5239	07/29/14	RADAR–1, Amdt 10.
18-Sep-14	VA	Richmond	Richmond Intl	4/5273	07/29/14	RNAV (RNP) Y RWY 16, Orig.
18-Sep-14	VA	Richmond	Richmond Intl	4/5277	07/29/14	RNAV (GPS) Z RWY 20, Amdt 2.
18-Sep-14	VA	Richmond	Richmond Intl	4/5279	07/29/14	RNAV (RNP) Y RWY 34, Orig.
18-Sep-14	AK	Point Hope	Point Hope	4/5305	07/17/14	NDB RWY 19, Amdt 2A.
18-Sep-14	AK	Point Hope	Point Hope	4/5306	07/17/14	NDB RWY 1, Amdt 2A.
18-Sep-14	PA	Butler	Butler County/K W Scholter Field.	4/5715	07/29/14	ILS OR LOC RWY 8, Amdt 8.

AIRAC Date	State	City	Airport	FDC No.	FDC Date	Subject
18-Sep-14	PA	Butler	Butler County/K W Scholter Field.	4/5716	07/29/14	RNAV (GPS) RWY 26, Amdt 1.
18-Sep-14	PA	Butler	Butler County/K W Scholter Field.	4/5717	07/29/14	RNAV (GPS) RWY 8, Amdt 1.
18-Sep-14	MS	Madison	Bruce Campbell Field	4/5958	07/17/14	RNAV (GPS) RWY 35, Orig.
18-Sep-14	MS	Bay St Louis	Stennis Intl	4/6058	07/22/14	RNAV (GPS) RWY 18, Amdt 1.
18-Sep-14	MS	Bay St Louis	Stennis Intl	4/6059	07/22/14	ILS OR LOC RWY 18, Amdt 1.
18-Sep-14	AK	Fairbanks	Fairbanks Intl	4/6700	07/17/14	RNAV (GPS) RWY 2R, Orig-A.
18-Sep-14	NC	Jacksonville	Albert J Ellis	4/6772	07/17/14	RNAV (GPS) RWY 23, Orig.
18-Sep-14	SC	Cheraw	Cheraw Muni/Lynch Bellinger Field.	4/7888	07/22/14	VOR/DME RWY 8, Amdt 3A.
18-Sep-14	SC	Cheraw	Cheraw Muni/Lynch Bellinger Field.	4/7889	07/22/14	RNAV (GPS) RWY 26, Amdt 1A.
18-Sep-14	SC	Cheraw	Cheraw Muni/Lynch Bellinger Field.	4/7897	07/22/14	RNAV (GPS) RWY 8, Orig.
18-Sep-14	CA	Paso Robles	Paso Robles Muni	4/8020	07/17/14	VOR/DME RWY 19, Amdt 4.
18-Sep-14	CA	Hanford	Hanford Muni	4/8346	07/17/14	RNAV (GPS) A, Orig.
18-Sep-14	AZ	Chandler	Stellar Airpark	4/8348	07/17/14	VOR OR GPS A, Amdt 1A.
18-Sep-14	CA	Hanford	Hanford Muni	4/8349	07/17/14	VOR A, Amdt 9B.
18-Sep-14	CA	Hanford	Hanford Muni	4/8350	07/17/14	RNAV (GPS) RWY 32, Amdt 1A.
18-Sep-14	MS	Pascagoula	Trent Lott Intl	4/8818	07/17/14	ILS OR LOC RWY 17, Amdt 2.
18-Sep-14	GA	Toccoa	Toccoa Rg Letourneau Field	4/8855	07/17/14	RNAV (GPS) RWY 20, Amdt 1A.
18-Sep-14	MS	Pascagoula	Trent Lott Intl	4/8857	07/17/14	RNAV (GPS) RWY 17, Amdt 1.
18-Sep-14	NC	Asheboro	Asheboro Rgnl	4/9088	07/17/14	RNAV (GPS) RWY 21, Orig.
18-Sep-14	AL	Mobile	Mobile Rgnl	4/9089	07/17/14	RNAV (GPS) RWY 18, Amdt 1.
18-Sep-14	ME	Rockland	Knox County Rgnl	4/9496	07/17/14	NDB RWY 31, Orig-B.
18-Sep-14	VA	Richmond/Ashland	Hanover County Muni	4/9564	07/17/14	LOC RWY 16, Amdt 3B.
18-Sep-14	VA	Richmond/Ashland	Hanover County Muni	4/9568	07/17/14	VOR RWY 16, Amdt 2B.
18-Sep-14	VA	Richmond/Ashland	Hanover County Muni	4/9569	07/17/14	RNAV (GPS) RWY 16, Orig-B.
18-Sep-14	AL	Prattville	Prattville—Grouby Field	4/9596	07/17/14	RNAV (GPS) RWY 27, Orig-A.
18-Sep-14	NY	Seneca Falls	Finger Lakes Rgnl	4/9619	07/17/14	Takeoff Minimums and (Obstacle) DP, Orig.
18-Sep-14	TN	Rogersville	Hawkins County	4/9621	07/17/14	Takeoff Minimums and (Obstacle) DP, Amdt 2.

[FR Doc. 2014–20659 Filed 8–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30972 Amdt. No. 3603]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective September 2, 2014. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 2, 2014.

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

For Examination—

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

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

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

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

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

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

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

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

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or revoking SIAPS, Takeoff Minimums

and/or ODPS. The complete regulators description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The applicable FAA Forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

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

The Rule

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

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

Conclusion

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

List of Subjects in 14 CFR part 97

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

Issued in Washington, DC, on August 1, 2014.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

** * * Effective 18 September 2014*

San Francisco, CA, San Francisco Intl, ILS OR LOC RWY 19L, Amdt 21
San Francisco, CA, San Francisco Intl, RNAV (GPS) RWY 19L, Amdt 3
San Francisco, CA, San Francisco Intl, RNAV (GPS) RWY 19R, Amdt 2
San Francisco, CA, San Francisco Intl, VOR RWY 19L, Amdt 11
Santa Ana, CA, John Wayne Airport-Orange County, Takeoff Minimums and Obstacle DP, Amdt 6
Salida, CO, Harriet Alexander Field, Takeoff Minimums and Obstacle DP, Amdt 1
Blairsville, GA, Blairsville, RNAV (GPS) RWY 8, Orig
Blairsville, GA, Blairsville, Takeoff Minimums and Obstacle DP, Orig
Webster City, IA, Webster City Muni, RNAV (GPS) RWY 32, Amdt 1
Webster City, IA, Webster City Muni, Takeoff Minimums and Obstacle DP, Amdt 1
Webster City, IA, Webster City Muni, VOR/DME RWY 14, Amdt 5
Boise, ID, Boise Air Terminal/Gowen Fld, RNAV (GPS) Y RWY 10L, Amdt 2B
Boise, ID, Boise Air Terminal/Gowen Fld, RNAV (GPS) Y RWY 10R, Amdt 1B
Boise, ID, Boise Air Terminal/Gowen Fld, RNAV (RNP) X RWY 28L, Orig
Boise, ID, Boise Air Terminal/Gowen Fld, RNAV (RNP) Z RWY 10L, Amdt 1
Boise, ID, Boise Air Terminal/Gowen Fld, RNAV (RNP) Z RWY 10R, Amdt 1
Boise, ID, Boise Air Terminal/Gowen Fld, RNAV (RNP) Z RWY 28L, Amdt 1
Boise, ID, Boise Air Terminal/Gowen Fld, RNAV (RNP) Z RWY 28R, Amdt 1
Chicago, IL, Chicago O'Hare Intl, RNAV (GPS) Z RWY 27L, Amdt 3C
Chicago, IL, Chicago O'Hare Intl, RNAV (RNP) Y RWY 27L, Orig
Flemingsburg, KY, Fleming-Mason, LOC/NDB RWY 25, Amdt 1
Jennings, LA, Jennings, RNAV (GPS) RWY 8, Amdt 1
Jennings, LA, Jennings, RNAV (GPS) RWY 26, Orig
Bad Axe, MI, Huron County Memorial, RNAV (GPS) RWY 4, Orig-A
Bad Axe, MI, Huron County Memorial, RNAV (GPS) RWY 17, Orig-A
Bad Axe, MI, Huron County Memorial, RNAV (GPS) RWY 22, Orig-A
Bad Axe, MI, Huron County Memorial, RNAV (GPS) RWY 35, Orig-A
Bad Axe, MI, Huron County Memorial, VOR RWY 4, Amdt 11, CANCELED
Bad Axe, MI, Huron County Memorial, VOR RWY 22, Amdt 10, CANCELED
Bad Axe, MI, Huron County Memorial, VOR RWY 35, Amdt 1, CANCELED
Detroit, MI, Detroit Metropolitan Wayne County, RNAV (GPS) RWY 4R, Amdt 2
Beaufort, NC, Michael J. Smith Field, NDB RWY 14, Amdt 1A
Statesville, NC, Statesville Rgnl, ILS OR LOC/DME Y RWY 28, Orig
Buffalo, NY, Buffalo Niagara Intl, RNAV (RNP) Z RWY 5, Orig
Buffalo, NY, Buffalo Niagara Intl, RNAV (RNP) Z RWY 23, Orig
Brookings, SD, Brookings Rgnl, RNAV (GPS) RWY 30, Orig
Crossville, TN, Crossville Memorial-Whitson Field, ILS Y OR LOC Y RWY 26, Orig
Crossville, TN, Crossville Memorial-Whitson Field, ILS Z OR LOC Z RWY 26, Amdt 14
Cotulla, TX, Cotulla-La Salle County, RNAV (GPS) RWY 13, Amdt 2
Cotulla, TX, Cotulla-La Salle County, RNAV (GPS) RWY 31, Amdt 2
Cotulla, TX, Cotulla-La Salle County, Takeoff Minimums and Obstacle DP, Amdt 1
Dallas, TX, Addison, RNAV (GPS) RWY 33, Amdt 2

Dallas, TX, Addison, Takeoff Minimums and Obstacle DP, Amdt 6
Dallas, TX, Dallas Love Field, ILS OR LOC Y RWY 13R, Amdt 5
Dallas, TX, Dallas Love Field, RNAV (GPS) Y RWY 31L, Amdt 1B
Dallas, TX, Dallas Love Field, RNAV (GPS) Y RWY 31R, Amdt 1B
Dallas, TX, Dallas Love Field, RNAV (GPS) Z RWY 13R, Amdt 1
Dallas, TX, Dallas Love Field, RNAV (RNP) W RWY 13R, Orig
Dallas, TX, Dallas Love Field, RNAV (RNP) X RWY 13R, Orig
Dallas, TX, Dallas Love Field, RNAV (RNP) Z RWY 31L, Orig
Dallas-Fort Worth, TX, Dallas/Ft Worth Intl, CONVERGING ILS RWY 17C, Amdt 8
Dallas-Fort Worth, TX, Dallas/Ft Worth Intl, CONVERGING ILS RWY 17R, Amdt 10
Dallas-Fort Worth, TX, Dallas/Ft Worth Intl, CONVERGING ILS RWY 35C, Amdt 3
Dallas-Fort Worth, TX, Dallas/Ft Worth Intl, ILS OR LOC RWY 17C, ILS RWY 17C (SA CAT I), ILS RWY 17C (CAT II), ILS RWY 17C (CAT III), Amdt 11
Dallas-Fort Worth, TX, Dallas/Ft Worth Intl, ILS OR LOC RWY 17L, ILS RWY 17L (SA CAT I), ILS RWY 17L (CAT II), ILS RWY 17L (CAT III), Amdt 7
Dallas-Fort Worth, TX, Dallas/Ft Worth Intl, ILS OR LOC RWY 35C, ILS RWY 35C (SA CAT I), ILS RWY 35C (CAT II), ILS RWY 35C (CAT III), Amdt 3
Dallas-Fort Worth, TX, Dallas/Ft Worth Intl, RNAV (GPS) RWY 17C, Amdt 2A
Dallas-Fort Worth, TX, Dallas/Ft Worth Intl, RNAV (GPS) RWY 17L, Amdt 5
Dallas-Fort Worth, TX, Dallas/Ft Worth Intl, RNAV (GPS) RWY 17R, Amdt 2A
Dallas-Fort Worth, TX, Dallas/Ft Worth Intl, RNAV (GPS) RWY 18L, Amdt 1A
Dallas-Fort Worth, TX, Dallas/Ft Worth Intl, RNAV (GPS) RWY 18R, Amdt 1A
Dallas-Fort Worth, TX, Dallas/Ft Worth Intl, RNAV (GPS) RWY 35C, Amdt 3A
Dallas-Fort Worth, TX, Dallas/Ft Worth Intl, RNAV (GPS) RWY 35L, Amdt 2A
Dallas-Fort Worth, TX, Dallas/Ft Worth Intl, RNAV (GPS) RWY 35R, Amdt 3A
Dallas-Fort Worth, TX, Dallas/Ft Worth Intl, RNAV (GPS) RWY 36L, Amdt 3B
Dallas-Fort Worth, TX, Dallas/Ft Worth Intl, RNAV (GPS) RWY 36R, Amdt 3A
Dallas-Fort Worth, TX, Dallas/Ft Worth Intl, RNAV (GPS) Y RWY 13R, Amdt 2A
Dallas-Fort Worth, TX, Dallas/Ft Worth Intl, RNAV (GPS) Y RWY 31L, Amdt 1B
Dallas-Fort Worth, TX, Dallas/Ft Worth Intl, RNAV (GPS) Y RWY 31R, Amdt 2A
Dallas-Fort Worth, TX, Dallas/Ft Worth Intl, RNAV (RNP) Z RWY 13R, Amdt 1A
Dallas-Fort Worth, TX, Dallas/Ft Worth Intl, RNAV (RNP) Z RWY 31L, Amdt 1B
Dallas-Fort Worth, TX, Dallas/Ft Worth Intl, RNAV (RNP) Z RWY 31R, Amdt 2A
Fort Worth, TX, Fort Worth Meacham Intl, RNAV (GPS) RWY 34, Amdt 1
Houston, TX, George Bush Intercontinental/Houston, RNAV (RNP) Y RWY 26L, Orig-A
Houston, TX, George Bush Intercontinental/Houston, RNAV (RNP) Y RWY 26R, Orig-A
New Market, VA, New Market, RNAV (GPS) RWY 6, Orig, CANCELED
New Market, VA, New Market, RNAV (GPS) RWY 24, Orig, CANCELED
New Market, VA, New Market, RNAV (GPS)-A, Orig
New Market, VA, New Market, RNAV (GPS)-B, Orig

** * * Effective 16 October 2014*

Plymouth, MI, Canton-Plymouth-Mettetal, VOR-A, Amdt 12A

[FR Doc. 2014–20686 Filed 8–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 500, 501–509, 510, 511, 572, 585, 590, 597 and 598

[Docket No. FR–5798–F–01]

RIN 2506–AC36

Removal of Obsolete Community Planning and Development (CPD) Regulations

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Final rule.

SUMMARY: This final rule removes from title 24 of the Code of Federal Regulations HUD regulations which are obsolete and no longer necessary. In accordance with Executive Order 13563, ''Improving Regulation and Regulatory Review,'' HUD reviewed its regulations to identify regulations that are ''outmoded, ineffective, insufficient or excessively burdensome.'' Following its review, HUD determined that the CPD regulations removed by this final rule are obsolete and unnecessary because they govern programs that are no longer funded or have been consolidated into other programs. No new grants or grant agreements making designations are being made under the regulations being removed. Existing grants or grant agreements entered into under the regulations being removed by this rule will continue to be governed by the regulations that existed immediately before the effective date of this final rule.

DATES: *Effective Date:* October 2, 2014.

FOR FURTHER INFORMATION CONTACT: Camille E. Acevedo, Associate General Counsel for Legislation and Regulations, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410; telephone number 202–708–1793 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the Federal Relay Service at 800–877–8389 (this is a toll-free number).

SUPPLEMENTARY INFORMATION: On January 18, 2011, President Obama issued Executive Order 13563, ''Improving Regulation and Regulatory Review.'' [1] The Executive Order directs heads of Federal departments and agencies to review all existing regulations to eliminate those that are outdated and modify others to increase flexibility and reduce burden. As a part of HUD's overall effort to reduce regulatory burden and streamline the content of title 24 of the Code of Federal Regulations, this rule removes unnecessary CPD regulations for which funding is no longer being provided.

The removal of these regulations will streamline HUD's regulations and eliminate confusion regarding status of these programs. No new grants or grant agreements making designations are being made under the regulations being removed. Existing grants or grant agreements making designations under the regulations being removed by this rule will continue to be governed by the regulations that existed immediately before the effective date of this final rule.

The final rule removes the following parts of title 24 of the Code of Federal Regulations:

1. *24 CFR part 511—The Rental Rehabilitation Program.* Through this program, HUD provided grant funds to states and units of general local government for the rehabilitation of privately-owned real property to be used for primarily residential rental purposes. Funds were last appropriated for this program in Fiscal Year 1991.

2. *24 CFR part 572—The HOPE for Homeownership of Single Family Homes Program (HOPE 3).* The goal of the HOPE 3 Program was to assist eligible applicants to develop affordable homeownership opportunities for first-time, low-income homebuyers. Funds were last appropriated for this program in Fiscal Year 1995.

3. *24 CFR Part 585—The Youthbuild Program.* The Youthbuild Program provides opportunity for at-risk youth living in distressed American communities. HUD administered this program and provided funding, through an annual competitive grant application process, to local organizations who implement the Youthbuild Program. Effective September 22, 2006, authority for this program was transferred to the Department of Labor (see section 3(b) of

[1] The Executive Order was subsequently published in the **Federal Register** on January 21, 2011, at 76 FR 3821.

Pub. L. 109–281, approved September 22, 2006).

4. *24 CFR Part 590—Urban Homesteading.* The Urban Homesteading Program transferred abandoned houses in deteriorating neighborhoods acquired through foreclosure to the communities. The program helped reduce the inventory of vacant houses owned by HUD while providing communities with the opportunity to improve their neighborhoods. Funds were last appropriated for this program in Fiscal Year 1991.

5. *24 CFR Part 597—The Urban Empowerment Zones and Enterprise Communities: Round One Designations, and 24 CFR Part 598—The Urban Empowerment Zones and Enterprise Communities: Round Two and Three Designations.* The Empowerment Zone (EZ), Enterprise Community (EC), and Renewal Community (RC) initiatives, authorized by the Omnibus Budget Reconciliation Act of 1993 (Pub. L. 103–66, approved August 10, 1993), sought to reduce unemployment and generate economic growth through the designation of Federal tax incentives and award of grants to distressed communities. The EZ/EC initiative was implemented in the form of three competitions in 1994 (round I), 1998 (round II), and 2001 (round III). The EC designation expired in 2004 and EZ and RC designations generally expired at the end of 2009. However, the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Pub. L. 111–312) extended the Empowerment Zone and DC Enterprise Zone designations to December 31, 2011. Following the end of the EZ designation extension on December 31, 2011, the American Taxpayer Relief Act (ATRA) of 2012, signed into law by President Obama on January 2, 2013, provided for an extension of the Empowerment Zone designations until December 31, 2013. The ATRA of 2012 did not extend the designation of the DC Enterprise Zone.

II. Justification for Final Rulemaking

In accordance with 24 CFR part 10, it is the practice of the Department to offer interested parties the opportunity to comment on proposed regulations. Part 10 provides for exceptions to the general rule if an agency, for good cause, finds that ''notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' [2] (See 24 CFR 10.1.)

The removal of these regulations from the Code of Federal Regulations does not establish or affect substantive policy. This final rule removes obsolete and unnecessary regulatory provisions for programs that are no longer being funded or for operation of the program has been transferred. Therefore, HUD finds that public notice and comment are unnecessary and contrary to the public interest.

III. Findings and Certification

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a 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. Because HUD has determined that good cause exists to issue this rule without prior public comment, this rule is not subject to the requirement to publish an initial or final regulatory flexibility analysis under the RFA as part of such action.

Unfunded Mandates Reform

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) [3] requires that an agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. If a budgetary impact statement is required, section 205 of UMRA also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule.[4] However, the UMRA applies only to rules for which an agency publishes a general notice of proposed rulemaking. As discussed above, HUD has determined, for good cause, that prior notice and public comment is not required on this rule and, therefore, the UMRA does not apply to this final rule.

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).

List of Subjects

24 CFR Part 500

Administrative practice and procedure, Community development, Community facilities, Government property, Grant programs—housing and community development, Homeless, Housing, Indians, Intergovernmental relations, Lead poisoning, Low and moderate income housing, Nonprofit organizations, Reporting and recordkeeping requirements, Technical assistance, Urban renewal.

24 CFR Part 510

Lead poisoning, Loan programs—housing and community development, Relocation assistance, Reporting and recordkeeping requirements, Social security, Urban renewal.

24 CFR Part 511

Administrative practice and procedure, Grant programs—housing and community development, Lead poisoning, Low and moderate income housing, Reporting and recordkeeping requirements, Technical assistance, Urban renewal.

24 CFR Part 572

Government property, Grant programs—housing and community development, Low and moderate income housing, Nonprofit organizations, Reporting and recordkeeping requirements.

24 CFR Part 585

Community facilities, Grant programs—housing and community development, Homeless, Low and moderate income housing, Reporting and recordkeeping requirements.

[2] 5 U.S.C. 553(b).

[3] 2 U.S.C. 1532.

[4] 2 U.S.C. 1534.

24 CFR Part 590

Government property, Housing, Intergovernmental relations, Low and moderate income housing, Reporting and recordkeeping requirements, Urban renewal.

24 CFR Part 597

Community development, Indians, Intergovernmental relations, Reporting and recordkeeping requirements, Urban areas.

24 CFR Part 598

Community development, Indians, Intergovernmental relations, Reporting and recordkeeping requirements, Urban areas.

For the reasons set forth in the preamble, and pursuant to the Secretary's authority under 42 U.S.C. 3535(d), 24 CFR Chapter V is amended as follows:

TITLE 24—HOUSING AND URBAN DEVELOPMENT

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER A—GENERAL

■ 1. Revise the heading of Chapter V, subchapter A to read as set forth above.

■ 2. Add part 500 to subchapter A to read as follows:

PART 500—EXPIRING PROGRAMS—SAVINGS CLAUSE

Authority: 42 U.S.C. 3535(d).

§ 500.1 Expiring programs—Savings clause.

No new grants or grant agreements are being made under the programs listed in this section. Existing grants or grant agreements making designation under these programs continue to be governed by the regulations in effect as they existed immediately before October 2, 2014 (see 24 CFR parts 500 to 699, revised as of April 1, 2014):

24 CFR Part 511 Rental Rehabilitation Grant Program (42 U.S.C. 1437o)

24 CFR Part 572 HOPE for Homeownership of Single Family Homes (HOPE 3) (42 U.S.C. 12891)

24 CFR Part 585 Youthbuild (42 U.S.C. 8011)

24 CFR Part 590 Urban homesteading (12 U.S.C. 1706e)

24 CFR Part 597 Urban empowerment zones and enterprise communities (Round one designations) (26 U.S.C. 1391)

24 CFR Part 598 Urban empowerment zones; Round two and three designations (26 U.S.C. 1391)

PARTS 501–509 [Reserved]—[REMOVED]

■ 3. Remove reserved parts 501–509.

PART 510—[REDESIGNATED]

■ 4. Transfer part 510 from Chapter V, subchapter A, to Chapter V, subchapter B.

PART 511—[REMOVED]

■ 5. Remove part 511.

SUBCHAPTER B—SLUM CLEARANCE AND URBAN RENEWAL

■ 6. Add a heading to Chapter V, subchapter B to read as set forth above.

PART 572—[REMOVED]

■ 7. Remove part 572.

PART 585—[REMOVED]

■ 8. Remove part 585.

PART 590—[REMOVED]

■ 9. Remove part 590.

PART 597—[REMOVED]

■ 10. Remove part 597.

PART 598—[REMOVED]

■ 11. Remove part 598.

Dated: August 26, 2014.

Clifford Taffet,

Assistant Secretary for Community Planning and Development (Acting).

[FR Doc. 2014–20654 Filed 8–29–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2014–0200]

RIN 1625–AA08

Special Local Regulations for Marine Events, Wrightsville Channel; Wrightsville Beach, NC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a Special Local Regulation for the ''Swim the Loop/Motts Channel Sprint'' swim event, to be held on the waters adjacent to and surrounding Harbor Island in Wrightsville Beach, North Carolina. This Special Local Regulation is necessary to provide for the safety of life on navigable waters during the event. This action will restrict vessel traffic on the Atlantic Intracoastal Waterway within 550 yards north and south of the U.S. 74/76 Bascule Bridge crossing the Atlantic Intracoastal Waterway, mile 283.1, at Wrightsville Beach, North Carolina, during the swim event.

DATES: This rule is effective from September 2, 2014 through October 11, 2014, and will be enforced from 10 a.m. to 1 p.m. on October 11, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2014–0200]. 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 LT Derek J. Burrill, Coast Guard Sector North Carolina, Coast Guard; telephone (910) 772–2230, email *Derek.J.Burrill@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

The regulatory history for this action includes notices of proposed rulemakings published on June 13, 2012, and March 29, 2013 respectively in the **Federal Register** (77 FR 35321) and (78 FR 19155). The temporary final rules were published on August 9, 2012 and June 11, 2013 in the **Federal Register** (77 FR 47520) and (78 FR 384881). On June 9, 2014, we published a notice of proposed rulemaking (NPRM) entitled ''Special local regulations for marine events, Wrightsville Channel; Wrightsville Beach, NC'' in the **Federal Register** (79 FR 32886). We received no comments

on the proposed rule. No public meeting was requested, and none was held.

B. Basis and Purpose

The legal basis for this rule is 33 U.S.C. 1233, and this document is issued under the authority of the Freedom of Information Act, 5 U.S.C. 522(a). The purpose of this rule is to provide for the safety of participants, spectators and other transiting vessels during a special event.

C. Discussion of Comments, Changes and the Final Rule

The Coast Guard is establishing a safety zone on the navigable waters of the Atlantic Intracoastal Waterway 550 yards north and south of the U.S. 74/76 Bascule Bridge, mile 283.1, latitude 34°13′06″ North, longitude 077°48′44″ West, at Wrightsville Beach, North Carolina.

To provide for the safety of participants, spectators and other transiting vessels, the Coast Guard will temporarily restrict vessel traffic in the event area during this event. Specifically, the U.S. 74/76 Bascule Bridge at Wrightsville Beach, North Carolina will remain closed during the event on October 11, 2014 from 10 a.m. to 1 p.m. During the event, general navigation within the safety zone will be restricted, no person or vessel may enter or remain in the regulated area, with the exception of participants and vessels authorized by the Coast Guard Captain of the Port or his representative.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes 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. Although this regulation will restrict access to the area, the effect of this rule will not be significant because the regulated area will be in effect for a limited time, from 10 a.m. to 1 p.m., on October 11, 2014. The Coast Guard will provide advance notification via maritime advisories so mariners can adjust their plans accordingly. The regulated area will apply only to the section of Atlantic Intracoastal Waterway in the immediate vicinity of U.S. 74/76 Bascule Bridge at Wrightsville Beach, North Carolina. Coast Guard vessels enforcing this regulated area can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz).

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 no 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 recreational vessels intending to transit the specified portion of Atlantic Intracoastal Waterway from 10 a.m. to 1 p.m. on October 11, 2014.

This rule will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will only be in effect for three hours from 10 a.m. to 1 p.m. The regulated area applies only to the section of Atlantic Intracoastal Waterway in the vicinity of the U.S. 74/76 Bascule Bridge at Wrightsville Beach, North Carolina. Vessel traffic may be allowed to pass through the regulated area with the permission of the Coast Guard Patrol Commander. In the case where the Patrol Commander authorizes passage through the regulated area, vessels shall proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the swim course. The Patrol Commander will allow non-participating vessels to transit the event area once all swimmers are safely clear of navigation channels and vessel traffic areas. Before the enforcement period, we will issue maritime advisories so mariners can adjust their plans accordingly.

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 implementation of regulations within 33 CFR Part 100 that apply to organized marine events on the navigable waters of the United States that may have potential for negative impact on the safety or other interest of waterway users and shore side activities in the event area. This special local regulation is necessary to provide for the safety of the general public and event participants from potential hazards associated with movement of vessels near the event area. This rule is categorically excluded from further review under paragraph 34(h) 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 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U. S. C. 1233.

■ 2. Add a temporary § 100.35T05–0200 to read as follows: *§ 100.35T05–0200,* Special Local Regulations for Marine Events, Wrightsville Channel; Wrightsville Beach, NC.

(a) *Regulated area.* The following location is a regulated area: All waters of the Atlantic Intracoastal Waterway within 550 yards north and south of the U.S. 74/76 Bascule Bridge, mile 283.1, latitude 34°13′06″ North, longitude 077°48′44″ West, at Wrightsville Beach, North Carolina. All coordinates reference Datum NAD 1983.

(b) *Definitions*—(1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the U. S. Coast Guard who has been designated by the Commander, Coast Guard Sector North Carolina.

(2) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector North Carolina with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) *Participant* means all participating in the ''Swim the Loop/Motts Channel Sprint'' swim event under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Sector North Carolina.

(4) *Spectator* means all persons and vessels not registered with the event sponsor as participants or official patrol.

(c) *Special local regulations.* (1) The Coast Guard Patrol Commander will control the movement of all vessels in the vicinity of the regulated area. When hailed or signaled by an official patrol vessel, a vessel approaching the regulated area shall immediately comply with the directions given. Failure to do so may result in termination of voyage and citation for failure to comply.

(2) The Coast Guard Patrol Commander may terminate the event, or the operation of any support vessel participating in the event, at any time it is deemed necessary for the protection of life or property. The Coast Guard may be assisted in the patrol and enforcement of the regulated area by other Federal, State, and local agencies.

(3) Vessel traffic, not involved with the event, may be allowed to transit the regulated area with the permission of the Patrol Commander. Vessels that desire passage through the regulated area shall contact the Coast Guard Patrol Commander on VHF–FM marine band radio for direction. Only participants and official patrol vessels are allowed to enter the regulated area.

(4) All Coast Guard vessels enforcing the regulated area can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz) and channel 22 (157.1 MHz). The Coast Guard will issue marine information broadcast on VHF–FM marine band radio announcing specific event date and times.

(d) *Enforcement period.* This section will be enforced from 10 a.m. to 1 p.m. on October 11, 2014.

Dated: August 18, 2014.

S. R. Murtagh,

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

[FR Doc. 2014–20863 Filed 8–29–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 147

[Docket No. USCG–2014–0242]

RIN 1625–AA00

Safety Zone; Gulfstar 1 SPAR, Mississippi Canyon Block 724, Outer Continental Shelf on the Gulf of Mexico

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a safety zone around the Gulfstar 1 SPAR, Mississippi Canyon Block 724 on the Outer Continental Shelf (OCS) in the Gulf of Mexico. The purpose of the safety zone is to protect the facility from vessels operating outside the normal shipping channels and fairways. Placing a safety zone around the facility will significantly reduce the threat of allisions, oil spills, and releases of natural gas, and thereby protect the safety of life, property, and the environment.

DATES: This rule is effective October 2, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2014–0242. 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 Mr. Rusty Wright, U.S. Coast Guard, District Eight Waterways Management Branch; telephone 504–671–2138, *rusty.h.wright@uscg.mil.* If you have questions on the docket, call Cheryl F. Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
OCS Outer Continental Shelf
USCG United States Coast Guard

A. Regulatory History and Information

On May 21, 2014 we published a Notice of Proposed Rulemaking (NPRM) with a request for comments entitled, ''Safety Zone; Gulfstar 1 SPAR, Mississippi Canyon Block 724, Outer Continental Shelf on the Gulf of Mexico'' in the **Federal Register** (79 FR 29095). We received no comments on the NPRM.

B. Basis and Purpose

Under the authority provided in 14 U.S.C. 85, 43 U.S.C. 1333, and Department of Homeland Security Delegation No. 0170.1, 33 CFR part 147 permits the establishment of safety zones for facilities located on the OCS for the purpose of protecting life, property and the marine environment. Williams Midstream requested that the Coast Guard establish a safety zone around its facility located in the deepwater area of the Gulf of Mexico on the OCS. Placing a safety zone around the facility will significantly reduce the threat of allisions, oil spills, and releases of natural gas, and thereby protect the safety of life, property, and the environment.

For the purpose of safety zones established under 33 CFR part 147, the deepwater area is considered to be waters of 304.8 meters (1,000 feet) or greater depth extending to the limits of the Exclusive Economic Zone (EEZ) contiguous to the territorial sea of the United States and extending to a distance up to 200 nautical miles from the baseline from which the breadth of the sea is measured. Navigation in the vicinity of the safety zone consists of large commercial shipping vessels, fishing vessels, cruise ships, tugs with tows and the occasional recreational vessel. The deepwater area also includes an extensive system of fairways.

C. Discussion of Comments, Changes and the Final Rule

We received no comments in response to the proposed rule and the final rule is publishing without change.

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. This rule is not a significant regulatory action due to the location of the Gulfstar 1 SPAR—on the Outer Continental Shelf—and its distance from both land and safety fairways. Vessel traffic can pass safely around the safety zone using alternate routes. Exceptions to this rule include vessels measuring less than 100 feet in length overall and not engaged in towing. Deviation to transit through the safety zone may be requested. Such requests will be considered on a case-by-case basis and may be authorized by the Commander, Eighth Coast Guard District or a designated representative.

2. Impact on Small Entities

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

This rule would affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in Mississippi Canyon Block 724, where this safety zone is now established.

This safety zone will not have a significant economic impact or a substantial number of small entities for the following reasons: Vessel traffic can pass safely around the safety zone using an alternate route. Use of an alternate route may cause minimal delay in reaching a final destination, depending on other traffic in the area and vessel speed. Additionally, exceptions to this rule include vessels measuring less than 100 feet in length overall and not engaged in towing. Also, vessels may request deviation from this rule to transit through the safety zone. Such requests will be considered on a case-by-case basis and may be authorized by the Commander, Eighth Coast Guard District or a designated representative. Therefore, the Coast Guard expects any impact of this rulemaking establishing a safety zone around an OCS facility to be minimal, with no significant economic impact on small entities.

3. 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).

4. 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.

5. 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.

6. 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.

7. Taking of Private Property

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

8. 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.

9. Protection of Children from Environmental Health Risks

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.

10. 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.

11. 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.

12. Technical Standards

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

13. 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 made a preliminary determination 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 around an OCS Facility to protect life, property and the marine environment. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. The environmental analysis checklist supporting this determination and Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 147

Continental shelf, Marine safety, Navigation (water).

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 147 as follows:

PART 147—SAFETY ZONES

■ 1. The authority citation for part 147 continues to read as follows:

Authority: 14 U.S.C. 85; 43 U.S.C. 1333; and Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 147.859 to read as follows:

§ 147.859 Safety Zone; Gulfstar 1 SPAR, Mississippi Canyon Block 724, Outer Continental Shelf on the Gulf of Mexico.

(a) *Description.* The Gulfstar 1 Spar is in the deepwater area of the Gulf of Mexico at Mississippi Canyon Block 724. The facility is located at 28°14′05.904″ N, 88°59′43.306″ W, and the area within 500 meters (1640.4 feet) from each point on the facility structure's outer edge is a safety zone.

(b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(1) An attending vessel;

(2) A vessel under 100 feet in length overall not engaged in towing; or

(3) A vessel authorized by the Commander, Eighth Coast Guard District or a designated representative.

Dated: August 6, 2014.

Kevin S. Cook,

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

[FR Doc. 2014–20843 Filed 8–29–14; 8:45 am]

BILLING CODE 4915–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 721

[EPA–HQ–OPPT–2012–0727; FRL–9914–19]

RIN 2070–AB27

Significant New Use Rules on Certain Chemical Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing significant new use rules (SNURs) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for 36 chemical substances which were the subject of premanufacture notices (PMNs). Seventeen of these chemical substances are subject to TSCA section 5(e) consent orders issued by EPA. This action requires persons who intend to manufacture or process any of these 36 chemical substances for an activity that is designated as a significant new use by this final rule to notify EPA at least 90 days before commencing that activity. The required notification provides EPA with the opportunity to evaluate the intended use and, if necessary, to prohibit or limit that activity before it occurs.

DATES: This final rule is effective November 3, 2014.

ADDRESSES: The docket for this action, identified by docket identification (ID)

number EPA–HQ–OPPT–2012–0727, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Jim Alwood, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8974; email address: *alwood.jim@epa.gov.*

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

SUPPLEMENTARY INFORMATION:

I. Does this action apply to me?

You may be potentially affected by this action if you manufacture, process, or use any of the 36 chemical substances contained in this final rule. Potentially affected entities may include, but are not limited to:

- Manufacturers or processors of the subject chemical substances (NAICS codes 325 and 324110), e.g., chemical manufacturing and petroleum refineries.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in 40 CFR 721.5. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA. Chemical importers are subject to the TSCA section 13 (15 U.S.C. 2612) import certification requirements promulgated at 19 CFR 12.118 through 12.127; see also 19 CFR 127.28. Chemical importers must certify that the shipment of the chemical substance complies with all applicable rules and orders under TSCA. Importers of chemical substances subject to a final SNUR must certify their compliance with the SNUR requirements. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. In addition, any persons who export or intend to export a chemical substance that is the subject of this final rule are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)) (see 40 CFR 721.20), and must comply with the export notification requirements in 40 CFR part 707, subpart D.

II. Background

A. What action is the agency taking?

EPA is finalizing SNURs under TSCA section 5(a)(2) for 36 chemical substances which were the subject of PMNs. Seventeen of these chemical substances are subject to TSCA section 5(e) consent orders issued by EPA. The final SNURs for these chemical substances are based on and consistent with the provisions in the underlying consent orders. The final SNURs designate as a significant new use manufacture (including import) or processing in the absence of the protective measures required in the corresponding consent order. The final SNURs for the 19 remaining chemical substances are not based on a consent order under TSCA section 5(e). In these 19 cases, EPA has determined in accordance with 40 CFR 721.170(c)(2) that these significant new use activities:

1. Are different from those described in the PMN for the chemical substance, including any amendments, deletions, and additions of activities to the PMN.
2. May be accompanied by changes in exposure or release levels that are significant in relation to the health or environmental concerns identified for the PMN substance.

This action requires persons who intend to manufacture or process these chemical substances for an activity that is designated as a significant new use by this final rule to notify EPA at least 90 days before commencing that activity.

Previously, in the **Federal Register** of February 25, 2013 (78 FR 12684) (FRL–9376–7), EPA proposed SNURs for 37 chemical substances. More information on the specific chemical substances subject to this final rule can be found in the **Federal Register** document proposing the SNURs. The SNURs for these 36 chemical substances was established in the docket under docket ID number EPA–HQ–OPPT–2012–0727. That docket includes information considered by the Agency in developing the proposed and final rules, including comments on the proposed SNURs.

EPA received several comments on the proposed rule for certain chemical substances. A full discussion of EPA's response to these comments is included in Unit V. Based on these comments, EPA is issuing a modified final rule for 36 chemical substances as described in Unit V. EPA is not finalizing one of the proposed SNURs as described in the response to comments. EPA will take action on that proposed SNUR at a later date. For any proposed SNUR for which EPA did not receive comment, EPA is issuing the final rule as proposed.

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

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including those listed in TSCA section 5(a)(2). Once EPA determines that a use of a chemical substance is a significant new use, TSCA section 5(a)(1)(B) requires persons to submit a significant new use notice (SNUN) to EPA at least 90 days before they manufacture or process the chemical substance for that use. Persons who must report are described in 40 CFR 721.5.

C. Applicability of General Provisions

General provisions for SNURs appear in 40 CFR part 721, subpart A. These provisions describe persons subject to the final rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the rule to uses occurring before the effective date of the final rule. Provisions relating to user fees appear at 40 CFR part 700. According to 40 CFR 721.1(c), persons subject to these SNURs must comply with the same notice requirements and EPA regulatory procedures as submitters of PMNs under TSCA section 5(a)(1)(A). In particular, these requirements include the information submission requirements of TSCA sections 5(b) and 5(d)(1), the exemptions authorized by TSCA sections 5(h)(1), (h)(2), (h)(3), and (h)(5), and the regulations at 40 CFR part 720. Once EPA receives a SNUN, EPA may take regulatory action under TSCA section 5(e), 5(f), 6, or 7 to control the

activities for which it has received the SNUN. If EPA does not take action, EPA is required under TSCA section 5(g) to explain in the **Federal Register** its reasons for not taking action.

III. Rationale and Objectives of the Final Rule

A. Rationale

During review of the PMNs submitted for these chemical substances, EPA concluded that for 17 of the 36 chemical substances, regulation was warranted under TSCA section 5(e)(1)(A)(ii)(I), pending the development of information sufficient to make reasoned evaluations of the human health effects of the chemical substances. Based on these findings, a TSCA section 5(e) consent order requiring the use of appropriate exposure controls was negotiated with the PMN submitter. The SNUR provisions for these chemical substances are consistent with the provisions of the TSCA section 5(e) consent order. These final SNURs are issued pursuant to 40 CFR 721.160. See the docket under docket ID number EPA–HQ–OPPT–2010–1075 for the corresponding consent orders. In the other 19 cases, where the uses were not regulated under a TSCA section 5(e) consent order, EPA determined that one or more of the criteria of concern established at 40 CFR 721.170 were met. For additional discussion of the rationale for the SNURs on these chemical substances, see Units II. and V. of the proposed rule.

B. Objectives

EPA is issuing these final SNURs for specific chemical substances that have undergone premanufacture review because the Agency wants to achieve the following objectives with regard to the significant new uses designated in this final rule:

- EPA will receive notice of any person's intent to manufacture or process a listed chemical substance for the described significant new use before that activity begins.
- EPA will have an opportunity to review and evaluate data submitted in a SNUN before the notice submitter begins manufacturing or processing a listed chemical substance for the described significant new use.
- EPA will be able to regulate prospective manufacturers or processors of a listed chemical substance before the described significant new use of that chemical substance occurs, provided that regulation is warranted pursuant to TSCA section 5(e), 5(f), 6, or 7.
- EPA will ensure that all manufacturers and processors of the same chemical substance that is subject to a TSCA section 5(e) consent order are subject to similar requirements.

Issuance of a SNUR for a chemical substance does not signify that the chemical substance is listed on the TSCA Inventory. Guidance on how to determine if a chemical substance is on the TSCA Inventory is available on the Internet at *http://www.epa.gov/opptintr/existingchemicals/pubs/tscainventory/index.html.*

IV. Significant New Use Determination

Section 5(a)(2) of TSCA states that EPA's determination that a use of a chemical substance is a significant new use must be made after consideration of all relevant factors, including:

- The projected volume of manufacturing and processing of a chemical substance.
- The extent to which a use changes the type or form of exposure of human beings or the environment to a chemical substance.
- The extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance.
- The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance.

In addition to these factors enumerated in TSCA section 5(a)(2), the statute authorized EPA to consider any other relevant factors.

To determine what would constitute a significant new use for the chemical substances that are the subject of these SNURs, EPA considered relevant information about the toxicity of the chemical substances, likely human exposures and environmental releases associated with possible uses, taking into consideration the four bulleted TSCA section 5(a)(2) factors listed in this unit.

V. Response to Comments on Proposed SNURs

1. *Comment:* One commenter stated that given the number of chemical substances used in the automotive industry, the number of suppliers, and the complications involved with foreign suppliers it was not reasonable to have suppliers identify each chemical substance in their products, including chemical substances in articles, so that automakers would know if they were using chemicals that were subject to SNURs. The commenter also noted the further complication that with so many SNURs applicable to chemical substances with generic chemical identities, identifying the chemical substances subject to a SNUR was even more difficult. The commenter requested that EPA address this concern and provide guidance on what EPA's expectations are in terms of due diligence and future regulatory actions that depend on chemical identification through the supply chain.

Response: EPA expects that if a company manufactures or processes chemical substances it will confirm whether those chemical substances are on the TSCA Inventory and if those chemical substances are subject to TSCA regulations, including SNURs. A company may do this by identifying each chemical and confirming its TSCA status. In cases where a company purchases chemical substances, including formulations with multiple chemical substances that may be only generically identified, an importer or processor may rely on their supplier to confirm the identity of a chemical substance or if a chemical substance is subject to a SNUR. According to 40 CFR 721.5(a)(2), manufacturers (including importers) and processors must notify customers if they distribute a chemical substance that is subject to a SNUR unless they can demonstrate that their customer either already knows about the SNUR or cannot undertake any significant new use designated in the SNUR. EPA recognizes that when a company imports a chemical substance into the United States, its foreign manufacturer or processor is not subject to the requirements of 40 CFR 721.5(a)(2) to notify the importer about whether the chemical substance is subject to a SNUR. Nonetheless, importers are subject to the requirements of TSCA section 5(a)(1) with respect to substances not on the TSCA Inventory or subject to an exemption, and must comply with any applicable SNURs. EPA expects that the importer would confirm the identity of chemical substances it is importing, if those chemical substances are on the TSCA Inventory, and whether they are subject to TSCA regulation including SNURs. In the case of chemical substances that are contained in an article, if the exemption of 40 CFR 721.45(f) is revoked then the person distributing that chemical substance in the article must, in accordance with 40 CFR 721.5(a)(2), notify customers that a chemical substance in the article is subject to a SNUR.

2. *Comment:* Two commenters suggested that SNURs should incorporate the requirements of 29 CFR 1910.134 the OSHA Respiratory Protection Standard. One of the commenters also stated that SNURs should be more explicit about following the requirements of OSHA regulations

including 29 CFR 1910.1200(h) the OSHA Hazard Communication Standard and 29 CFR 1910.120 the Hazardous Waste Operation and Emergency Response Standard.

Response: SNURs identify significant new uses for chemical substances under TSCA section 5(a)(2). The requirements of 40 CFR 721.63 (a)(4) already state that use of respirators must be according to OSHA's 29 CFR 1910.134, which includes language that engineering controls should be used as far as feasible to prevent exposures. For new chemical SNURs that identify new uses relating to establishing a written hazard communication standard according to 40 CFR 721.72, which includes one SNUR in this final rule, persons subject to the final rule may use the OSHA Hazard Communication Standard at 29 CFR 1910.1200 or another standard to comply with those significant new use requirements. EPA has identified significant new uses in this manner because it believes that its TSCA regulations do not supersede any applicable OSHA requirements. None of the SNURs in this final rule identify new uses relating to hazardous waste operation and emergency response.

3. *Comment:* The same two commenters also suggested that EPA should adopt the National Institute of Occupational Safety and Health (NIOSH) Recommended Exposure Limit (REL) of 1 ug/m^3 for carbon nanotubes (CNTs) as a New Chemical Exposure Limit (NCEL) for SNURs for carbon nanotubes.

Response: When establishing a NCEL or other alternative exposure control, EPA will consider all available data including U.S. government policies and practices used to set occupational exposure limits. Because of the uncertainty surrounding the NIOSH REL of 1 μg/m^3 (as NIOSH noted in its final CNT bulletin, the REL is based on the current analytical limit of quantification and may not be preventative of all known health effects; see: *http://www.cdc.gov/niosh/docs/2013-145/pdfs/2013-145.pdf*), EPA will not adopt the NIOSH REL as a NCEL at this time because EPA cannot determine that potential exposures at the REL may not present an unreasonable risk. EPA will consider the final NIOSH REL or other alternative exposure controls for CNTs if a submission requesting such is made under 40 CFR 721.30. This would allow the submitter to send to EPA data in support of a proposed exposure level and to demonstrate a technique to comply with that level. EPA would then evaluate the proposal and data as described in 40 CFR 721.30. See: *http://www.epa.gov/oppt/newchems/pubs/consent-pdf/riskhhncel.pdf* and *http://www.epa.gov/oppt/newchems/pubs/ncelresp.pdf,* which, respectively, are EPA's boilerplate TSCA section 5(e) consent order containing a NCEL and EPA's Response to Comments on NCELs in TSCA section 5(e) consent orders. These two documents contain additional information on EPA's approach to NCELs and developing techniques to comply with those requirements.

4. *Comment:* One commenter stated that the proposed regulatory text language ''When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (a)(4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible'' and the language that respirators ''meet the requirements of § 721.63(a)(4)'' were confusing and that the second statement seemed to indicate that respirators alone were sufficient to address exposures. The commenter also suggested specific language changes to address that confusion and to incorporate use of an exposure limit.

Response: SNURs that require a significant new use notification where certain respiratory protection is not used only require respiratory protection when workers are reasonably likely to be exposed. Manufacturers and processors subject to the SNUR must first determine if workers are reasonably likely to be exposed. When making that determination, the proposed language directs them to consider feasible engineering or administrative controls similar to OSHA requirements at 29 CFR 1910.134. If workers are still reasonably likely to be exposed then the required respirators meet the requirements of 40 CFR 721.63(a)(4). Based on this explanation EPA does not think that the language is confusing or indicates that respirators alone are sufficient to address exposures. See also EPA's response to comment 10 regarding control measures. EPA has adopted a minor change adding the suggested italicized language by the commenter ''. . . measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent or reduce exposure . . .'' to make clearer that the requirements of 40 CFR 721.63(a)(4) are consistent with OSHA requirements. This change has been made in all SNURs in this rule with a ''protection in the workplace'' significant new use provision.

5. *Comment:* One commenter also suggested that EPA should establish criteria and procedures for selecting, installing, and evaluating the performance of engineering controls and for training workers to use the exposure controls.

Response: EPA requires personal protective equipment only for workers who are reasonably likely to be exposed, in order to prevent unreasonable risks. It should be noted that OSHA regulations only recommend but do not require specific engineering controls for existing chemical substances even when there are available methods for detecting those chemical substances and there are engineering controls known to prevent exposures. For new chemical substances, there is often no data on detection methods and limited data on which engineering controls prevent worker exposures in all situations. In addition, because new chemical substances have not previously been in commerce, there are no specific applicable exposure limits or protective equipment requirements under any other U.S. statute. EPA includes language in SNURs that require worker protection that also requires engineering controls and administrative controls where feasible. This requirement is consistent with OSHA regulations. EPA's approach at this time for evaluating engineering controls for chemical substances subject to SNURs are requests for alternative control measures—which includes requests to use the NCELs approach—as set out in 40 CFR 721.30.

6. *Comment:* One commenter suggested that EPA consider new toxicology studies identified by NIOSH (see: *http://blogs.cdc.gov/niosh-science-blog/2013/03/11/mwcnt*) for CNTs and consider whether these effects should be considered as part of toxicology studies for CNTs.

Response: EPA is reviewing those studies and will incorporate the findings of those studies to the extent appropriate when assessing the potential hazards of and when determining testing requirements and protocols for CNTs.

7. *Comment:* One commenter suggested that other SNURs that have already been issued and will be issued should also address the issue of hierarchy of controls. The commenter described the best measures of a hierarchy of controls as: process changes, followed by engineering controls such as enclosure and local exhaust ventilation, administrative practices, and finally, personal protective equipment. Another commenter suggested that EPA should

undertake an interagency process with OSHA and NIOSH to ensure that SNUR regulations are consistent with OSHA standards and NIOSH recommendations and then modify existing SNURs and develop a template for future SNURs through rulemaking.

Response: As EPA has previously stated in response to Comment 2, the requirements of 40 CFR 721.63(a)(4) already incorporate consideration of engineering controls when determining protection for workers from inhalation exposure as use of respirators must be according to OSHA 29 CFR 1910.134, which includes language that engineering controls should be used as far as feasible to prevent exposures. EPA has also added specific language to new SNURS to require engineering controls and administrative controls where feasible. EPA is currently in the process of developing revisions to existing SNUR regulations that will serve as a template for future SNURs and SNURs already issued. EPA will consult with NIOSH and OSHA during this process, as it has done previously when developing SNUR regulations for worker protection. These revisions would also be subject to public comments through notice and comment rulemaking.

8. *Comment:* One commenter requested that EPA not finalize the SNUR for P–08–392, which is the SNUR at 40 CFR 721.10648, until a request to modify the TSCA section 5(e) consent order for that PMN substance was completed because the proposed changes to the TSCA section 5(e) consent order would not be consistent with the terms of the proposed SNUR.

Response: After the comment was submitted, the PMN submitter withdrew the TSCA section 5(e) consent order modification request. Because the TSCA section 5(e) consent order modification is no longer being pursued by the PMN submitter and this chemical substance is on the TSCA Inventory, EPA is finalizing the SNUR as proposed. The terms of the SNUR are consistent with the TSCA section 5(e) consent order requirements.

9. *Comment:* The commenter stated that the requirements of the SNUR for PMN P–10–545 and P–10–546, which is the SNUR at 40 CFR 721.10648, were inconsistent with the TSCA section 5(e) consent order. The proposed SNUR requires notification if there is manufacturing, processing, or use in a non-enclosed process. The commenter suggested that EPA make the SNUR consistent with the TSCA section 5(e) consent order by eliminating the notification requirements for non-enclosed processes, and adding notification requirements in the SNUR if the same respiratory protection requirements as in the TSCA section 5(e) consent order are not used. The commenter also suggested that EPA explicitly identify the use authorized under the TSCA section 5(e) consent order.

Response: EPA agrees that the requirements of the TSCA section 5(e) consent order and SNUR should be consistent. In the final SNUR EPA has removed the notification requirements for non-enclosed processes and has included the notification requirements where respiratory protection is not used. EPA has also identified the use authorized under the consent order in the final SNUR.

10. *Comment:* A commenter for the SNUR in 40 CFR 721.10643 requested that EPA expand on the completely reacted (cured) exemption in paragraph (a)(1) and that EPA include a *de minimis* exemption of 1.0% for worker protection requirements in paragraph (a)(2)(i). The commenter also asked EPA to clarify that the phrase ''engineering control measures (e.g., enclosure or confinement of the operation, general and local exhaust ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible'' means if proper engineering controls are used to prevent exposure that respiratory protection is not needed.

Response: The commenter did not supply any reason for the requested changes to the proposed SNUR. EPA will retain the completely reacted (cured) exemption language in paragraph (a)(1) as that language is consistent with the exemption language in the TSCA section 5(e) consent order that is the basis for the SNUR. EPA will add the *de minimis* exemption language for worker protection in paragraph (a)(2)(i), as that language is also consistent with the exemption in the TSCA section 5(e) consent order. If a manufacturer or processor can demonstrate that workers are not reasonably likely to be exposed by inhalation through the use of engineering controls, respiratory protection would not be required by the TSCA section 5(e) consent order and, similarly, significant new use notification for using the substance without respiratory protection would not be required.

11. *Comment:* One commenter stated that the PMN submitter of P–11–155, which is the chemical substance in the proposed SNUR in 40 CFR 721.10650, was in the process of conducting the recommended testing in the proposed SNUR to characterize the environmental effects of the PMN substance. The commenter also stated that the results of an acute Daphnia study had already been submitted to and reviewed by EPA and that the acute fish study would be conducted according to a protocol already reviewed by EPA. The commenter requested that EPA withdraw the proposed rule for 40 CFR 721.10650 and await the test results before deciding whether to propose a SNUR.

Response: Because the recommended environmental toxicity testing is being conducted, EPA will not finalize the proposed SNUR at this time, but will decide on any further action at a later date based on test data results.

12. *Comment:* EPA received five comments that supported the final rule, one comment that did not support any regulation, and one comment that wanted more regulation of toxic chemical substances in general. Some of the comments supporting the final rule discussed advantages and disadvantages of the SNUR rules and TSCA.

Response: Because all of these comments did not address specific requirements of the proposed SNURs, EPA is not responding to them and is not making any changes to the SNURs as proposed.

VI. Applicability of Rule to Uses Occurring Before Effective Date of the Final Rule

As discussed in the **Federal Register** of April 24, 1990 (55 FR 17376), EPA has decided that the intent of TSCA section 5(a)(1)(B) is best served by designating a use as a significant new use as of the date of publication of the proposed rule rather than as of the effective date of the final rule. If uses begun after publication were considered ongoing rather than new, it would be difficult for EPA to establish SNUR notice requirements because a person could defeat the SNUR by initiating the significant new use before the rule became effective, and then argue that the use was ongoing before the effective date of the final rule.

Any person who began commercial manufacture or processing of the specific chemical substances for any of the significant new uses designated in the proposed rule after the date of publication of the proposed rule must stop that activity before the effective date of this final rule. Persons who ceased those activities will have to meet all applicable SNUR notice requirements and wait until the end of the notice review period, including any extensions, before engaging in any activities designated as significant new uses.

EPA has promulgated provisions to allow persons to comply with these SNURs before the effective date. If a person were to meet the conditions of advance compliance under 40 CFR 721.45(h), the person would be considered to have met the requirements of this final SNUR for those activities.

VII. Test Data and Other Information

EPA recognizes that TSCA section 5 does not require developing any particular test data before submission of a SNUN. The two exceptions are:

1. Development of test data is required where the chemical substance subject to the SNUR is also subject to a test rule under TSCA section 4 (see TSCA section 5(b)(1)).

2. Development of test data may be necessary where the chemical substance has been listed under TSCA section 5(b)(4) (see TSCA section 5(b)(2)).

In the absence of a TSCA section 4 test rule or a TSCA section 5(b)(4) listing covering the chemical substance, persons are required only to submit test data in their possession or control and to describe any other data known to or reasonably ascertainable by them (see 40 CFR 720.50). However, upon review of PMNs and SNUNs, the Agency has the authority to require appropriate testing.

In the TSCA section 5(e) consent orders for 17 of the chemical substances regulated under this final rule, EPA has established restrictions in view of the lack of data on the potential health and environmental risks that may be posed by the significant new uses or increased exposure to the chemical substances. These restrictions will not be removed until EPA determines that the unrestricted use will not present an unreasonable risk of injury or result in significant or substantial exposure or environmental release. This determination is usually made based on the results of the required or recommended toxicity tests.

In cases where EPA issued a TSCA section 5(e) consent order that requires or recommends certain testing, Unit IV. of the proposed rule lists tests required or recommended in each of the TSCA section 5(e) consent orders underlying the proposed TSCA section 5(e) SNURs, and lists tests recommended for the chemical substances subject to the proposed TSCA non-section 5(e) SNURs. Descriptions of tests are provided for informational purposes. EPA strongly encourages persons, before performing any testing, to consult with the Agency pertaining to protocol selection.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs which provide detailed information on the following:

- Human exposure and environmental release that may result from the significant new use of the chemical substances.
- Potential benefits of the chemical substances.
- Information on risks posed by the chemical substances compared to risks posed by potential substitutes.

VIII. SNUN Submissions

According to 40 CFR 721.1(c), persons submitting a SNUN must comply with the same notice requirements and EPA regulatory procedures as persons submitting a PMN, including submission of test data on health and environmental effects as described in 40 CFR 720.50. SNUNs must be submitted on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in 40 CFR 721.25 and 720.40. E–PMN software is available electronically at *http://www.epa.gov/opptintr/newchems.*

IX. Economic Analysis

EPA has evaluated the potential costs of establishing SNUN requirements for potential manufacturers and processors of the chemical substances during the development of the direct final rule. EPA's complete Economic Analysis is available in the docket under docket ID number EPA–HQ–OPPT–2012–0727.

X. Statutory and Executive Order Reviews

A. Executive Order 12866

This final rule establishes SNURs for several new chemical substances that were the subject of PMNs and, in some cases, a TSCA section 5(e) consent order. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993).

B. Paperwork Reduction Act

According to the Paperwork Reduction Act (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's 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, if applicable. EPA is amending the table in 40 CFR part 9 to list the OMB approval number for the information collection requirements contained in this final rule. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the display requirements of PRA and OMB's implementing regulations at 5 CFR part 1320. This Information Collection Request (ICR) was previously subject to public notice and comment prior to OMB approval, and given the technical nature of the table, EPA finds that further notice and comment to amend it is unnecessary. As a result, EPA finds that there is ''good cause'' under section 553(b)(3)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), to amend this table without further notice and comment.

The information collection requirements related to this action have already been approved by OMB pursuant to PRA under OMB control number 2070–0012 (EPA ICR No. 574). This action does not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the Agency, the annual burden is estimated to average between 30 and 170 hours per response. This burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review, and submit the required SNUN.

Send any comments about the accuracy of the burden estimate, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the Director, Collection Strategies Division, Office of Environmental Information (2822T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. Please remember to include the OMB control number in any correspondence, but do not submit any completed forms to this address.

C. Regulatory Flexibility Act

On February 18, 2012, EPA certified pursuant to section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), that promulgation of a SNUR does not have a significant economic impact on a substantial number of small entities where the following are true:

1. A significant number of SNUNs would not be submitted by small entities in response to the SNUR.

2. The SNUN submitted by any small entity would not cost significantly more than $8300.

A copy of that certification is available in the docket for this rule.

This rule is within the scope of the February 18, 2012 certification. Based on the Economic Analysis discussed in Unit IX. and EPA's experience promulgating SNURs (discussed in the certification), EPA believes that the following are true:

- A significant number of SNUNs would not be submitted by small entities in response to the SNUR.
- Submission of the SNUN would not cost any small entity significantly more than $8300. Therefore, the promulgation of the SNUR would not have a significant economic impact on a substantial number of small entities.

D. Unfunded Mandates Reform Act

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any State, local, or Tribal government will be impacted by this final rule. As such, EPA has determined that this final rule does not impose any enforceable duty, contain any unfunded mandate, or otherwise have any effect on small governments subject to the requirements of sections 202, 203, 204, or 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4).

E. Executive Order 13132

This action will 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, entitled ''Federalism'' (64 FR 43255, August 10, 1999).

F. Executive Order 13175

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

G. Executive Order 13045

This action is not subject to Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined by Executive Order 12866, and this action does not address environmental health or safety risks disproportionately affecting children.

H. Executive Order 13211

This action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use and because this action is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

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.

This action does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

XI. Congressional Review Act (CRA)

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

List of Subjects

40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

40 CFR Part 721

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

Dated: August 20, 2014.

Maria J. Doa,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

Therefore, 40 CFR parts 9 and 721 are amended as follows:

PART 9—[AMENDED]

■ 1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.,* 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.,* 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.,* 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

■ 2. The table in § 9.1 is amended by adding the following sections in numerical order under the undesignated center heading ''Significant New Uses of Chemical Substances'' to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * * * *	
Significant New Uses of Chemical Substances	
* * * * *	
721.10637	2070–0012
721.10638	2070–0012
721.10639	2070–0012
721.10640	2070–0012
721.10641	2070–0012
721.10642	2070–0012
721.10643	2070–0012
721.10644	2070–0012
721.10645	2070–0012
721.10646	2070–0012
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721.10653	2070–0012
721.10654	2070–0012
721.10655	2070–0012
721.10656	2070–0012
721.10657	2070–0012
721.10658	2070–0012
721.10659	2070–0012
721.10660	2070–0012
* * * * *	

PART 721—[AMENDED]

■ 3. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

■ 4. Add § 721.10637 to subpart E to read as follows:

§ 721.10637 Substituted picolinate (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as substituted picolinate (PMN P–00–835) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=90).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 5. Add § 721.10638 to subpart E to read as follows:

§ 721.10638 Lithium metal phosphate (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as lithium metal phosphate (PMN P–02–167) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=1).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 6. Add § 721.10639 to subpart E to read as follows:

§ 721.10639 Siloxanes and Silicones, di-Me, polymers with Ph silsesquioxanes, hydrolyzed, reaction products with 2-[[3-(trimethoxysilyl)propoxy]methyl]oxirane.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as siloxanes and silicones, di-Me, polymers with Ph silsesquioxanes, hydrolyzed, reaction products with 2-[[3-(trimethoxysilyl)propoxy]methyl]oxirane (PMN P–02–668; CAS No. 478823–10–8) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(3), (a)(4), (a)(6)(v), (b) (concentration set at 0.1 percent), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent or reduce exposure, where feasible. The following National Institute for Occupational Safety and Health (NIOSH)-certified respirators with an assigned protection factor (APF) of at least 10 meet the requirements of § 721.63(a)(4):

(A) NIOSH-certified air-purifying, tight-fitting half-face respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters;

(B) NIOSH-certified air-purifying, tight-fitting full-face respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters;

(C) NIOSH-certified powered air-purifying respirator equipped with a loose-fitting hood or helmet and high efficiency particulate air (HEPA) filters;

(D) NIOSH-certified powered air-purifying respirator equipped with a tight-fitting facepiece (either half-face or full-face) and HEPA filters; and

(E) NIOSH-certified supplied-air respirator operated in pressure demand or continuous flow mode and equipped with a hood or helmet, or tight-fitting facepiece (either half-face or full-face).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), (d), (e), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 7. Add § 721.10640 to subpart E to read as follows:

§ 721.10640 1,2-Cyclohexanedicarboxylic acid, 1-(2-ethylhexyl) 2-(2-methylpropyl) ester.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 1,2-cyclohexanedicarboxylic acid, 1-(2-ethylhexyl) 2-(2-methylpropyl) ester (PMN P–03–135; CAS No. 252958–29–5) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=1)

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 8. Add § 721.10641 to subpart E to read as follows:

§ 721.10641 Phenol and vinyltoluene based hydrocarbon resin (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as phenol and vinyltoluene based hydrocarbon resin (PMN P–03–255) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=1).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 9. Add § 721.10642 to subpart E to read as follows:

§ 721.10642 Modified polyisocyanates (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substances identified generically as modified polyisocyanates (PMNs P–03–762 and P–03–763) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(3), (b) (concentration set at 0.1 percent), and (c).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (f), (o), and (y)(l).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), (d), (e), and (i) are applicable to manufacturers and processors of these substances.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 10. Add § 721.10643 to subpart E to read as follows:

§ 721.10643 Diisocyanate terminated polycarbodiimide (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as diisocyanate terminated polycarbodiimide (PMN P–04–640) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the PMN substance that have been completely reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3), (a)(4), and (a)(6)(ii). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent or reduce exposure, where feasible. A National Institute for Occupational Safety and Health (NIOSH)-certified supplied-air respirator operated in pressure demand or other positive pressure mode and equipped with a tight-fitting full facepiece with an assigned protection factor (APF) of at least 2,000 meets the minimum requirements § 721.63(a)(4). As an alternative to the respiratory requirements listed here, a manufacturer or processor may choose to follow the new chemical exposure limit (NCEL) provisions listed in the TSCA section 5(e) consent order for this substance. The NCEL is 0.05 milligram/meter cubed (mg/m^3). Persons whose § 721.30 requests to use the NCELs approach are approved by EPA will receive NCELs provisions comparable to those contained in the corresponding TSCA section 5(e) consent order.

(ii) *Hazard communication program.* Requirements as specified in § 721.72(a), (b), (c), (d), (f), (g)(1)(i), (g)(1)(ii), (g)(2)(i), (g)(2)(ii), (g)(2)(iii), (g)(2)(iv) (use respiratory protection or maintain airborne concentrations at or below an 8-hour time-weighted average of 0.05 mg/m^3), (g)(2)(v), and (g)(5).

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 11. Add § 721.10644to subpart E to read as follows:

§ 721.10644 Reaction product of aluminum hydroxide and modified alkoxysilane (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as reaction product of aluminum hydroxide and modified alkoxysilane (PMN P–07–553) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(4), (a)(6)(i), (b) (concentrations set at 0.1 percent), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent or reduce exposure, where feasible. The following National Institute for Occupational Safety and Health (NIOSH)-certified respirators with an assigned protection factor (APF) of at least 10 meet the requirements of § 721.63(a)(4):

(A) NIOSH-certified air-purifying, tight-fitting half-face respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters;

(B) NIOSH-certified air-purifying, tight-fitting full-face respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters;

(C) NIOSH-certified powered air-purifying respirator equipped with a loose- fitting hood or helmet and high efficiency particulate air (HEPA) filters;

(D) NIOSH-certified powered air-purifying respirator equipped with a tight-fitting facepiece (either half-face or full-face) and HEPA filters; and

(E) NIOSH-certified supplied-air respirator operated in pressure demand or continuous flow mode and equipped with a hood or helmet, or tight-fitting facepiece (either half-face or full-face).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(s) (100,000 kilograms).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), (d), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 12. Add § 721.10645 to subpart E to read as follows:

§ 721.10645 Multi-walled carbon nanotube (generic) (P–08–0392).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as multi-walled carbon nanotube (PMN P–08–392) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the PMN substance that have been completely reacted (cured); incorporated or embedded into a polymer matrix that itself has been completely reacted (cured); or embedded in a permanent solid polymer form that is not intended to undergo further processing except for mechanical processing.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(ii), (a)(3), (a)(4), and (a)(6) (particulate, including

solids or liquid droplets). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent or reduce exposure, where feasible. A National Institute for Occupational Safety and Health (NIOSH)-certified air-purifying, tight-fitting full-face respirator equipped with N100 filters with an assigned protection factor (APF) of at least 50 meet the minimum requirements of § 721.63(a)(4).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (q) (within 18 months of commencing non-exempt commercial manufacture).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), (d), (e), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(ii) of this section.

■ 13. Add § 721.10646 to subpart E to read as follows:

§ 721.10646 Multi-wall carbon nanotubes (generic) (P–09–257).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as multi-wall carbon nanotubes (PMN P–09–257) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the PMN substance that have been completely reacted (cured); incorporated or embedded into a polymer matrix that itself has been completely reacted (cured); embedded in a permanent solid polymer form that is not intended to undergo further processing except for mechanical processing; or incorporated into an article as defined at § 721.3(c).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(ii), (a)(3), (a)(4), and (a)(6) (particulate, including solids or liquid droplets). When determining which persons are reasonably likely to be exposed as required for § 721.63 (a)(1) and (4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent or reduce exposure, where feasible. A National Institute for Occupational Safety and Health (NIOSH)-certified air-purifying, tight-fitting full-face respirator equipped with N100 filters with an assigned protection factor (APF) of at least 50 meets the minimum requirements of § 721.63(a)(4).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (q).

(iii) *Release to water.* Requirements as specified in § 721.90(b)(1) and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), (d), (e), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(ii) of this section.

■ 14. Add § 721.10647 to subpart E to read as follows:

§ 721.10647 Multi-walled carbon nanofibers (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as multi-walled carbon nanofibers (PMNs P–10–115, P–10–116, P–10–117, P–10–118, P–10–119, P–10–120, P–10–121, P–10–122, P–10–123, P–10–124, P–10–125, and P–10–126) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this rule do not apply to quantities of the PMN substances after they have been completely reacted (cured); incorporated or embedded into a polymer matrix that itself has been reacted (cured); embedded into a permanent solid polymer form that is not intended to undergo further processing except for mechanical processing; or incorporated into an article as defined at 40 CFR 720.3(c).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(ii), (a)(3), (a)(4), and (a)(6)(i). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent or reduce exposure, where feasible. A National Institute for Occupational Safety and Health (NIOSH)-certified air-purifying, tight-fitting full-face respirator equipped with N100 filters with an assigned protection factor (APF) of at least 50 meets the minimum requirements of § 721.63(a)(4).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) (electrical and thermal conductivity additive in encapsulated thermoplastics, thermosets, elastomers, glass, metals, and ceramics; mechanical reinforcement additive in encapsulated thermoplastics, thermosets, elastomers, glass, metals, and ceramics; energy storage additive; or chemical intermediate), (l), and (q).

(iii) *Release to water.* Requirements as specified in § 721.90(b)(1) and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), (d), (e), (i), and (k) are applicable to manufacturers and processors of these substances.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(ii) of this section.

■ 15. Add § 721.10648 to subpart E to read as follows:

§ 721.10648 Modified lithium iron phosphates (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substances identified generically as modified lithium iron phosphates (PMNs P–10–545 and P–10–546) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this rule do not apply to quantities of the PMN substances after they have been completely reacted (cured), embedded

or incorporated into a polymer matrix that has been reacted (cured), or embedded in a permanent solid polymer form that is not intended to undergo further processing, except mechanical.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(4) and (a)(6)(i). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent or reduce exposure, where feasible. A National Institute for Occupational Safety and Health (NIOSH)-certified air-purifying, tight-fitting full-face respirator equipped with N100 cartridges meets the minimum requirements of § 721.63(a)(4).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) (battery electrode components, contained use) and (q).

(iii) *Release to water.* Requirements as specified in § 721.90(b)(1) and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), (i), and (k) are applicable to manufacturers and processors of these substances.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 16. Add § 721.10649 to subpart E to read as follows:

§ 721.10649 MDI modified polyalkylene glycol adipate polyester (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as MDI modified polyalkylene glycol adipate polyester (PMN P–11–115) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(4), (a)(6)(i), (a)(6)(ii), (a)(6)(v), (b) (concentration set at 0.1 percent), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent or reduce exposure, where feasible. The following National Institute for Occupational Safety and Health (NIOSH)-certified respirators with an assigned protection factor (APF) of at least 10 meet the requirements of § 721.63(a)(4):

(A) NIOSH-certified air-purifying, tight-fitting half-face respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters;

(B) NIOSH-certified air-purifying, tight-fitting full-face respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters;

(C) NIOSH-certified powered air-purifying respirator equipped with a loose- fitting hood or helmet and high efficiency particulate air (HEPA) filters;

(D) NIOSH-certified powered air-purifying respirator equipped with a tight-fitting facepiece (either half-face or full-face) and HEPA filters; and

(E) NIOSH-certified supplied-air respirator operated in pressure demand or continuous flow mode and equipped with a hood or helmet, or tight-fitting facepiece (either half-face or full-face).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), (d), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 17. Add § 721.10651 to subpart E to read as follows:

§ 721.10651 Carbide derived nanocarbon (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as carbide derived nanocarbon (PMN P–11–290) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j) (manufacture of the substance by the method described in the premanufacture notice).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 18. Add § 721.10652 to subpart E to read as follows:

§ 721.10652 Hexanedioic acid, polymer with polyether polyol, 1,1′-methylenebis[4-isocyanatobenzene] and dihydroxydialkyl ether (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as hexanedioic acid, polymer with polyether polyol, 1,1′-methylenebis[4-isocyanatobenzene] and dihydroxydialkyl ether (PMN P–11–309) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(4), (a)(6)(i), (a)(6)(ii), (a)(6)(v), (b) (concentration set at 0.1 percent), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent or reduce exposure, where feasible. The following National Institute for Occupational Safety and Health (NIOSH)-certified respirators with an assigned protection factor (APF) of at least 10 meet the requirements of § 721.63(a)(4):

(A) NIOSH-certified air-purifying, tight-fitting half-face respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters;

(B) NIOSH-certified air-purifying, tight-fitting full-face respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters;

(C) NIOSH-certified powered air-purifying respirator equipped with a

loose-fitting hood or helmet and high efficiency particulate air (HEPA) filters;

(D) NIOSH-certified powered air-purifying respirator equipped with a tight-fitting facepiece (either half-face or full-face) and HEPA filters; and

(E) NIOSH-certified supplied-air respirator operated in pressure demand or continuous flow mode and equipped with a hood or helmet, or tight-fitting facepiece (either half-face or full-face).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), (d), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 19. Add § 721.10653 to subpart E to read as follows:

§ 721.10653 Hexanedioic acid, polymer with .alpha.-hydro-.omega.-hydroxypoly[oxy(methyl-1,2-ethanediyl)],1,1′-methylenebis[4-isocyanatobenzene], dihydroxydialkyl ether and dialkanol ether (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as hexanedioic acid, polymer with .alpha.-hydro-.omega.-hydroxypoly[oxy(methyl-1,2-ethanediyl)],1,1′-methylenebis[4-isocyanatobenzene], dihydroxydialkyl ether and dialkanol ether (PMN P–09–311) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(4), (a)(6)(i), (a)(6)(ii), (a)(6)(v), (b) (concentration set at 0.1 percent), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent or reduce exposure, where feasible. The following National Institute for Occupational Safety and Health (NIOSH)-certified respirators with an assigned protection factor (APF) of at least 10 meet the requirements of § 721.63(a)(4):

(A) NIOSH-certified air-purifying, tight-fitting half-face respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters;

(B) NIOSH-certified air-purifying, tight-fitting full-face respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters;

(C) NIOSH-certified powered air-purifying respirator equipped with a loose-fitting hood or helmet and high efficiency particulate air (HEPA) filters;

(D) NIOSH-certified powered air-purifying respirator equipped with a tight-fitting facepiece (either half-face or full-face) and HEPA filters; and

(E) NIOSH-certified supplied-air respirator operated in pressure demand or continuous flow mode and equipped with a hood or helmet, or tight-fitting facepiece (either half-face or full-face).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), (d), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 20. Add § 721.10654 to subpart E to read as follows:

§ 721.10654 Hexanedioic acid, polymer with .alpha.-hydro-.omega.-hydroxypoly[oxy(methyl-1,2-ethanediyl)],1,1′-methylenebis[isocyanatobenzene], dihydroxydialkyl ether and dialkanol ether (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as hexanedioic acid, polymer with .alpha.-hydro-.omega.-hydroxypoly[oxy(methyl-1,2-ethanediyl)],1,1′-methylenebis[isocyanatobenzene], dihydroxydialkyl ether and dialkanol ether (PMN P–11–312) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(4), (a)(6)(i), (a)(6)(ii), (a)(6)(v), (b) (concentration set at 0.1 percent), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63 (a)(4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent or reduce exposure, where feasible. The following National Institute for Occupational Safety and Health (NIOSH)-certified respirators with an assigned protection factor (APF) of at least 10 meet the requirements of § 721.63(a)(4):

(A) NIOSH-certified air-purifying, tight-fitting half-face respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters;

(B) NIOSH-certified air-purifying, tight-fitting full-face respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters;

(C) NIOSH-certified powered air-purifying respirator equipped with a loose-fitting hood or helmet and high efficiency particulate air (HEPA) filters;

(D) NIOSH-certified powered air-purifying respirator equipped with a tight-fitting facepiece (either half-face or full-face) and HEPA filters; and

(E) NIOSH-certified supplied-air respirator operated in pressure demand or continuous flow mode and equipped with a hood or helmet, or tight-fitting facepiece (either half-face or full-face).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), (d), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 21. Add § 721.10655 to subpart E to read as follows:

§ 721.10655 Hexanedioic acid, polymer with .alpha.-hydro-.omega.-hydroxypoly[oxy(methyl-1,2-ethanediyl)],1,1′-methylenebis[4-isocyanatobenzene], dihydroxydialkyl ether, reaction products with dialkylcarbinol (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as hexanedioic acid, polymer with .alpha.-hydro-.omega.-hydroxypoly[oxy(methyl-1,2-ethanediyl)],1,1′-methylenebis[4-isocyanatobenzene], dihydroxydialkyl

ether, reaction products with dialkylcarbinol (PMN P–11–313) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(4), (a)(6)(i), (a)(6)(ii), (a)(6)(v), (b) (concentration set at 0.1 percent), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63 (a)(4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent or reduce exposure, where feasible. The following National Institute for Occupational Safety and Health (NIOSH)-certified respirators with an assigned protection factor (APF) of at least 10 meet the requirements of § 721.63(a)(4):

(A) NIOSH-certified air-purifying, tight-fitting half-face respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters;

(B) NIOSH-certified air-purifying, tight-fitting full-face respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters;

(C) NIOSH-certified powered air-purifying respirator equipped with a loose-fitting hood or helmet and high efficiency particulate air (HEPA) filters;

(D) NIOSH-certified powered air-purifying respirator equipped with a tight-fitting facepiece (either half-face or full-face) and HEPA filters; and

(E) NIOSH-certified supplied-air respirator operated in pressure demand or continuous flow mode and equipped with a hood or helmet, or tight-fitting facepiece (either half-face or full-face).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), (d), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 22. Add § 721.10656 to subpart E to read as follows:

§ 721.10656 Hexanedioic acid, polymer with .alpha.-hydro-.omega.-hydroxypoly[oxy(methyl-1,2-ethanediyl)],1,1′-methylenebis[4-isocyanatobenzene], dihydroxydialkyl ether reaction products with dialkylcarbinol (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as hexanedioic acid, polymer with .alpha.-hydro-.omega.-hydroxypoly[oxy(methyl-1,2-ethanediyl)],1,1′-methylenebis[4-isocyanatobenzene], dihydroxydialkyl ether reaction products with dialkylcarbinol (PMN P–11–314) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(4), (a)(6)(i), (a)(6)(ii), (a)(6)(v), (b)(concentration set at 0.1 percent), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent or reduce exposure, where feasible. The following National Institute for Occupational Safety and Health (NIOSH)-certified respirators with an assigned protection factor (APF) of at least 10 meet the requirements of § 721.63(a)(4):

(A) NIOSH-certified air-purifying, tight-fitting half-face respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters;

(B) NIOSH-certified air-purifying, tight-fitting full-face respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters;

(C) NIOSH-certified powered air-purifying respirator equipped with a loose-fitting hood or helmet and high efficiency particulate air (HEPA) filters;

(D) NIOSH-certified powered air-purifying respirator equipped with a tight-fitting facepiece (either half-face or full-face) and HEPA filters; and

(E) NIOSH-certified supplied-air respirator operated in pressure demand or continuous flow mode and equipped with a hood or helmet, or tight-fitting facepiece (either half-face or full-face).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), (d), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 23. Add § 721.10657 to subpart E to read as follows:

§ 721.10657 Castor oil, polymer with hydrogenated vegetable oil, 1,1′-methylenebis[isocyanatobenzene] and isocyanate (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as castor oil, polymer with hydrogenated vegetable oil, 1,1′-methylenebis[isocyanatobenzene] and isocyanate (PMN P–12–73) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(4), (a)(6)(i), (a)(6)(ii), (a)(6)(v), (b) (concentration set at 0.1 percent), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent or reduce exposure, where feasible. The following National Institute for Occupational Safety and Health (NIOSH)-certified respirators with an assigned protection factor (APF) of at least 10 meet the requirements of § 721.63(a)(4):

(A) NIOSH-certified air-purifying, tight-fitting half-face respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters;

(B) NIOSH-certified air-purifying, tight-fitting full-face respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters;

(C) NIOSH-certified powered air-purifying respirator equipped with a loose-fitting hood or helmet and high efficiency particulate air (HEPA) filters;

(D) NIOSH-certified powered air-purifying respirator equipped with a tight-fitting facepiece (either half-face or full-face) and HEPA filters; and

(E) NIOSH-certified supplied-air respirator operated in pressure demand or continuous flow mode and equipped with a hood or helmet, or tight-fitting facepiece (either half-face or full-face).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), (d), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 24. Add § 721.10658 to subpart E to read as follows:

§ 721.10658 2-Oxepanone, polymer with 1,6-diisocyanatohexane, 2,2-dimethyl-1,3-propanediol and 2,2′-oxybis[ethanol].

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 2-oxepanone, polymer with 1,6-diisocyimatohexane, 2,2-dimethyl-1,3-propanediol and 2,2′-oxybis[ethanol] (PMN P–12–133; CAS No. 1313708–90–5) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(4), (a)(6)(i), (a)(6)(ii), (a)(6)(v), (b) (concentration set at 0.1 percent), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent or reduce exposure, where feasible. The following National Institute for Occupational Safety and Health (NIOSH)-certified respirators with an assigned protection factor (APF) of at least 10 meet the requirements of § 721.63(a)(4):

(A) NIOSH-certified air-purifying, tight-fitting half-face respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters;

(B) NIOSH-certified air-purifying, tight-fitting full-face respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters;

(C) NIOSH-certified powered air-purifying respirator equipped with a loose-fitting hood or helmet and high efficiency particulate air (HEPA) filters;

(D) NIOSH-certified powered air-purifying respirator equipped with a tight-fitting facepiece (either half-face or full-face) and HEPA filters; and

(E) NIOSH-certified supplied-air respirator operated in pressure demand or continuous flow mode and equipped with a hood or helmet, or tight-fitting facepiece (either half-face or full-face).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), (d), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 25. Add § 721.10659 to subpart E to read as follows:

§ 721.10659 Poly(oxy-1,4-butanediyl), -hydro-hydroxy-, polymer with alkyldiisocyanates (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as poly(oxy-1,4-butanediyl), -hydro-hydroxy-, polymer with alkyldiisocyanates (PMN P–12–143) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(4), (a)(6)(i), (a)(6)(ii), (a)(6)(v), (b) (concentration set at 0.1 percent), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent or reduce exposure, where feasible. The following National Institute for Occupational Safety and Health (NIOSH)-certified respirators with an assigned protection factor (APF) of at least 10 meet the requirements of § 721.63(a)(4):

(A) NIOSH-certified air-purifying, tight-fitting half-face respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters;

(B) NIOSH-certified air-purifying, tight-fitting full-face respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters;

(C) NIOSH-certified powered air-purifying respirator equipped with a loose-fitting hood or helmet and high efficiency particulate air (HEPA) filters;

(D) NIOSH-certified powered air-purifying respirator equipped with a tight-fitting facepiece (either half-face or full-face) and HEPA filters; and

(E) NIOSH-certified supplied-air respirator operated in pressure demand or continuous flow mode and equipped with a hood or helmet, or tight-fitting facepiece (either half-face or full-face).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), (d), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 26. Add § 721.10660 to subpart E to read as follows:

§ 721.10660 Aliphatic diisocyanate adduct with substituted amino alkyl silane (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as aliphatic diisocyanate adduct with substituted amino alkyl silane (PMN P–12–274) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(4), (a)(6)(i), (a)(6)(ii), (a)(6)(v), (b) (concentration set at 0.1 percent), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent or reduce exposure, where feasible. The following National Institute for Occupational Safety and Health (NIOSH)-certified respirators with an assigned protection factor (APF) of at least 10 meet the requirements of § 721.63(a)(4):

(A) NIOSH-certified air-purifying, tight-fitting half-face respirator

equipped with N100 (if oil aerosols absent), R100, or P100 filters;

(B) NIOSH-certified air-purifying, tight-fitting full-face respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters;

(C) NIOSH-certified powered air-purifying respirator equipped with a loose- fitting hood or helmet and high efficiency particulate air (HEPA) filters;

(D) NIOSH-certified powered air-purifying respirator equipped with a tight-fitting facepiece (either half-face or full-face) and HEPA filters; and

(E) NIOSH-certified supplied-air respirator operated in pressure demand or continuous flow mode and equipped with a hood or helmet, or tight-fitting facepiece (either half-face or full-face).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), (d), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2014–0589; FRL–9916–04–Region–9]

Finding of Failure To Submit a Prevention of Significant Deterioration State Implementation Plan Revision for Particulate Matter Less Than 2.5 Micrometers ($PM_{2.5}$); California; North Coast Air Quality Management District

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finding that the North Coast Air Quality Management District (NCAQMD or District), located in California, has not made a necessary Prevention of Significant Deterioration (PSD) State Implementation Plan (SIP) submission to address the PSD permitting of $PM_{2.5}$ emissions, as required by the Clean Air Act (CAA). Specifically, the EPA is determining that NCAQMD has not submitted a SIP revision to address the $PM_{2.5}$ PSD increments and implementing regulations as promulgated by EPA on October 20, 2010. The deadline for the District to make the required submittal was July 20, 2012. The CAA requires EPA to promulgate a Federal Implementation Plan (FIP) to address the outstanding PSD SIP elements by no later than 24 months after the effective date of this finding. EPA is making this finding in accordance with section 110 and part C of the CAA.

DATES: The effective date of this rule is October 2, 2014.

FOR FURTHER INFORMATION CONTACT: Laura Yannayon, Air Division (Air-3), Environmental Protection Agency, Region 9, 75 Hawthorne St, San Francisco, CA 94105. By phone at (415) 972–3534 or by email at *yannayon.laura@epa.gov.*

SUPPLEMENTARY INFORMATION: Section 553 of the Administrative Procedures Act (APA), 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. The EPA has determined that there is good cause for making this rule final without prior proposal and opportunity for comment because no significant EPA judgment is involved in making a finding of failure to submit SIPs, or elements of SIPs, required by the CAA, where states have made no submissions to meet the requirement. No additional fact gathering is necessary. Thus, notice and public procedure are unnecessary. Furthermore, providing notice and comment would be impracticable because of the limited time provided under the CAA for making such determinations. EPA believes that because of the limited time provided to make findings of failure to submit regarding SIP submissions, Congress did not intend such findings to be subject to notice-and-comment rulemaking. Finally, notice and comment would be contrary to the public interest because it would divert Agency resources from the critical substantive review of submitted SIPs. See 58 FR 51270, 51272, note 17 (October 1, 1993); 59 FR 39832, 39853 (August 4, 1994). The EPA finds that these constitute good cause under 5 U.S.C. 553(b)(B).

Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

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I. Background and Overview

A. Overview of Relevant PM NAAQS Requirements

The EPA initially established National Ambient Air Quality Standards (NAAQS) for particulate matter (PM) under section 109 of the CAA in 1971. Since then, the EPA has made a number of changes to these standards to reflect continually expanding scientific information. The history of the $PM_{2.5}$ NAAQS is briefly summarized below.

- In July 1997, new PM NAAQS were added, using $PM_{2.5}$ as the indicator for fine particles. The EPA's PM_{10} standards were retained for the purpose of regulating the coarse fraction of PM_{10}. The EPA established two new $PM_{2.5}$ standards: an annual standard of 15 μg/m³, based on the 3-year average of annual arithmetic mean $PM_{2.5}$ concentrations from single or multiple monitors sited to represented community-wide air quality and a 24-hour standard of 65 μg/m³, based on the 3-year average of the 98th percentile of 24-hour $PM_{2.5}$ concentrations at each population-oriented monitor within the area.
- On October 17, 2006, the EPA promulgated revisions to the NAAQS for $PM_{2.5}$ and PM_{10} with an effective date of December 18, 2006 (71 FR 61144). We lowered the 24-hour NAAQS for $PM_{2.5}$ from 65 μg/m³ to 35 μg/m³, and retained the existing annual $PM_{2.5}$ NAAQS of 15 μg/m³. In addition, we retained the existing PM_{10} 24-hour NAAQS of 150 mg/m³, and revoked the annual PM_{10} NAAQS (set at 50 mg/m³).
- On January 15, 2013, the EPA promulgated revisions to the NAAQS for $PM_{2.5}$ and PM_{10} with an effective date of March 18, 2013 (78 FR 3086). We lowered the annual standard for $PM_{2.5}$ to 12 μg/m³ and retained the 24-hour $PM_{2.5}$ standard at the level of 35 μg/m³. For PM_{10}, the EPA retained the current 24-hour PM_{10} primary and secondary standards.

B. Revisions to the PSD Program to Implement the $PM_{2.5}$ NAAQS

To implement the $PM_{2.5}$ NAAQS for PSD purposes, EPA issued two separate final rules that establish the New Source Review (NSR) permitting requirements for $PM_{2.5}$: the NSR $PM_{2.5}$ Implementation Rule promulgated on May 16, 2008 (73 FR 28321), and the $PM_{2.5}$ PSD Increments—Significant Impact Levels (SILs)—Significant

Monitoring Concentration (SMC) Rule promulgated on October 20, 2010 (75 FR 64864) ($PM_{2.5}$ PSD Increment—SILs—SMC Rule). This action focuses solely on the $PM_{2.5}$ PSD Increment—SILs—SMC Rule.

The $PM_{2.5}$ PSD Increment—SILs—SMC Rule required states to submit SIP revisions to EPA by July 20, 2012, adopting provisions equivalent to or at least as stringent as the $PM_{2.5}$ PSD increments and associated implementing regulations. Specifically, the rule required states to adopt and submit for EPA approval the $PM_{2.5}$ increments issued pursuant to section 166(a) of the CAA to prevent significant deterioration of air quality in areas meeting the NAAQS. States were also required to adopt and submit for EPA approval revisions to the definitions for *major source baseline date, minor source baseline date,* and *baseline area* as part of the implementing regulations for the $PM_{2.5}$ increment.

The $PM_{2.5}$ PSD Increment—SILs—SMC Rule also allowed States to discretionarily adopt and submit for EPA approval: (1) SILs, which are used as a screening tool to evaluate the impact a proposed new major source or major modification may have on the NAAQS or PSD increment; and (2) a SMC (also a screening tool) which is used to determine the subsequent level of data gathering required for a PSD permit application for emissions of $PM_{2.5}$. However, on January 22, 2013, the U.S. Court of Appeals for the District of Columbia granted a request from the EPA to vacate and remand portions of the federal PSD regulations (40 CFR 51.166(k)(2) and 52.21(k)(2)) establishing the SILs for $PM_{2.5}$ so that the EPA could reconcile the inconsistency between the regulatory text and certain statements in the preamble to the 2010 final rule. *Sierra Club v. EPA,* 705 F.3d 458, 463–64. The Court declined to vacate the portion of the federal PSD regulations (40 CFR 51.165(b)(2)) establishing SILs for $PM_{2.5}$ that did not contain the same inconsistency in the regulatory text. *Id.* at 465–66. The Court further vacated the portions of the PSD regulations (40 CFR 51.166(i)(5)(i)(*c*) and 52.21(i)(5)(i)(*c*)) establishing a $PM_{2.5}$ SMC, finding that the EPA lacked legal authority to adopt and use the $PM_{2.5}$ SMC to exempt permit applicants from the statutory requirement to compile and submit ambient monitoring data. *Id.* at 468–69. On December 9, 2013, EPA issued a good cause final rule formally removing the affected SILs and SMC provisions from the CFR. See 78 FR 73698. As such, SIP submittals should no longer include the vacated $PM_{2.5}$ SILs at 40 CFR 51.166(k)(2) and 52.21(k)(2) or the vacated $PM_{2.5}$ SMC provisions at 40 CFR 51.166(i)(5)(i)(*c*) and 52.21(i)(5)(i)(*c*) for $PM_{2.5}$ PSD permitting. EPA notes that today's finding of failure to submit for the NCAQMD does not include the SILs or SMC components of the $PM_{2.5}$ PSD Increment—SILs—SMC Rule.

II. Finding of Failure To Submit

The EPA is making a finding that the NCAQMD has failed to submit a required PSD SIP revision to address the implementation and permitting of $PM_{2.5}$ emissions in the NCAQMD PSD program. Specifically, we are finding that NCAQMD failed to submit a SIP revision addressing the required $PM_{2.5}$ PSD elements establishing increments and the implementing regulations by the specified deadline of July 20, 2012, as required by the 2010 $PM_{2.5}$ PSD Increments—SILs—SMC Rule. By no later than 24 months after the effective date of this ruling, the EPA is required by the Act to promulgate a FIP for NCAQMD to address the $PM_{2.5}$ PSD requirements for increment. This finding of failure to submit does not impose sanctions or set deadlines for imposing sanctions as described in section 179 of the CAA, because this finding does not pertain to the elements of a part D, title I plan for nonattainment areas as required under section 110(a)(2)(I) and because this action is not a SIP call pursuant to section 110(k)(5). This action will be effective on October 2, 2014.

This action does not make a finding of failure to submit for NCAQMD regarding the required $PM_{2.5}$ PSD SIP revision due on May 19, 2011, pursuant to the 2008 NSR $PM_{2.5}$ Implementation Rule, because NCAQMD submitted a revised PSD rule to address these requirements on February 28, 2011.

This action will start a FIP clock that will end 24 months from the effective date of today's finding, and addresses the PSD revisions required by the 2010 $PM_{2.5}$ PSD Increments—SILs—SMC Rule.

III. Statutory and Executive Order Reviews

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

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

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* This final rule does not establish any new information collection requirement apart from what is already required by law. This rule relates to the requirement in the CAA for states to submit PSD SIPs under section 166(b) to satisfy certain prevention of significant deterioration requirements under the CAA for the $PM_{2.5}$ NAAQS. Burden means the total time, effort or financial resources expended by persons to generate, maintain, retain or disclose or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install and utilize technology and systems for the purposes of collecting, validating and verifying information, processing and maintaining information and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in the CFR are listed in 40 CFR Part 9.

C. Regulatory Flexibility Act (RFA)

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the APA or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations and small governmental jurisdictions. For the purpose of assessing the impacts of this final rule on small entities, small entity is defined as: (1) A small business that is a small industry entity as defined in the U.S. Small Business Administration (SBA) size standards *(See* 13 CFR 121); (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this final rule on small entities, I certify that this rule will not have a significant economic impact on a substantial number of small entities. This final rule will not impose any requirements on small entities. This action relates to the requirement in the CAA for states to submit PSD SIPs under section 166(b) to satisfy certain prevention of significant deterioration requirements of the CAA for the $PM_{2.5}$ NAAQS. Because EPA has made a ''good cause'' finding that this action is not subject to notice-and-comment requirements under the APA and any other statute, it is not subject to the regulatory flexibility provisions of the RFA.

D. Unfunded Mandates Reform Act of 1995 (UMRA)

This action contains no federal mandate under the provisions of Title II of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538 for state, local and tribal governments and the private sector. The action imposes no enforceable duty on any state, local or tribal governments or the private sector. Therefore, this action is not subject to the requirements of section 202 and 205 of the UMRA. This action is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. This action relates to the requirement in the CAA for states to submit PSD SIPs under section 166(b) to satisfy certain prevention of significant deterioration requirements under the CAA for the $PM_{2.5}$ NAAQS. This rule merely finds that NCAQMD has not met that requirement. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector result from this action.

Additionally, because EPA has made a ''good cause'' that this action is not subject to notice-and-comment requirements under the APA or any other statute, it is not subject to sections 202 and 205 of the UMRA.

E. Executive Order 13132: Federalism

EO 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires the EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the EO to include regulations that have ''substantial direct effects on the states, or the relationship between the national government and the states or on the distribution of power and responsibilities among the various levels of government.'' This final rule does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states or on the distribution of power and responsibilities among the various levels of government, as specified in EO 13132. The CAA establishes the scheme whereby states take the lead in developing plans to meet the NAAQS. This rule will not modify the relationship of the states and the EPA for purposes of developing programs to implement the NAAQS. Thus, EO 13132 does not apply to this rule.

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

EO 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), requires the EPA to develop an accountable process to ensure ''meaningful and timely input by Tribal officials in the development of regulatory policies that have Tribal implications.'' This final rule does not have tribal implications, as specified in EO 13175. This rule responds to the requirement in the CAA for states to submit PSD SIPs under section 166(b) to satisfy certain prevention of significant deterioration requirements under the CAA for $PM_{2.5}$ NAAQS. No tribe is subject to the requirement to submit an implementation plan under section 166(b) within 21 months of promulgation of PSD regulations under section 166(a).

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

The EPA interprets EO 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the EO has the potential to influence the regulation. This action is not subject to EO 13045 because it merely finds that NCAQMD has failed to make a submission that is required under the Act to implement the $PM_{2.5}$ NAAQS.

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

This rule is not a ''significant energy action'' as defined in EO 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001), because it is not likely to have a significant adverse effect on the supply, distribution or use of energy.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law No. 104–113, section 12(d) (15 U.S.C. 272 note), directs the EPA to use voluntary consensus standards (VCS) in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impracticable. VCS are technical standards (e.g., materials specifications, test methods, sampling procedures and business practices) that are developed or adopted by VCS bodies. The NTTAA directs the EPA to provide Congress, through OMB, explanations when the agency decides not to use available and applicable VCS. This action does not involve technical standards. Therefore, the EPA did not consider the use of any VCS.

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

EO 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies and activities on minority populations and low-income populations in the United States. The EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not directly affect the level of protection provided to human health or the environment. This notice is making a finding that the NCAQMD failed to submit a SIP revision that provides certain basic permitting requirements for the $PM_{2.5}$ NAAQS.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other

required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. section 804(2). This rule is effective on October 2, 2014.

L. Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 3, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposed of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

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

Dated: August 11, 2014.

Alexis Strauss,

Acting Regional Administrator, Region IX.

[FR Doc. 2014–20691 Filed 8–29–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 2

[XXXD4523WT DWT000000.000000 DS65101000]

RIN 1090–AB02

Privacy Act Regulations; Exemption for the Incident Management, Analysis and Reporting System

AGENCY: Office of the Secretary, Interior.

ACTION: Final rule.

SUMMARY: The Department of the Interior is issuing a final rule to amend its regulations to exempt certain records in the Incident Management, Analysis and Reporting System from one or more provisions of the Privacy Act because of criminal, civil, and administrative law enforcement requirements.

DATES: This final rule is effective October 2, 2014.

FOR FURTHER INFORMATION CONTACT: Teri Barnett, Departmental Privacy Act Officer, U.S. Department of the Interior, 1849 C Street NW., Mail Stop 5547 MIB, Washington, DC 20240. Email at *privacy@ios.doi.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Department of the Interior (DOI) published a notice of proposed rulemaking in the **Federal Register**, 78 FR 46555, August 1, 2013, proposing to exempt certain records in the Incident Management, Analysis and Reporting System (IMARS) from 5 U.S.C. 552a(j)(2) and (k)(2) of the Privacy Act because of criminal, civil, and administrative law enforcement requirements. The IMARS system of records notice was published in the **Federal Register**, 78 FR 45949, July 30, 2013, and an amended notice was published on June 3, 2014, 79 FR 31974. Comments were invited on both the IMARS system of records notice and the amended system of records, and the notice of proposed rulemaking. DOI received no comments on the notice of proposed rulemaking or published system of records notices and will therefore implement the rulemaking as proposed.

Procedural Requirements

1. Regulatory Planning and Review (E.O. 12866)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget will review all significant rules. The Office of Information and Regulatory Affairs 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.

2. Regulatory Flexibility Act

The Department of the Interior certifies that this document 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.*). This rule does not impose a requirement for small businesses to report or keep records on any of the requirements contained in this rule. The exemptions to the Privacy Act apply to individuals, not to entities covered under the Regulatory Flexibility Act.

3. Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

(a) Does not have an annual effect on the economy of $100 million or more.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(c) Does 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.

4. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments in the aggregate, or on 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. This rule makes only minor changes to 43 CFR part 2. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

5. Takings (E.O. 12630)

In accordance with Executive Order 12630, the rule does not have significant takings implications. This rule makes only minor changes to 43 CFR part 2. A takings implication assessment is not required.

6. Federalism (E.O. 13132)

In accordance with Executive Order 13132, this rule does not have any federalism implications to warrant the preparation of a Federalism Assessment. The rule is not associated with, nor will it have substantial direct effects on the States, on the relationship between the

national government and the States, or on the distribution of power and responsibilities among the various levels of government. A Federalism Assessment is not required.

7. Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of Executive Order 12988. Specifically, this rule:

(a) Does not unduly burden the judicial system.

(b) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(c) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

8. Consultation With Indian Tribes (E.O. 13175)

In accordance with Executive Order 13175, the Department of the Interior has evaluated this rule and determined that it would have no substantial effects on federally recognized Indian Tribes.

9. Paperwork Reduction Act

This rule does not require an information collection from 10 or more parties and a submission under the Paperwork Reduction Act is not required.

10. National Environmental Policy Act

This rule does not constitute a major Federal action and would not have a significant effect on the quality of the human environment. Therefore, this rule does not require the preparation of an environmental assessment or environmental impact statement under the requirements of the National Environmental Policy Act of 1969.

11. Effects on 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.

List of Subjects in 43 CFR Part 2

Administrative practice and procedure, Classified information, Courts, Freedom of information, Government employees, Privacy.

Dated: August 21, 2014.

Rhea Suh,

Assistant Secretary for Policy, Management and Budget.

For the reasons stated in the preamble, the Department of the Interior amends 43 CFR Part 2 as follows:

PART 2—FREEDOM OF INFORMATION ACT; RECORDS AND TESTIMONY

■ 1. The authority citation for part 2 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 553; 31 U.S.C. 3717; 43 U.S.C. 1460, 1461.

■ 2. In § 2.254, revise paragraph (a) introductory text, add paragraph (a)(5) revise paragraph (b) introductory text, and add paragraph (b)(15) to read as follows:

§ 2.254 Exemptions.

(a) *Criminal law enforcement records exempt under 5 U.S.C. 552a(j)(2).* Pursuant to 5 U.S.C. 552a(j)(2) the following systems of records have been exempted from all of the provisions of 5 U.S.C. 552a and the regulations in the subpart except paragraphs (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i) of 5 U.S.C. 552a and the portions of the regulations in this subpart implementing these paragraphs:

* * * * *

(5) Incident Management, Analysis and Reporting System, DOI–10.

(b) *Law enforcement records exempt under 5 U.S.C. 552a(k)(2).* Pursuant to 5 U.S.C. 552a(k)(2), the following systems of records have been exempted from paragraphs (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of 5 U.S.C. 552a and the provisions of the regulations in this subpart implementing these paragraphs:

* * * * *

(15) Incident Management, Analysis and Reporting System, DOI–10.

* * * * *

[FR Doc. 2014–20744 Filed 8–29–14; 8:45 am]

BILLING CODE 4310–RK–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 140106011–4338–02]

RIN 0648–XD474

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trimester Closure for the Common Pool Fishery

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

ACTION: Temporary rule; area closure.

SUMMARY: This action closes the Southern New England/Mid-Atlantic yellowtail flounder Trimester Total Allowable Catch Area for the remainder of Trimester 1, through August 31, 2014. Based on our projection, the common pool fishery has caught over 90 percent of its Southern New England/Mid-Atlantic yellowtail flounder Trimester 1 total allowable catch, triggering the regulatory requirement to close the area for the remainder of the trimester. This action is intended to prevent further overages of the common pool's annual quota of Southern New England/Mid-Atlantic yellowtail flounder.

DATES: This action is effective August 27, 2014, through August 31, 2014.

FOR FURTHER INFORMATION CONTACT: Brett Alger, Fishery Management Specialist, 978–675–2153.

SUPPLEMENTARY INFORMATION: Federal regulations at § 648.82(n)(2)(ii) require the Regional Administrator to close a common pool Trimester Total Allowable Catch (TAC) Area for a stock when 90 percent of the Trimester TAC is projected to be caught. In such cases, the Trimester TAC Area for a stock closes to all common pool vessels fishing with gear capable of catching that stock for the remainder of the trimester. The fishing year 2014 (May 1, 2014, through April 30, 2015) common pool sub-annual catch limit (sub-ACL) for Southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder is 95.0 mt and the Trimester 1 (May 1, 2014, through August 31, 2014) TAC is 19.9 mt. Based on the most recent data and information, which include vessel trip reports, dealer-reported landings, and vessel monitoring system (VMS) information, we have determined that 150 percent of the Trimester 1 TAC was caught as of August 20, 2014. Because of the low trimester catch limit and the rate at which common pool vessels can harvest SNE/MA yellowtail flounder, it was not possible to initiate this action any earlier than this. Therefore, effective August 27, 2014, the SNE/MA Yellowtail Flounder Trimester TAC Area is closed for the remainder of Trimester 1, through August 31, 2014, to all common pool vessels fishing with trawl gear and sink gillnet gear. Effective August 27, 2014, it is unlawful for common pool vessels to fish for, harvest, possess, or land regulated species or ocean pout in or from the SNE/MA Yellowtail Flounder Trimester TAC Area. The SNE/MA Yellowtail Flounder Trimester TAC Area includes statistical areas 537, 538, 539, and 613. This restriction does not apply to the groundfish trip of a common pool vessel that crossed the VMS demarcation line before August 27, 2014, therefore, if you have crossed the VMS demarcation line

are currently at sea on a groundfish trip, you may complete your trip in all or part of the closed areas. The SNE/MA Yellowtail Flounder Trimester TAC Area will reopen to common pool vessels fishing with trawl and sink gillnet at the beginning of Trimester 2, on September 1, 2014.

Any overages of a trimester TAC will be deducted from Trimester 3, and any overages of the common pool's sub-ACL at the end of the fishing year will be deducted from the common pool's sub-ACL the following fishing year. Any uncaught portion of the Trimester 1 and Trimester 2 TAC will be carried over into the next trimester. Any uncaught portion of the common pool's sub-ACL may not be carried over into the following fishing year. Weekly quota monitoring reports for the common pool fishery can be found on our Web site at: *http://www.nero.noaa.gov/ro/fso/MultiMonReports.htm.* We will continue to monitor common pool catch through vessel trip reports, dealer-reported landings, vessel monitoring system catch reports, and other available information and, if necessary, we will make additional adjustments to common pool management measures.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA, finds good cause pursuant to 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3) to waive prior notice and the opportunity for public comment and the 30-day delayed effectiveness period because it would be impracticable and contrary to the public interest.

The Trimester TAC Area closure is required by regulation in order to reduce the probability of the common pool fishery exceeding its sub-ACL of SNE/MA yellowtail flounder. Any overages of the common pool's sub-ACLs would undermine conservation objectives and trigger the implementation of accountability measures that would have negative economic impacts on common pool vessels. The data and information showing that SNE/MA yellowtail flounder had exceeded 90 percent of the Trimester 1 TAC for the stock only became available recently. The time necessary to provide for prior notice and comment, and a 30-day delay in effectiveness, would prevent NMFS from implementing the necessary Trimester TAC Area closure for SNE/MA yellowtail flounder in a timely manner, which could undermine management objectives of the Northeast Multispecies Fishery Management Plan, and cause negative economic impacts to the common pool fishery.

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

Dated: August 26, 2014.

Alan D. Risenhoover,

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

[FR Doc. 2014–20685 Filed 8–27–14; 11:15 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 79, No. 169

Tuesday, September 2, 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 71

[Docket No. FAA–2014–0457; Airspace Docket No. 14–AWP–4]

Proposed Establishment of Class E Airspace; Cloverdale, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace at Cloverdale Municipal Airport, Cloverdale, CA. Controlled airspace is necessary to accommodate Area Navigation (RNAV) Global Positioning System (GPS) standard instrument approach procedures at the airport. The FAA is proposing this action to enhance the safety and management of aircraft operations at the airport.

DATES: Comments must be received on or before October 17, 2014.

ADDRESSES: Send comments on this proposal 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; telephone (202) 366–9826. You must identify FAA Docket No. FAA–2014–0457; Airspace Docket No. 14–AWP–4, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Richard Roberts, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4517.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2014–0457 and Airspace Docket No. 14–AWP–4) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2014–0457 and Airspace Docket No. 14–AWP–4''. The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

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

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW., Renton, WA 98057.

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 3.5-mile radius of Cloverdale Municipal Airport, Cloverdale, CA, with a segment that would extend 6.3 miles south of the airport. Controlled airspace is needed for the RNAV (GPS) standard instrument approaches and departures at the airport. This action would enhance the safety and management of aircraft operations at the airport.

Class E airspace designations are published in paragraph 6005, of FAA Order 7400.9X, dated August 7, 2013, and effective September 15, 2013, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in this Order.

The FAA has determined this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified this proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority for the FAA Administrator. Subtitle VII,

Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish controlled airspace at Cloverdale Municipal Airport, Cloverdale, CA.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

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

■ 1. The authority citation for 14 CFR Part 71 continues to read as follows:

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AWP CA E5 Cloverdale, CA [New]

Cloverdale Municipal, CA

(Lat. 38°46′34″ N., Long. 122°59′33″ W.)

That airspace extending upward from 700 feet above the surface within a 3.5-mile radius of Cloverdale Municipal Airport, and 2 miles either side of the 152 degree radial from the 3.5-mile radius to 6.3 miles south of the airport.

Issued in Seattle, Washington, on August 20, 2014.

Clark Desing,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2014–20817 Filed 8–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2013–1020; Airspace Docket No. 13–AWP–20]

Proposed Establishment of Class E Airspace, and Amendment of Class D and Class E Airspace; Prescott, AZ

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace and modify Class D and Class E airspace at Prescott, AZ, to accommodate aircraft departing and arriving under Instrument Flight Rules (IFR) at Ernest A. Love Field. New Area Navigation (RNAV) Global Positioning System (GPS) standard instrument approach procedures have made this action necessary for the safety and management of aircraft operations at the airport. The geographic coordinates of the airport also would be adjusted in the respective Class D and Class E airspace areas. This also would correct the airport name to Ernest A. Love Field.

DATES: Comments must be received on or before October 17, 2014.

ADDRESSES: Send comments on this proposal 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; telephone (202) 366–9826. You must identify FAA Docket No. FAA–2013–1020; Airspace Docket No. 13–AWP–20, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Richard Roberts, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4517.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA 2013–1020 and Airspace Docket No. 13–AWP–20) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2013–1020 and Airspace Docket No. 13–AWP–20''. The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

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

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW., Renton, WA 98057.

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by establishing Class E airspace designated as an extension to Class D surface area at Ernest A. Love Field, Prescott, Arizona. A segment of Class E airspace would extend from the 6-mile radius of the airport to 11 miles southwest. Class E airspace extending upward from 700 feet above the surface would be modified to within a 18.7-mile radius of the airport; the Class E airspace area extending upward from 1,200 feet above the surface would be modified to within a 22-mile radius of the airport clockwise east to west, and within a 38-mile radius of the airport to the north. Controlled airspace is necessary to accommodate RNAV (GPS) standard instrument approach procedures at the airport and would enhance the safety and management of IFR operations. The geographic coordinates of the airport would be updated to coincide with the FAA's aeronautical database for the respective Class D and Class E airspace areas. This action also would correct the airport name in Class D and Class E surface airspace descriptions from Prescott, Ernest A. Love Field to Ernest A. Love Field.

Class D airspace and Class E airspace designations are published in paragraphs 5000, 6002, 6004 and 6005, respectively, of FAA Order 7400.9X, dated August 7, 2013, and effective September 15, 2013, which is incorporated by reference in 14 CFR 71.1. The Class D airspace and Class E airspace designation listed in this document will be published subsequently in this Order.

The FAA has determined this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified this proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

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

■ 1. The authority citation for 14 CFR Part 71 continues to read as follows:

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013 is amended as follows:

Paragraph 5000 Class D airspace.

* * * * *

AWP AZ D Prescott, AZ [Modified]

Ernest A. Love Field, AZ
(Lat. 34°39′17″ N, long. 112°25′09″ W)

That airspace extending upward from the surface to and including 7,500 feet MSL within a 6-mile radius of Ernest A. Love Field. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be published in the Airport/Facility Directory.

Paragraph 6002 Class E airspace Designated as Surface Areas.

* * * * *

AWP AZ E2 Prescott, AZ [Modified]

Ernest A. Love Field, AZ
(Lat. 34°39′17″ N, long. 112°25′09″ W)

Within a 6-mile radius of Ernest A. Love Field, and within 2 miles each side of the 222° bearing of the airport extending from the 6-mile radius to 11 miles southwest of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be published in the Airport/Facility Directory.

Paragraph 6004 Class E airspace areas designated as an extension to Class D or Class E surface area.

* * * * *

AWP AZ E4 Prescott, AZ [New]

Ernest A. Love Field, AZ
(Lat. 34°39′17″ N, long. 112°25′09″ W)

That airspace extending upward from the surface within 2 miles each side of the Ernest A. Love Field 222° bearing extending from the 6-mile radius of the airport to 11 miles southwest of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AWP AZ E5 Prescott, AZ [Modified]

Ernest A. Love Field, AZ
(Lat. 34°39′17″ N, long. 112°25′09″ W)

That airspace extending upward from 700 feet above the surface within a 18.7-mile radius of the Ernest A. Love Field; that airspace extending upward from 1,200 feet above the surface within a 22-mile radius of Ernest A. Love Field, extending clockwise from the 047° bearing of the airport to the 300° bearing of the airport, and that airspace within a 38-mile radius of the airport extending clockwise from the 300° bearing of the airport to the 047° bearing of the airport.

Issued in Seattle, Washington, on August 19, 2014.

Christopher Ramirez,

Acting Manager, Operations Support Group, Western Service Center.

[FR Doc. 2014–20807 Filed 8–29–14; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 270 and 274

[Release No. IC–31184A; File No. S7–07–11]

RIN 3235–AL02

Removal of Certain References to Credit Ratings and Amendment to the Issuer Diversification Requirement in the Money Market Fund Rule; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Re-proposed rule; proposed rule; correction.

SUMMARY: On August 14, 2014, the Securities and Exchange Commission (''Commission'') published a document in the **Federal Register** (79 FR 47986). The document contained an incorrect RIN. The Commission is publishing this document to correct that RIN.

DATES: Effective on September 2, 2014.

FOR FURTHER INFORMATION CONTACT: Erin C. Loomis, Senior Counsel; Amanda Hollander Wagner, Senior Counsel; Penelope W. Saltzman, Senior Special Counsel; Investment Company Rulemaking Office, at (202) 551–6792, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–8549.

Correction

In the **Federal Register** of August 14, 2014, in FR Doc. 2014–17746, on page 47986, in the first column, seventh line, the RIN is corrected to read as noted above.

Dated: August 27, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–20731 Filed 8–29–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 172 and 182

[Docket Nos. FDA–2013–F–0700 and FDA–2013–P–0472]

Richard C. Theuer; Withdrawal of Food Additive Petition and Citizen Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Withdrawal of petitions.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing the withdrawal, without prejudice to a future filing, of a food additive petition (FAP 3A4798) proposing that the food additive regulations be amended to prohibit the use of carrageenan and salts of carrageenan in infant formula. In addition, FDA is also announcing the withdrawal of a citizen petition requesting that the generally recognized as safe (GRAS) regulations be amended to prohibit the use of Chondrus extract (carrageenin) in infant formula.

DATES: The food additive petition and the citizen petition were withdrawn on July 30, 2014.

FOR FURTHER INFORMATION CONTACT: Molly A. Harry, Center for Food Safety and Applied Nutrition (HFS–265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740–3835, 240–402–1075.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of July 19, 2013 (78 FR 43093), we announced that we had filed a food additive petition (FAP 3A4798; Docket No. FDA–2013–F–0700), submitted by Richard C. Theuer, Ph.D., 7904 Sutterton Ct., Raleigh, NC 27615. The petition proposed to amend the food additive regulations in § 172.620 and 172.626 (21 CFR172.620 and 172.626) to prohibit the use of carrageenan and salts of carrageenan in infant formula. In addition, we also announced in the same document (78 FR 43093), that Dr. Theuer submitted a citizen petition, under 21 CFR 10.30, requesting that 21 CFR 182.7255 of the GRAS regulations be amended to prohibit the use of Chondrus extract (carrageenin) in infant formula (Docket No. FDA–2013–P–0472). Dr. Theuer has now withdrawn the petitions without prejudice to future filings (21 CFR 171.7 and 10.30(g)).

Dated: August 26, 2014.

Dennis M. Keefe,

Director, Office of Food Additive Safety, Center for Food Safety and Applied Nutrition.

[FR Doc. 2014–20665 Filed 8–29–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 450

Federal Transit Administration

49 CFR Part 613

[Docket No. FHWA–2013–0037]

RIN 2125–AF52; 2132–AB10

Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning

AGENCY: Federal Highway Administration (FHWA), Federal Transit Administration (FTA); Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: The FHWA and FTA are extending the comment period for a notice of proposed rulemaking (NPRM) and request for comments, which was published on June 2, 2014. The original comment period is set to close on September 2, 2014. The extension is based on concern expressed by the American Association of State Highway and Transportation Officials (AASHTO) that the September 2 closing date does not provide sufficient time to review and provide comprehensive comments on the NPRM. The FHWA and FTA recognize that others interested in commenting may have similar concerns and agrees that the comment period should be extended. Therefore, the closing date for comments is changed to October 2, 2014, which will provide AASHTO and others interested in commenting additional time to discuss, evaluate, and submit responses to the docket.

DATES: The comment period for the proposed rule published on June 2, 2014 (79 FR 31784), is extended. Comments must be received on or before October 2, 2014.

ADDRESSES: Mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, 1200 New Jersey Avenue SE., Washington, DC 20590, or submit electronically at *http://www.regulations.gov.* All comments should include the docket number that appears in the heading of this document. All comments received will be available for examination and copying at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-

addressed, stamped postcard or may print the acknowledgment page that appears after submitting comments electronically. 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) or you may visit *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For the FHWA: Mr. Harlan W. Miller, Planning Oversight and Stewardship Team (HEPP–10), (202) 366–0847; or Ms. Anne Christenson, Office of the Chief Counsel (HCC–30), (202) 366–1356. For the FTA: Ms. Sherry Riklin, Office of Planning and Environment, (202) 366–5407; Mr. Dwayne Weeks, Office of Planning and Environment, (202) 493–0316; or Mr. Christopher Hall, Office of Chief Counsel, (202) 366–5218. Both agencies are located at 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from 8:00 a.m. to 4:30 p.m., e.t. for FHWA, and 9 a.m. to 5:30 p.m., e.t. for FTA, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

You may submit or access all comments received by DOT online through: *http://www.regulations.gov.* Electronic submission and retrieval help and guidelines are available on the Web site. It is available 24 hours each day, 365 days each year. Please follow the instructions. An electronic copy of this document may also be downloaded from the **Federal Register**'s home page at: *http://www.federalregister.gov.*

Background

On June 2, 2014, FHWA and FTA published in the **Federal Register** an NPRM proposing changes revisions to the regulations governing the development of metropolitan transportation plans and programs for urbanized areas, State transportation plans and programs, and the congestion management process. The changes reflect recent passage of the Moving Ahead for Progress in the 21st Century Act (MAP–21). The MAP–21 continues many provisions related to transportation planning from prior laws; however, it introduces transformational changes and adds some new provisions. The proposed rule would make the regulations consistent with current statutory requirements and proposes the following: A new mandate for State departments of transportation (States) and metropolitan planning organizations (MPO) to take a performance-based approach to planning and programming; a new emphasis on the nonmetropolitan transportation planning process, by requiring States to have a higher level of involvement with nonmetropolitan local officials and providing a process for the creation of regional transportation planning organizations; a structural change to the membership of the larger MPOs; a new framework for voluntary scenario planning; revisions to the integration of the planning and environmental review process; and a process for programmatic mitigation plans.

The original comment period for the NPRM closes on September 2, 2014. The AASHTO has expressed concern that this closing date does not provide sufficient time to review and provide comprehensive comments on the NPRM. The FHWA recognizes that others interested in commenting may have similar concerns and agrees that the comment period should be extended. To allow time for this organization and others to submit comprehensive comments, the closing date is changed from September 2, 2014, to October 2, 2014.

Authority: 23 U.S.C. 134 and 135; 42 U.S.C. 7410 et seq.; 49 U.S.C. 5303 and 5304; 49 CFR 1.85 and 1.90.

Issued in Washington, DC, on August 27, 2014, under authority delegated in 49 CFR 1.85 and 1.91.

Gregory G. Nadeau,

Acting Administrator, Federal Transit Administration.

Therese W. McMillan,

Acting Administrator.

[FR Doc. 2014–20885 Filed 8–28–14; 4:15 pm]

BILLING CODE 4910–22–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2014–0450; FRL–9916–05–Region 9]

Approval and Promulgation of Implementation Plans; Arizona; Nogales Nonattainment Area; Fine Particulate Matter Emissions Inventories

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Arizona State Implementation Plan (SIP) concerning 2008 and 2010 emissions inventories for the 2006 24-hour fine particle ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS) for the Nogales $PM_{2.5}$ nonattainment area. We are approving these annual emissions inventories under the Clean Air Act (CAA or the Act).

DATES: Any comments must arrive by October 2, 2014.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2014–0450, by one of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the on-line instructions.
2. *E-Mail: wamsley.jerry@epa.gov.*
3. *Mail or Deliver:* Jerry Wamsley (Air-2), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

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

Docket: Generally, documents in the docket for this action are available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901. While all documents in the docket are listed at *www.regulations.gov,* some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy

materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Jerry Wamsley, EPA Region IX, (415) 947–4111, *wamsley.jerry@epa.gov.*

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

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I. Background

A. $PM_{2.5}$ NAAQS

Under section 109 of the CAA, EPA establishes national ambient air quality standards (NAAQS or ''standards'') for certain pervasive air pollutants (referred to as ''criteria pollutants'') and conducts periodic reviews of the NAAQS to determine whether they should be revised or whether new NAAQS should be established.

On July 18, 1997, EPA revised the NAAQS for particulate matter to add new standards for fine particles, using $PM_{2.5}$ (particles less than or equal to 2.5 micrometers in diameter) as the indicator for the pollutant. EPA established primary and secondary annual and 24-hour standards for $PM_{2.5}$ (62 FR 38652).[1] The annual standard was set at 15.0 micrograms per cubic meter (μg/m^3), based on a 3-year average of annual mean $PM_{2.5}$ concentrations, and the 24-hour standard was set at 65 μg/m^3, based on the 3-year average of the 98th percentile of 24-hour $PM_{2.5}$ concentrations at each population-oriented monitor within an area.

On October 17, 2006, EPA revised the level of the 24-hour $PM_{2.5}$ NAAQS to 35 μg/m^3, based on a 3-year average of the 98th percentile of 24-hour concentrations (71 FR 61144). In this same action, EPA also retained the 1997 annual $PM_{2.5}$ standard at 15.0 μg/m^3 based on a 3-year average of annual mean $PM_{2.5}$ concentrations, but with tighter constraints on the spatial averaging criteria.

B. Designation of $PM_{2.5}$ Nonattainment Areas

Effective December 14, 2009, EPA established the initial air quality designations for most areas in the United States for the 2006 24-hour $PM_{2.5}$ NAAQS (74 FR 58688, November 13, 2009). Among the various areas designated in 2009, EPA designated the Nogales area in Arizona as nonattainment for the 2006 24-hour $PM_{2.5}$ NAAQS.[2] The boundaries for this area are described in 40 CFR 81.303.

C. Submittal Requirements for $PM_{2.5}$ Nonattainment Areas

Section 172(c)(3) of the CAA requires a state with an area designated as nonattainment of a standard to submit a comprehensive, accurate, and current inventory of actual emissions for the nonattainment area for EPA's review and approval. EPA's requirements for an emissions inventory for the $PM_{2.5}$ NAAQS are set forth in 40 CFR 51.1008.[3] [4] As applied to the 2006 $PM_{2.5}$ 24-hour NAAQS, this proposal is limited to the emissions inventories for directly emitted $PM_{2.5}$ and $PM_{2.5}$ precursors submitted by the Arizona Department of Environmental Quality (ADEQ) for the Nogales nonattainment area, as required under section 172(c)(3) of the CAA.

On January 7, 2013, EPA finalized a determination that the Nogales nonattainment area had attained the 2006 24-hour $PM_{2.5}$ NAAQS (78 FR 887). This determination of attainment was based upon complete, quality-assured, and certified ambient air monitoring data showing that the Nogales nonattainment area had monitored attainment of the 2006 24-hour $PM_{2.5}$ NAAQS over three years, from 2009 to 2011. Based on this determination, the requirements for Arizona to submit an attainment demonstration, reasonably available control measures, a reasonable further progress (RFP) plan, and contingency measures for failure to meet RFP and attainment deadlines were suspended for so long as the Nogales area continues to attain the 2006 24-hour $PM_{2.5}$ NAAQS. The emissions inventory submittal requirement in CAA section 172(c)(3), however, is not suspended by our determination of attainment. Consequently, Arizona has submitted the Nogales area emissions inventories to address the 172(c)(3) requirement. Please see our October 30, 2012 proposed rule for further discussion of EPA's Clean Data Policy and its application to the Nogales nonattainment area (77 FR 65656).

II. Procedural Requirements for SIP Revisions

Sections 110(a)(1) and 110(l) of the Act require states to provide reasonable notice and public hearing prior to adoption of SIP revisions. Section 110(k)(1)(B) requires EPA to determine whether a SIP submittal is complete within 60 days of receipt, but no later than 6 months after the date of the submittal. Any state submittal that we have not determined to be complete or incomplete will become complete by operation of law six months after the day of submittal. A finding of completeness does not approve the submittal as part of the SIP and it does not indicate that the submittal is approvable. A completeness finding starts a twelve month clock for EPA to act on the SIP submittal. See CAA section 110(k)(2).

A. Submittal for the Nogales Nonattainment Area

On September 6, 2013, Arizona submitted the 2008 and 2010 $PM_{2.5}$ emissions inventories for the Nogales nonattainment area titled ''Arizona State Implementation Plan Revision for the Nogales $PM_{2.5}$ Nonattainment Area''.[5]

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

[2] The Nogales $PM_{2.5}$ nonattainment area covers 76.1 square miles and is located in southern Santa Cruz County, Arizona adjacent to the international border with Mexico.

[3] 40 CFR 51.1008(a)(2) and (b) do not apply for the Nogales area because they relate to requirements for attainment demonstrations and reasonable further progress (RFP); these requirements were suspended for the Nogales $PM_{2.5}$ nonattainment area so long as the area continues to meet the $PM_{2.5}$ standard. For further discussion of our Clean Data Policy as applied to the Nogales area, refer to our proposed rule (77 FR 65656, October 30, 2012) and final rule (78 FR 887, January 7, 2013).

[4] Although the U.S. Court of Appeals for the District of Columbia (D.C. Circuit) recently remanded this rule and directed EPA to re-promulgate it pursuant to subpart 4 of part D, title 1 of the CAA (*see Natural Resources Defense Council* v. *EPA,* 706 F.3d 428 (D.C. Cir. 2013)), the court's ruling in this case does not affect EPA's action on these emissions inventories. Subpart 4 of part D, title I of the Act contains no specific provision governing emissions inventories for PM_{10} or $PM_{2.5}$ nonattainment areas that supersedes the general emissions inventory requirement for all nonattainment areas in CAA section 172(c)(3). *See* ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 57 FR 13498, (April 16, 1992).

[5] See letter from Eric Massey, Director, Air Quality Division, ADEQ to Jared Blumenfeld, Regional Administrator, USEPA, dated September 6, 2013 and enclosure titled ''Arizona State Implementation Plan Revision for the Nogales $PM_{2.5}$ Nonattainment Area''. Included within Appendix A of this document is ''Primary $PM_{2.5}$ and Secondary Precursor Emissions Inventories for 2008 and 2010,'' July 26, 2013, Arizona Department of Environmental Quality (ADEQ), hereafter referred

Arizona's submittal provides documentation of the public review process followed by the State prior to submitting the emissions inventories to EPA. The documentation provides evidence that reasonable notice of a public hearing was provided to the public and that a public hearing was conducted prior to submittal.[6] Arizona's submittal of the Nogales nonattainment area emissions inventories became complete by operation of law on March 6, 2014.

Based on the documentation provided in Arizona's SIP revision submittal, we find that the Nogales area emissions inventories satisfies the procedural requirements of sections 110(a)(1) and 110(l) of the Act for revising SIPs.

III. Analysis of Arizona's Submittal

Section 172(c)(3) of the CAA requires states to submit a comprehensive, accurate, and current inventory of actual emissions for each nonattainment area. EPA's requirements for an emissions inventory for the $PM_{2.5}$ NAAQS are set forth in 40 CFR 51.1008. For the $PM_{2.5}$ NAAQS, the pollutants to be inventoried are $PM_{2.5}$ and $PM_{2.5}$ precursors (i.e., nitrogen oxides (NO_X), volatile organic compounds (VOCs), sulfur dioxide (SO_2), and ammonia (NH_3)).[7]

A. Nogales Area Emissions Inventories

Arizona's submitted Nogales area emissions inventories provide annual 2008 and 2010 emissions estimates (tons per year) for $PM_{2.5}$ and $PM_{2.5}$ precursors (i.e., NO_X, VOCs, SO_2, and NH_3). The source categories include non-road mobile sources, non-point sources, on-road mobile sources, and point or stationary sources. A summary of the Nogales area emissions inventories are provided below in Tables 1 and 2. The detailed Nogales emissions inventories are found in Appendix A of Arizona's submittal.

TABLE 1—2008 NOGALES NONATTAINMENT AREA EMISSIONS INVENTORIES

[Tons per year]

Source category	$PM_{2.5}$	VOC	NO_X	SO_2	NH_3
Non-Road Mobile	13.1	158.6	142.7	2.8	0.1
Non-Point	396.0	902.7	48.8	28.3	22.9
On-Road Mobile	25.1	426.2	912.9	7.5	14.4
Point/Stationary	1.4	3.3	11.0	0.5	0
Totals	435.6	1490.8	1115.4	39.1	37.4

Entries are rounded consistent with submittal, as such, totals may vary due to rounding. Source: Appendix A, Table 6.1.

TABLE 2—2010 NOGALES NONATTAINMENT AREA EMISSIONS INVENTORIES

[Tons per year]

Source category	$PM_{2.5}$	VOC	NO_X	SO_2	NH_3
Non-Road Mobile	13.1	159.6	142.7	2.8	0.1
Non-Point	399.2	912.6	49.3	28.3	23.0
On-Road Mobile	20.1	369.5	743.7	4.6	13.0
Point/Stationary	1.4	3.3	11.0	0.5	0
Totals	433.9	1445.0	946.8	36.2	36.1

Entries are rounded consistent with submittal, as such, totals may vary due to rounding. Source: Appendix A, Table 6.1.

The Nogales area primary $PM_{2.5}$ and secondary precursor emissions inventories for 2008 and 2010 include emissions estimates from non-road mobile, non-point, on-road mobile sources, and point or stationary sources. ADEQ derived these emissions inventories for 2008 and 2010 from emissions data for Santa Cruz County, Arizona, in EPA's 2008 National Emissions Inventory (NEI) versions 1.5 and 2.0. See Appendix A, section 3. Using 2008 NEI county-level emissions estimates, ADEQ allocated the share of nonattainment area emissions from county level estimates by one of three characteristics and relative percentages: (1) Human-induced activities/source categories were allocated by nonattainment area population share, 66.1 percent; (2) location-based activities/source categories were allocated by nonattainment area share of land area, 6.15 percent; and, (3) location specific sources, such as point sources, were fully allocated to the nonattainment area, as applicable. See Appendix A, Table 3.1 for population and land area allocation ratios; and, see Appendix A, section 2 for their derivation. In the case of on-road mobile source emissions, ADEQ estimated Santa Cruz County emissions separately from the NEI data using EPA's on-road emissions factor model MOVES2010b and then allocated county-level emissions to the Nogales area by population share. ADEQ developed 2010 emissions inventory estimates for the Nogales nonattainment area from 2008 levels by applying a 2008 to 2010 population-based growth rate of 1.1 percent, relative activity levels, or held emissions estimates constant, as applicable. See Appendix A, section 3.4 for ADEQ's 2010 emissions inventories discussion.

In sum, we find this methodology reasonable and based on reliable estimates of population and land area. We concur with the overall methodology, basis for allocating emissions and allocation calculations used to produce the Nogales emissions

to as Appendix A. Because much of the detailed emissions inventory information and analyses for the submittal document are located within Appendix A, this document is the substantive focus of this proposal.

[6] A public hearing was conducted on September 3, 2013 after 30 days prior notice. See Enclosure 4 of the submittal for public notice documentation and public hearing transcripts.

[7] Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations, EPA-454-/R-05-001, August 2005, updated November 2005. *http://www.epa.gov/ttn/chief/eidocs/eiguid/eiguidfinal_nov2005.pdf.*

inventories for $PM_{2.5}$ and the precursor pollutants. ADEQ's population estimates are Arizona Department of Administration estimates that have been reconciled with U.S. Census figures. We have verified the land area allocation ratio using geographical information system applications. Please see our Technical Support Document (TSD) for our detailed review and discussion of Arizona's emissions inventories methodology and results.

In our review, we compared the ADEQ estimates for $PM_{2.5}$ and the precursor pollutants with the subsequent and final release of the 2008 NEI version 3.0. The 2011 NEI version 1.0 was released on September 30, 2013 and was not available for use by ADEQ. We expected to find nominal differences between the NEI versions (1.5 and 2.0) used by ADEQ and the final version (3.0) of the NEI based on corrections and re-estimates from one version to the next. EPA released the 2008 NEI version 3.0 in March 2013 prior to Arizona's submittal of the Nogales emissions inventories in September 2013. While we did not require ADEQ to use the 2008 NEI version 3.0 given their emissions inventories were already drafted, we reviewed the submittal against 2008 NEI version 3.0 to ensure that any subsequent version 3.0 corrections or updates are nominal changes to the submitted emissions inventories.

We found that the submitted $PM_{2.5}$, NH_3, NO_X, and SO_2 emissions inventories, four of five emissions inventories, show little or no variance from the 2008 NEI version 3.0 emissions inventory, our comparison data base. The submitted VOC emissions inventory shows a small under-reporting of 3–10 percent when compared either across the Santa Cruz County 2008 NEI version 3.0 baseline emissions estimates, or to the submitted Nogales area emissions estimates. This small overall underestimate of VOC emissions is not significant, and becomes less significant when considered against an adjusted increase provided by the submitted VOC on-road mobile emissions inventory compared to the reference 2008 NEI on-road mobile VOC emissions estimates. In this way, we consider the adjusted difference in the submitted overall VOC emission inventory and our reference 2008 NEI version 3.0 VOC emissions inventory to be closer to 3 percent rather than 10 percent, a small variance in the context of the overall $PM_{2.5}$ emissions inventories. For our detailed review, please see our TSD within the docket of this rulemaking.

In conclusion, EPA has reviewed the results, procedures, and methodologies Arizona used to produce the 2008 and 2010 Nogales area $PM_{2.5}$ and $PM_{2.5}$ precursor emissions inventories and finds that these emissions inventories meet the requirements of the CAA and EPA guidance. Consequently, we propose to approve the submitted $PM_{2.5}$, NH_3, NO_X, SO_2, and VOC emissions inventories as meeting the CAA's section 172(c)(3) requirement to provide a comprehensive, accurate, and current inventory of actual emissions for the Nogales nonattainment area.[8]

IV. Proposed Action

EPA is proposing to approve the 2008 and 2010 Nogales nonattainment area $PM_{2.5}$ and $PM_{2.5}$ precursor emissions inventories submitted by Arizona on September 6, 2013. In doing so, EPA has determined that Arizona's submittal is consistent with sections 110 and 172(c)(3) of the CAA.

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the 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 a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this action does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

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

Dated: August 20, 2014.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2014–20787 Filed 8–29–14; 8:45 am]

BILLING CODE 6560–50–P

[8] Please note that our review and proposed approval of Arizona's $PM_{2.5}$ emissions inventories for the Nogales nonattainment area, their data sources, and methodologies are specific to this submittal and may not be applicable to all $PM_{2.5}$ nonattainment areas and the related $PM_{2.5}$ and precursor emissions inventories.

DEPARTMENT OF THE INTERIOR

[XXXD4523WT DWT000000.000000 DS65101000]

43 CFR Part 2

RIN 1090–AB07

Privacy Act Regulations; Exemption for the Insider Threat Program

AGENCY: Department of the Interior.

ACTION: Proposed rule

SUMMARY: The Department of the Interior proposes to amend its regulations to exempt certain records in the Insider Threat Program from one or more provisions of the Privacy Act because of criminal, civil, and

administrative law enforcement requirements.

DATES: Submit written comments on or before November 3, 2014

ADDRESSES: Send written comments, identified by the number 1090–AB07, by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Teri Barnett, Department of the Interior Privacy Act Officer, 1849 C Street NW., Mail Stop 5547 MIB, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Teri Barnett, Department of the Interior Privacy Act Officer, 1849 C Street NW., Mail Stop 5547 MIB, Washington, DC 20240. Email at *Privacy@ios.doi.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Privacy Act of 1974, as amended, 5 U.S.C. 552a, governs the means by which the U.S. Government collects, maintains, uses and disseminates personally identifiable information. The Privacy Act applies to records about individuals that are maintained in a ''system of records.'' A system of records is a group of any records under the control of an agency from which information about an individual is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual. See 5 U.S.C. 552a(a)(4) and (5).

An individual may request access to records containing information about him or herself, 5 U.S.C. 552a(b), (c) and (d). However, the Privacy Act authorizes Federal agencies to exempt systems of records from access by individuals under certain circumstances, such as where the access or disclosure of such information would impede national security or law enforcement efforts. Exemptions from Privacy Act provisions must be established by regulation, 5 U.S.C. 552a(j) and (k).

The Department of the Interior (DOI) Office of Law Enforcement and Security created the Insider Threat Program system of records to implement Presidential Executive Order 13587, issued October 7, 2011, which required Federal agencies to establish an insider threat detection and prevention program to ensure the security of classified networks and the responsible sharing and safeguarding of classified information consistent with appropriate protections for privacy and civil liberties. The Insider Threat Program system of records will be used to facilitate management of insider threat investigations and activities associated with counterintelligence complaints, inquiries and investigations; identify potential threats to Department of the Interior resources and information assets; track referrals of potential insider threats to internal and external partners; and provide statistical reports and meet other insider threat reporting requirements. Insider threats include attempted or actual espionage, subversion, sabotage, terrorism or extremist activities directed against the Department of the Interior and its personnel, facilities, resources, and activities; unauthorized use of or intrusion into automated information systems; unauthorized disclosure of classified, controlled unclassified, sensitive, or proprietary-information or technology; indicators of potential insider threats or other incidents that may indicate activities of an insider threat.

The Insider Threat Program system contains classified and unclassified intelligence and law enforcement investigatory records related to counterintelligence and insider threat activities that are exempt from certain provisions of the Privacy Act, 5 U.S.C. 552a(j)(2) and (k)(2). In this notice of proposed rulemaking, the Department of the Interior is proposing to exempt the Insider Threat Program system from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2).

Under 5 U.S.C. 552a (j)(2), the head of a Federal agency may promulgate rules to exempt a system of records from certain provisions of 5 U.S.C. 552a if the system of records is ''maintained by an agency or component thereof which performs as its principal function any activity pertaining to the enforcement of criminal laws, including police efforts to prevent, control or reduce crime or to apprehend criminals.'' Under 5 U.S.C. 552a (k)(2), the head of a Federal agency may promulgate rules to exempt a system of records from certain provisions of 5 U.S.C. 552a if the system of records is ''investigatory material complied for law enforcement purposes, other than material within the scope of subsection (j)(2),'' or ''investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information.''

Because this system of records contains investigative and law enforcement material within the provisions of 5 U.S.C. 552a(j)(2) and (k)(2), the Department of the Interior proposes to exempt the Insider Threat Program system of records from one or more of the following provisions: 5 U.S.C. 552a(c)(3), (c)(4), (d), (e)(1) through (e)(3), (e)(4)(G) through (e)(4)(I), (e)(5), (e)(8), (e)(12), (f), and (g). Where a release would not interfere with or adversely affect investigations or law enforcement activities, including but not limited to revealing sensitive information or compromising confidential sources, the exemption may be waived on a case-by-case basis. Exemptions from these particular subsections are justified for the following reasons:

1. 5 U.S.C. 552a(c)(3). This section requires an agency to make the accounting of each disclosure of records available to the individual named in the record upon request. Release of accounting of disclosures would alert the subjects of an investigation to the existence of the investigation and the fact that they are subjects of the investigation. The release of such information to the subjects of an investigation would provide them with significant information concerning the nature of the investigation, and could seriously impede or compromise the investigation, endanger the physical safety of confidential sources, witnesses and their families, and lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony.

2. 5 U.S.C. 552a(c)(4); (d); (e)(4)(G) and (e)(4)(H); (f); and (g). These sections require an agency to provide notice and disclosure to individuals that a system contains records pertaining to the individual, as well as providing rights of access and amendment. Granting access to records in the Insider Threat Program system could inform the subject of an investigation of an actual or potential criminal violation of the existence of that investigation, of the nature and scope of the information and evidence obtained, of the identity of confidential sources, witnesses, and law enforcement personnel, and could provide information to enable the subject to avoid detection or apprehension. Granting access to such information could seriously impede or compromise an investigation; endanger the physical safety of confidential sources, witnesses, and law enforcement personnel, as well as their families; lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony; and disclose investigative techniques and procedures. In addition, granting access to such information could disclose classified, security-sensitive, or confidential information and could constitute an unwarranted invasion of the personal privacy of others.

3. 5 U.S.C. 552a(e)(1). This section requires the agency to maintain information about an individual only to the extent that such information is relevant or necessary. The application of this provision could impair investigations and law enforcement, because it is not always possible to determine the relevance or necessity of specific information in the early stages of an investigation. Relevance and necessity are often questions of judgment and timing, and it is only after the information is evaluated that the relevance and necessity of such information can be established. In addition, during the course of the investigation, the investigator may obtain information that is incidental to the main purpose of the investigation but which may relate to matters under the investigative jurisdiction of another agency. Such information cannot readily be segregated. Furthermore, during the course of the investigation, an investigator may obtain information concerning the violation of laws outside the scope of the investigator's jurisdiction. In the interest of effective law enforcement, DOI investigators should retain this information, since it can aid in establishing patterns of criminal activity and can provide valuable leads for other law enforcement agencies.

4. 5 U.S.C. 552a(e)(2). This section requires the agency to collect information directly from the individual to the greatest extent practical when the information may result in an adverse determination. The application of this provision could impair investigations and law enforcement activities by alerting the subject of an investigation of the existence of the investigation, enabling the subject to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony. In addition, in certain circumstances, the subject of an investigation cannot be required to provide information to investigators, and information must be collected from other sources. Furthermore, it is often necessary to collect information from sources other than the subject of the investigation to verify the accuracy of the evidence collected.

5. 5 U.S.C. 552a(e)(3). This section requires an agency to inform each person whom it asks to supply information, on a form that can be retained by the person, of the authority which the information is sought and whether disclosure is mandatory or voluntary; of the principal purposes for which the information is intended to be used; of the routine uses that may be made of the information; and the effects on the person, if any, of not providing all or any part of the requested information. The application of this provision could provide the subject of an investigation with substantial information about the nature of that investigation, which could interfere with the investigation. Moreover, providing such information to the subject of an investigation could seriously impede or compromise an undercover investigation by revealing its existence and could endanger the physical safety of confidential sources, witnesses, and investigators by revealing their identities.

6. 5 U.S.C. 552a(e)(4)(I). This section requires an agency to provide public notice of the categories of sources of records in the system. The application of this section could disclose investigative techniques and procedures and cause sources to refrain from giving such information because of fear of reprisal, or fear of breach of promise(s) of anonymity and confidentiality. This could compromise DOI's ability to conduct investigations and to identify, detect and apprehend violators.

7. 5 U.S.C. 552a(e)(5). This section requires an agency to maintain its records with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in making any determination about the individual. In collecting information during investigations and for criminal law enforcement purposes, it is not possible to determine in advance what information is accurate, relevant, timely, and complete. Material that may seem unrelated, irrelevant, or incomplete when collected may take on added meaning or significance as the investigation progresses. The restrictions of this provision could interfere with the preparation of a complete investigative report and impede effective law enforcement.

8. 5 U.S.C. 552a(e)(8). This section requires an agency to make reasonable efforts to serve notice on an individual when any record on the individual is made available to any person under compulsory legal process when that process becomes a matter of public record. Complying with this provision could prematurely reveal an ongoing investigation to the subject of the investigation.

9. 5 U.S.C. 552a(e)(12). This section requires an agency to publish in the **Federal Register** notice of the establishment or revision of a matching program at least 30 days prior to conducting the matching program. Complying with this provision could prematurely reveal an ongoing investigation to the subject of the investigation, impede DOI's ability to conduct law enforcement investigative matches, and compromise investigations and efforts to identify and detect potential insider threats.

Procedural Requirements

1. Regulatory Planning and Review (E.O. 12866)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget will review all significant rules. The Office of Information and Regulatory Affairs 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.

2. Regulatory Flexibility Act

The Department of the Interior certifies that this document 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.*). This rule does not impose a requirement for small businesses to report or keep records on any of the requirements contained in this rule. The exemptions to the Privacy Act apply to individuals, and individuals are not covered entities under the Regulatory Flexibility Act.

3. Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

(a) Does not have an annual effect on the economy of $100 million or more.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(c) Does 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.

4. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments in the aggregate, or on 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. This rule makes only minor changes to 43 CFR part 2. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

5. Takings (E.O. 12630)

In accordance with Executive Order 12630, the rule does not have significant takings implications. This rule makes only minor changes to 43 CFR part 2. A takings implication assessment is not required.

6. Federalism (E.O. 13132)

In accordance with Executive Order 13132, this rule does not have any federalism implications to warrant the preparation of a Federalism Assessment. The rule is not associated with, nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. A Federalism Assessment is not required.

7. Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of Executive Order 12988. Specifically, this rule:

(a) Does not unduly burden the judicial system.

(b) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(c) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

8. Consultation with Indian Tribes (E.O. 13175)

In accordance with Executive Order 13175, the Department of the Interior has evaluated this rule and determined that it would have no substantial effects on federally recognized Indian Tribes.

9. Paperwork Reduction Act

This rule does not require an information collection from 10 or more parties and a submission under the Paperwork Reduction Act is not required.

10. National Environmental Policy Act

This rule does not constitute a major Federal action and would not have a significant effect on the quality of the human environment. Therefore, this rule does not require the preparation of an environmental assessment or environmental impact statement under the requirements of the National Environmental Policy Act of 1969.

11. Effects on 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.

12. Clarity of this Regulation

We are required by Executive Order 12866 and 12988, the Plain Writing Act of 2010 (H.R. 946), and the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means each rule we publish must:

—Be logically organized;
—Use the active voice to address readers directly;
—Use clear language rather than jargon;
—Be divided into short sections and sentences; and
—Use lists and table wherever possible.

List of Subjects in 43 CFR Part 2

Administrative practice and procedure, Confidential information, Courts, Freedom of Information Act, Privacy Act.

Dated: August 21, 2014.

Rhea Suh,

Assistant Secretary for Policy, Management and Budget.

For the reasons stated in the preamble, the Department of the Interior proposes to amend 43 CFR part 2 as follows:

PART 2—FREEDOM OF INFORMATION ACT; RECORDS AND TESTIMONY

■ 1. The authority citation for part 2 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 553; 31 U.S.C. 3717; 43 U.S.C. 1460, 1461.

■ 2. Amend § 2.254 by:
■ a. Revising the introductory text in paragraph (a);
■ b. Reserving paragraph (a)(5) and adding paragraph (a)(6);
■ c. Revising the introductory text in paragraph (b); and
■ d. Reserving paragraphs (b)(14) and (b)(15) and adding paragraph (b)(16).

The revisions and additions read as follows:

§ 2.254—Exemptions.

(a) *Criminal law enforcement records exempt under 5 U.S.C. 552a(j)(2).* Pursuant to 5 U.S.C. 552a(j)(2) the following systems of records are exempted from all of the provisions of 5 U.S.C. 552a and the regulations in this subpart except paragraphs (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), (11) and (12), and (i) of 5 U.S.C. 552a and the portions of the regulations in this subpart implementing these paragraphs:

* * * * *

(5) [Reserved]

(6) Insider Threat Program, DOI–50.

(b) *Law enforcement records exempt under 5 U.S.C. 552a(k)(2).* Pursuant to 5 U.S.C. 552a(k)(2), the following systems of records are exempted from paragraphs (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of 5 U.S.C. 552a and the provisions of the regulations in this subpart implementing these paragraphs:

* * * * *

(14) [Reserved]

(15) [Reserved]

(16) Insider Threat Program, DOI–50.

[FR Doc. 2014–20743 Filed 8–29–14; 8:45 am]

BILLING CODE 4310–RK–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 223

[Docket No. 1206013326–4677–02]

RIN 0648–XA984

Endangered and Threatened Wildlife and Plants: Notice of 12-Month Finding on a Petition To List the Nassau Grouper as Threatened or Endangered Under the Endangered Species Act (ESA)

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

ACTION: Proposed rule; request for comments.

SUMMARY: We, NMFS, announce a 12-month finding and listing determination on a petition to list the Nassau grouper (*Epinephelus striatus*) as threatened or endangered under the Endangered Species Act (ESA). We have completed a status review of the Nassau grouper in response to a petition submitted by

WildEarth Guardians. After reviewing the best scientific and commercial data available, we have determined that the Nassau grouper meets the definition of a threatened species. While the species still occupies its historical range, spawning aggregations have been reduced in size and number due to fishing pressure. The lack of adequate management measures to protect these aggregations increases the extinction risk of Nassau grouper. Based on these considerations, described in more detail in this proposed rule, we conclude that the Nassau grouper is not currently in danger of extinction throughout all or a significant portion of its range, but is likely to become so within the foreseeable future. We are soliciting information that may be relevant to inform the final listing and designation of critical habitat.

DATES: Information and comments on the subject action must be received by December 31, 2014.

ADDRESSES: You may submit comments, information, or data on this document, identified by the code NOAA–NMFS–2014–0101, by any of the following methods:

- *Electronic Submissions:* Submit all electronic comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0101,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Facsimile (fax):* 727–824–5309.
- *Mail:* NMFS, Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701.
- *Hand delivery:* You may hand deliver written information to our office during normal business hours at the street address given above.

The Nassau grouper Biological Report and reference list are available by submitting a request to the Species Conservation Branch Chief, Protected Resources Division, NMFS Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701–5505, Attn: Nassau Grouper 12-month Finding. The report and references are also available electronically at: *http://sero.nmfs.noaa.gov/protected_resources/listing_petitions/index.html.*

FOR FURTHER INFORMATION CONTACT: Jason Rueter, NMFS, Southeast Regional Office (727) 824–5350; or Lisa Manning, NMFS, Office of Protected Resources (301) 427–8466.

SUPPLEMENTARY INFORMATION:

Background

On September 3, 2010, we received a petition from the WildEarth Guardians to list speckled hind (*Epinephelus drummondhayi*), goliath grouper (*E. itajara*), and Nassau grouper (*E. striatus*) as threatened or endangered under the ESA. Due to the scope of the WildEarth Guardians' petition, as well as the breadth and extent of the required evaluation and response, we provided species-specific 90-day findings in response to the petition. The petition asserted that the present or threatened destruction, modification, or curtailment of habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; inadequacy of existing regulatory mechanisms; and other natural or manmade factors are affecting its continued existence and contributing to the Nassau grouper's imperiled status. The petitioner also requested that critical habitat be designated for this species concurrent with listing under the ESA.

On October 10, 2012, we published a 90-day finding for Nassau grouper with our determination that the petition presented substantial scientific and commercial information indicating that the petitioned action may be warranted (77 FR 61559). We also requested scientific and commercial information from the public to inform a status report of the species including: (1) Status of historical and current spawning aggregation sites; (2) historical and current distribution, abundance, and population trends; (3) biological information (life history, genetics, population connectivity, etc.); (4) management measures, regulatory mechanisms designed to protect spawning aggregations, and enforcement information; (5) any current or planned activities that may adversely impact the species; and (6) ongoing or planned efforts to protect and restore the species and its habitat. We received information from the public in response to the 90-day finding and incorporated the information in the Biological Report and in this proposed rule.

Listing Determinations Under the ESA

We are responsible for determining whether the Nassau grouper is threatened or endangered under the ESA (16 U.S.C. 1531 *et seq.*). Section 4(b)(1)(A) of the ESA requires us to make listing determinations based solely on the best scientific and commercial data available after conducting a review of the status of the species and after taking into account efforts being made by any state or foreign nation to protect the species. To be considered for listing under the ESA, a group of organisms must constitute a ''species,'' which is defined in section 3 of the ESA to include taxonomic species and ''any subspecies of fish, or wildlife, or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature.'' Under section 4(a) of the ESA, we must determine whether any species is endangered or threatened due to any of the following five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence (sections 4(a)(1)(A) through (E)).

To determine whether the Nassau grouper warrants listing under the ESA, we first completed a Biological Report, which summarizes the taxonomy, distribution, abundance, life history and biology of the species (Hill and Sadovy de Mitcheson 2013). The Biological Report also identifies threats or stressors affecting the status of the species as well as a description of the fisheries, fisheries management, and conservation efforts. The Biological Report incorporates information received in response to our request for information (77 FR 61559, October 10, 2012) and comments from three independent peer reviewers. Information from the Biological Report is summarized below under ''Biological Review.''

Next, we used the Biological Report to complete a threats evaluation and an extinction risk analysis (ERA) to determine the status of the species. The results of the threats evaluation are discussed below under ''Threats Evaluation'' and the results of the ERA are discussed below under ''Results of Extinction Risk Analysis.''

Section 3 of the ESA defines an endangered species as ''any species which is in danger of extinction throughout all or a significant portion of its range'' and a threatened species as one ''which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' Thus, we interpret an ''endangered species'' to be one that is presently in danger of extinction. A ''threatened species,'' on the other hand, is not currently at risk of extinction but is likely to become so in the foreseeable future. In other words, a key statutory difference between a threatened and endangered species is the timing of when a species may be in danger of extinction, either presently (endangered) or in the foreseeable future (threatened).

In determining whether the species meets the standard of endangered or threatened, we considered the specific life history and ecology of the species, the nature of threats, the species' response to those threats, and population numbers and trends. We considered both the data and information summarized in the Biological Report as well as the results of the extinction risk analysis. We considered each threat identified, both individually and cumulatively. For purposes of our analysis, the mere identification of factors that could impact a species negatively is not sufficient to compel a finding that ESA listing is appropriate. In considering those factors that might constitute threats, we look beyond mere exposure of the species to the factor to determine whether the species responds, either to a single or multiple threats, in a way that causes actual impacts at the species level. In making this finding, we have considered and evaluated the best available scientific and commercial information, including information received in response to our 90-day finding.

Biological Review

This section provides a summary of key biological information presented in the Biological Report (Hill and Sadovy de Mitcheson 2013).

Species Description

The Nassau grouper, *Epinephelus striatus* (Bloch 1792), is a long-lived, moderate sized Serranid fish with large eyes and a robust body. The range of color is wide, but ground color is generally buff, with 5 dark brown vertical bars and a large black saddle blotch on top of caudal peduncle and a row of black spots below and behind eye. Color pattern can change within minutes from almost white to bicolored to uniformly dark brown, according to the behavioral state of the fish (Longley 1917, Colin 1992, Heemstra and Randall 1993, Carter *et al.* 1994). A distinctive bicolored pattern is seen when two adults or an adult and large juvenile meet and is frequently observed in spawning aggregations (Heemstra and Randall 1993). There is also a distinctive dark tuning-fork mark beginning at the front of the upper jaw, extending dorsally (on top) along the interorbital region, and then dividing into two branches on top of the head behind the eyes; another dark band from the tip of the snout through the eye and then curving upward to meet its fellow just before the dorsal-fin origin. Juveniles exhibit a color pattern similar to adults (e.g., Silva Lee 1977).

Maximum age has been estimated up to 29 years, based on an ageing study using sagittal otoliths (Bush *et al.* 2006). Most studies also indicate rapid growth, which has been estimated to be about 10 mm/month (total length (TL)) for small juveniles, and 8.4 to 11.7 mm/month for larger juveniles (30–270 mm TL; Beets and Hixon 1994, Eggleston 1995). Maximum size is about 122 cm TL and maximum weight is about 25 kg (Heemstra and Randall 1993, Humann and Deloach 2002, Froese and Pauly 2010). Generation time (the average age of parents in the population) is estimated as 9–10 years (Sadovy and Colin 1995).

Distribution

The Nassau grouper's confirmed distribution currently includes ''Bermuda and Florida (USA), throughout the Bahamas and Caribbean Sea'' (e.g., Heemstra and Randall 1993). The occurrence of *E. striatus* from the Brazilian coast south of the equator as reported in Heemstra and Randall (1993) is ''unsubstantiated'' (Craig *et al.* 2011). The Nassau grouper has been documented in the western Gulf of Mexico, at Arrecife Alacranes (north of Progreso) to the west off the Yucatan Peninsula, Mexico, (Hildebrand *et al.* 1964). Nassau grouper is generally replaced ecologically in the eastern Gulf by red grouper (*E. morio)* (Smith 1971) in areas north of Key West or the Tortugas. They are considered a rare or transient species off Texas in the northwestern Gulf of Mexico (Gunter and Knapp 1951 in Hoese and Moore 1977). The first confirmed sighting of Nassau grouper in the Flower Garden Banks National Marine Sanctuary, which is located in the northwest Gulf of Mexico approximately 180 km southeast of Galveston, Texas, was reported by Foley *et al.* (2007). Many earlier reports of Nassau grouper up the Atlantic coast to North Carolina have not been confirmed. The Biological Report (Hill and Sadovy de Mitcheson, 2013) provides a detailed description.

Habitat and Depth

The Nassau grouper is primarily a shallow-water, insular fish species that has long been valued as a major fishery resource throughout the wider Caribbean, South Florida, Bermuda and the Bahamas (Carter *et al.* 1994). The Nassau grouper is considered a reef fish, but it transitions through a series of developmental shifts in habitat. As larvae, they are planktonic. After an average of 35–40 days and at an average size of 32 mm TL, larvae recruit from an oceanic environment into demersal habitats (Colin 1992, Eggleston 1995). Following settlement, Nassau grouper juveniles are reported to inhabit macroalgae (primarily *Laurencia* spp.), coral clumps (*Porites* spp.), and seagrass beds (Eggleston 1995, Dahlgren 1998). Recently-settled Nassau grouper have also been collected from tilefish (*Malacanthus plumieri*) and rubble mounds at 18 m depth(Colin *et al.* 1997). Post-settlement, small Nassau grouper have been reported with discarded queen conch shells (*Strombus gigas*) and other debris around *Thalassia* beds (Randall 1983, Eggleston 1995).

Juvenile Nassau grouper (120–150 mm TL) are relatively solitary and remain in specific areas for months (Bardach 1958). Juveniles of this size class are associated with macroalgae, and both natural and artificial reef structure. As juveniles grow, they move progressively to deeper areas and offshore reefs (Tucker *et al.* 1993, Colin *et al.* 1997). Schools of 30–40 juveniles (250–350 mm TL) were observed at 8–10 m depths in the Cayman Islands (Tucker *et al.* 1993). No clear distinction can be made between types of adult and juvenile habitats, although a general size segregation with depth occurs—with smaller Nassau grouper in shallow inshore waters (2 to 9 fathoms) and larger individuals more common on deeper (10 to 30 fathoms) offshore banks (Bardach *et al.* 1958, Cervigón 1966, Silva Lee 1974, Radakov *et al.* 1975, Thompson and Munro 1978).

Recent work by Nemeth and coworkers in the U.S. Virgin Islands (U.S.V.I.; manuscript, in prep) found more overlap in home ranges of smaller juveniles compared to larger juveniles, and adults having larger home ranges with less overlap. Mean home range of adult Nassau grouper in the Bahamas was 18,305m^2 +/ − 5,806 (SD) with larger ranges at less structurally complex reefs (Bolden 2001). The availability of habitat and prey was found to significantly influence home range of adults (Bolden 2001).

Adult Nassau grouper tend to be relatively sedentary and are generally associated with high relief coral reefs or rocky substrate in clear waters to depths of 130 m. Generally adults are most common at depths less than 100 m (Hill and Sadovy de Mitcheson, 2013) except when at spawning aggregations where they are known to descend to depths of 255m (Starr *et al.* 2007).

Diet and Feeding

Adult Nassau grouper are unspecialized, bottom-dwelling, ambush-suction predators (Randall 1965, Thompson and Munro 1978). Numerous studies describe Nassau

grouper as piscivorous as adults (Randall and Brock 1960, Randall 1965, Randall 1967, Carter *et al.* 1994, Eggleston *et al.* 1998). Feeding takes place throughout the diel cycle although most fresh food is found in stomachs collected in the early morning and at dusk (Randall 1967). Young Nassau grouper (20.2–27.2 mm SL) feed on a variety of plankton, including pteropods, amphipods, and copepods (Greenwood 1991, Grover *et al.* 1998).

Population Structure and Genetics

Multiple genetic analyses indicate that there is high gene flow throughout the geographic range of the Nassau grouper; however, the relative contributions of populations have yet to be determined (Hinegardner and Rosen 1972, Hateley 2005). A study of genetic population structure in Nassau grouper, using mitochondrial DNA (mtDNA) and nuclear microsatellite DNA, revealed no clearly defined population substructuring based on samples from Belize, Cuba, Bahamas, and Florida (Sedberry *et al.* 1996). These data indicate that spawning aggregations are not exclusively self-recruiting and that the larval stages can disperse over great distances; however, the relative importance of self-recruitment and larval immigration to local populations is not clear (Sedberry *et al.* 1996). Samples (n = 264) from Belize, Bahamas, Turks and Caicos, and Cayman Islands analyzed through enzyme electrophoresis had low to intermediate levels of genetic variability and provided no evidence for population sub-structuring by sex or small-scale spatial distribution, or for macrogeographic stock separation (Hateley 2005). These results are consistent with a single panmictic population within the northern Caribbean basin with high gene flow through the region. Results of an ongoing Ph.D. dissertation using more fine-scale genetic techniques may provide a more detailed understanding of population structure (Alexis Jackson, Ph.D. research in progress, University of California, Santa Cruz).

Reproductive Biology

The Nassau grouper was originally considered to be a monandric protogynous hermaphrodite, meaning males derive from adult females that undergo a change in sex (Smith 1971, Claro *et al.* 1990, Carter *et al.* 1994). However, juveniles possess both male and female tissue, indicating they can mature directly into either sex (Sadovy and Colin 1995). Other characteristics such as the strong male/female size overlap, the presence of males that develop directly from the juvenile phase and the mating system were found to be inconsistent with protogyny (Colin 1992, Sadovy and Colin 1995). Therefore, while taxonomically similar to other hermaphroditic grouper species, the Nassau grouper is primarily considered a gonochore with separate sexes (Sadovy and Colin 1995).

Male and female Nassau grouper typically mature between 400 and 450 mm SL (440 and 504 mm TL), with most individuals attaining sexual maturity by about 500 mm SL (557 mm TL) and about 4–5 years of age, although the smallest mature fish recorded in Cuba was a male in the 360–390 mm TL size class (Claro *et al.* 1990). The minimum age at sexual maturity based on otoliths is between 4 and 8 years (Bush *et al.* 1996, 2006) with most fish spawning by age 7+ years (Bush *et al.* 2006). Nassau grouper raised from the egg in captivity matured at just over 2 years (400–450 mm SL/440–504 mm TL) (Tucker and Woodward 1994). Size, rather than age, may be the major determinant of sexual maturation (Sadovy and Eklund 1999).

Fecundity estimates indicate an average fecundity between 3 and 5 eggs/mg of ripe ovary. Female Nassau grouper from Belize yielded a mean relative fecundity of 4.1 eggs/mg ovary weight and a mean total number of 4,200,000 oocytes (range = 350,000–6,500,000 for females from 300 to 700 mm SL) (Carter *et al.* 1994). Estimated number of eggs in the ripe ovary (90.7 g) of a 445 mm SL Nassau grouper from Bermuda was 785,101 (Bardach *et al.* 1958). In the U.S.V.I., mean fecundity was 4.97 eggs/mg of ovary (s.d. = 2.32) with mean egg production of 4,800,000 eggs (Olsen and LaPlace 1979); however, this may be an overestimate as it included premature eggs that may not develop. Fecundity estimates were also made, based on vitellogenic oocytes only, from Bahamas fish producing a mean relative fecundity of 2.9 eggs/mg ripe ovary (s.d. = 1.09; n = 64) and a mean fecundity of 716,664 (range = 11,724–4,327,440 for females, 475–686 mm SL). Estimates of oocyte production from animals induced to spawn in captivity are closer to those based solely on vitellogenic oocyte counts.

Spawning Behavior and Habitat

Nassau grouper form spawning aggregations at predictable locations around the winter full moon, or between full and new moons (Smith 1971, Colin 1992, Tucker *et al.* 1993, Aguilar-Perera 1994, Carter *et al.* 1994, Tucker and Woodward 1994). Aggregations consist of hundreds, thousands, or, historically, tens of thousands of individuals. Some aggregations have persisted at known locations for periods of 90 years or more (see references in Hill and Sadovy de Mitcheson 2013). Pair spawning has not been observed.

About 50 individual spawning aggregation sites have been recorded, mostly from insular areas in the Bahamas, Belize, Bermuda, British Virgin Islands, Cayman Islands, Cuba, Honduras, Jamaica, Mexico, Puerto Rico, Turks and Caicos and the U.S.V.I.; however, many of these may no longer form (Hill and Sadovy de Mitcheson 2013, Figure 10). Recent evidence suggests that spawning is occurring at what appear to be reconstituted or novel spawning sites in both Puerto Rico and the U.S.V.I. (Hill and Sadovy de Mitcheson 2013). Suspected or anecdotal evidence also identifies spawning aggregations in Los Roques, Venezuela (Boomhower *et al.* 2010) and Old Providence in Colombia's San Andrés Archipelago (Prada *et al.* 2004). Neither aggregation nor spawning has been reported from South America although ripe Nassau grouper are frequently caught in certain areas (F. Cervigón, Fundacion Cientifica Los Roques-Venezuela, pers. comm. to Y. Sadovy, NMFS, 1991). Spawning aggregation sites have not been reported in the Lesser Antilles, Central America south of Honduras, or Florida.

''Spawning runs,'' or movement of adult Nassau grouper from coral reefs to spawning aggregations sites, were first described in Nassau grouper from Cuba in 1884 by Vilaro Diaz, and later by Guitart-Manday and Juarez-Fernandez (1966). Nassau grouper migrate to aggregation sites in groups numbering between 25 and 500, moving parallel to the coast or along shelf edges or even inshore reefs (Colin 1992, Carter *et al.* 1994, Aguilar-Perera and Aguilar-Davila 1996, Nemeth *et al.* 2009). Distance traveled by Nassau grouper to aggregation sites is highly variable with some fish moving only a few kilometers, while others move up to several hundred kilometers (Colin 1992, Carter *et al.* 1994, Bolden 2000). Ongoing research in the Exuma Sound, Bahamas has tracked migrating Nassau grouper up to 200 km (125 mi), with likely estimates of up to 330 km (205 mi), as they move to aggregation sites (Hill and Sadovy de Mitcheson 2013).

Observations suggest that individuals can return to their original home reef following spawning. Bolden (2001) reported two tagged fish (n=22) returning to home reefs in the Bahamas one year following spawning. Sonic tracking studies around Little Cayman Island have demonstrated that spawners may return to the aggregation site in successive months with returns to their

residential reefs in between (Semmens *et al.* 2007). Sixty percent of fish tagged at the west end spawning aggregation site in Little Cayman in January 2005, returned to the aggregation site in February 2005 (Semmens *et al.* 2007). Larger fish are more likely to return to aggregation sites and spawn in successive months than smaller fish (Semmens *et al.* 2007).

It is not known how Nassau grouper select and locate aggregation sites or why they aggregate to spawn. Spawning aggregation sites are typically located near significant geomorphological features, such as projections (promontories) of the reef as little as 50 m from the shore, and close to a drop-off into deep water over a wide (6–60 m) depth range (Craig 1966, Smith 1972, Burnett-Herkes 1975, Olsen and LaPlace 1979, Colin *et al.* 1987, Carter 1989, Fine 1990, Beets and Friedlander 1998, Colin 1992, Aguilar-Perera 1994). Sites are characteristically small, highly circumscribed areas, measuring several hundred meters in diameter, with soft corals, sponges, stony coral outcrops, and sandy depressions (Craig 1966, Smith 1972, Burnett-Herkes 1975, Olsen and LaPlace 1979, Colin *et al.* 1987, Carter 1989, Fine 1990, Beets and Friedlander 1998, Colin 1992, Aguilar-Perera 1994). Recent work has identified geomorphological similarities in spawning sites that may be useful in applying remote sensing techniques to discover previously unknown spawning sites (Kobara and Heyman 2010).

The link between spawning sites and settlement sites is also not well understood. Larval sampling adjacent to a spawning aggregation at Mahahual, Mexico (Vásquez-Yeomans *et al.* 1998) failed to capture a single Nassau grouper larva, perhaps due to methodology or the density of spawning fish. Researchers speculate the location of spawning sites is to assist in offshore transport of fertilized eggs. However, currents nearby aggregation sites do not necessarily favor offshore egg transport, indicating some locations may be at least partially self-recruiting (e.g., Colin 1992). In a similar study around a spawning aggregation site at Little Cayman, surface velocity profile drifters released on the night of peak spawning showed significant eddy formation so that Drifters released nearby an aggregation site at Little Cayman remain near or returned to the spawning reef on the night of spawning compared to those that moved away on nights preceding (Heppell *et al.* 2011).

Spawning aggregations usually form between December and March (reviewed in Sadovy and Eklund 1999) within the narrow water temperature range of 25–26 °C over a wide range of day-lengths (Colin 1992, Tucker *et al.* 1993, Carter *et al.* 1994). Temperature is evidently a more important stimulus for spawning than day length (Hill and Sadovy de Mitcheson 2013). In more northerly latitudes (i.e., Bermuda), the reproductive season falls between May and August, peaking in July (La Gorce 1939, Bardach *et al.* 1958, Smith 1971, Burnett-Herkes 1975). Spawning occurs for up to 1.5 hours around the time of sunset for several days in each of several months (Whaylen *et al.* 2007).

At spawning aggregation sites, Nassau grouper tend to mill around for a day or two in a ''staging area'' adjacent to the core area where spawning activity actually takes place (Colin 1992, Kadison *et al.* 2010, Nemeth 2012). Prior to spawning, individuals milling around over the substrate exhibit one of four distinctive color phases: barred (normal); bicolor; white belly; or dark phase. There are intergradations of these patterns, with rapid changes among patterns possible (Colin 1992). Different color phases have also been associated with specific times or stages of spawning events (Colin 1992).

Courtship is indicated by two behaviors which occur late in the afternoon: ''following'' and ''circling'' (Colin 1992). ''Following'' occurs as one or more fish in the bicolor phase swim closely behind an apparent female while ''circling'' occurs as a bicolor phase fish circles a barred or dark phase fish. The aggregation then moves into deeper water shortly before spawning (Colin 1992, Tucker *et al.* 1993, Carter *et al.* 1994), by which time all individuals are either ''dark phase'' or ''bicolor.'' Progression from courtship to spawning may depend on aggregation size, but generally fish move up into the water column, with an increasing number exhibiting the bicolor phase (Colin 1992, Carter *et al.* 1994).

Spawning involves a rapid horizontal swim or a ''rush'' of bicolor fish following dark fish closely in either a column or cone rising to within 20–25 m of the water surface where group-spawning occurs in sub-groups of 3–25 fish (Olsen and LaPlace 1979, Carter 1986, Aguilar-Perera and Aguilar-Davila 1996). Then there is release of sperm and eggs and a rapid return of the fragmented sub-group to the substrate. Similar accounts of spawning behavior from the U.S.V.I. described the aggregated fish as a cone in the water column rather than being dispersed across the bottom (Olsen and LaPlace 1979). All spawning events have been recorded within 20 minutes of sunset and most within 10 minutes of sunset (Colin 1992).

Repeated spawning occurs at the same site for up to three consecutive months during the correct moon phase. Participation by individual fish across the time periods is unknown. It has been suggested that individual females spawn repeatedly over several different days during one aggregation based on reproductive tissue (Smith 1972, Sadovy, NMFS, pers. obs.). Videotape recording shows a single female in repeated spawning rushes during a single night, indicating repeated release of eggs (Colin 1992). It is unknown whether a single, mature female will spawn across the spawning season or even each year.

Status Assessments

Few formal stock assessments have been conducted for the Nassau grouper. The most recent published assessment, conducted in the Bahamas, indicates fishing effort, and hence fishing mortality (F), in the Bahamas needs to be reduced from the 1998–2001 levels, otherwise the stocks are likely to be overexploited relative to biological reference points (Cheung *et al.* 2013). The population dynamic modeling by Cheung *et. al* (2013) found: ''assuming that the closure of the spawning aggregation season is perfectly implemented and enforced, the median value of *F*SPR (fishing mortality rate that produces a certain spawning potential ratio) = 35% on non-spawning fish would be 50% of the fishing mortality of the 1998 to 2001 level. The 5% and 95% confidence limits are estimated to be less than 20% and more than 100% of the fishing mortality at the 1998 to 2001 level, respectively. In other words, if (1) fishing mortality (F) rates of non-spawning fish are maintained at the 1998 to 2001 level, and (2) fishing on spawning aggregations is negligible, the median spawning potential (spawner biomass relative to the unexploited level) is expected to be around 25% (5 and 95% CI of 20 and 30%, respectively). This level is significantly below the reference limit of 35% of spawning potential, meaning that there is a high chance of recruitment overfishing because of the low spawning stock biomass.''

The Nassau grouper was formerly one of the most common and important commercial groupers in the insular tropical western Atlantic and Caribbean (Smith 1978, Randall 1983, Appeldoorn *et al.* 1987, Sadovy 1997). Declines in landings and catch per unit of effort (CPUE) have been reported throughout its range, and it is now considered to be commercially extinct (the species is extinct for fishery purposes due to low catch per unit effort) in a number of

areas, including Jamaica, Dominican Republic, U.S.V.I., and Puerto Rico (Sadovy and Eklund 1999). Information on past and present abundance and density, at coral reefs and aggregation sites, is based on a combination of anecdotal accounts, visual census surveys, and fisheries data. Because grouper species are reported collectively in landings data, there are limited species-specific data to determine catch of Nassau grouper throughout its range.

While fisheries dependent data are generally limited for the species throughout its range, there are some 1970s and 1980s port-sampling data from the U.S.V.I. and Puerto Rico. In the U.S.V.I., Nassau grouper accounted for 22 percent of total grouper landings with 85 percent of the Nassau grouper catch coming from spawning aggregations (D. Olsen, Chief Scientist—St. Thomas Fishermen's Association, pers. comm. to J. Rueter, NMFS, October 2013). The first U.S. survey of the fishery resources of Puerto Rico noted the Nassau grouper was common and a very important food fish, reaching a weight of 22.7 kg (50 lbs.) or more (Evermann 1900). The Nassau grouper was still the fourth-most common shallow-water species landed in Puerto Rico in the 1970's (Thompson 1978), and it was common in the reef fish fishery of the U.S.V.I. (Olsen and LaPlace 1979). By 1981, ''the Nassau grouper ha(d) practically disappeared from the local catches and the ones that d(id) appear (were) small compared with previous years'' (CFMC 1985), and by 1986, the Nassau grouper was considered commercially extinct in the U.S.V.I./Puerto Rico region (Bohnsack *et al.* 1986). About 1,000 kg of Nassau grouper were landed from the Puerto Rico Reef Fish Fishery during the latter half of the 1980s, and most of them were less than 500 mm, indicating they were likely sexually immature (Sadovy 1997).

A number of organizations and agencies have conducted surveys to examine the status of coral reefs and reef fish populations throughout the western Atlantic, as well as other parts of the world. Results from these monitoring studies offer some indication of relative abundance in various locations for Nassau grouper, although different methods are often employed and thus results of different studies cannot be directly compared (Kellison *et al.* 2009). The Atlantic and Gulf Rapid Reef Assessment Program (AGRRA), which samples a broad spectrum of western Atlantic reefs, reports few Nassau groupers with sighting frequency (proportion of all surveys with at least one Nassau present) ranging from less than 1% to less than 10% per survey from 1997–2000. Densities of Nassau grouper range from 1 to 15 fish/hectare with a mean of 5.6 fish/hectare across all areas surveyed (AGRRA). NOAA's Coral Reef Ecosystem Monitoring Program (CREMP) has conducted studies on coral reefs in Puerto Rico and the U.S.V.I. since 2000, and sighting frequency has ranged from 0 to 0.5% and density has ranged from 0 to 0.5 fish/hectare. Data from University of the Virgin Islands (UVI Vis. Sur.) Self contained underwater breathing apparatus (SCUBA) surveys report densities of Nassau grouper at 4 fish/hectare per survey across reef habitat types in the U.S.V.I. SCUBA surveys by NOAA in the Florida Keys across reef habitat types have sighting frequencies per survey between 2–10%; with densities at 1 fish/hectare (NOAA's NMFS FRVC). In addition to these surveys, Hodgson and Liebeler (2002) noted that Nassau grouper were absent from 82% of shallow Caribbean reefs (3–10m) during a 5-year period (1997–2001) of underwater surveys in most countries in the range of the species for the ReefCheck project.

Fishing Impacts on Spawning Aggregations

Historically, fifty spawning aggregation sites had been identified throughout the Caribbean (Sadovy de Mitcheson *et al.* 2008). Of these 50, less than 20 probably still remain (Sadovy de Mitcheson *et al.* 2008). Furthermore, while numbers of fish at aggregation sites [once] numbered in the tens of thousands (30,000–100,000 fish; Smith 1972), they have now been reduced to less than 3,000 at those sites where counts have been made (Sadovy de Mitcheson *et al.* 2008). Because we lack sufficient stock assessments or population estimates, here we use spawning aggregation trends as a proxy for population trends. We believe the status of spawning aggregations is likely to be reflective of the overall population, because adults migrate to spawning aggregations for the only known reproductive events.

In general, slow-growing, long-lived species (such as snappers and groupers) with limited spawning periods and, possibly, with only a narrow recruitment window are susceptible to overexploitation (Bannerot *et al.* 1987, Polovina and Ralston 1987). The strong appeal of spawning aggregations as targets for fishing, their importance in many seasonal fisheries, and the apparent abundance of fish at aggregations, make spawning aggregations particularly susceptible to over-exploitation. There are reports from across the Caribbean where Nassau grouper spawning aggregations have repeatedly been discovered, fished, and then ceased to exist, or exist at such low densities that spawning fails. Nassau grouper were exclusively fished during aggregation formation during the 1970's in Bermuda. Commercial landings in 1975 were 75,000 tons; by 1981, landings had fallen to 10,000 tons (Sadovy de Mitcheson and Erisman 2012). The four known spawning aggregation sites ceased to form shortly after and have still not recovered (Sadovy de Mitcheson and Erisman 2012). In Mahahual, Quintana Roo, Mexico, aggregations of up to 15,000 fish formed each year at the same site, but due to increased fishing pressure in the 1990's, aggregations have not formed since 1996, and management measures designed to protect spawning aggregations are not enforced (Aguilar-Perera 2007). Nassau grouper were almost exclusively targeted during aggregation formation in Cuba; because of this, 20 of the 21 known aggregations no longer form (Claro *et al.* 2009). In Belize there has been an eighty percent decline in the last 25 years in size of the Glover's Reef aggregation (15,000 fish to 3,000). Additionally, only 2 of the 9 known aggregations still formed as of 2001, and those had been reduced from 30,000 fish to 1,000–5,000 fish. Recent work has identified 15 spawning aggregation sites in Belize. Seven of these sites were monitored for a ten year period (2003–2012). The number of fish counted at all seven sites has remained very low (five sites have less than 170 fish, the other two have 1,050 and 1,350), with no sign of recovery (Belize SPAG workgroup 2012). Similar situations are known to have occurred in in the Bahamas, U.S.V.I., Puerto Rico, and Honduras (Sadovy de Mitcheson and Erisman 2012, see also Hill and Sadovy de Mitcheson 2013).

Further indicators of population decline are the reduced size and/or age of fish in many of the spawning aggregations that remain. It is unusual to obtain individuals of more than 12 years of age in exploited fisheries, with more heavily fished areas yielding much younger fish on average. The maximum age estimate in the heavily exploited U.S.V.I. population is 9 years (Olsen and LaPlace 1979), 12 years in northern Cuba, 17 years in southern Cuba (Claro *et al.* 1990), and 21 years from the Bahamas, (Sadovy and Colin 1995). Most individuals caught from a U.S.V.I. spawning aggregation were between about 500 and 600 mm TL (Olsen and LaPlace 1979). Nemeth *et al.* (2006) found that adult Nassau grouper at a

different spawning aggregation site (Grammanik Bank) in the U.S.V.I. ranged between 480 and 800 mm with average total length for males (603 mm, n = 18) and females (591 mm, n = 44) being similar.

While heavy fishing on spawning aggregations may have been a primary driver of population declines as reflected by the observed declines in spawning aggregations (Sadovy de Mitcheson and Erisman 2012), other factors may affect abundance. For example, heavy fishing of adults away from or during spawning runs, intensive capture of juveniles, either through direct targeting (e.g., spearfishing) or using small mesh traps or nets, are also occurring (Hill and Sadovy de Mitcheson 2013). In addition to the high fishing pressure in some areas, poaching also appears to be affecting some populations (e.g., in the Cayman Islands, Semmens *et al.* 2012).

Threats Evaluation

The threats evaluation was the second step in the process of making an ESA listing determination for Nassau grouper as described above in ''Listing Determinations Under the ESA''. The Extinction Risk Analysis Group (ERAG), which consisted of 12 NOAA Fisheries Science Center and Regional Office personnel, was asked to independently review the Biological Report and assess 4 demographic factors (abundance, growth rate/productivity, spatial structure/connectivity, and diversity) and 13 specific threats (see ERA Threat Table under supporting documents). The group members were asked to provide qualitative scores based on their perceived severity of each factor and threat.

The ERAG members were asked to independently evaluate the severity, scope, and certainty for these threats currently and in the foreseeable future (30 years from now). The foreseeable future was based on our consideration of age at maturity, estimated generation time, and threats. Using a generation time of 10 years and an age at maturity of 8 years (Bush *et al.* 1996, 2006; Legault and Eklund 1998), we chose 30 years as the foreseeable future time-frame, which would potentially allow three generations of mature individuals to contribute to spawning aggregations. Given the limited information we have to predict the impacts of threats, we felt the 30 year timeframe was the most appropriate to predict impacts from threats in the future.

ERAG members were asked to rank each of four demographic factors and 13 identified threats as ''very low risk,'' ''low risk,'' ''moderate risk,'' ''increasing risk,'' ''high risk,'' or ''unknown.'' ''Very low risk'' meant that it is unlikely that the demographic factor or threat affects the species' overall status. ''Low risk'' meant that the demographic factor may affect species' status, but only to a degree that it is unlikely that this factor significantly elevates risk of extinction now or in the future. ''Moderate risk'' meant that the demographic factor or threat contributes significantly to long term risk of extinction, but does not constitute a danger of extinction in the near future. ''Increasing risk'' meant that the present demographic risk or threat is low or moderate, but is likely to increase to high risk in the foreseeable future if present conditions continue. Finally, ''high risk'' meant that the demographic factor or threat indicates danger of extinction in the near future. The ERAG evaluated risk on this scale, and we then interpreted these rankings against the statutory language for threatened or endangered to determine the status of Nassau grouper.

ERAG members were also asked to consider the potential interactions among demographic factors and threats. If the demographic factor or threat was ranked higher due to interactions with other demographic factors or threats, ERAG members were asked to identify those factors or threats that caused them to score the risk higher or lower than it would have been if it were considered independently. We then examined the independent responses from each ERAG member for each demographic factor and threat and used the modal response to determine the level of threat to Nassau grouper.

Climate change and international trade regulations (e.g. CITES, as described in the Biological Report) were categorized as ''unknown.'' Habitat alteration, U.S. federal regulations, disease/parasites/abnormalities, and aquaculture were ranked as ''very low risk'' to ''low risk.'' State/territorial regulations, growth rate/productivity, abundance, spatial structure/connectivity, commercial harvest, foreign regulations, artificial selection, and diversity were ranked as ''moderate risk'' to ''increasing risk.'' Historical harvest (the effect of prior harvest on current population status), spawning aggregation fishing, and inadequate law enforcement were classified as ''high risk.'' The demographic factors and threats are described below by the five listing factors with the corresponding ERAG ranking for each demographic factor or threat.

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Spatial structure/connectivity and habitat alteration were considered under Factor A; this included habitat loss or degradation, and the loss of habitat patches, critical source populations, subpopulations, or dispersal among populations.

Nassau grouper use many different habitat types within the coral reef ecosystem. The increase in urban, industrial, and tourist developments throughout the species' range impacts coastal mangroves, seagrass beds, estuaries, and live coral (Mahon 1990). Loss of juvenile habitat, such as macroalgae, seagrass beds, and mangrove channels is likely to negatively affect recruitment rates. Habitat loss or degradation was ranked by the ERAG as a ''low risk'' threat to Nassau grouper. In conclusion, the use of many different habitat types by Nassau grouper greatly reduces a risk of extinction from habitat loss or degradation (Hill and Sadovy de Mitcheson 2013).

As described in Hill and Sadovy de Mitcheson (2013), a study of genetic population structure in Nassau grouper revealed no clearly defined population substructuring at the geographic locations sampled, i.e. Belize, Cuba, Bahamas, and Florida (Sedberry *et al.* 1996). Based on ERAG scores, spatial structure/connectivity was characterized as an ''increasing'' risk for Nassau grouper. We agree with the ERAG ranking and believe this increasing risk is due to the declining number and size of spawning aggregations, which affects population structure.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Based on ERAG rankings, historical harvest and spawning aggregation fishing are two of the three most severe threats (the third being lack of law enforcement) to Nassau grouper. Historical harvest and fishing spawning aggregations were both classified as ''high'' risk threats to Nassau grouper. Curiously, the ERAG rankings for commercial harvest, which often includes the fishing on spawning aggregations, were lower and indicated current commercial harvest was a ''moderate'' threat for Nassau grouper. Current abundance was similarly classified as a ''moderate'' risk for Nassau grouper.

Two different aspects of fishing affect Nassau grouper abundance: fishing

effort throughout the non-spawning months and directed fishing at spawning aggregations or migrating adults. Nassau grouper are fished commercially and recreationally throughout the year by handline, longline, fish traps, spear guns, and gillnets (NMFS General Canvas Landing System). Fishing at aggregations is mainly conducted by handlines or by fish traps, although gillnets were being used in Mexico in the early to mid-1990s (Aguilar-Perera 2004). Declines in landings, catch per unit effort (CPUE) and, by implication, abundance in the late 1980's and early 1990's occurred throughout its range, which has led Nassau grouper to now be considered commercially extinct in a number of areas (Sadovy and Eklund 1999). Population declines and loss of aggregations continue throughout the Nassau grouper's range (Sadovy de Mitcheson 2012).

These predictable spawning aggregations make Nassau grouper a vulnerable fishing target. In many places, annual landings for Nassau grouper were mostly from aggregation-fishing (e.g., Claro *et al.* 1990, Bush *et al.* 2006). Because Nassau grouper are only known to reproduce in spawning aggregations, removing ripe individuals from the spawning aggregations greatly influences population dynamics and future fishery yields (Shapiro 1987). Harvesting a species during its reproductive period increases adult mortality and diminishes juvenile recruitment rates. The loss of adults and the lack of recruitment greatly increase a species' extinction risk. The collapse of aggregations in many countries (Sadovy de Mitcheson 2012) may be due to the fact that much of the catch in many countries historically came from spawning aggregations (Olsen and LePlace 1978, Aguilar-Perera 1994, Sadovy and Eklund 1999). As Semmens *et al.* (2012) noted from the results of a mark-recapture study on Cayman Brac, Cayman Island fishermen appear to catch sufficient adult grouper outside the spawning season to seriously impact populations. It appears that aggregation fishing has led to such depressed populations that fishing operations away from the aggregations are impacting the status of the populations.

The final threat analyzed for Factor B was artificial selection. The ERAG scores indicated artificial selection was a ''moderate'' threat; however, ranking of this threat was widely distributed amongst ERAG members, indicating a high level of uncertainty about the effects of artificial selection on Nassau grouper.

C. Disease and Predation

There is very little information on the impacts of disease, parasites, and abnormalities on Nassau grouper, but Nassau grouper are not known to be affected by any specific disease or parasite. Additionally, Nassau grouper are not known to be at an increased risk of extinction due to predation. The ERAG ranking indicated a ''very low risk'' threat from disease, parasites, and predation.

D. Inadequacy of Existing Regulatory Mechanisms

The inadequacy of existing regulatory mechanisms, including inadequate law enforcement, international trade regulations, foreign nations' domestic laws, U.S. federal laws, and U.S. state and territorial laws were considered under Factor D. The lack of law enforcement was noted by members of the ERAG as influencing their scoring for abundance, fishing spawning aggregations, commercial harvest, and historical harvest. The lack of law enforcement lead to higher risk scores for these threats. Inadequate law enforcement was ranked as a ''high risk'' to Nassau grouper. Rankings for the other categories of regulatory mechanisms were widely distributed, with only one considered an ''increasing'' risk (foreign regulations). The remaining two categories of regulations (U.S. federal and State of Florida and U.S. territory regulations) were considered ''low risk'' to ''moderate risk.'' While the ERAG ranking for regulatory mechanisms were generally low, the concern about fishing spawning aggregations (''high risk'') may be in part due to regulatory mechanisms.

Summary of Existing Regulatory Mechanisms

As discussed in detail in the Biological Report (Hill and Sadovy de Mitcheson 2013), a wide array of regulatory mechanisms exists throughout the range of Nassau grouper that are intended to limit harvest. Existing regulatory mechanisms include minimum sizes restrictions, seasonal closures, spatial closures, and gear and access restrictions. We summarize some of these regulatory mechanisms below by country.

In the 1980s, the Bahamas introduced a minimum size of 3 lbs. (1.36 kg) for Nassau grouper. This was followed in 1998 with a 10-day seasonal closure at several spawning aggregations. An annual ''two-month'' fishery closure was added in December 2003 to coincide with the spawning period and was extended to three months in 2005 to encompass the December through February spawning period. The 3-month closure implementation is determined annually and could be shortened or otherwise influenced by such factors as the economy (Sadovy and Eklund 1999). During the 3-month closure there is a national ban on Nassau grouper catches; however, the Bahamas Reef Educational Foundation (BREEF; unpub. data), has reported large numbers of fish being taken according to fisher accounts with photo-documentation and confirming reports of poaching of the species during the aggregation season.

There are marine parks in the Bahamas that are closed to fishing and therefore protect Nassau grouper. The Exuma Cays Land and Sea Park, first established in 1959, has been closed to fishing since 1986, thus protecting both nursery and adult habitat for Nassau grouper and other depleted marine species. Other sites, including the South Berry Islands Marine Reserve (established on December 29, 2008), Southwest New Providence National Park, and North Exumas Study Site have also been established and closed to fishing. Several gear restrictions are protective of Nassau grouper. Fishing with SCUBA and the use of explosives, poisons, and spearguns is prohibited in the Bahamas, although snorkeling with sling spears is allowed. The use of bleach or other noxious or poisonous substances for fishing, or possession of such substances on board a fishing vessel, without written approval of the Minister, is prohibited. Commercial fishing in the Bahamas is restricted to only the native population and, as a consequence, all vessels fishing within the Bahamas Exclusive Fishery Zone must be fully owned by a Bahamian citizen residing in the Bahamas.

In Belize, the first measure to protect Nassau grouper was a seasonal closure within the Glover's Reef Marine Reserve in 1993; the area was closed from December 1 to March 1 to protect spawning aggregations. A seasonal closure zone to protect Nassau grouper spawning aggregations was included when the Bacalar Chico marine reserve was established in 1996 (Paz and Truly 2007). Minimum and maximum capture sizes were introduced a decade ago (see Hill and Sadovy de Mitcheson 2013, Sala *et al.* 2001, Carter *et al.* 1994, Heyman and Requena 2002, Sadovy de Mitcheson *et al.* 2008; J. Gibson, Wildlife Conservation Society—Belize City, Belize, pers. comm. to Y. Sadovy, University Hong Kong, 2010).

In 2001 the Belize National Spawning Aggregation Working Group established protective legislation for 11 of the

known Nassau grouper spawning sites. Seven of those 11 sites are monitored as regularly as possible. The Working Group meets regularly to share data and develop management strategies (*www.spagbelize.org;* retrieved on 15 April 2012) and monitoring continues at several sites. In 2003, Belize introduced a four-month closed season to protect spawning fish (O'Connor 2002, Gibson 2008). However, the legislation introduced in 2003 allowed for exemptions to the closures by special license granted by the Fisheries Administrator. These special licenses made it difficult to enforce the national prohibition and in 2010, Belize stopped issuing fishers permits to fish for Nassau grouper during the 4-month spawning period, except at Maugre Caye and Northern Two Caye.

Belize issued additional protective measures in early April 2009 to help manage and protect the Nassau grouper. These include minimum and maximum size limits of 510 mm (20 inches) and 760 mm (30 inches), respectively, and a planned ban on all spear fishing within all marine reserves (yet to be implemented). Furthermore, as a large proportion of finfish are landed as fillets, the new regulations require that all Nassau grouper be landed whole, and if filleted must have a 1–2 inch (25–50 mm) skin patch (The Belize Spawning Aggregation Working Group 2009). Other gear restrictions are in place for reef fishes generally to aid in their management, such as no spearfishing on compressed air.

Although Bermuda closed red hind aggregation sites in 1974, Nassau grouper aggregation sites located seaward of these sites were not protected and continued to be fished. In 1990, a two-fish bag limit and minimum size restriction (356 mm FL) were enacted in Bermuda (Luckhurst 1996). Since 1996, Nassau grouper has been completely protected through a prohibition on take and possession and likely benefits from numerous no-take marine reserves (Hill and Sadovy de Mitcheson 2013).

In the late 1970s (Hill and Sadovy de Mitcheson 2013), the three main (''traditional'') grouper ''holes'' in the Cayman Islands were officially protected and only residents were allowed to fish by lines during spawning season. In 1986, increasing complaints from fishermen of a decline in both numbers and size of Nassau grouper taken from the fishery prompted the implementation of a monitoring program by the Department of the Environment (Bush *et al.* 2006).

In 1998, these three main grouper holes at the eastern ends of the islands were formally designated as ''Restricted Marine Areas'' for which access required licensing by the Marine Conservation Board (the statutory authority responsible for the administration of the Marine Conservation Law) (Bush *et al.* 2006). In the early 1990s, legislation prohibited spearfishing at spawning aggregation sites. In February 2002, protective legislation defined a spawning season as November 1 to March 31, and an ''Alternate Year Fishing'' rule was passed. This law allowed fishing of the spawning aggregations to occur every other year with the first non-fishing year starting in 2003, and also set a catch limit of 12 Nassau grouper per boat per day during fishing years. The law defined the one nautical mile (nm) ''no trapping'' zones around each spawning site, and set a minimum size limit of 12 inches for Nassau grouper in 2002 in response to juveniles being taken by fish traps inside the sounds (Whaylen *et al.* 2004, Bush *et al.* 2006). In 2003, spearguns were restricted from use within 1 nautical mile of any designated grouper spawning area from November through March. In 2008, it was prohibited to take any Nassau grouper by speargun anywhere in Cayman waters. Effective December 29, 2003, the Marine Conservation Board, closed fishing at all designated Nassau grouper spawning sites for a period of 8 years. The conservation measure was renewed for a further 8 years in 2011.

In Cuba, there is a minimum size of 32 cm TL (or 570 g) for Nassau grouper. This is not protective because the size of maturity is 48 cm TL. Of some benefit to Nassau grouper are bag limits for recreational fishing, regulations to increase selectivity of fishing gears to avoid the catch of juveniles, limits of net use during spawning aggregation time, and controls of speargun use, both commercially and recreationally. Marine protected areas have been introduced throughout the country. In 2002, the total number of recreational licenses was limited to 3,500 for the whole country hoping to reduce directed fishing pressure.

In Mexico, following scientific documentation of declines of Nassau grouper at Mahahual (Aguilar-Perera 1994), two regulations were enacted: 1) spear-fishing was banned at any spawning aggregation sites in southern Quintana Roo in 1993; and 2) in 1997 the fishing of any grouper species was banned during December and January (Aguilar-Perera 2006). In 2003, a closed season for all grouper was implemented from February 15 to March 15 in all waters of the Mexican Exclusive Economic Zone. Although aimed at protecting red grouper, *E. morio,* this closure protects Nassau grouper during a part of its spawning season (Aguilar-Perera *et al.* 2008). A management plan was to have gone into effect in 2012 to protect all commercially exploited groupers in Mexico's southern Gulf of Mexico and Caribbean Sea; the plan has not been implemented.

In the Turks and Caicos Islands, the only documented spawning aggregation site is protected from fishing in Northwest Point Marine National Park, Providenciales (DECR 2004; National Parks Ordinance and Subsidiary Legislation CAP. 80 of 1988). Similar to situations in other countries, full protection of Nassau grouper habitat as well as important spawning migration corridors on the very narrow fringe of Caicos Bank is problematic/yields unintended consequences. It would impose economic hardship on local fishers who depend on those areas for retrieving commercial species (e.g., spiny lobsters) and subsistence fishing (Rudd 2004).

Take and possession of Nassau grouper have been prohibited since 1990 in U.S. federal waters, including federal waters around Puerto Rico and the U.S.V.I. Since 1993, a ban on fishing/possessing Nassau grouper was implemented for the state of Florida and has been enacted in all U.S. state waters. The species was fully protected in both state and federal waters in Puerto Rico by 2004. The Caribbean Fishery Management Council, with support of local fishermen, established a no-take marine protected area off the southwest coast of St. Thomas, U.S.V.I. in 1990. This area, known as the Hind Bank Marine Conservation District (HBMCD) (Brown 2007), was intended to protect red hind and their spawning aggregations, as well as a former Nassau grouper spawning site. The HBMCD was first subject to a seasonal closure, beginning in 1990 (Beets and Friedlander 1999, Nemeth 2005, Nemeth *et al.* 2006) to protect spawning aggregations of red hind, and was later closed to fishing year-round in 1998 (DPNR 2005). Additional fishing restrictions in the U.S.V.I. such as gear restrictions, rules on the sale of fish, and protected areas such as the Virgin Islands Coral Reef National Monument and Buck Island Reef National Monument where all take is prohibited, Virgin Islands National Park (commercial fishing prohibited), and several U.S.V.I. marine reserves offer additional protection to Nassau grouper. In 2006, the U.S.V.I. instituted regulations to prohibit Harvest and possession of Nassau grouper in territorial waters and fileting at sea was

prohibited (García-Moliner and Sadovy 2007).

We are not aware of special conservation or management regulations for Nassau grouper in Anguilla. In Antigua-Barbuda, while Nassau grouper is not specifically managed or protected, closed seasons were considered in 2008 for Nassau grouper and red hind, the status of these closed seasons is not known. In the British Virgin Islands, there is a closed season for landing Nassau grouper between March 1 and May 31 (Munro and Blok 2005). In Colombia, the San Andrés Archipelago has a number of areas that are designated as no-take fishing zones, and in 2000 the entire archipelago was declared by UNESCO as the Seaflower Biosphere Reserve. In 2004, large portions of the archipelago were declared as a system of marine protected areas with varying zones of fisheries management; however, enforcement is largely lacking (M. Prada, Coralina, San Andres, Colombia, pers. comm. R. Hill, NMFS, 2010). Right-to-fish laws in Colombia also require that fishermen be allowed to fish at a subsistence level even within the no-take zones (M. Prada, Coralina, San Andres, Colombia, pers. comm. R. Hill, NMFS, 2010).

The catch and sale of ripe female Nassau grouper during the spawning season is not allowed in the Dominican Republic (Bohnsack 1989, Sadovy and Eklund 1999, Box and Bonilla Mejia 2008) and at least one marine park has been established with fishing regulations. In Guadeloupe and Martinique, there are plans to protect the species (F. Gourdin, Regional Activity Center for Specially Protected Areas and Wildlife—UNEP, pers. comm. to Y. Sadovy, University of Hong Kong, 2011) although no details are available at this time. There is no legislation that controls fishing in the snapper/grouper fishery in Honduras although traps and spear are illegal in the Bay Islands. There are no special regulations for Nassau grouper in Jamaica specifically; however, some marine protected areas were designated in 2011.

Conclusions and Effectiveness Regarding Inadequacy of Existing Regulatory Mechanisms

Overall, existing regulatory mechanisms throughout the species' range vary in effectiveness in addressing the most serious threat to Nassau grouper, fishing of spawning aggregations. In some countries, an array of national regulatory mechanisms, increase in MPAs, and customary management may be effective at addressing fishing of spawning aggregations. For example, the Exuma Cays Land and Sea Park (Bahamas), has been closed to fishing for over 25 years and protects both nursery and adult habitat for Nassau grouper and other marine species, such as queen conch, spiny lobster and marine turtles. There is a clear difference in the number, biomass, and size of all large grouper species between fished and non-fished areas (Sluka *et al.* 1996).

We note, however, that many relevant countries have few, if any, Nassau grouper-specific regulations. Instead they rely on general fisheries regulations (e.g., Anguilla, Antigua-Barbuda, Colombia, and Cuba all rely on size limits as their only regulations and they are inadequate, while Guadeloupe and Martinique, Honduras, Jamaica, Mexico, St. Lucia, and the Turks and Caicos rely on a variety of general fishing regulations). Additionally, where regulations do exist, the ERAG indicated that law enforcement was insufficient, thus rendering the regulations ineffective.

Further, the regulations may be ephemeral, unprotective of migrating adults, or inadequate to conserve the biological status of a species. For example, the Bahamas closed season is reconsidered annually and sometimes not implemented (we are aware of only one year the closed season has not been implemented, 2008). Regulations also do not protect all the known spawning aggregations (e.g., Belize, where 2 spawning aggregations are fished by license). No protections were found in any country for the species as they migrate to and from the spawning aggregation sites. There are exemptions for ''historical,'' ''local,'' or artisanal fishermen (e.g., Colombia). Finally, there are other regulations that are insufficient to protect the species (e.g., size limit in the Bahamas is 3 cm shorter than the size-at-maturity, in Cuba it is 16 cm shorter than size-at-maturity).

In some places (e.g., Bermuda), no recovery has been documented after 20 years of regulations (B. Luckhurst, Bermuda Department of Agriculture, Fisheries, and Parks, pers. comm. to Y. Sadovy, University of Hong Kong, September, 2012). In other places (e.g. Cayman Islands) there are indications of recovery at spawning aggregation sites, but fishing continues to keep the population depressed (Semmens *et al.* 2012). Additionally, larval recruitment is highly variable due to currents in the Caribbean basin. Some populations may receive larval input from neighboring spawning aggregations, while local circulation patterns may entrain larvae (Colin *et al.* 1987) making the population entirely self-recruiting.

In conclusion, the trends in the number and size of spawning aggregations indicate inadequate existing regulatory mechanisms and a lack of law enforcement leading to an increased risk of extinction for Nassau grouper.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

We considered climate change threats to Nassau grouper including global warming, sea level rise, and ocean acidification for Factor E. Although Nassau grouper occur across a range of temperatures, spawning occurs when sea surface temperatures range between 25 °C–26 °C. Because Nassau grouper only spawn in a very narrow window of temperatures, a rise in sea surface temperature above the correct range could cause spawning to cease or force the species to shift its geographic range to find the correct temperature range. A potential effect of climate change could also be the loss of structural habitat in the coral reef ecosystems where ocean acidification is anticipated to affect the integrity of coral reefs (Munday *et al.* 2008). If sea level changed rapidly, coral reef depth regime may be modified with such rapidity that coral and coral reefs will be affected (Munday *et al.* 2008). Increased sea surface temperatures have been responsible for coral loss through bleaching and disease. Bioerosion may reduce 3-dimensional structure in affected areas (Alvarez-Filip *et al.* 2009), reducing adult habitat for Nassau grouper (Coleman and Koenig 2010, Rogers and Beets 2001). Increased global temperatures are also predicted to change parasite-host relationships and may present unknown concerns (Harvell *et al.* 2002, Marcogliese 2001). The ERAG ranking indicated that climate change was an ''unknown risk'' to Nassau grouper.

We also considered threats from aquaculture to Nassau grouper under Factor E. Experiments to determine the success rate of larval Nassau grouper culture (Watanabe *et al.* 1995a, 1995b) and survival of released hatchery-reared juveniles (Roberts *et al.* 1994) have been conducted and feasibility of restocking reefs has been tested (Roberts *et al.* 1995) in St. Thomas, U.S.V.I. The potential of Nassau grouper stock enhancement, as with any other grouper species, has yet to be determined (Roberts *et al.* 1995). Serious concerns about the genetic consequences of introductions and about possible problems of juvenile habitat availability, introduction of maladapted individuals, or inability to locate traditional spawning aggregations, continue to be raised. The ERAG ranking indicated that

aquaculture was a ''very low risk'' to Nassau grouper.

The demographic factors of growth rate/productivity and diversity were also considered under Factor E. To assess these demographic factors, ERAG members considered whether the species' average population growth rate is likely to be above the population loss (either natural or anthropogenic) such that an appropriate abundance is maintained. They also considered whether the species is at risk due to a loss in the breeding population, which leads to a reduction in survival and production of eggs and offspring. The ERAG also considered whether the species exhibits trends or shifts in demographic or reproductive traits that point to a decline in population growth rate. The ERAG ranking indicated that growth rate/productivity of Nassau grouper was an ''increasing risk'' for the species and that diversity was a ''moderate risk.'' We agree with these rankings and believe they are supported by the declining number and size of spawning aggregations, which affects growth rate/productivity and diversity.

Protective Efforts

Section 4(b)(1)(A) of the ESA requires the Secretary, when making a listing determination for a species, to take into consideration those efforts, if any, being made by any State or foreign nation to protect the species. In judging the efficacy of not yet implemented efforts or efforts that have been implemented, but have not yet demonstrated whether they are effective, we rely on the Services' joint ''Policy for Evaluation of Conservation Efforts When Making Listing Decisions'' (''PECE''; 68 FR 15100; March 28, 2003). The PECE is designed to ensure consistent and adequate evaluation on whether any conservation efforts that have been recently adopted or implemented, but not yet proven to be successful, will result in recovering the species to the point at which listing is not warranted or contribute to forming the basis for listing a species as threatened rather than endangered. The PECE is expected to facilitate the development of conservation efforts by states and other entities that sufficiently improve a species' status so as to make listing the species as threatened or endangered unnecessary.

The PECE establishes two basic criteria to use in evaluating efforts identified in conservations plans, conservation agreements, management plans or similar documents: (1) the certainty that the conservation efforts will be implemented; and (2) the certainty that the efforts will be effective. We evaluated conservation efforts to protect and recover Nassau grouper that are either underway but not yet fully implemented, or are only planned.

Conservation efforts with the potential to address threats to Nassau grouper include, but are not limited to fisheries management plans, education about overfishing and fishing of spawning aggregations, and projects addressing the health of coral reef ecosystems. These conservation efforts may be conducted by countries, states, local governments, individuals, NGOs, academic institutions, private companies, individuals, or other entities. They also include global conservation organizations that conduct coral reef and/or marine environment conservation projects, global coral reef monitoring networks and research projects, regional or global conventions, and education and outreach projects throughout the range of Nassau grouper. The Biological Report summarizes all known conservation efforts, including those that have yet to be fully implemented or have yet to demonstrate effectiveness. Conservation efforts that have yet to be fully implemented included Mexico's 2012 proposed management plan, Antigua-Barbuda's 2008 closed season proposal, and Guadeloupe and Martinique's plans to protect the species. Because these proposed plans are two to six years old with no updates or known implementation, we find that they fail to meet the PECE criterion regarding certainty of implementation. Based on Jamaica's historic overfishing and difficulty in enforcing existing regulations, we find that the marine protected areas implemented in 2011 fail to meet the second PECE criterion regarding certainty of effectiveness. All other known conservation efforts have been implemented for extended periods of time and have failed to satisfy the criteria of the PECE as evidenced by the continued decline in size and number of spawning aggregations. After taking into account these conservation efforts, our evaluation of the section 4(a)(1) factors is that the conservation efforts identified cannot be considered effective measures in reducing the current extinction risk.

Significant Portion of Range

There are two situations under which a species is eligible for listing under ESA: a species may be endangered or threatened throughout all of its range or a species may be endangered or threatened throughout only a ''significant portion of its range'' (SPOIR). Although the ESA does not define ''SPOIR,'' NMFS and the U.S. Fish and Wildlife Service (USFWS) published a final policy clarifying their interpretation of this phrase (79 FR 37577; July 7, 2014). Under the policy, if a species is found to be endangered or threatened throughout only a significant portion of its range, the entire species is subject to listing and must be protected everywhere. A portion of a species' range is ''significant'' if ''. . . the species is not currently endangered or threatened throughout its range, but the portion's contribution to the viability of the species is so important that, without the members in that portion, the species would be in danger of extinction, or likely to become so in the foreseeable future, throughout all of its range.'' Thus, if the species is found to be threatened or endangered throughout its range, we do not separately evaluate portions of the species' range.

Although the SPOIR Policy had yet to go into effect during our status review of Nassau grouper, we considered the interpretations and principles contained in the Draft Policy with regards to the Nassau grouper and completed and assessment of potential ''SPOIR,'' which is documented in the ERAG responses. However, given our conclusion that the Nassau grouper is threatened throughout its range, under our final policy, there is no portion of the range that can be considered ''significant.''

Results of Extinction Risk Analysis

Based on the rankings by the ERAG, the greatest threats to Nassau grouper are historical harvest, inadequate law enforcement, and fishing of spawning aggregations, all of which were ranked as are ''high risk'' threats. Growth rate/productivity, spatial structure/connectivity, and foreign regulations were rated as ''increasing risks,'' meaning they are likely to be posing only low to moderate risk to the species now but are expected to pose a high risk in the foreseeable future. Abundance, diversity, commercial harvest, artificial selection, and state and territory regulations, were rates as ''moderate risks,'' and thus may not contribute significantly to the extinction risk of the species now but are likely pose long term risks to the species. Habitat alteration, aquaculture, U.S. federal regulations, disease, parasites, and abnormalities were rated as ''very low'' to ''low'' risks and thus are unlikely to be affecting the species extinction risk or status.

We concur with these overall results and conclude that the ''high risk'' threats are driving the extinction risk for Nassau grouper. Based on the information in the Biological Report and

the results from the ERAG, we conclude that the ESA Factor D, inadequacy of regulatory mechanisms, particularly in regards to fishing spawning aggregations, is contributing to an increased risk of extinction for Nassau grouper. Fishing on spawning aggregations and lack of regulatory control and law enforcement greatly reduce reproductive output, which reduces recruitment. If growth and sexual recruitment rates cannot balance the loss from mortality, populations become more vulnerable to extinction (Primack 1993).

Key Conclusions From Biological Review

The species is made up of a single population over its entire geographic range. As discussed in detail in the Biological Report and summarized above, there is no evidence to suggest the existence of genetic differences between Nassau grouper in different portions of the range. Multiple genetic analyses indicate that there is high gene flow throughout the geographic range of the Nassau grouper, and no clearly defined population substructuring has been observed. Accordingly, we conclude that the species is comprised of a single panmictic population.

The species has patchy abundance, being depleted or absent in many areas. This conclusion is based on the Biological Report, which describes the reduction in size and number of spawning aggregations throughout the range. Patchy abundance throughout the range of a species is common and due to differences in habitat quality/quantity or exploitation levels at different locations. However, for Nassau grouper, dramatic, consistent declines have been noted throughout the species range. In many areas throughout the Caribbean, the species is now commercially extinct or spawning aggregations have been extirpated with no signs of recovery.

The species possesses life history characteristics that increase vulnerability to harvest, including slow growth with late maturation, large size, formation of large spawning aggregations, and occur in shallow habitat. This conclusion is based on the Description of the Species in the Biological Report (Hill and Sadovy de Mitcheson 2013). Slow growth leading to late maturation exposes sub-adults to harvest prior to reproduction. Sub-adult and adult Nassau grouper form large conspicuous spawning aggregations. These aggregations are often in shallow habitat areas that are easily accessible to fishermen and are heavily exploited. There are existing spawning aggregations, that while reduced in size and number, still function and provide recruits to the population.

The species is broadly distributed, and its current range is similar to its historical range. This conclusion is based on the Range Wide Distribution section of the Biological Report (Hill and Sadovy de Mitcheson 2013), which concluded that available information suggests that the current range is equivalent to the historical range though abundance has been severely depleted.

Key Conclusions From Threats Evaluation

The three most important threats to Nassau grouper are spawning aggregation fishing, historical harvest, and lack of law enforcement. These three threats were rated as ''high risk'' threats to the species by the ERAG. Growth rate/productivity, spatial structure/connectivity, and foreign regulations are ''increasing risks.'' Abundance, diversity, commercial harvest, artificial selection, and state and territory regulations are ''moderate risks.'' Habitat alteration, aquaculture, U.S. federal regulations, and disease, parasites, and abnormalities are ''very low'' to ''low'' risk.

Existing regulatory mechanisms are insufficient in addressing the most serious threat to Nassau grouper. As discussed above in the ''Overall Conclusions Regarding Inadequacy of Existing Regulatory Mechanisms,'' national and/or local laws and regulations are not addressing the most important threat, fishing spawning aggregations, to an acceptable extent. Because of the inadequacy of regulatory mechanisms (Factor D), Nassau grouper are at an increased risk of extinction.

Conclusion

Based on the key conclusions from the Biological Report and the Extinction Risk Analysis, we summarize the results of our comprehensive status review as follows: (1) The species is made up of a single population over a broad geographic range, and its current range is indistinguishable from its historical range; (2) the species possesses life history characteristics that increase vulnerability to harvest; (3) spawning aggregations are declining in size and number across the species' range; (4) existing regulatory mechanisms and a lack of law enforcement throughout the species' range are not effective in addressing fishing spawning aggregations; and (5) the combination of life history characteristics and existing regulatory mechanisms indicate that the species is not currently in danger of extinction, but it is likely to become in danger of extinction in the foreseeable future.

Based on these results, we conclude that the Nassau grouper is not currently in danger of extinction throughout its range, but is likely to become in danger of extinction throughout its range within the foreseeable future. Accordingly, we find that the species meets the definition of threatened and propose to list it as threatened under the ESA.

Effects of Listing

Conservation measures provided for species listed as endangered or threatened under the ESA include recovery plans (16 U.S.C. 1553(f)), critical habitat designations, Federal agency consultation requirements (16 U.S.C. 1536), and prohibitions on taking (16 U.S.C. 1538). Recognition of the species' status through listing promotes conservation actions by Federal and state agencies, private groups, and individuals, as well as the international community. Should the proposed listing be made final, a recovery program could be implemented, and critical habitat will be designated to the maximum extent prudent and determinable. We anticipate that protective regulations for Nassau grouper may need to be developed in the context of conserving aquatic ecosystem health. Federal, state, and the private sectors will need to cooperate to conserve listed Nassau grouper and the ecosystems upon which they depend.

Identifying ESA Section 7 Consultation Requirements

Section 7(a)(4) of the ESA and NMFS/USFWS regulations require Federal agencies to confer with us on actions likely to jeopardize the continued existence of species proposed for listing, or likely to result in the destruction or adverse modification of proposed critical habitat. If a proposed species is ultimately listed, Federal agencies must consult under section 7 on any action they authorize, fund, or carry out if those actions may affect the listed species or designated critical habitat. Based on currently available information, we can conclude that examples of Federal actions that may affect Nassau grouper include, but are not limited to: artificial reef creation, dredging, pile-driving, military activities, and fisheries management practices.

Critical Habitat

Critical habitat is defined in section 3 of the ESA (16 U.S.C. 1532(5)) as: (1) the specific areas within the geographical area occupied by a species, at the time

it is listed in accordance with the ESA, on which are found those physical or biological features (a) essential to the conservation of the species and (b) that may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by a species at the time it is listed upon a determination that such areas are essential for the conservation of the species. ''Conservation'' means the use of all methods and procedures needed to bring the species to the point at which listing under the ESA is no longer necessary. Regulations require that we shall designate critical habitat in areas outside the geographical area presently occupied by a species only when a designation limited to its present range would be inadequate to ensure the conservation of the species (50 CFR 424.12 (e)). Critical habitat cannot be designated within foreign countries or in other areas outside of United States jurisdiction (50 CFR 424.12(h)).

Section 4(a)(3)(A) of the ESA (16 U.S.C. 1533(a)(3)(A)) requires that, to the extent prudent and determinable, critical habitat be designated concurrently with the listing of a species. To the maximum extent prudent and determinable, we will publish a proposed designation of critical habitat for Nassau grouper in a separate rule. Designations of critical habitat must be based on the best scientific data available and must take into consideration the economic, national security, and other relevant impacts of specifying any particular area as critical habitat. Once critical habitat is designated, section 7 of the ESA requires Federal agencies to ensure that they do not fund, authorize, or carry out any actions that are likely to destroy or adversely modify that habitat. This requirement is in addition to the section 7 requirement that Federal agencies ensure that their actions do not jeopardize the continued existence of listed species.

Identification of Those Activities That Would Constitute a Violation of Section 9 of the ESA

Because we are proposing to list Nassau grouper as threatened, the ESA section 9 prohibitions do not automatically apply. Therefore, pursuant to ESA section 4(d), we will evaluate whether there are protective regulations we deem necessary and advisable for the conservation of Nassau grouper, including application of some or all of the take prohibitions. If protective regulations are deemed necessary, a proposed 4(d) rule would be subject to public comment.

Peer Review

In December 2004, the Office of Management and Budget (OMB) issued a Final Information Quality Bulletin for Peer Review establishing minimum peer review standards, a transparent process for public disclosure of peer review planning, and opportunities for public participation. The OMB Bulletin, implemented under the Information Quality Act (Public Law 106–554) is intended to enhance the quality and credibility of the Federal government's scientific information, and applies to influential or highly influential scientific information disseminated on or after June 16, 2005. To satisfy our requirements under the OMB Bulletin, we obtained independent peer review of the Biological Report. Five independent specialists were selected from the academic and scientific community, Federal and state agencies, and the private sector for this review (with three respondents). All peer reviewer comments were addressed prior to dissemination of the final Biological Report and publication of this proposed rule.

References

A complete list of the references used in this proposed rule is available upon request (see **ADDRESSES**).

Classifications

National Environmental Policy Act

The 1982 amendments to the ESA, in section 4(b)(1)(A), restrict the information that may be considered when assessing species for listing. Based on this limitation of criteria for a listing decision and the opinion in *Pacific Legal Foundation* v. *Andrus,* 675 F. 2d 825 (6th Cir. 1981), NMFS has concluded that ESA listing actions are not subject to the environmental assessment requirements of the National Environmental Policy Act (See NOAA Administrative Order 216–6).

Executive Order 12866, Regulatory Flexibility Act and Paperwork Reduction Act

As noted in the Conference Report on the 1982 amendments to the ESA, economic impacts cannot be considered when assessing the status of a species. Therefore, the economic analysis requirements of the Regulatory Flexibility Act are not applicable to the listing process. In addition, this proposed rule is exempt from review under Executive Order 12866. This proposed rule does not contain a collection-of-information requirement for the purposes of the Paperwork Reduction Act.

Federalism

In keeping with the intent of the Administration and Congress to provide continuing and meaningful dialogue on issues of mutual state and Federal interest, this proposed rule will be given to the relevant governmental agencies in the countries in which the species occurs, and they will be invited to comment. NMFS will confer with U.S. Department of State to ensure appropriate notice is given to foreign nations within the range of the species. As the process continues, NMFS intends to continue engaging in informal and formal contacts with the U.S. State Department, giving careful consideration to all written and oral comments received.

Public Comments Solicited

NMFS intends that any final action resulting from this proposal will be as accurate as possible and informed by the best available scientific and commercial information. Therefore, NMFS request comments or information from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule. NMFS particularly seek comments containing:

(1) Information concerning the location(s) and status of any spawning aggregations of the species; and

(2) Information concerning the threats to the species; and

(3) Efforts being made to protect the species throughout its current range.

Public hearing requests must be requested by October 17, 2014.

List of Subjects in 50 CFR Part 224

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

Dated: August 22, 2014.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, we propose to amend 50 CFR Chapter II part 223 as follows:

PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

■ 1. The authority citation for part 223 continues to read as follows:

Authority: 16 U.S.C. 1531–1543; subpart B, § 223.201–202 also issued under 16 U.S.C. 1361 *et seq.;* 16 U.S.C. 5503(d) for § 223.206(d)(9).

■ 2. In § 223.102, amend the table in paragraph (e) by adding new entry ''Grouper, Nassau'' in alphabetical order under the ''Fishes'' table subheading to read as follows:

§ 223.102 Enumeration of threatened marine and anadromous species.

* * * * *

(e) The threatened species under the jurisdiction of the Secretary of Commerce are:

Species [1]			Citation(s) for listing determination(s)	Critical habitat	ESA rules
Common name	Scientific name	Description of listed entity			
*	*	*	*	*	*
FISHES					
*	*	*	*	*	*
Grouper, Nassau	*Epinephelus striatus*	Entire species	[*Insert Federal Register citation and date when published as a final rule*].	NA	NA
*	*	*	*	*	*

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

* * * * *

[FR Doc. 2014–20811 Filed 8–29–14; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 79, No. 169

Tuesday, September 2, 2014

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

August 26, 2014.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by October 2, 2014 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal Plant and Health Inspection Service

Title: Black Stem Rust; Identification Requirements and Addition of Rust-Resistant Varieties.

OMB Control Number: 0579–0186.

Summary of Collection: Under the Plant Protection Act (7 U.S.C. 7701—*et seq.*), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, or movement of plants and plant products to prevent the introduction of plant pests into the United States or their dissemination within the United States. Black stem rust is one of the most destructive plant diseases of small grains that are known to exist in the United States. The disease is caused by a fungus that reduces the quality and yield of infected wheat, oat, barley, and rye crops by robbing host plants of food and water.

Need and Use of the Information: APHIS will collect information to prevent the spread of black stem rust by providing for and requiring the accurate identification of rust-resistant varieties by inspectors. Businesses that request APHIS to add a variety to the list of rust-resistant barberries, need to provide APHIS with a written description and color pictures that can be used by the State nursery inspectors to clearly identify the variety and distinguish it from other varieties. This action enables nurseries to move the species into and through protected areas and to propagate and sell the species in States or parts of States designated as protected areas.

Description of Respondents: Business or other for profit.

Number of Respondents: 4.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 32.

Title: Pine Shoot Beetle Host Material from Canada.

OMB Control Number: 0579–0257.

Summary of Collection: Under the Plant Protection Act (7 U.S.C. 7701–7772), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, or movement of plants and plant pests to prevent the introduction of plant pests into the United States or their dissemination within the United States. The Animal Plant and Health Inspection Service (APHIS) foreign quarantine regulations restrict the importation of pine shoot beetle host material into the United States from Canada. Pine shoot beetle (PSB) is a pest of pine trees. It can cause damage in weak and dying trees where reproductive and immature stages of PSB occur, and in the new growth of healthy trees. PSB can damage urban ornamental trees and can cause economic losses to the timber, Christmas trees, and nursery industries.

Need and Use of the Information: APHIS will collect the information using Compliance Agreements, Written Statements, and Canadian Phytosanitary Certificates to protect the United States from the introduction of pine shoot beetle and other plant diseases.

Description of Respondents: Business or other for profit; Federal Government.

Number of Respondents: 2,340.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 94.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2014–20678 Filed 8–29–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

August 26, 2014.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or

other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by October 2, 2014 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725—17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Agricultural Research Service

Title: Supplemental Nutrition Assistance Program Education Connection Resource Sharing Form

OMB Control Number: 0518–0031

Summary of Collection: In 2001, the United States Department of Agriculture's (USDA) Food and Nutrition Service established the Food Stamp Nutrition Connection to improve access to the Food Stamp Program Education resources. In 2008, the Web site was renamed to the Supplemental Nutrition Assistance Program Education (SNAP-Ed) Connection. The Web site is developed and maintained at the National Agricultural Library's (NAL) Food and Nutrition Information Center (FNIC). The SNAP-Ed Connection is a resource Web site for SNAP-Ed administrators and educators. SNAP-Ed personnel use the SNAP-Ed Connection Web site to locate curricula, participant materials, nutrition research, administrative documents, and information regarding SNAP-Ed program development, implementation and evaluation. The authority for NAL to collect this information is contained in the CFR, Title 7, Volume 1, Part 2, Subpart K, Sec. 2.65 (92).

Need and Use of the Information: SNAP–ED Connection staff members use information collected by the Resource Sharing Form to build and constantly enhance the online database of nutrition education and training materials known as the Resource Finder Database. SNAP-Ed providers access and use the database to identify and obtain curricula, lesson plan, research, training tools and participant materials. Vital information about these resources, such as a description of the resource, its creator, publisher and ordering information is collected using the Resource Sharing Form. Failure to collect this information would significantly inhibit SNAP-Ed Connection ability to provide up-to-date information on existing nutrition education materials that are appropriate for SNAP-Ed programs and providers.

Description of Respondents: Business or other for-profit; Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents: 170.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 133.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2014–20664 Filed 8–29–14; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

August 26, 2014.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by October 2, 2014 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Farm Service Agency

Title: County Committee Election.

OMB Control Number: 0560–0229.

Summary of Collection: As specified in the 2002 Farm Security and Rural Investment Act of 2002, the Secretary prepares a report of election that includes, among other things, ''the race, ethnicity and gender of each nominee, as provided through the voluntary self-identification of each nominee''. The information will be collected using form FSA–669–A, ''Nomination Form for County FSA Committee Election''. Completion of the form is voluntary.

Need and Use of the Information: FSA will collect information on race, ethnicity and gender of each nominee as provided through the voluntary self-identification of each nominee agreeing to run for a position. The information will be sent to Kansas City for preparation of the upcoming election. The Secretary will review the information annually. If the information is not collected in any given year, the Secretary would not be able to prepare the report as required by the regulations.

Description of Respondents: Individuals or households.

Number of Respondents: 10,000.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 6,700.

Ruth Brown,

Departmental Information Collection Clearance Officer .

[FR Doc. 2014–20677 Filed 8–29–14; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2014–0025]

Notice of Request for a Renewal Information Collection (Public Health Information System)

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and the Office of Management and Budget (OMB) regulations, the Food Safety and Inspection Service (FSIS) is announcing its intention to renew an information collection concerning its Web-based Public Health Information System (PHIS). There are no changes to the existing information collection except a revision to remove the FSIS Form 9540–1 for the import of meat and poultry products. This will result in a reduction in burden of 5,034 hours. The information collection burden incurred by FSIS Form 9540–1 will be covered under the Electronic Import Inspection information collection (0583–0127).

DATES: Comments on this notice must be received on or before November 3, 2014.

ADDRESSES: FSIS invites interested persons to submit comments on this notice. Comments may be submitted by either of the following methods:

- *Federal eRulemaking Portal:* This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- Mail, including floppy disks or CD–ROMs, and hand- or courier-delivered items: Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Patriots Plaza 3, 1400 Independence Avenue SW., Mailstop 3782, Room 8–163B, Washington, DC 20250–3700.
- Hand- or courier-delivered submittals: Deliver to Patriots Plaza 3, 355 E Street SW., Room 8–164, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2013–0024. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, go to the FSIS Docket Room at Patriots Plaza 3, 355 E Street, Room 8–164, Washington, DC 20250–3700 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

For Additional Information: Contact Gina Kouba, Paperwork Reduction Act Coordinator, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW., Room 6077 South Building, Washington, DC 20250, (202) 690–6510.

SUPPLEMENTARY INFORMATION:

Title: Public Health Information System (PHIS).

Type of Request: Renewal information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18, 2.53) as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031, *et seq.*). FSIS protects the public by verifying that meat, poultry, and egg products are safe, wholesome, not adulterated, and correctly labeled and packaged.

FSIS has developed a Web-based system that improves FSIS inspection operations and facilitates industry members' applications for inspection, export, and import of meat, poultry, and egg products. With PHIS, industry members are able to submit forms through a series of screens. Paper forms are also available to firms that do not wish to use PHIS.

To submit information through PHIS, firms' employees register for a USDA eAuthentication account with Level-2 access. An eAuthentication account enables individuals inside and outside of USDA to obtain user-identification accounts to access a wide range of USDA applications through the Internet. The Level-2 access provides users the ability to conduct official electronic business transactions. To register for a Level-2 eAuthentication account, the user needs to have access to the Internet and a valid email address. To learn more about eAuthentication and how to register for an account, visit *http://www.eauth.egov.usda.gov/.*

Consistent with its current procedures, FSIS continues to collect information within PHIS from firms regarding the application for inspection and the export and import of meat, poultry, and egg products. Firms may complete new forms (screen sets) in PHIS when exporting meat, poultry, and egg products (9 CFR 322.2, 381.107, and 590.200). FSIS is requesting the continued use of the following forms and collection of information for them through screen sets within PHIS.

- FSIS Form 9080–4, Product List, is used to provide details about the products each FSIS-regulated firm exports. FSIS uses this form to verify whether those products are eligible for export to the specified country.
- A Transfer Certificate is submitted by exporters to FSIS when product is transferred from one establishment or plant to another facility before export.
- A ''Split/Consolidations'' Certificate is submitted by exporters to indicate that an export shipment approved by FSIS for export is being split and sent to two separate destinations or that two or more FSIS-approved export shipments to the same country are being combined.
- FSIS Form 9080–3, Establishment Application for Export, is completed by exporters to specify countries where they wish to export product (9 CFR 322.2 and 381.105). FSIS uses this information to track the export of product.
- FSIS Form 9060–6, The Application for Export Certificate, provides FSIS with data necessary to facilitate the export of product (9 CFR 322.2 and 381.105).
- FSIS Form 9010–1, Application for the Return of Exported Products to the United States, is used by the exporter of product that is exported and then returned to this country, to notify FSIS and to arrange for the product's entry (9 CFR 327.17, 381.209, and 590.965).

The following three forms are available in PHIS but not as a series of screens. FSIS is requesting the continued use of these forms.

- FSIS Form 5200–2, Application for Federal Inspection, is submitted by all official establishments in order to receive a grant of inspection (9 CFR 304.1 and 381.17).
- FSIS Form 5200–6, Application for Approval of Voluntary Inspection, is submitted by all establishments that want voluntary inspection, (9 CFR 350.5, 351.4, 352.3, and 362.3)(OMB Control number 0583–0082).
- FSIS Form 5200–15, Hours of Operation, is submitted when an establishment wants to notify the Agency of a change in its hours of operation (9 CFR 307.4, 381.37, 590.124, and 592.96).

Estimate of Burden: FSIS estimates that it will take respondents an average of 79.6 hours per year.

Respondents: Official establishments, official plants, importers, and exporters.

Estimated No. of Respondents: 770.

Estimated No. of Annual Responses per Respondent: 485.5.

Estimated Total Annual Burden on Respondents: 142,981 hours.

Copies of this information collection assessment can be obtained from Gina Kouba, Paperwork Reduction Act Coordinator, Food Safety and Inspection Service, USDA, 1400 Independence SW., Room 6077, South Building, Washington, DC 20250, (202) 690–6510.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS's functions, including whether the information will have practical utility; (b) the accuracy of FSIS'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, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20253.

Responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Additional Public Notification

FSIS will announce this notice online through the FSIS Web page located at *http://www.fsis.usda.gov/wps/portal/fsis/topics/regulations/federal-register.*

FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/wps/portal/fsis/programs-and-services/email-subscription-service.*

Options range from recalls to export information to regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password-protect their accounts.

USDA Nondiscrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail

U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410, Fax, (202) 690–7442.

Email

program.intake@usda.gov.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington, DC, on August 27, 2014.

Alfred V. Almanza,

Administrator.

[FR Doc. 2014–20835 Filed 8–29–14; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2014–0028]

Notice of Request for Renewal of an Information Collection: Application for Inspection, Accreditation of Laboratories, and Exemptions

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Food Safety and Inspection Service's intention to renew an information collection related to the application for inspection, accreditation of laboratories, and exemptions. FSIS is requesting the renewal because the current OMB approval will expire on January 31, 2015.

DATES: Comments on this notice must be received on or before November 3, 2014.

ADDRESSES: FSIS invites interested persons to submit comments on this notice. Comments may be submitted by one of the following methods:

- Federal eRulemaking Portal: This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- Mail, including CD–ROMs, etc.: Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Docket Clerk, Patriots Plaza 3, 1400 Independence Avenue SW., Mailstop 3782, Room 8–163A, Washington, DC 20250–3700.
- Hand- or courier-delivered submittals: Deliver to Patriots Plaza 3, 355 E Street SW., Room 8–163A, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2014–0027. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, go to the FSIS Docket Room at Patriots Plaza 3, 355 E Street SW., Room 8–164, Washington, DC 20250–3700 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Paperwork Reduction Act Coordinator, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW., Room 6067, South Building, Washington, DC 20250; (202) 690–6510.

SUPPLEMENTARY INFORMATION:

Title: Application for Inspection, Accreditation of Laboratories, and Exemptions.

OMB Number: 0583–0082.

Expiration Date of Approval: 01/31/2015.

Type of Request: Renewal of a currently approved information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18, 2.53) as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031, *et seq.*). FSIS protects the public by verifying that meat, poultry, and egg products are safe, wholesome, not adulterated, and correctly labeled and packaged.

FSIS is requesting a renewal of a currently approved information collection addressing paperwork requirements specified in the regulations relating to the application for inspection, accreditation of laboratories, and exemptions.

FSIS requires meat and poultry establishments and import facilities to apply for a grant of inspection before receiving Federal inspection (9 CFR 304.1 & 381.17). FSIS also requires plants that wish to receive voluntary inspection to apply for service (9 CFR 350.5, 351.4, 352.3, & 362.3). Establishments that wish to export or import product must also submit certain documents to the Agency.

The FMIA (21 U.S.C. 642), the PPIA (21 U.S.C. 460(b)), and the EPIA (21 U.S.C. 1040) require certain parties to keep records that fully and correctly disclose all transactions involved in their businesses related to relevant animal carcasses and parts and egg products.

FSIS requires accredited non-Federal analytical laboratories to maintain certain paperwork and records (9 CFR 439.20 & 590.580). The Agency uses this collected information to ensure that meat and poultry establishments and egg products plants provide safe, wholesome, and not adulterated product, and that non-Federal laboratories act in accordance with FSIS regulations.

In addition, FSIS also requires establishments to keep records to ensure that meat and poultry products exempted from Agency inspection are not commingled with inspected meat and poultry products (9 CFR 303.1(b)(3) & 381.175), and that firms qualifying for a retail store exemption who have violated the provisions of that exemption are no longer in violation (9 CFR 303.1(d)(3) & 381.10(d)(3)).

FSIS has made the following estimates based upon an information collection assessment:

Estimate of Burden: FSIS estimates that it will take respondents an average of .034 hours per response.

Respondents: Official meat and poultry establishments, official egg plants, and foreign establishments.

Estimated No. of Respondents: 27,743.

Estimated No. of Annual Responses per Respondent: 122.

Estimated Total Annual Burden on Respondents: 114,339.4 hours.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Copies of this information collection assessment can be obtained from Gina Kouba, Paperwork Reduction Act Coordinator, Food Safety and Inspection Service, USDA, 1400 Independence SW., Room 6077, South Building, Washington, DC 20250, (202) 690–6510.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS's functions, including whether the information will have practical utility; (b) the accuracy of FSIS'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, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20253.

Additional Public Notification

FSIS will announce this notice online through the FSIS Web page located at *http://www.fsis.usda.gov/wps/portal/fsis/topics/regulations/federal-register.*

FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/wps/portal/fsis/programs-and-services/email-subscription-service.* Options range from recalls to export information to regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password-protect their accounts.

USDA Nondiscrimination Statement

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How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail

U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410.

Fax

(202) 690–7442.

Email

program.intake@usda.gov.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington, DC, on August 27, 2014.

Alfred V. Almanza,

Administrator.

[FR Doc. 2014–20839 Filed 8–29–14; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; 2015 Optimizing Self-Response and Census Tests

AGENCY: U.S. Census Bureau.

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, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: To ensure consideration, written comments must be submitted on or before November 3, 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(s) and instructions should be directed to Erin Love, Census Bureau, HQ–3H468E, Washington, DC 20233; (301) 763–2034 (or via email at *erin.s.love@census.gov*).

SUPPLEMENTARY INFORMATION:

I. Abstract

During the years preceding the 2020 Census, the Census Bureau will pursue its commitment to reduce the costs of conducting a decennial census, while maintaining our commitment to quality. A primary decennial census cost driver is the collection of data from members of the public for which the Census Bureau received no reply via initially offered response options. Improving our methods for increasing the number of people who take advantage of self-response options will help increase the efficiency and effectiveness of Census operations. Additionally, improving our methods for enumerating people who do not initially respond can contribute to a less costly census while maintaining high-quality results.

In order to help achieve these two improvements, the Census Bureau will conduct two tests in early 2015: The 2015 Optimizing Self-Response (OSR) Test, and the 2015 Census Test. The 2015 OSR Test will allow the Census Bureau to, on a small scale, employ a variety of new methods and advanced technologies that are under consideration for the 2020 Census. In particular, for the 2020 Census the Census Bureau plans to allow response via the Internet. We studied this during the 2014 Census Test, but as described below, we want to study other aspects of this further in the 2015 OSR Test. Also as described below, the 2015 Census Test will be used to study use of automation and available real-time data to transform the efficiency and effectiveness of field data collection operations.

2015 OSR Test—To improve Internet self-response, the Census Bureau plans to continue testing multiple contact and notification strategies. For example, the 2015 OSR Test will include a ''Notify Me'' campaign, which allows respondents to pre-register their email address and cell phone number and provide their preference for future contacts, by email or text message. The Test will also include a communications component to increase awareness and encourage on-line participation by potential respondents. These outreach efforts will include some methods not previously employed for a decennial census, such as targeted digital marketing for demographic groups that we know to be hard-to-reach from past censuses and surveys. We will use our planning database to identify hard-to-count groups at the block or tract level and place ads with targeted messaging on digital sites frequented by these groups.

The 2015 OSR Test will also continue Census Bureau efforts to increase self-response via the Internet and make it easier for respondents by allowing them to respond without providing a pre-assigned User identification (ID) number associated with their address. Building on the work from the 2014 Census Test, we will test our ability to do real-time processing of responses lacking a pre-assigned User ID. Thus, for this test, while respondents are completing their census form online, we will attempt to search for their address in our Master Address File (MAF) to determine if it matches an existing MAF record or could be added as a new address. If the initial attempt to match is unsuccessful, and we are able to determine if further respondent input could assist us, the internet response instrument will prompt the respondent accordingly. In any case where a match cannot be derived, an automated process will attempt to assign the respondent address to a census block, and then the respondent will be asked to confirm or correct that location via a map interface integrated with the Census questionnaire. Ultimately, each response that lacks preassigned ID will either be matched to an address in the MAF or assigned to a census block. Matching a respondent's provided address information to our MAF permits the removal of the address from the non-response universe, thereby reducing the non-response follow-up effort required. This has the potential to produce significant cost savings.

2015 Census Test—In the decennial census, no matter how many response options we provide, and no matter how much we encourage self response, there will be households that do not respond, and there will be vacant units to which a form is delivered. Therefore, there will be a need for personal visit followup visits to addresses. In the 2015 Census Test, we will study strategies to most effectively and efficiently collect information from those households. In the 2015 Census Test, we will be testing an enhanced operational control system that will optimize the case assignments and routes for the enumerators. The use of this automation will also test a new structure for managing the work and the field staff. We will examine the effect on cost and data quality of reducing the total number of contacts made to a household during the Nonresponse Follow-up (NRFU) operation, as well as adapting the number and type of contacts made to a household based on information we already have about that household from administrative records. Administrative records can include information from federal, state or third-party sources. Examples of administrative records include Internal Revenue Service (IRS) Individual Income returns, Center for Medicare and Medicaid Services (CMS) Medicare Enrollment information, and information from the United States Postal Service (USPS) Undeliverable as addressed (UAA) file. This Test will help us determine to what extent using administrative records information to remove non-responding cases from the field workload can reduce the costs associated with NRFU operations.

The 2015 Census Test will also include an Evaluation Follow-up interview for a subset of households to help reconcile and understand differences observed between the administrative records and the NRFU interview results from self-responses and proxy respondents. Additionally, the Test will use focus groups to analyze reactions to the contact method and administrative record use, as well as any privacy or confidentiality concerns.

II. Method of Collection

The 2015 Optimizing Self-Response Test—The Census Bureau will conduct this Test in a location that offers a medium-sized media market for advertising and outreach that also provides diversity in demographics, address types, and internet penetration and usage. To the extent practicable, the selected market should be self-contained to limit bleed-over of advertising efforts into neighboring markets. The site will provide a community to engage ''together'' about the Census test with outreach, promotion, advertising, and the contribution of social media to create the civic spirit to participate in the Test. The Test is comprised of four parts, namely Communication, ''Notify Me,'' Enumeration, and follow-up via Focus Groups.

Communication—The Census Bureau wants to learn about expanding the use of a variety of communication strategies and methods aimed at increasing the use of self-response options in a decennial census. In the 2015 OSR Test, these strategies could include outreach, promotion, advertising, partnerships, social media, email, and postal contacts. In addition to traditional advertising strategies (e.g., television and newspaper advertisements), this test will also use targeted digital (e.g., cable companies directing specific ads by address) and online advertising.

''Notify Me''—By deploying a variety of awareness, advertising, direct contact, and partnership strategies, this test hopes to reach and engage respondents to ''pre-register'' for the census test. This provides an opportunity for respondents to have early engagement in the census process and to select their preferred mode for future invitations and reminders (i.e, how to ''Notify Me'' when it is time to complete the census form—email or text message). The ability to engage respondents to pre-register is an important objective of the Test to continue research in optimizing the respondents' use of the Internet as a self-response mode.

Enumeration—The 2015 OSR Test will collect Internet self-response enumeration data from both a set of households contacted directly as well as respondents within the Test site who become aware of the Test only via outreach, promotion, and advertising. The Census Bureau will directly contact up to 300,000 housing units to notify them of the survey. A subsample of these notifications will provide a User ID, and the remaining sample will not. Additionally, respondents who become aware of the Test, but have not been directly contacted, can self-respond via the Internet without the need for a User ID. The two sets of non-ID respondents will allow us to further test our non-ID processing methodology, which compares responses without a pre-assigned ID to our Census address and geographic database. In the 2015 OSR Test, we will also test our ability to conduct real-time non-ID processing so that we are able to prompt a respondent (while they are still on line filling out the form) for additional address and location information if the respondent's address cannot be matched or geocoded. A non-ID respondent whose address cannot be matched to our address database will be prompted during his or her Internet self-response session to confirm the address information they provided while filling out the form, or to indicate the location of their address on an on-screen map, and no subsequent contact will occur. Additionally, we plan to test a mechanism for validating all non-ID respondents. We will also be testing optimal strategies for delivering mail materials, including paper questionnaires, to households who do not or cannot respond online.

Focus Groups—The OSR test will also be used to obtain some qualitative data from respondents and non-respondents regarding the pre-registration strategy. This will be collected via eight focus groups, comprised of various categories of respondents and non-respondents. Through the focus groups, we will ask about perspectives on burden; whether they thought that pre-registration was the actual participation or response to the Census Test; and whether they have preference to wait for Census Day without registering a contact preference. We also want to learn about respondent opinions and perspectives on broader objectives for the OSR testing, so we will try to ascertain and discuss the outreach, promotion, media/mode or method that informed the respondent about the pre-registration option, and/or the Census Test. We will also ask if the ability to respond without having to provide a preassigned User ID made the respondent more likely to participate.

The 2015 Census Test—The Census Bureau will conduct this test in one county or two contiguous counties (location to be determined). We expect the location will have a combined population over one million people and we want to have an area with high concentrations of Hispanic population, vacant housing units and mobile populations. This will allow us to study the impacts of the usage of administrative records on the Hispanic population, vacant housing units and areas with more mobile populations. We will select approximately 170,000 housing units to be contacted, including an initial self-response phase that is followed by a NRFU phase of no more than 80,000 non-responding housing units.

For the self-response phase, households within the test site will receive an initial invitation to go to the 2015 Census Test Web site and complete their census response online. For households that have not responded within an allotted time period, the Census Bureau will attempt to contact them additional times, which will include postcard reminders and a final reminder along with a paper questionnaire that they can complete and return by mail.

If a household ultimately does not respond by a certain date, it will be included in the universe for the NRFU portion of the test. There are two new NRFU strategies (described below) being tested in the 2015 Census Test. In addition, the test will include, as a control group, a strategy similar to the 2010 Census field procedures from which to compare results.

First, the *Adaptive Design* strategy will test a method of managing data collection more efficiently by adapting contact attempt strategies on a *per case basis.* For example, using alternative modes of contact, variable number of visits to households, and modeling the best day and time to contact a household. Second, the *Administrative Records* strategy will remove cases from the NRFU workloads at various stages of fieldwork in an effort to reduce costs associated with visiting non-responding households. In some areas, administrative records information will be used as the response for households (both unoccupied and occupied) before we make any visits to those households. In other areas, administrative records information will be used to enumerate only unoccupied units before we make any visits to those units. In these areas, we will conduct one in-person visit to the remaining households to enumerate the people in that household. If we are unsuccessful at contacting anyone in the household when we visit, administrative record information will be used to enumerate any occupied households remaining. For those households where administrative records are not available, we will continue to contact them based on the adaptive design strategies discussed above.

As part of the administrative records research, this Test will also include an Evaluation Follow-up interview to help reconcile and understand differences

observed between the administrative records and the NRFU interview results from self-responses and responses we receive from neighbors or others who are knowledge about the households (referred to as proxy responses). We will attempt to conduct an interview with a sample of approximately 10,000 cases from various groups (one example comparison will be between cases that self-responded and cases that administrative records identified as vacant) to provide additional data points for which to analyze the effectiveness of using administrative records in NRFU.

The Census Bureau will conduct NRFU with a combination of enumerator-owned and government-owned, commercially provided mobile devices. The use of employee owned equipment/services is commonly referred to as ''Bring Your Own Device'' or BYOD. A sample of up to 5,000 households will be contacted at the end of the field operation using this methodology. The objectives of this component of the test are to:

- Design and develop software solutions, deployment, and support processes that run on commercially available employee owned mobile devices (i.e., iPhone, Android);
- Deploy and support secure software solutions that can be installed on commercially available employee owned mobile devices;
- Conduct interviews of respondents using employee owned mobile devices; and
- Capture lessons learned for future operations.

It is important to note that the Census data collection application, known as COMPASS, collects, stores, and securely transmits data for smart phones used by Census enumerators. This application requires a series of security measures to be met in order for the enumerators to collect, store, access, and transmit sensitive information.

Focus groups will be conducted in the geographic site of the test. Respondents will be recruited into groups with regard to their treatment and demographic characteristics (e.g., age, education). For example, respondents could be recruited into one of the groups of 8–12 participants by age and education as well as whether they were NRFU respondents or non-respondents. Focus groups would explore reactions to the contact method, administrative record use, any privacy or confidentiality concerns and how the Census Bureau might address these concerns through micro- or macro- messaging.

III. Data

OMB Control Number: None.

Form Number: Paper and electronic questionnaires with numbers as yet to be determined.

Type of Review: Regular submission.

Affected Public: Individuals or households.

Estimated Number of Respondents: 2015 OSR Test: ''Notify Me''—100,000. Enumeration—305,000. Focus Groups—80. 2015 Census Test: Enumeration—220,000. Evaluation Follow-up—10,000. Focus Groups—80.

Estimated Time per Response: 2015 OSR Test: ''Notify Me''—4 minutes per response. Enumeration—12 minutes per response. Focus Groups—2 hours per respondent. 2015 Census Test: Enumeration—10 minutes per response. Evaluation Follow-up—10 minutes per response. Focus Groups—2 hours per respondent.

Estimated Total Annual Burden Hours: 2015 OSR Test: ''Notify Me''—6,667. Enumeration—61,000. Focus Groups—160. 2015 Census Test: Enumeration—36,667. Evaluation Follow-up—1,667. Focus Group—160.

Estimated Total Annual Cost: For the 2015 OSR Test, respondents who are contacted by text message per their election, may incur charges depending on their plan with their service provider. The Census Bureau estimates that the total cost to respondents will be no more than $20,000. There are no other costs to respondents other than their time to participate in this data collection. For the 2015 Census Test, there is no cost to the respondent other than the time to complete the information request.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, U.S.C. 141 and 193.

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: August 26, 2014

Glenna Mickelson

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–20661 Filed 8–29–14; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

U.S. Census Bureau

Proposed Information Collection; Comment Request; Center for Economic Studies Research Project Management System

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: To ensure consideration, written comments must be submitted on or before November 3, 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(s) and instructions should be directed to Dr. Brian P. Holly, Senior Research Project Coordinator, Research and Methodology Directorate, U.S. Census Bureau, Room 2K273, 4600 Silver Hill Road, Washington, DC 20230 (or via the Internet at *brian.p.holly@census.gov*).

SUPPLEMENTARY INFORMATION:

I. Abstract

The U.S. Census Bureau through its network of Research Data Centers (RDCs) supports and encourages research activity using Census Bureau microdata to improve Census Bureau data and programs. The RDCs provide access to researchers from universities, federal and state agencies and other research institutions meeting the requirements of Title 13 United States Code, 23(c) to non-publicly available

Census Bureau data files. The Center for Economic Studies operates the RDC network on behalf of the Census Bureau.

The objective of the Research Data Centers (RDCs) is to increase the utility and quality of Census Bureau data products. The external research program supported through the RDCs increases the quality and utility of Census data in several ways. First, access to microdata encourages knowledgeable researchers to become familiar with Census data products and Census data collection and processing methods. More importantly, providing qualified researchers to confidential microdata enables research projects that are not possible without access to respondent-level information. This increases the value of data already collected and promotes innovation on new data products and methods. Creative use of microdata can address important policy questions without the need for additional data collections.

In addition, the best means by which the Census Bureau can check on the quality of the data it collects, edits, and tabulates is to make its microdata records available in a controlled, secure environment to sophisticated users who, by employing the micro records in the course of rigorous analysis, will uncover the strengths and weaknesses of the micro records. Each set of observations results from many decision rules covering definitions, classifications, coding procedures, processing rules, editing rules, disclosure rules, and so on. The validity and consequences of all these decision rules only become evident when the Census Bureau's micro databases are tested in the course of analysis. Exposing to the light of research the conceptual and processing assumptions that are embedded in the Census Bureau's micro databases constitutes a core element in the Census Bureau's commitment to quality. The CES and the RDCs conduct, facilitate, and support microdata research.

The Proposal Process

Persons wishing to conduct research at a Research Data Center must submit a research proposal using the Center for Economic Studies (CES) web application (*https://www.ces.census.gov*). Detailed guidelines describe the research proposal submission process. Two distinct steps are required to submit a research proposal. The first step is the development of a *preliminary proposal.* The second step is the submission of a *final proposal* for review.

Preliminary Proposal Development

Researchers who wish to develop a proposal to conduct research at a Census Bureau RDC initially contact the RDC Administrator, who is a Census Bureau employee, at the center where the research will occur. The researcher discusses the proposed project with the administrator to determine whether the research fits with the Census Bureau's mission, is feasible, and is likely to provide benefits to Census Bureau programs under Title 13, Chapter 5 of the U.S. Code.

Each researcher must register as a user by means of an account in the system. Only the RDC Administrator can request the creation of a user account via a request utility in the system. All researchers must have an enabled and unlocked user account in order to submit preliminary and final proposals through the Web application.

Working closely with the RDC Administrator, researchers develop a preliminary research proposal that includes information about the researcher(s), RDC location(s) where the research will be conducted, purpose of the research, funding source(s), duration, requested dataset, a brief narrative description of the research project, and proposed Title 13, Chapter 5 benefits to the Census Bureau. This information is entered into the CES database via the Web application, resulting in a project record with a system generated unique identification number.

Upon creation of the preliminary proposal, the RDC Administrator reviews it for accuracy and completeness and advises the submitting researcher of any needed improvements. The Administrator must approve the preliminary proposal before the researcher may submit a final proposal to CES.

Final Proposal Submission

The final proposal consists of three separate documents in Adobe Acrobat Portable Document Format (PDF): (1) A one-page abstract of the proposal, (2) the project description (full proposal), and (3) a statement of benefits to the Census Bureau. The submitter uploads the final documents using the Web application and submits for formal RDC review via a button link.

Document length varies by type. The abstract is limited to one page. The proposal narrative is limited to fifteen pages single-spaced or thirty pages double-spaced. The benefits statement can range from five to as many as fifteen pages depending upon proposal scale and scope.

Progress Reports

Each project research team is required to file annual progress reports and agrees to submit a final project report called a Post Project Certification (PPC). The annual progress reports may vary in length and content, but submitters are urged to use the PPC format as described below. The Post Project Certification follows a fixed format and may be generated as a template in Rich Test Format (RTF) by the project management system.

II. Method of Collection

User Account

Each researcher affiliated with a project must have a user account in the project management system. The system contains an account management utility for new account requests and approvals, enabling and disabling accounts, locking and unlocking accounts, addition and subtraction of account privileges, and for changes to account information such as change of affiliation, email address or name. Only RDC Administrators and other authorized Census Bureau staff can submit requests using the account manager tool. All requests for new user accounts and for changes to existing accounts must be routed through RDC Administrators by researchers. Once a researcher's account has been enabled and unlocked by Census staff, he or she may gain access to the Web application for the purposes of submitting new or modified proposal documents, for checking on the status of a proposal under review, and for changing his or her password, which expires after 45 days of inactivity.

Information collected and retained in user accounts consists of first and last name, email address (the user's log on ID to the system), organizational affiliation, and whether a US citizen or not.

Research Project Information Template

Researchers with an enabled user account may create a research project entry in the system by clicking on the ''New Proposal'' button. This action opens a page containing a six item prerequisite checklist to which the user must agree before continuing to the next page. The second page presents a template where the user enters required information about a research project he or she wishes to conduct at a Census Research Data Center. The requested information consists of project title, field of study (selected from a drop-down list) duration in months, funding source, primary RDC location, brief project description, proposed Title 13 benefits (from a drop-down list), research personnel (selected from a presented list of current user accounts),

and requested datasets (selected from a presented list). The submitter then saves the project information to the database. The system assigns a unique project number, sets the project's status to NEW, and sends an email to the RDC Administrator. The Administrator may approve the preliminary proposal, request revisions, or reject it. Upon RDC Administrator approval, the researcher is invited to submit the required proposal documents.

Research Project Documents

- Abstract—A one-page document that summarizes the project's objectives, lists requested datasets, and identifies the proposed Title 13 benefits to the Census Bureau.
- Project Narrative—Describes in detail the research question(s) to be addressed, Census Bureau and researcher provided datasets to be used, a description of the research design (methodology, hypotheses, statistical models), expected duration and outcomes, source of funding, and a list of references cited in the text.
- Predominant Purpose Statement—This document is generated in draft form by the system. It is populated with some standard language and project metadata. This is editable by the submitter, primarily to expand upon the narrative statements associated with each proposed benefit.
- Annual Progress Report—Required of all multiyear projects. It describes progress on reaching the proposed research objectives and Title 13 benefits at the end of each year.
- Post Project Certification—This document is submitted following completion of the project and summarizes the findings in terms of benefits to the Census Bureau. It resembles the Predominant Purpose Statement in form and content except that it describes how and whether the project's proposed benefits were achieved. Census Bureau staff review this document and either certify it or return it to the submitter for revision.

III. Data

OMB Control Number: 0607–0967.
Form Number(s): Not Applicable.
Type of Review: Regular submission.
Affected Public: Individuals.
Estimated Number of Respondents: 75.
Estimated Time per Response: 60.
Estimated Total Annual Burden Hours: 4,500.
Estimated Total Annual Cost to Public: $0.
Respondent's Obligation: Voluntary.
Legal Authority: Title 13 U.S. C. Section 9 and section 23(c).

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: August 26, 2014.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–20680 Filed 8–29–14; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Reviews

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUPPLEMENTARY INFORMATION:

Background

Every five years, pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''), the Department of Commerce (''the Department'') and the International Trade Commission automatically initiate and conduct a review to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

Upcoming Sunset Reviews for October 2014

The following Sunset Reviews are scheduled for initiation in October 2014 and will appear in that month's Notice of Initiation of Five-Year Sunset Review (''Sunset Review'').

	Department contact
Antidumping Duty Proceedings	
Certain Cut-to-Length Carbon Steel Plate from China (A–570–849) (3rd Review)	Charles Riggle (202) 482–0650.
Countervailing Duty Proceedings	
No Sunset Review of countervailing duty orders is scheduled for initiation in October 2014.	
Suspended Investigations	
Certain Cut-to-Length Carbon Steel Plate from Russia (A–821–808) (3rd Review)	Sally Gannon (202) 482–0162.
Certain Cut-to-Length Carbon Steel Plate from Ukraine (A–823–808) (3rd Review)	Sally Gannon (202) 482–0162.

The Department's procedures for the conduct of Sunset Reviews are set forth in 19 CFR 351.218. The Notice of Initiation of Five-Year (''Sunset'') Reviews provides further information regarding what is required of all parties to participate in Sunset Reviews.

Pursuant to 19 CFR 351.103(c), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact the Department in writing

within 10 days of the publication of the Notice of Initiation.

Please note that if the Department receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the review will continue. Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation.

This notice is not required by statute but is published as a service to the international trading community.

Dated: August 18, 2014.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2014–20861 Filed 8–29–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–821]

Polyethylene Retail Carrier Bags From Thailand: Final Results of Antidumping Duty Administrative Review; 2012–2013

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On June 11, 2014, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order polyethylene retail carrier bags (PRCBs) from Thailand.[1] For these final results, we continue to find that subject merchandise has been sold at less than normal value by the companies subject to this review.

DATES: *Effective* September 2, 2014.

FOR FURTHER INFORMATION CONTACT: Sandra Dreisonstok or Minoo Hatten, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0768 and 202–482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 11, 2014, the Department published the *Preliminary Results.* The period of review (POR) is August 1, 2012, through July 31, 2013.

We invited interested parties to comment on the *Preliminary Results.* We received no comments on our *Preliminary Results.* The final weighted-average dumping margins for the companies subject to this administrative review are listed below in the ''Final Results of Review'' section of this notice.

The Department conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise subject to the antidumping duty order is PRCBs, which may be referred to as t-shirt sacks, merchandise bags, grocery bags, or checkout bags. The subject merchandise is defined as non-sealable sacks and bags with handles (including drawstrings), without zippers or integral extruded closures, with or without gussets, with or without printing, of polyethylene film having a thickness no greater than 0.035 inch (0.889 mm) and no less than 0.00035 inch (0.00889 mm), and with no length or width shorter than 6 inches (15.24 cm) or longer than 40 inches (101.6 cm). The depth of the bag may be shorter than 6 inches but not longer than 40 inches (101.6 cm).

PRCBs are typically provided without any consumer packaging and free of charge by retail establishments, *e.g.*, grocery, drug, convenience, department, specialty retail, discount stores, and restaurants, to their customers to package and carry their purchased products. The scope of the order excludes (1) polyethylene bags that are not printed with logos or store names and that are closeable with drawstrings made of polyethylene film and (2) polyethylene bags that are packed in consumer packaging with printing that refers to specific end-uses other than packaging and carrying merchandise from retail establishments, *e.g.*, garbage bags, lawn bags, trash-can liners.

As a result of changes to the Harmonized Tariff Schedule of the United States (HTSUS), imports of the subject merchandise are currently classifiable under statistical category 3923.21.0085 of the HTSUS. Furthermore, although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

Final Results of Review

Because no party commented on our *Preliminary Results,* we made no changes to these final results. As a result of our review, we determine that the following weighted-average dumping margins on PRCBs from Thailand exist for the period August 1, 2012, through July 31, 2013:

Company	Weighted-average dumping margin (percent)
Beyond Packaging Co., Ltd.	122.88
Dpac Inter Corporation Co., Ltd.	4.69
Elite Poly and Packaging Co., Ltd.	4.69
Poly World Co., Ltd.	4.69
Triple B Pack Company Limited	4.69
Two Path Plaspack Co., Ltd.	4.69

Assessment Rates

In accordance section 751(a)(2)(C) of the Act, we will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries covered by this review at the rates listed above.

For these final results we continue to rely on adverse facts available to establish Beyond Packaging's weighted-average dumping margin, and will instruct CBP to apply an *ad valorem* assessment rate of 122.88 percent to all entries of subject merchandise during the POR which were produced and/or exported by Beyond Packaging.

We intend to issue liquidation instructions to CBP 15 days after publication of these final results of review.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of these final results of administrative review for all shipments of PRCBs from Thailand entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2) of the Act: (1) The cash deposit rates for the reviewed companies will be equal to the weighted-average dumping margins established in these final results of this review; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of the merchandise; (4) if neither the exporter

[1] *See Polyethylene Retail Carrier Bags From Thailand: Preliminary Results of Antidumping Duty Administrative Review; 2012–2013,* 79 FR 33505 (June 11, 2014) (*Preliminary Results*).

nor the manufacturer has its own rate, the cash deposit rate will be 4.69 percent.[2] These deposit requirements, when imposed, shall remain in effect until further notice.

Notifications

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

These final results of administrative review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: August 26, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–20862 Filed 8–29–14; 8:45 am]

BILLING CODE 3510–DS–P

[2] *See Notice of Implementation of Determination Under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Order on Polyethylene Retail Carrier Bags From Thailand*, 75 FR 48940 (August 12, 2010) (*Section 129 Determination*).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–890]

Wooden Bedroom Furniture From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and New Shipper Review; 2012

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On February 26, 2014, the Department of Commerce (the ''Department'') published the preliminary results of the eighth administrative review (''AR'') and new shipper review (''NSR'') of wooden bedroom furniture from the People's Republic of China (''PRC'') covering the period of review (''POR'') January 1, 2012 through December 31, 2012.[1] We gave interested parties an opportunity to comment on the *Preliminary Results*. After reviewing interested parties' comments, we made certain changes to our dumping margin calculations for the only participating mandatory respondent in the AR, Hualing Furniture (China) Co., Ltd., Tony House Manufacture (China) Co., Ltd., Buysell Investments Ltd., and Tony House Industries Co., Ltd. (collectively ''Tony House Group'') and the new shipper Dongguan Chengcheng Co., Ltd. (''Dongguan Chengcheng''). For these final results of the AR, we continue to find that 46 companies, including two of the three mandatory respondents,[2] failed to establish eligibility for separate-rate status and, thus, we treated these companies as part of the PRC-wide entity. We also continue to find that 12 companies, which made no shipments of subject merchandise during the POR and timely filed certifications to that effect, will retain their separate-rate status. The final antidumping duty margins for these reviews are listed below in the ''Final Results of the 2012 Administrative Review'' and ''Final Results of the 2012 New Shipper Review'' sections of this notice.

DATES: *Effective Dates:* September 2, 2014.

FOR FURTHER INFORMATION CONTACT: Patrick O'Connor, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0989.

SUPPLEMENTARY INFORMATION:

Background

On February 26, 2014, the Department published its *Preliminary Results* of the AR and NSR of the antidumping order on wooden bedroom furniture from the PRC covering the period January 1, 2012, through December 31, 2012. In March 2014, interested parties timely submitted surrogate value information in the AR and surrogate value and rebuttal surrogate value information in the NSR. In April 2014, interested parties submitted briefs and rebuttal briefs in both the AR and the NSR.

Analysis of the Comments Received

All issues raised in the case briefs are addressed in the memorandum from Gary Taverman, Senior Advisor for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Wooden Bedroom Furniture from the People's Republic of China: Issues and Decision Memorandum for the Final Results of the 2012 Administrative Review and New Shipper Review'' (''I&D Memorandum''), which is dated concurrently with, and hereby adopted by, this notice. A list of the issues addressed in the I&D Memorandum is appended to this notice. The I&D Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Services System (''IA ACCESS''). Access to IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit of the main Commerce Building, Room 7046. In addition, a complete version of the I&D Memorandum is accessible on the Department's Web site at *http://www.trade.gov/enforcement/*. The signed I&D Memorandum and electronic version of the I&D Memorandum are identical in content.

Changes Since the Preliminary Results

For the AR, we corrected errors in the financial ratio calculations that we used to calculate the Tony House Group's antidumping duty margin. For the NSR, we selected new surrogate values for multi-density fiberboard and paint, used different financial statements to calculate the financial ratios that we used to calculate Dongguan Chengcheng's antidumping duty margin, and revised the calculation for brokerage and handling.

Scope of the Order

The product covered by the order is wooden bedroom furniture, subject to certain exceptions. Imports of subject merchandise are currently classified under the Harmonized Tariff Schedule of the United States (''HTSUS'') subheadings: 9403.50.9042,

[1] *See Wooden Bedroom Furniture From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and New Shipper Reviews; 2012,* 79 FR 10768 (February 26, 2014) (''*Preliminary Results*'') and accompanying ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative and New Shipper Review: Wooden Bedroom Furniture from the People's Republic of China'' (''Preliminary Decision Memorandum'').

[2] Those two mandatory respondents are Marvin Furniture (Shanghai) Co., Ltd. (''Marvin Furniture''), and Foliot Furniture Inc./Meubles Foliot Inc. (''Foliot''), Foliot Furniture Corporation, and Foliot Furniture Pacific Inc. (collectively, ''the Foliot Group'').

9403.50.9045, 9403.50.9080, 9403.50.9041, 9403.60.8081, 9403.20.0018, 9403.90.8041, 7009.92.1000 or 7009.92.5000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written product description in the Order remains dispositive.[3]

Final Determination of No Shipments

As noted in the Preliminary Decision Memorandum, we determined that the following companies did not have any reviewable entries during the POR: (1) Clearwise Company Limited (''Clearwise''); (2) COE Limited (''COE''); (3) Dongguan Singways Furniture Co., Ltd. (''Singways''); (4) Dongguan Yujia Furniture Co., Ltd. (''Dongguan Yujia''); (5) Eurosa (Kunshan) Co., Ltd. (''Eurosa''); (6) Golden Well International (HK) Limited (''Golden Well''); (7) Hangzhou Cadman Trading Co, Ltd. (''Cadman''); (8) Sen Yeong International Co., Ltd.; Sheh Hau International Trading Ltd. (''Sen Yeong''); (9) Shenyang Shining Dongxing Furniture Co., Ltd. (''Shenyang Shining''); (10) Strongson Furniture (Shenzhen) Co., Ltd.; Strongson Furniture Co., Ltd.; Strongson (HK) Co. (''Strongson''); (11) Yeh Brothers World Trade Inc. (''Yeh Brothers''); and (12) Zhejiang Tianyi Scientific & Educational Equipment Co., Ltd. (''Zhejiang Tianyi'').[4] No parties commented on this issue, and we have not received any information that contradicts these companies' claims of no-shipments. Thus, we continue to find that these companies did not have entries of subject merchandise during the POR. We will issue instructions to U.S. Customs and Border Protection (''CBP'') for any suspended entries under these companies' antidumping duty case numbers as noted below.

Final Results of the 2012 Administrative Review

The Department has determined that the following dumping margin exists for the period January 1, 2012, through December 31, 2012:

Exporter	Weighted-average margin (percent)
Hualing Furniture (China) Co., Ltd.; Tony House Manufacture (China) Co., Ltd.; Buysell Investments Ltd.; and Tony House Industries Co., Ltd	3.25
PRC-wide Entity[5]	216.01

Final Results of the 2012 New Shipper Review

The Department has determined that the following dumping margin exists for the exporter-producer combination listed below for the period January 1, 2012, through December 31, 2012:

Exporter	Producer	Weighted-average dumping margin (percent)
Dongguan Chengcheng Group Co., Ltd	Dongguan Chengcheng Group Co., Ltd	0.00

Assessment

Pursuant to section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the ''Act''), and 19 CFR 351.212(b), the Department has determined, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise and deposits of estimated duties, where applicable, in accordance with the final results of these reviews. The Department intends to issue assessment instructions to CBP 15 days after the publication date of these final results of reviews.

For each individually examined respondent in these reviews whose weighted-average dumping margin in the final results of review is above *de minimis* (*i.e.*, 0.05 percent), the Department calculated importer (or customer)-specific assessment rates, in accordance with 19 CFR 351.212(b)(1).[6] Where the respondent reported reliable entered values, we calculated importer (or customer)-specific ad valorem rates by aggregating the dumping margins calculated for all U.S. sales to each importer (or customer) and dividing this amount by the total entered value of the sales to each importer (or customer).[7] Where the Department calculated a weighted-average dumping margin by dividing the total amount of dumping

[3] For a complete description of the scope of the order, *see* I&D Memorandum.

[4] *See Preliminary Results,* 79 FR 10768 and accompanying Preliminary Decision Memorandum at ''Preliminary Determination of No Shipments.'' We note that in the Preliminary Decision Memorandum, we incorrectly identified Strongson by the following company names: ''Strongson Furniture Co., Ltd., Strongson (HK) Company and Strongson (HK) Company.'' We should instead have listed the following company names for Strongson: ''Strongson Furniture (Shenzhen) Co., Ltd.; Strongson Furniture Co., Ltd.; and Strongson (HK) Co.'' *See Wooden Bedroom Furniture From the People's Republic of China: Initiation of Administrative Review*, 78 FR 13626 (February 28, 2013). We will update our liquidation instructions for Strongson with the correct company names.

[5] The PRC-wide entity includes, among other companies: (1) Marvin Furniture (Shanghai) Co., Ltd.; (2) Foliot Furniture Inc., aka Meubles Foliot Inc.; (3) Chuan Fa Furniture Factory; (4) Dalian Guangming Furniture Co., Ltd.; (5) Dalian Pretty Home Furniture a.k.a. Dalian Pretty Home Furniture Co., Ltd.; (6) Dongguan Cambridge Furniture Co., Ltd., Glory Oceanic Co., Ltd.; (7) Dongguan Dihao Furniture Co., Ltd.; (8) Dongguan Great Reputation Furniture Co., Ltd.; (9) Dongguan Kin Feng Furniture Co., Ltd.; (10) Dongguan Liaobushangdun Huada Furniture Factory, Great Rich (HK) Enterprises Co., Ltd.; (11) Dongguan Lung Dong Furniture Co., Ltd., Dongguan Dong He Furniture Co., Ltd.; (12) Dongguan Mingsheng Furniture Co., Ltd.; (13) Dongguan Sunshine Furniture Co., Ltd.; (14) Dongguan Yihaiwei Furniture Limited; (15) Fleetwood Fine Furniture LP.; (16) Fortune Furniture Ltd., Dongguan Fortune Furniture Ltd.; (17) Fuijian Lianfu Forestry Co, Ltd. (a.k.a. Fujian Wonder Pacific Inc.), Fuzhou Huan Mei Furniture Co., Ltd., Jiangsu Dare Furniture Co., Ltd.; (18) Gaomi Yatai Wooden Ware Co., Ltd., Team Prospect International Limited, Money Gain International Co.; (19) Garri Furniture (Dong Guan) Co., Ltd., Molabile International, Inc., Weei Geo Enterprise Co., Ltd.; (20) Guangdong New Four Seas Furniture Manufacturing Ltd.; (21) Guangzhou Lucky Furniture Co., Ltd.; (22) Jardine Enterprise, Ltd.; (23) Langfang Tiancheng Furniture Co., Ltd.; (24) Longkou Huangshan Furniture Factory; (25) Longrange Furniture Co., Ltd.; (26) Macau Youcheng Trading Co./Zhongshan Youcheng Wooden Arts & Crafts Co., Ltd.; (27) Nanhai Baiyi Woodwork Co., Ltd.; (28) Nanjing Nanmu Furniture Co., Ltd.; (29) Po Ying Industrial Co.; (30) Qingdao Beiyuan-Shengli Furniture Co., Ltd., Qingdao Beiyuan Industry Trading Co., Ltd.; (31) Qingdao Shengchang Wooden Co., Ltd.; (32) Red Apple Trading Co., Ltd., Shenzhen Tiancheng Furniture Co., Ltd., Winbuild Industrial Ltd., Red Apple Furniture Co., Ltd.; (33) Season Furniture Manufacturing Co., Season Industrial Development Co.; (34) Shenzhen Shen Long Hang Industry Co., Ltd.; (35) Shenzhen Xingli Furniture Co., Ltd.; (36) Shun Feng Furniture Co., Ltd.; (37) Songgang Jasonwood Furniture Factory, Jasonwood Industrial Co., Ltd. S.A.; (38) Teamway Furniture (Dong Guan) Ltd., Brittomart Inc.; (39) Tianjin First Wood Co., Ltd.; (40) Tianjin Fortune Furniture Co., Ltd.; (41) Tianjin Phu Shing Woodwork Enterprise Co., Ltd.; (42) Transworld (Zhang Zhou) Furniture Co., Ltd.; (43) Tube-Smith Enterprise (Zhangzhou) Co., Ltd., Tube-Smith Enterprise (Haimen) Co., Ltd., Billionworth Enterprises Ltd.; (44) Wanhengtong Nueevder (Furniture) Manufacture Co., Ltd., Dongguan Wanhengtong Industry Co., Ltd.; (45) Winmost Enterprises Limited; and (46) Xilinmen Furniture Co., Ltd.

[6] *See Antidumping Proceedings: Calculation of the Weighted Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77FR 8101 (February 14, 2012) (''*Final Modification*'').

[7] *See* 19 CFR 351.212(b)(1).

for reviewed sales to that party by the total sales quantity associated with those transactions, the Department will direct CBP to assess importer (or customer)-specific assessment rates based on the resulting per-unit rates.[8] Where an importer (or customer-) specific ad valorem or per-unit rate is greater than *de minimis*, the Department will instruct CBP to collect the appropriate duties at the time of liquidation. Where either the respondent's weighted average dumping margin is zero or *de minimis*, or an importer (or customer-) specific *ad valorem* or per-unit rate is zero or *de minimis*, the Department will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[9]

In 2011, the Department announced a refinement to its assessment practice in NME cases.[10] Pursuant to this refinement in practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during these reviews, the Department will instruct CBP to liquidate such entries at the NME-wide rate. In addition, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.*, at that exporter's rate) will be liquidated at the NME-wide rate.[11]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of these reviews for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For the company listed in the ''Final Results of the 2012 Administrative Review'' section of this notice above and the exporter-producer combination listed in the ''Final Results of the 2012 New Shipper Review'' section of this notice above, the cash deposit rate will be the rate listed above for the company, except if the rate is zero or *de minimis*, then no cash deposit will be required for that company; (2) for Clearwise; COE; Singways; Dongguan Yujia; Eurosa; Golden Well; Cadman; Sen Yeong; Shenyang Shining; Strongson; Yeh Brothers; and Zhejiang Tianyi, which had no shipments, the cash deposit rate will remain unchanged from the rate assigned to these companies in the most recently completed review of the companies; (3) for previously investigated or reviewed PRC and non-PRC exporters who are not under review in this segment of the proceeding but who have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (4) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, including Marvin Furniture, Foliot Furniture Inc., aka Meubles Foliot Inc. and the forty four other companies listed in footnote 5 above, the cash deposit rate will be the PRC-wide rate of 216.01 percent; and (5) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter(s) that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

These final results of reviews are issued and published in accordance with sections 751(a)(1), 751(a)(2)(B), 777(i) of the Act and 19 CFR 351.213, 351.214.

Dated: August 25, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

Summary
Background
Scope of the Order
Discussion of the Issues
- Comment 1: Whether There Are Errors in the Financial Ratio Calculations in the Administrative Review
- Comment 2: Whether Marvin Furniture has Demonstrated Eligibility for Separate Rate Status
- Comment 3: Whether Entries of Shanghai Maoji's Merchandise Should Be Liquidated As Entered
- Comment 4: The Appropriate Dumping Margin to Apply to Marvin Furniture and Shanghai Maoji as Part of the PRC-Wide Entity
- Comment 5: Whether the Liquidation Instructions for the Administrative Review Should be Revised
- Comment 6: Treatment of Labor Costs in Surrogate Financial Ratios
- Comment 7: The Appropriate Surrogate Value For MDF
- Comment 8: The Appropriate Surrogate Value For Brokerage and Handling
- Comment 9: The Appropriate Surrogate Value For Paint
- Comment 10: The Appropriate Surrogate Value For Electricity
- Comment 11: The Appropriate Surrogate Financial Statements for the NSR

Recommendation

[FR Doc. 2014–20827 Filed 8–29–14; 8:45 am]

BILLING CODE 3510–DS–P

[8] *Id.*

[9] *See Final Modification.*

[10] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

[11] *Id.*

DEPARTMENT OF COMMERCE

International Trade Administration

[C–201–846]

Sugar From Mexico: Preliminary Affirmative Countervailing Determination and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are being provided to producers and exporters of sugar from Mexico. The period of investigation is January 1, 2013, through December 31, 2013. Interested parties are invited to comment on this preliminary determination.

DATES: *Effective Date:* September 2, 2014.

FOR FURTHER INFORMATION CONTACT: Kaitlin Wojnar or Nicholas Czajkowski,

AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3857 or (202) 482–1395, respectively.

SUPPLEMENTARY INFORMATION:

Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination

On the same day that the Department initiated this countervailing duty (CVD) investigation, the Department also initiated an antidumping duty (AD) investigation of sugar from Mexico.[1] The AD and CVD investigations cover the same class or kind of merchandise from the same country. On August 21, 2014, in accordance with section 705(a)(1) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.210(b)(4), Petitioners requested alignment of the final CVD determination with the final AD determination of sugar from Mexico.[2] Therefore, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), we are aligning the final CVD determination in this investigation with the final determination in the companion AD investigation of sugar from Mexico. Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be issued no later than January 7, 2015.

Scope of the Investigation

The product covered by this investigation is sugar from Mexico. For a full description of the scope of the investigation, *see* Appendix I to this notice.[3]

Methodology

The Department is conducting this CVD investigation in accordance with section 701 of the Act. For a full description of the methodology underlying our preliminary conclusions, *see* the Preliminary Decision Memorandum.[4] The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov,* and is available to all parties in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content. A list of topics discussed in the Preliminary Decision Memorandum can be found in Appendix II to this notice.

Preliminary Determination and Suspension of Liquidation

In accordance with section 703(d)(1)(A)(i) of the Act, we calculated a CVD rate for the following individually-investigated producer/exporters of the subject merchandise: (1) Fondo de Empresas Expropiadas del Sector Azucarero (FEESA);[5] and (2) Ingenio Tala S.A. de C.V. and certain other cross-owned companies of Grupo Azucarero Mexico S.A. de C.V. (collectively, the GAM Group).[6] We also calculated an all-others rate. Sections 703(d) and 705(c)(5)(A) of the Act state that for companies not individually investigated, we apply an all-others rate calculated by weighting the subsidy rates of each of the exporters and producers individually-investigated by those exporters' and producers' exports of subject merchandise to the United States.

We preliminarily determine the countervailable subsidy rates as follows:

Producer/exporter	Subsidy rate (percent)
FEESA[7]	17.01
Ingenio Tala S.A. de C.V. and certain cross-owned companies of Grupo Azucarero Mexico S.A. de C.V. (collectively, the GAM Group)[8]	2.99
All-Others	14.87

In accordance with sections 703(d)(1)(B) and (d)(2) of the Act, we are directing U.S. Customs and Border Protection to suspend liquidation of all entries of sugar from Mexico that are entered, or withdrawn from warehouse, for consumption on or after the date of the publication of this notice in the **Federal Register**, and to require a cash deposit for such entries of merchandise in the amounts indicated above.

Verification

As provided in section 782(i)(1) of the Act, we intend to verify the information submitted by FEESA, the GAM Group, and the Government of Mexico prior to making our final determination in this investigation.

Disclosure and Public Comment

The Department intends to disclose to interested parties the calculations performed in connection with this

[1] *See Sugar From Mexico: Initiation of Countervailing Duty Investigation,* 79 FR 22790 (April 24, 2014); *see also Sugar From Mexico: Initiation of Antidumping Duty Investigation,* 79 FR 22795 (April 24, 2014).

[2] Petitioners are the American Sugar Coalition and its individual members: American Sugar Cane League, American Sugar Refining, Inc., American Sugarbeet Growers Association, Florida Sugar Cane League, Hawaiian Commercial and Sugar Company, Rio Grande Valley Sugar Growers, Inc., Sugar Cane Growers Cooperative of Florida, and United States Beet Sugar Association.

[3] Interested parties filed comments and a clarification request regarding the scope of the investigation. However, due to the limited timeframe for considering these submissions, the Department intends to address the specific scope comments and clarification request in the preliminary determination of the companion AD investigation. Any modifications to the scope or scope exclusions that may be made in the AD preliminary determination will be placed on the record of this CVD investigation and parties will be afforded an opportunity to submit comments.

[4] *See* Memorandum from Gary Taverman, Senior Advisor for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for the Preliminary Determination in the Countervailing Duty Investigation of Sugar from Mexico,'' dated concurrently with and hereby adopted by this notice (Preliminary Decision Memorandum).

[5] FEESA consists of the following sugar mills: Fideicomiso Ingenio El Modelo, Fideicomiso Ingenio San Cristobal, Fideicomiso Ingenio Plan De San Luis, Fideicomiso Ingenio San Miguelito, Fideicomiso Ingenio La Providencia, Fideicomiso Ingenio Atencingo, Fideicomiso Ingenio Casasano, Fideicomiso Ingenio El Potrero, and Fideicomiso Ingenio Emiliano Zapata. *See* Preliminary Decision Memorandum.

[6] The GAM Group consists of the following entities: Ingenio Tala S.A. de C.V.; Ingenio El Dorado S.A. de C.V.; Ingenio Lazaro Cardenas S.A. de C.V.; Organizacion Cultiba, S.A.B. de C.V.; Grupo Azucarero Mexico S.A. de C.V.; ITLC Agricola Central S.A. de C.V.; Tala Electric S.A. de C.V.; Empresas y Servicios Organizados S.A. de C.V.; and Proveedora de Alimentors Mexico, S.A. de C.V. *See* Preliminary Decision Memorandum.

[7] *Supra* note 5.

[8] *Supra* note 6.

preliminary determination within five days of its public announcement.[9] Interested parties may submit case and rebuttal briefs, as well as request a hearing.[10] For a schedule of the deadlines for filing case briefs, rebuttal briefs, and hearing requests, *see* the Preliminary Decision Memorandum.

International Trade Commission Notification

In accordance with section 703(f) of the Act, we will notify the U.S. International Trade Commission (ITC) of our determination. In addition, we are making all non-privileged and non-proprietary information relating to this investigation available to the ITC. We will allow the ITC access to all privileged and business proprietary information in our files, provided that the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Assistant Secretary for Enforcement and Compliance.

In accordance with section 705(b)(2) of the Act, if our final determination is affirmative, the ITC will make its final determination no more than 45 days after the Department makes its final determination.

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act.

Dated: August 25, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The product covered by this investigation is sugar derived from sugar cane or sugar beets. Sucrose gives sugar its essential character. Sucrose is a nonreducing disaccharide composed of glucose and fructose linked via their anomeric carbons. The molecular formula for sucrose is $C_{12}H_{22}O_{11}$, the International Union of Pure and Applied Chemistry (IUPAC) International Chemical Identifier (InChl) for sucrose is 1S/C12H22O11/c13-l-4-6(16)8(18)9(19)11(21-4)23-12(3-15)10(20)7(17)5(2-14)22-12/h4-11,13-20H,1-3H2/t4-,5-,6-,7-,8+,9-,10+,11-,12+/m1/s1, the InChl Key for sucrose is CZMRCDWAGMRECN-UGDNZRGBSA-N, the U.S. National Institutes of Health PubChem Compound Identifier (CID) for sucrose is 5988, and the Chemical Abstracts Service (CAS) Number of sucrose is 57–50–1.

Sugar within the scope of this investigation includes raw sugar (sugar with a sucrose content by weight in a dry state that corresponds to a polarimeter reading of less than 99.5 degrees) and estandar or standard sugar which is sometimes referred to as ''high polarity'' or ''semi-refined'' sugar (sugar with a sucrose content by weight in a dry state that corresponds to a polarimeter reading of 99.2 to 99.6 degrees). Sugar within the scope of this investigation includes refined sugar with a sucrose content by weight in a dry state that corresponds to a polarimeter reading of at least 99.9 degrees. Sugar within the scope of this investigation includes brown sugar, liquid sugar (sugar dissolved in water), organic raw sugar and organic refined sugar.

Inedible molasses is not within the scope of this investigation. Specialty sugars, *e.g.,* rock candy, fondant, sugar decorations, are not within the scope of this investigation. Processed food products that contain sugar, *e.g.,* beverages, candy, cereals, are not within the scope of this investigation.

Merchandise covered by this investigation is typically imported under the following headings of the Harmonized Tariff Schedule of the United States (HTSUS): 1701.12.1000, 1701.12.5000, 1701.13.1000, 1701.13.5000, 1701.14.1000, 1701.14.5000, 1701.91.1000, 1701.91.3000, 1701.99.1025, 1701.99.1050, 1701.99.5025, 1701.99.5050, and 1702.90.4000. The tariff classification is provided for convenience and customs purposes; however, the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Alignment
IV. Scope Comments
V. Scope of the Investigation
VI. Respondent Selection
VII. Injury Test
VIII. Subsidies Valuation
IX. Creditworthiness
X. Analysis of Programs
XI. ITC Notification
XII. Disclosure and Public Comment
XIII. Verification
XIV. Conclusion

[FR Doc. 2014–20834 Filed 8–29–14; 8:45 am]

BILLING CODE 3510–DS–P

[9] *See* 19 CFR 351.224(b).

[10] *See* 19 CFR351.309(c)–(d), 19 CFR 351.310(c); *see also* 19 CFR 351.303 (for general filing requirements).

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

FOR FURTHER INFORMATION CONTACT: Brenda E. Waters, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (''the Act''), may request, in accordance with 19 CFR 351.213, that the Department of Commerce (''the Department'') conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting date.

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, the Department intends to select respondents based on U.S. Customs and Border Protection (''CBP'') data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order (''APO'') to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 21 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. The Department invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department finds that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at

the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to this review, if the Department determined, or continued to treat, that company as collapsed with others, the Department will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, the Department will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where the Department considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that requests a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that the Department may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when the Department will exercise its discretion to extend this 90-day deadline, interested parties are advised that, with regard to reviews requested on the basis of anniversary months on or after September 2014, the Department does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance prevented it from submitting a timely withdrawal request. Determinations by the Department to extend the 90-day deadline will be made on a case-by-case basis.

The Department is providing this notice on its Web site, as well as in its ''Opportunity to Request Administrative Review'' notices, so that interested parties will be aware of the manner in which the Department intends to exercise its discretion in the future.

Opportunity to Request a Review: Not later than the last day of September 2014,[1] interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in September for the following periods:

	Period of review
Antidumping Duty Proceedings	
Belarus: Steel Concrete Reinforcing Bars A–822–804	9/1/13–8/31/14
India: Lined Paper Products A–533–843	9/1/13–8/31/14
Indonesia: Steel Concrete Reinforcing Bars A–560–811	9/1/13–8/31/14
Italy: Stainless Steel Wire Rod A–475–820	9/1/13–8/31/14
Japan: Stainless Steel Wire Rod A–588–843	9/1/13–8/31/14
Latvia: Steel Concrete Reinforcing Bars A–449–804	9/1/13–8/31/14
Mexico: Magnesia Carbon Bricks A–201–837	9/1/13–8/31/14
Moldova: Steel Concrete Reinforcing Bars A–841–804	9/1/13–8/31/14
Poland: Steel Concrete Reinforcing Bars A–455–803	9/1/13–8/31/14
Republic of Korea: Stainless Steel Wire Rod A–580–829	9/1/13–8/31/14
Spain: Stainless Steel Wire Rod A–469–807	9/1/13–8/31/14
Taiwan: Narrow Woven Ribbons with Woven Selvedge A–583–844	9/1/13–8/31/14
Raw Flexible Magnets A–583–842	9/1/13–8/31/14
Stainless Steel Wire Rod A–583–828	9/1/13–8/31/14
The People's Republic of China:	
Freshwater Crawfish Tailmeat A–570–848	9/1/13–8/31/14
Foundry Coke A–570–862	9/1/13–8/31/14
Kitchen Appliance Shelving and Racks A–570–941	9/1/13–8/31/14
Lined Paper Products A–570–901	9/1/13–8/31/14
Magnesia Carbon Bricks A–570–954	9/1/13–8/31/14
Narrow Woven Ribbons with Woven Selvedge A–570–952	9/1/13–8/31/14
New Pneumatic Off-The-Road Tires A–570–912	9/1/13–8/31/14
Raw Flexible Magnets A–570–922	9/1/13–8/31/14
Steel Concrete Reinforcing Bars A–570–860	9/1/13–8/31/14
Ukraine:	
Solid Agricultural Grade Ammonium Nitrate A–823–810	9/1/13–8/31/14
Steel Concrete Reinforcing Bars A–823–809	9/1/13–8/31/14
Countervailing Duty Proceedings	
India: Lined Paper Products C–533–844	1/1/13–12/31/13
The People's Republic of China:	
Kitchen Appliance Shelving and Racks C–570–942	1/1/13–12/31/13
Magnesia Carbon Bricks C–570–955	1/1/13–12/31/13
Narrow Woven Ribbons with Woven Selvedge C–570–953	1/1/13–12/31/13
New Pneumatic Off-The-Road Tires C–570–913	1/1/13–12/31/13
Raw Flexible Magnets C–570–923	1/1/13–12/31/13

[1] Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when the Department is closed.

	Period of review
Suspension Agreements	
Argentina: Lemon Juice A–357–818	9/1/13–8/31/14

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which was produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Note that, for any party the Department was unable to locate in prior segments, the Department will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003), and *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011) the Department clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders.[2]

Further, as explained in *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013), the Department clarified its practice with regard to the conditional review of the non-market economy (NME) entity in administrative reviews of antidumping duty orders. The Department will no longer consider the NME entity as an exporter conditionally subject to administrative reviews. Accordingly, the NME entity will not be under review unless the Department specifically receives a request for, or self-initiates, a review of the NME entity.[3] In administrative reviews of antidumping duty orders on merchandise from NME countries where a review of the NME entity has not been initiated, but where an individual exporter for which a review was initiated does not qualify for a separate rate, the Department will issue a final decision indicating that the company in question is part of the NME entity. However, in that situation, because no review of the NME entity was conducted, the NME entity's entries were not subject to the review and the rate for the NME entity is not subject to change as a result of that review (although the rate for the individual exporter may change as a function of the finding that the exporter is part of the NME entity).

Following initiation of an antidumping administrative review when there is no review requested of the NME entity, the Department will instruct CBP to liquidate entries for all exporters not named in the initiation notice, including those that were suspended at the NME entity rate.

All requests must be filed electronically in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS'') on the IA ACCESS Web site at *http://iaaccess.trade.gov.*[4] Further, in accordance with 19 CFR 351.303(f)(l)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request.

The Department will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of September 2014. If the Department does not receive, by the last day of September 2014, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period of the order, if such a gap period is applicable to the period of review.

This notice is not required by statute but is published as a service to the international trading community.

Dated: August 22, 2014.

Gary Taverman,

Senior Advisor for Antidumping and Countervailing Duty Operations.

[FR Doc. 2014–20813 Filed 8–29–14; 8:45 am]

BILLING CODE 3510–DS–P

[2] *See also* the Enforcement and Compliance Web site at *http://trade.gov/enforcement/.*

[3] In accordance with 19 CFR 351.213(b)(1), parties should specify that they are requesting a review of entries from exporters comprising the entity, and to the extent possible, include the names of such exporters in their request.

[4] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD472

New England Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; public meetings.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Groundfish Oversight Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday, September 17, 2014 at 9 a.m. and Thursday, September 18, 2014 at 9 a.m.

ADDRESSES:

Meeting address: The meetings will be held at the DoubleTree by Hilton, 363 Maine Mall Road, South Portland, ME 04106; telephone: (207) 775–6161; fax: (207) 756–6622.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The items of discussion on the committee agenda for Wednesday, September 17 are Amendment 18, A18 (fleet diversity and accumulation limits). A review of Groundfish Plan Development (PDT) analysis, recommendations from the Groundfish Advisory Panel (GAP) and recommendations from Recreational Advisory Panel (RAP) will be discussed. The committee will discuss draft inshore/offshore alternatives with respect to fleet diversity and Gulf of Maine (GOM) cod and other measure in A18 and develop Oversight Committee recommendations to the Council regarding A18.

Items for discussion for Thursday, September 18 are Framework Adjustment 53, FW53, (specifications and management measures). The committee will discuss specifications for groundfish stocks (GOM cod and haddock; GOM and Georges Bank (GB) with flounder; Pollock; GB yellowtail flounder, cod and haddock). Management measures (windowpane flounder sub-annual catch limit (ACLs) and accountability measures (AMs), expansion of the GOM cod inshore spawning closure, roll-over provision for specifications, and other measures) will be discussed. Additionally, for review are the Groundfish PDT Analysis and recommendations from the GAP and RAP as well as develop Oversight Committee recommendations to the Council regarding FW53. The committee will discuss other business as necessary.

Although non-emergency issues not contained in this agenda may come before these groups for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: August 27, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–20751 Filed 8–29–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Hydrographic Services Review Panel Meeting

AGENCY: National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The Hydrographic Services Review Panel (HSRP) is a Federal Advisory Committee established to advise the Under Secretary of Commerce for Oceans and Atmosphere on matters related to the responsibilities and authorities set forth in section 303 of the Hydrographic Services Improvement Act of 1998, as amended, and such other appropriate matters that the Under Secretary refers to the Panel for review and advice.

Date and Time: The public meeting will be held on September 16–18, 2014. September 16th from 9:00 a.m. to 2:30 p.m., September 17th from 8:00 a.m. to 5:00 p.m. and September 18th from 8:00 a.m. to 2:15 p.m. EDT.

Location: Courtyard Marriott, 125 Calhoun St., Charleston, South Carolina, 29401, tel: (843) 805–7900.

FOR FURTHER INFORMATION CONTACT: Lynne Mersfelder-Lewis, HSRP Coordinator, National Ocean Service (NOS), Office of Coast Survey, NOAA (N/CS), 1315 East West Highway, Silver Spring, Maryland 20910; Telephone: 301–713–2702 ext. 199; Fax: 301–713–4019; Email: *lynne.mersfelder@noaa.gov* or visit the NOAA HSRP Web site at *http://nauticalcharts.noaa.gov/ocs/hsrp/hsrp.htm.*

SUPPLEMENTARY INFORMATION: The meeting will be open to the public and public comment periods (on-site) will be scheduled at various times throughout the meeting. These comment periods will be included in the final agenda published before September 10, 2014, on the HSRP Web site listed above. Each individual or group making verbal comments will be limited to a total time of five (5) minutes. Comments will be recorded. Written comments should be submitted to *lynne.mersfelder@noaa.gov* by September 10, 2014. Written comments received after September 10, 2014, will be distributed to the HSRP, but may not be reviewed until the meeting. Public seating will be available on a first-come, first-served basis. Times and agenda topics are subject to change. Refer to the HSRP Web site listed below for meeting agenda information. *http://nauticalcharts.noaa.gov/ocs/hsrp/hsrp.htm*

Matters To Be Considered: Regional and local stakeholders will present to the HSRP on issues relevant to NOAA's navigation and positioning data, products, and services. Broad topic areas to be heard about will focus on the use and application of NOAA's navigation and positioning data, products, and services to support: (1) The U.S. Southeast regional marine transportation system and economy; (2) regional dredging and port expansion efforts; (3) navigation safety for the Atlantic Intracoastal Waterway and recreational boating; and (4) geospatial modeling data to support local and regional coastal planning and development, risk reduction strategies for building coastal resilient communities, and for pre-storm and post-storm resilience preparation.

The HSRP will also hold focused stakeholder breakout sessions with regional and local stakeholders to further discuss challenges and issues presented during the stakeholder speaker panel presentation, and other issues not previously presented. The stakeholder breakout sessions will be held on Wednesday, September 17th with the general themes: (1) Port and harbor expansion; (2) Atlantic

Intracoastal Waterway and recreational boating; and (3) geospatial modeling and coastal resilience. The public is invited to participate and sign up for these sessions by contacting NOAA's Northeast Navigation Manager, Kyle Ward at email: *Kyle.Ward@noaa.gov;* or the HSRP Coordinator, Lynne Mersfelder-Lewis at email: *Lynne.Mersfelder@noaa.gov.*

The stakeholder breakout sessions provides the public with the opportunity to interact with HSRP members on concerns or issues with NOAA's navigation and positioning data, products, and services, and to present options or recommendations for improvement. The HSRP will consider input from these breakout sessions, and from the other meeting presentations, to develop its recommendations to the NOAA Acting Under Secretary for improving NOAA's suite of navigation and positioning data, products, and services. Other matters to be discussed include activities relating to hydrography, geodesy, coastal mapping, and tides, currents and water levels, as well as administrative matters pertaining to the HSRP.

The HSRP meeting will provide GoTo Webinar services and teleconference capability for public access to listen and observe the meeting presentations. Members of the public who wish to participate virtually must register in advance by September 10, 2014. Webinar service is available for Tuesday, September 15th from 9:00 a.m. to 2:30 p.m., Wednesday, September 17th from 8:00 a.m. to 1:00 p.m. and from 2:45 p.m. to 5:00 p.m., and on Thursday, September 18th from 8:30 a.m. to 2:15 p.m. EDT. To register for virtual access or submit public comments before the virtual sessions begin please contact Lynne Mersfelder-Lewis at email: *Lynne.Mersfelder@noaa.gov*.

Dated: August 26, 2014.

Donna Rivelli,

Deputy Associate Assistant Administrator for Management and CFO/CAO, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2014–20746 Filed 8–29–14; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD464

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meetings.

SUMMARY: The North Pacific Fishery Management Council (Council) Observer Advisory Committee (OAC) will meet in Seattle, WA.

DATES: The meetings will be held on September 18, 2014, from 8:30 a.m. to 5 p.m., and September 19, 2014, from 8:30 a.m. to 12:30 p.m.

ADDRESSES: The meetings will be held at the Alaska Fishery Science Center, 7600 Sand Point Way NE., Building 4, Observer Training Room, Seattle, WA.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Diana Evans, Council staff; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION: The agenda items include introductions and update, review and recommendations on the draft 2015 Observer Annual Deployment Plan, review of progress on regulatory amendments and other analytical projects, and scheduling and other issues.

The Agenda is subject to change, and the latest version will be posted at *http://www.npfmc.org/*.

Although non-emergency issues not contained in this agenda may come before these groups for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: August 27, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–20752 Filed 8–29–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD468

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Scientific and Statistical Committee (SSC) of the Mid-Atlantic Fishery Management Council (Council) will hold a meeting.

DATES: The SSC meeting will be held on Wednesday and Thursday September 17–18, 2014. The meeting will begin at 1 p.m. on September 17 and conclude by 12 p.m. on September 18.

ADDRESSES: The meetings will be held at Admiral Fell Inn, 888 Broadway, Baltimore, MD 21231; telephone: (410) 522–7377.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: Agenda items to be discussed at the SSC meeting include: Review fishery performance report and multi-year ABC specifications for spiny dogfish; open discussion with NEFSC leadership on MAFMC risk policy, stock assessment Tier assignments, and addressing MAFMC research needs; review white paper on forage fish management; update on five-year research plan development; discuss Wave 1 MRFSS data relative to current black sea bass ABC specification; and topics for Fifth National SSC Workshop to be held in 2015.

Although non-emergency issues not contained in this agenda may come before the group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically

listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders (302) 526–5251 at least 5 days prior to the meeting date.

Dated: August 27, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–20750 Filed 8–29–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XP18

Marine Mammals; File No. 14327

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

ACTION: Notice; issuance of permit amendment.

SUMMARY: Notice is hereby given that a major amendment to Permit No. 14327 has been issued to the National Marine Fisheries Service's National Marine Mammal Laboratory (NMML), 7600 Sand Point Way, Seattle, WA 98115 [Principal Investigator: Thomas Gelatt, Ph.D.].

ADDRESSES: The permit amendment and related documents are available for review upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Courtney Smith or Amy Sloan, (301) 427–8401.

SUPPLEMENTARY INFORMATION: On May 16, 2014, notice was published in the **Federal Register** (79 FR 28488) that a request for an amendment to Permit No. 14327–01 to conduct research on Northern fur seals (*Callorhinus ursinus*) had been submitted by the above-named applicant. The requested permit amendment has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

Permit No. 14327–01 continues the long term monitoring and assessment of Northern fur seal population and demographic parameters; health and disease trends; and foraging habits and ecology in U.S. waters, including rookeries and haulouts in California and Alaska. Western DPS Steller sea lions (*Eumetopias jubatus*) and California sea lions (*Zalophus californianus*) may be harassed annually incidental to the research. This amendment: Adds new methods (using small Unmanned Aerial Systems to conduct aerial surveys) and authorizes associated incidental disturbance; edits methodology (tag resighting observations) and increases associated incidental disturbance; authorizes existing procedures (nasal, vaginal, and fecal swab sampling) for/at other existing projects/locations; authorizes new procedures (ocular swab and vibrissae sampling); adds a new species (harbor seals; *Phoca vitulina*) and authorizes their disturbance incidental to northern fur seal research activities; and, modifies protocols (tooth extraction, pup production estimates). The amendment expires on August 31, 2019.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the effects of the activities proposed are consistent with the Preferred Alternative in the Final Programmatic Environmental Impact Statement for Steller Sea Lion and Northern Fur Seal Research (PEIS; NMFS 2007) and that issuance of the requested permit amendment would not have a significant adverse impact on the human environment.

An additional environmental assessment (EA) analyzing the effects of sUAS, which were not considered in the initial PEIS, on the human environment was prepared in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Based on the analyses in the EA for Issuance of Permits to take Steller Sea Lions by Harassment During Surveys Using Unmanned Aerial Systems, NMFS determined that issuance of the permit would not significantly impact the quality of the human environment and that preparation of an environmental impact statement was not required. That determination is documented in a Finding of No Significant Impact (FONSI), signed on June 17, 2014.

As required by the ESA, issuance of this permit was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: August 27, 2014.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD145

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Seismic Survey in the Beaufort Sea, Alaska

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

ACTION: Notice; issuance of an incidental take authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA) regulations, notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to SAExploration, Inc. (SAE) to take, by harassment, small numbers of marine mammals incidental to a marine 3-dimensional (3D) ocean bottom node (OBN) seismic survey program in the Beaufort Sea, Alaska, during the 2014 Arctic open-water season.

DATES: Effective August 25, 2014, through October 31, 2014.

ADDRESSES: Inquiry for information on the incidental take authorization should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. A copy of the application containing a list of the references used in this document, NMFS' Environmental Assessment (EA) and Finding of No Significant Impact (FONSI), and the IHA may be obtained by writing to the address specified

above, telephoning the contact listed below (see **FOR FURTHER INFORMATION CONTACT**), or visiting the Internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications*.

Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT: Shane Guan, Office of Protected Resources, NMFS, (301) 427–8401, or Brad Smith, NMFS, Alaska Region, (907) 271–3023.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Summary of Request

On December 8, 2013, NMFS received an application from SAE for the taking of marine mammals incidental to a 3D OBN seismic survey program in the Beaufort Sea. After receiving NMFS comments, SAE made revision and updated its IHA application on February 14, 2014, and again on April 23, 2014. In addition, NMFS received the marine mammal mitigation and monitoring plan from SAE on May 15, 2014. NMFS determined that the application was adequate and complete on May 25, 2014.

Detailed descriptions of SAE's 3D OBN seismic survey program are provided in the **Federal Register** notice for the proposed IHA (79 FR 39914; July 10, 2014). No change has been made in the action described in the **Federal Register** notice. Please refer to that document for detailed information about the activities involved in the seismic survey program.

Comments and Responses

A notice of NMFS' proposal to issue an IHA to SAE was published in the **Federal Register** on July 10, 2014 (79 FR 39914). That notice described in detail SAE's activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals and the availability of marine mammals for subsistence uses. During the 30-day public comment period, NMFS received only one comment letter, which was a comment letter the Marine Mammal Commission (Commission).

Any comments specific to SAE's application that address the statutory and regulatory requirements or findings NMFS must make to issue an IHA are addressed in this section of the **Federal Register** notice.

Comment 1: The Commission requested that NMFS require that after August 25, SAE refrain from initiating or cease seismic activities if an aggregation of bowhead whales or gray whales (i.e., 12 or more whales of any age/sex class that appear to be engaged in a non-migratory, significant biological behavior (e.g., feeding, socializing)) is observed within the 160-dB re 1 μPa zone.

Response: NMFS did not propose the suspension of seismic activities for an aggregation of bowhead whales or gray whales (12 or more whales of any age/sex class) within the Level B harassment zone of 160 dB because the size of the zone is very small (2,990 m radius), and it is not likely that an aggregation of 12 whales could occur in such a small zone. In addition, given that the seismic vessel would be moving at a speed of 4–5 knots, and assuming the whales would be relatively stationary, such an aggregation of whales would be exposed to received levels above 160 dB re 1 μPa for less than 13 minutes. Nevertheless, NMFS has worked with SAE to include in the IHA the Commission's recommendation that SAE refrain from initiating or cease seismic activities if an aggregation of bowhead or gray whales (12 or more whales of any age/sex class that appear to be engaged in a non-migratory, significant biological behavior) is observed within the 160-dB re 1 μPa isopleth.

Comment 2: The Commission requested that NMFS only authorize an in-season adjustment in the size of the exclusion and/or disturbance zones if the size(s) of the estimated zones are determined to be too small. The Commission stated that the purpose of sound source verification (SSV) is to ensure protection of marine mammals, and one way to reduce risk to marine mammals would be to only allow expansion of the exclusion and/or disturbance zones.

Response: NMFS does not agree with the Commission's recommendation. While increasing the size of the exclusion zone may seem to be more protective, if the effectiveness of visual-based marine mammal monitoring remains the same, the actual result may not be an increase in protection. Similarly, reducing the size of the exclusion zone, if determined to be appropriate, may lead to more effective and protective monitoring. For example, if the SSV suggests that the appropriate exclusion and/or disturbance zones are smaller than the ones modeled and monitoring still focuses on the larger modeled zones, it is likely that the effectiveness of marine mammal monitoring could be reduced, as the area to be monitored would be larger than necessary. In addition, larger than realistic exclusion zones would cause unnecessary power down and shutdowns, which could increase the total duration of the seismic surveys and cause unnecessary impacts to the marine environment.

Comment 3: The Commission recommended that NMFS verify that SAE will conduct passive acoustic monitoring before, during, and after seismic activities.

Response: NMFS worked with SAE on the requirement of PAM. SAE will conduct PAM before, during, and after seismic surveys, using specialized autonomous passive acoustical recorders. SAE further stated that PAM will begin soon after the time that SAE receives the IHA and will continue at least 24 hours after source operations have been completed. Depending on environmental conditions, PAM data collection could last longer.

Comment 4: The Commission requested that NMFS require SAE to monitor for marine mammals beginning 30 minutes before survey operations begin, during survey operations, and for 30 minutes after survey operations and other activities have ceased.

Response: SAE is required to monitor for marine mammals beginning 30 minutes before survey operations begin, during survey operations, and for 30 minutes after survey operations and other activities have ceased.

Comment 5: The Commission recommended that NMFS encourage the development of conflict avoidance agreements that reflect the interests of all potentially affected communities and co-management organizations and account for potential adverse impacts on all marine mammal species taken for subsistence.

Response: SAE signed a Conflict Avoidance Agreement (CAA) with the Alaska native bowhead whaling communities, to ensure that there is no unmitigable adverse impacts to subsistence whaling activities from its 3D OBN seismic surveys in the Alaskan Beaufort Sea. For marine mammal species other than bowhead whales, SAE developed a Plan of Cooperation (POC) and engaged with all potentially affected communities and co-management organizations to ensure that potential effects to subsistence activities can be mitigated to the level of being negligible. In addition, SAE developed a marine mammal monitoring and mitigation plan (4MP) to make sure that there will be no unmitigable impacts to subsistence uses of any marine mammal species used by the native communities. Finally, NMFS has rigorously reviewed SAE's POC and 4MP and provided additional recommendations (e.g., passive acoustic monitoring) to further reduce any potential adverse effects. NMFS has subsequently made a determination that SAE's 2014 open-water 3D OBN seismic surveys will not have unmitigable adverse impacts to subsistence uses of any marine mammal species. Neither the MMPA nor its implementing regulations require an independent legal agreement between SAE and any subsistence use representative. SAE has already ensured there will be no unmitigable adverse impact to subsistence uses.

Description of Marine Mammals in the Area of the Specified Activity

The Beaufort Sea supports a diverse assemblage of marine mammals. Table 1 lists the 12 marine mammal species under NMFS jurisdiction with confirmed or possible occurrence in the project area.

Table 1. Marine mammal species with confirmed or possible occurrence in the seismic survey area

Common Name	Scientific Name	Status	Occurrence	Seasonality	Range	Abundance
Odontocetes Beluga whale (Beaufort Sea stock)	Delphinapterus leucas	-	Common	Mostly spring and fall with some in summer	Russia to Canada	39,258
Killer whale	Orcinus orca	-	Occasional/ Extralimital	Mostly summer and early fall	California to Alaska	552
Harbor porpoise	Phocoena phocoena	-	Occasional/ Extralimital	Mostly summer and early fall	California to Alaska	48,215
Narwhal	Monodon monoceros	-				45,358
Mysticetes Bowhead whale	Balaena mysticetus	Endangered; Depleted	Common	Mostly spring and fall with some in summer	Russia to Canada	16,892
Gray whale	Eschrichtius robustus	-	Somewhat common	Mostly summer	Mexico to the U.S. Arctic Ocean	19,126
Minke whale	Balaenoptera acutorostrata	-				810-1,003
Humpback whale (Central North Pacific stock)	Megaptera novaeangliae	Endangered; Depleted				21,063
Pinnipeds Bearded seal (Beringia distinct population segment)	Erigathus barbatus	Threatened; Depleted	Common	Spring and summer	Bering, Chukchi, and Beaufort Seas	155,000
Ringed seal (Arctic stock)	Phoca hispida	Threatened; Depleted	Common	Year round	Bering, Chukchi, and Beaufort Seas	300,000
Spotted seal	Phoca largha	-	Common	Summer	Japan to U.S. Arctic Ocean	141,479
Ribbon seal	Histriophoca fasciata	Species of concern	Occasional	Summer	Russia to U.S. Arctic Ocean	49,000

The highlighted (grayed out) species in Table 1 are so rarely sighted in the project area that take is unlikely. Minke whales are relatively common in the Bering and southern Chukchi Seas and have recently also been sighted in the northeastern Chukchi Sea (Aerts *et al.,* 2013; Clarke *et al.,* 2013). Minke whales are rare in the Beaufort Sea. They have not been reported in the Beaufort Sea during the Bowhead Whale Aerial Survey Project/Aerial Surveys of Arctic Marine Mammals (BWASP/ASAMM) surveys (Clarke *et al.,* 2011, 2012; 2013; Monnet and Treacy, 2005), and there was only one observation in 2007 during vessel-based surveys in the region (Funk *et al.,* 2010). Humpback whales have not generally been found in the Arctic Ocean. However, subsistence hunters have spotted humpback whales in low numbers around Barrow, and there have been several confirmed sightings of humpback whales in the northeastern Chukchi Sea in recent years (Aerts *et al.,* 2013; Clarke *et al.,* 2013). The first confirmed sighting of a humpback whale in the Beaufort Sea was recorded in August 2007 (Hashagen *et al.,* 2009), when a cow and calf were observed 54 mi east of Point Barrow. No additional sightings have been documented in the Beaufort Sea. Narwhal are common in the waters of northern Canada, west Greenland, and in the European Arctic, but rarely occur in the Beaufort Sea (COSEWIC, 2004). Only a handful of sightings have occurred in Alaskan waters (Allen and

Angliss, 2013). These three species are not considered further in this IHA notice. Both the walrus and the polar bear could occur in the U.S. Beaufort Sea; however, these species are managed by the U.S. Fish and Wildlife Service (USFWS) and are not considered further in this IHA notice.

The Beaufort Sea is a main corridor of the bowhead whale migration route. The main migration periods occur in spring from April to June and in fall from late August/early September through October to early November. During the fall migration, several locations in the U.S. Beaufort Sea serve as feeding grounds for bowhead whales. Small numbers of bowhead whales that remain in the U.S. Arctic Ocean during summer also feed in these areas. The U.S. Beaufort Sea is not a main feeding or calving area for any other cetacean species. Ringed seals breed and pup in the Beaufort Sea; however, this does not occur during the summer or early fall. Further information on the biology and local distribution of these species can be found in SAE's application (see **ADDRESSES**) and the NMFS Marine Mammal Stock Assessment Reports, which are available online at: *http://www.nmfs.noaa.gov/pr/species/*.

Potential Effects of the Specified Activity on Marine Mammals

Operating active acoustic sources such as airgun arrays, navigational sonars, and vessel activities have the potential for adverse effects on marine mammals. Potential effects from SAE's 3D OBN seismic surveys on marine mammals in the U.S. Beaufort Sea are discussed in the ''Potential Effects of the Specified Activity on Marine Mammals'' section of the **Federal Register** notice for the proposed IHA (79 FR 39914; July 10, 2014). No changes have been made to the discussion contained in this section of the **Federal Register** notice for the proposed IHA.

Anticipated Effects on Habitat

The primary potential impacts to marine mammal habitat are associated with elevated sound levels produced by airguns and vessels and their affects on marine mammal prey species. These potential effects from SAE's 3D OBN seismic survey are discussed in the ''Anticipated Effects on Marine Mammal Habitat'' section of the **Federal Register** notice for the proposed IHA (79 FR 39914; June 14, 2013). No changes have been made to the discussion contained in this section of the **Federal Register** notice for the proposed IHA.

Mitigation Measures

In order to issue an incidental take authorization under Section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable adverse impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses.

For the SAE open-water 3D OBN seismic surveys in the Beaufort Sea, NMFS is requiring SAE to implement the following mitigation measures to minimize the potential impacts to marine mammals in the project vicinity as a result of its survey activities. The primary purpose of these mitigation measures is to detect marine mammals within or about to enter designated exclusion zones and to initiate immediate shutdown or power down of the airgun(s).

(1) Establishing Exclusion and Disturbance Zones

Under current NMFS guidelines, the ''exclusion zone'' for marine mammal exposure to impulse sources is customarily defined as the area within which received sound levels are ≥180 dB (rms) re 1 μPa for cetaceans and ≥190 dB (rms) re 1 μPa for pinnipeds. These safety criteria are based on an assumption that SPL received at levels lower than these will not injure these animals or impair their hearing abilities, but that at higher levels might have some such effects. Disturbance or behavioral effects to marine mammals from underwater sound may occur after exposure to sound at distances greater than the exclusion zones (Richardson *et al.* 1995). Currently, NMFS uses 160 dB (rms) re 1 μPa as the threshold for Level B behavioral harassment from impulses noise.

As discussed in the **Federal Register** notice for the proposed IHA (79 FR 39914; July 10, 2014), the acoustic propagation of the 440-in^3, 880-in^3, and 1,760-in^3 airgun arrays were predicted using JASCO's model provided in Aerts *et al.* (2008), corrected with the measured or manufacturer's source levels. The resulting isopleths modeled for the 190, 180, and 160 dB (rms) re 1 μPa exclusion zones and zones of influence are listed in Table 2.

TABLE 2—MODELED AIRGUN ARRAY SOURCE LEVELS AND EXCLUSION ZONE AND ZONES OF INFLUENCE RADII

Array size (in^3)	Source level (dB)	190 dB radius (m)	180 dB radius (m)	160 dB radius (m)
440	221.08	126	325	1,330
880	226.86	167	494	1,500
1,760	236.55	321	842	2,990

These safety distances will be implemented at the commencement of 2014 airgun operations to establish marine mammal exclusion zones used for mitigation. SAE will conduct sound source measurements of the airgun array at the beginning of survey operations in 2014 to verify the size of the various marine mammal exclusion zones. The acoustic data will be analyzed in the field as quickly as reasonably practicable and used to verify and adjust, as necessary, the marine mammal exclusion zone distances. The mitigation measures to be implemented at the 190 and 180 dB (rms) sound levels will include power downs and shutdowns as described below.

(2) Vessel Related Mitigation Measures

These mitigation measures apply to all vessels that are part of SAE's Beaufort Sea seismic survey activities, including supporting vessels.

- Avoid concentrations or groups of whales. Operators of vessels should, at all times, conduct their activities at the maximum distance possible from such concentrations or groups of whales.
- If any vessel approaches within 1.6 km (1 mi) of observed whales, except when providing emergency assistance to whalers or in other emergency situations, the vessel operator will take reasonable precautions to avoid potential interaction with the whales by taking one or more of the following actions, as appropriate:
  - Reducing vessel speed to less than 5 knots within 300 yards (900 feet or 274 m) of the whale(s);
  - Steering around the whale(s) if possible;

○ Operating the vessel(s) in such a way as to avoid separating members of a group of whales from other members of the group;

○ Operating the vessel(s) to avoid causing a whale to make multiple changes in direction; and

○ Checking the waters immediately adjacent to the vessel(s) to ensure that no whales will be injured when the propellers are engaged.

• Reduce vessel speed, not to exceed 5 knots, when weather conditions require, such as when visibility drops, to avoid the likelihood of injury to whales.

(3) Mitigation Measures for Airgun Operations

The primary requirements for airgun mitigation during the seismic surveys are to monitor marine mammals near the airgun array during all daylight airgun operations and during any nighttime start-up of the airguns and, if any marine mammals are observed, to adjust airgun operations, as necessary, according to the mitigation measures described below. During the seismic surveys, PSOs will monitor the pre-established exclusion zones for the presence of marine mammals. When marine mammals are observed within, or about to enter, designated safety zones, PSOs have the authority to call for immediate power down (or shutdown) of airgun operations, as required by the situation. A summary of the procedures associated with each mitigation measure is provided below.

Ramp Up Procedure

A ramp up of an airgun array provides a gradual increase in sound levels, and involves a step-wise increase in the number and total volume of airguns firing until the full volume is achieved. The purpose of a ramp up (or ''soft start'') is to ''warn'' cetaceans and pinnipeds in the vicinity of the airguns and to provide time for them to leave the area and thus avoid any potential injury or impairment of their hearing abilities.

During the open-water survey program, the seismic operator will ramp up the airgun arrays slowly. Full ramp ups (i.e., from a cold start after a shutdown, when no airguns have been firing) will begin by firing a single airgun in the array (i.e., the mitigation airgun). A full ramp up, after a shutdown, will not begin until there has been a minimum of 30 minutes of observation of the safety zone by PSOs to assure that no marine mammals are present. The entire exclusion zone must be visible during the 30-minute lead-in to a full ramp up. If the entire exclusion zone is not visible, then ramp up from a cold start cannot begin. If a marine mammal is sighted within the safety zone during the 30-minute watch prior to ramp up, ramp up will be delayed until the marine mammal is sighted outside of the exclusion zone or the animal is not sighted for at least 15 minutes, for small odontocetes (harbor porpoise) and pinnipeds, or 30 minutes, for baleen whales and large odontocetes (including beluga and killer whales and narwhal).

Use of a Small-Volume Airgun During Turns and Transits

Throughout the seismic survey, during turning movements and short transits, SAE will employ the use of the smallest-volume airgun (i.e., ''mitigation airgun'') to deter marine mammals from being within the immediate area of the seismic operations. The mitigation airgun will be operated at approximately one shot per minute and will not be operated for longer than three hours in duration (turns may last two to three hours for the project).

During turns or brief transits (i.e., less than three hours) between seismic tracklines, one mitigation airgun will continue operating. The ramp up procedures described above will be followed when increasing the source levels from the one mitigation airgun to the full airgun array. However, keeping one airgun firing during turns and brief transits will allow SAE to resume seismic surveys using the full array without having to ramp up from a ''cold start,'' which requires a 30-minute observation period of the full exclusion zone and is prohibited during darkness or other periods of poor visibility. PSOs will be on duty whenever the airguns are firing during daylight and during the 30-minute periods prior to ramp-ups from a ''cold start.''

Power Down and Shutdown Procedures

A power down is the immediate reduction in the number of operating energy sources from all firing to some smaller number (e.g., a single mitigation airgun). A shutdown is the immediate cessation of firing of all energy sources. The array will be immediately powered down whenever a marine mammal is sighted approaching close to or within the applicable exclusion zone of the full array, but is outside the applicable exclusion zone of the single mitigation airgun. If a marine mammal is sighted within or about to enter the applicable exclusion zone of the single mitigation airgun, the entire array will be shut down (i.e., no sources firing). In addition, SAE will implement shutdown measures when aggregations of bowhead whales or gray whales that appear to be engaged in non-migratory significant biological behavior (e.g., feeding, socializing) are observed within the 160-dB harassment zone around the seismic operations.

Poor Visibility Conditions

SAE plans to conduct 24-hour operations. PSOs will not be on duty during ongoing seismic operations during darkness, given the very limited effectiveness of visual observation at night (there will be no periods of darkness in the survey area until mid-August). The provisions associated with operations at night or in periods of poor visibility include the following:

• If during foggy conditions, heavy snow or rain, or darkness (which may be encountered starting in late August), the full 180 dB exclusion zone is not visible, the airguns cannot commence a ramp-up procedure from a full shut-down.

• If one or more airguns have been operational before nightfall or before the onset of poor visibility conditions, they can remain operational throughout the night or poor visibility conditions. In this case ramp-up procedures can be initiated, even though the exclusion zone may not be visible, on the assumption that marine mammals will be alerted by the sounds from the single airgun and have moved away.

Mitigation Conclusions

NMFS has carefully evaluated SAE's mitigation measures and considered a range of other measures in the context of ensuring that NMFS prescribes the means of effecting the least practicable impact on the affected marine mammal species and stocks and their habitat. Our evaluation of potential measures included consideration of the following factors in relation to one another:

• The manner in which, and the degree to which, the successful implementation of the measures are expected to minimize adverse impacts to marine mammals;

• The proven or likely efficacy of the specific measure to minimize adverse impacts as planned; and

• The practicability of the measure for applicant implementation.

Any mitigation measure(s) prescribed by NMFS should be able to accomplish, have a reasonable likelihood of accomplishing (based on current science), or contribute to the accomplishment of one or more of the general goals listed below:

1. Avoidance or minimization of injury or death of marine mammals wherever possible (goals 2, 3, and 4 may contribute to this goal).

2. A reduction in the numbers of marine mammals (total number or number at biologically important time or location) exposed to received levels of seismic airguns, or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

3. A reduction in the number of times (total number or number at biologically important time or location) individuals would be exposed to received levels of seismic airguns or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

4. A reduction in the intensity of exposures (either total number or number at biologically important time or location) to received levels of seismic airguns or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing the severity of harassment takes only).

5. Avoidance or minimization of adverse effects to marine mammal habitat, paying special attention to the food base, activities that block or limit passage to or from biologically important areas, permanent destruction of habitat, or temporary destruction/disturbance of habitat during a biologically important time.

6. For monitoring directly related to mitigation—an increase in the probability of detecting marine mammals, thus allowing for more effective implementation of the mitigation.

Based on our evaluation of the applicant's proposed measures, as well as other measures considered by NMFS, NMFS determined that the mitigation measures provide the means of effecting the least practicable impact on marine mammals species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance. Measures to ensure availability of such species or stock for taking for certain subsistence uses are discussed later in this document (see ''Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses'' section).

Monitoring and Reporting

In order to issue an ITA for an activity, Section 101(a)(5)(D) of the MMPA states that NMFS must set forth, ''requirements pertaining to the monitoring and reporting of such taking.'' The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for ITAs must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the action area. SAE submitted a marine mammal monitoring plan as part of the IHA application. The plan may be modified or supplemented based on comments or new information received from the public during the public comment period or from the peer review panel (see the ''Monitoring Plan Peer Review'' section later in this document).

Monitoring measures prescribed by NMFS should accomplish one or more of the following general goals:

1. An increase in our understanding of the likely occurrence of marine mammal species in the vicinity of the action, i.e., presence, abundance, distribution, and/or density of species.

2. An increase in our understanding of the nature, scope, or context of the likely exposure of marine mammal species to any of the potential stressor(s) associated with the action (e.g. sound or visual stimuli), through better understanding of one or more of the following: The action itself and its environment (e.g. sound source characterization, propagation, and ambient noise levels); the affected species (e.g. life history or dive pattern); the likely co-occurrence of marine mammal species with the action (in whole or part) associated with specific adverse effects; and/or the likely biological or behavioral context of exposure to the stressor for the marine mammal (e.g. age class of exposed animals or known pupping, calving or feeding areas).

3. An increase in our understanding of how individual marine mammals respond (behaviorally or physiologically) to the specific stressors associated with the action (in specific contexts, where possible, e.g., at what distance or received level).

4. An increase in our understanding of how anticipated individual responses, to individual stressors or anticipated combinations of stressors, may impact either: The long-term fitness and survival of an individual; or the population, species, or stock (e.g. through effects on annual rates of recruitment or survival).

5. An increase in our understanding of how the activity affects marine mammal habitat, such as through effects on prey sources or acoustic habitat (e.g., through characterization of longer-term contributions of multiple sound sources to rising ambient noise levels and assessment of the potential chronic effects on marine mammals).

6. An increase in understanding of the impacts of the activity on marine mammals in combination with the impacts of other anthropogenic activities or natural factors occurring in the region.

7. An increase in our understanding of the effectiveness of mitigation and monitoring measures.

8. An increase in the probability of detecting marine mammals (through improved technology or methodology), both specifically within the safety zone (thus allowing for more effective implementation of the mitigation) and in general, to better achieve the above goals.

Monitoring Measures

Monitoring will provide information on the numbers of marine mammals potentially affected by the exploration operations and facilitate real-time mitigation to prevent injury of marine mammals by industrial sounds or activities. These goals will be accomplished in the Beaufort Sea during 2014 by conducting vessel-based monitoring from both source vessels and the mitigation vessel and an acoustic monitoring program using a bottom-mounted hydrophone array to document marine mammal presence and distribution in the vicinity of the survey area.

Visual monitoring by Protected Species Observers (PSOs) during seismic survey operations, and periods when these surveys are not occurring, will provide information on the numbers of marine mammals potentially affected by these activities and facilitate real-time mitigation to prevent impacts to marine mammals by industrial sounds or operations. Vessel-based PSOs onboard the survey vessels and mitigation vessel will record the numbers and species of marine mammals observed in the area and any observable reaction of marine mammals to the survey activities in the Beaufort Sea.

Visual-Based Protected Species Observers (PSOs)

The visual-based marine mammal monitoring will be implemented by a team of experienced PSOs, including both biologists and Inupiat personnel. PSOs will be stationed aboard the survey vessels and mitigation vessel through the duration of the project. The vessel-based marine mammal monitoring will provide the basis for real-time mitigation measures as discussed in the Mitigation Measures section. In addition, monitoring results of the vessel-based monitoring program will include the estimation of the

number of ''takes'' as stipulated in the IHA.

(1) Protected Species Observers

Vessel-based monitoring for marine mammals will be done by trained PSOs throughout the period of survey activities. The observers will monitor the occurrence of marine mammals near the survey vessel during all daylight periods during operation, and during most daylight periods when operations are not occurring. PSO duties will include watching for and identifying marine mammals; recording their numbers, distances, and reactions to the survey operations; and documenting ''take by harassment.''

A sufficient number of PSOs will be required onboard each survey vessel to meet the following criteria:

- 100% monitoring coverage during all periods of survey operations in daylight;
- Maximum of 4 consecutive hours on watch per PSO; and
- Maximum of 12 hours of watch time per day per PSO.

PSO teams will consist of Inupiat observers and experienced field biologists. Each vessel will have an experienced field crew leader to supervise the PSO team. The total number of PSOs may decrease later in the season as the duration of daylight decreases.

(2) Observer Qualifications and Training

Crew leaders and most PSOs will be individuals with experience as observers during recent seismic, site clearance and shallow hazards, and other monitoring projects in Alaska or other offshore areas in recent years. New or inexperienced PSOs will be paired with an experienced PSO or experienced field biologist so that the quality of marine mammal observations and data recording is kept consistent.

Biologist-observers will have previous marine mammal observation experience, and field crew leaders will be highly experienced with previous vessel-based marine mammal monitoring and mitigation projects. Resumes for those individuals will be provided to NMFS for review and acceptance of their qualifications. Inupiat observers will be experienced in the region and familiar with the marine mammals of the area. All observers will complete a NMFS-approved observer training course designed to familiarize individuals with monitoring and data collection procedures.

PSOs will complete a 2-day or 3-day training and refresher session on marine mammal monitoring, to be conducted shortly before the anticipated start of the 2014 open-water season. Any exceptions will have or receive equivalent experience or training. The training session(s) will be conducted by qualified marine mammalogists with extensive crew-leader experience during previous vessel-based seismic monitoring programs.

(3) Marine Mammal Observer Protocol

Two protected species observers (PSOs) will be stationed on each source vessel. An additional 2 or 3 PSOs will be stationed on the mitigation vessel, and they will work in concert with the PSOs stationed aboard the source vessels, to provide an early warning of the approach of any bowhead whale, beluga, or other marine mammal. The mitigation vessel plans to conduct zig-zag transects from 2 to 6 km ahead of the source vessel (based on water depth and weather conditions) to effectively monitor the 160 dB zone of influence and to also monitor the edge of the 180 dB isopleth.

The PSOs will watch for marine mammals during all periods of source operations and for a minimum of 30 minutes prior to the planned start of airgun or pinger operations after an extended shutdown. Marine mammal monitoring shall continue throughout airgun operations and last for 30 minutes after the finish of airgun firing. SAE vessel crew and operations personnel will also watch for marine mammals, as practical, to assist and alert the PSOs for the airgun(s) to be shut down if marine mammals are observed in or about to enter the exclusion zone.

The PSOs will watch for marine mammals from the best available vantage point on the survey vessels, typically the bridge. The PSOs will scan the area around the vessel systematically with reticle binoculars (e.g., 7×50 and $16–40 \times 80$) and with the naked eye. Laser range finders (Leica LRF 1200 laser rangefinder or equivalent) will be available to assist with distance estimation.

The observers aboard the survey and mitigation vessels will give particular attention to the areas within the marine mammal exclusion zones around the source vessels. These zones are the maximum distances within which received levels may exceed 180 dB (rms) re 1 μPa (rms) for cetaceans, or 190 dB (rms) re 1 μPa for pinnipeds.

When a marine mammal is seen approaching or within the exclusion zone applicable to that species, the seismic survey crew will be notified immediately so that mitigation measures called for in the applicable authorization(s) can be implemented.

Night-vision equipment (Generation 3 binocular image intensifiers or equivalent units) will be available for use if and when needed. Past experience with night-vision devices (NVDs) in the Beaufort Sea and elsewhere has indicated that NVDs are not nearly as effective as visual observation during daylight hours (e.g., Harris *et al.* 1997, 1998; Moulton and Lawson 2002).

(4) Field Data-Recording

The PSOs will record field observation data and information about marine mammal sightings that include:

- Species, group size, age/size/sex categories (if determinable);
- Physical description of features that were observed or determined not to be present in the case of unknown or unidentified animals;
- Behavior when first sighted and after initial sighting, heading (if consistent);
- Bearing and distance from observer, apparent reaction to activities (e.g., none, avoidance, approach, paralleling, etc.), closest point of approach, and behavioral pace;
- Time, location, speed, and activity of the source and mitigation vessels, sea state, ice cover, visibility, and sun glare; and
- Positions of other vessel(s) in the vicinity.

Spotted Seal Haulout Monitoring

Given that information on seasonal use of haulout sites by spotted seals remains elusive, SAE will conduct a monitoring program in 2014 largely designed to identify where seals haulout in the action area and to determine whether some areas would need additional monitoring later in 2014 or whether additional mitigation measures would need to be imposed on SAE's future schedule and shot layout. The monitoring will include a biweekly boat-based survey, with the first survey on August 1 and the last survey two weeks after the seismic survey is completed for the year. The survey will begin at the village of Nuiqsut and will initially follow the far west channel of the Colville River, survey all the outer islands of the river delta, and then return to Nuiqsut following the farthest east river channel. The survey will traverse approximately 75 mi and take about a day to complete. All seals will be identified to species, and GPS location and whether the animals were hauled out or in the water will be noted. Collected data will be combined with available traditional knowledge and historical information to determine whether there are locations of consistent seal haulout use that might be affected

by seismic surveys. If sites of suspected high use are found, SAE should contact NMFS and the North Slope Borough Department of Wildlife to identify additional mitigation measures to minimize impacts to these sites.

Passive Acoustic Monitoring

(1) Sound Source Measurements

Prior to or at the beginning of the seismic survey, sound levels will be measured as a function of distance and direction from the seismic source array (full array and reduced to a single mitigation airgun). Results of the acoustic characterization and SSV will be used to empirically refine the modeled distance estimates of the pre-season 190 dB, 180 dB, 170 dB, and 160 dB isopleths. The refined SSV exclusion zones will be used for the remainder of the seismic survey. Distance estimates for the 120 dB isopleth will also be modeled. The results of the SSV will be submitted to NMFS within five days after completing the measurements, followed by a report to be submitted within 14 days after completion of the measurements. A more detailed report will be provided to NMFS as part of the required 90-day report following completion of the acoustic program.

(2) Passive Acoustic Monitoring Using Bottom-mounted Hydrophones

SAE will conduct Passive Acoustical Monitoring (PAM) using specialized autonomous passive acoustical recorders. These recorders will be deployed on the seabed and will record continuously at 64 kHz sample rate and 24-bit samples. The recorders will be calibrated using piston phone calibrators immediately before and after each deployment. These calibrations are accurate to less than 0.5 dB absolute.

The recorders will be configured with a single channel using a sensitive hydrophone and will be configured with an appropriate duty cycle to record at 64 kHz for up to 80 days. The recorders will sit directly on the seabed and will be attached to a ground line with a small weight at its end. Each recorder will be retrieved by using a grapple to catch the ground line and recover the unit. This simple deployment configuration and retrieval procedure has proven to be very effective for deployments in the Beaufort Sea.

PAM Deployment

Four recorders will be deployed in an arrangement surrounding the survey area for the purposes of PAM. The data collected will be used for post-season analysis of marine mammal vocalization detections to help inform an assessment of potential disturbance effects. The PAM data will also provide information about the long-range propagation of the airgun noise.

Recorder Arrangement

The arrangement of recorders will place one recorder to the east of the survey region, one to the west, and two in the offshore direction. The exact arrangement will be defined based on the specific survey line configuration and will encompass the boundaries of the survey area. The recorders will be positioned at ranges where the sound levels are expected to have decayed to levels at or below 120 dB re 1 μPa, to be determined following analysis of the SSV data.

Data Analysis

PAM recordings will be processed at the end of the season using marine mammal detection and classification software capable of detecting vocalizations from marine mammals. Particular attention will be given to the detection of bowhead whale vocalizations since this is a species of particular concern due to its importance for local subsistence hunting.

PAM recordings will also be used to detect and quantify airgun pulses from the survey as recorded on the PAM recorders, to provide information about the long-range propagation of the survey noise.

Monitoring Plan Peer Review

The MMPA requires that monitoring plans be independently peer reviewed ''where the proposed activity may affect the availability of a species or stock for taking for subsistence uses'' (16 U.S.C. 1371(a)(5)(D)(ii)(III)). Regarding this requirement, NMFS' implementing regulations state, ''Upon receipt of a complete monitoring plan, and at its discretion, [NMFS] will either submit the plan to members of a peer review panel for review or within 60 days of receipt of the proposed monitoring plan, schedule a workshop to review the plan'' (50 CFR 216.108(d)).

NMFS established an independent peer review panel to review SAE's marine mammal monitoring plan. The panel met in March 2014 via video and tele-conferencing, and provided comments to NMFS in April. The full panel report can be viewed on the Internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.*

NMFS provided the panel with SAE's IHA application and monitoring plan and asked the panel to answer the following questions:

1. Will the applicant's stated objectives effectively further the understanding of the impacts of their activities on marine mammals and otherwise accomplish the goals stated above? If not, how should the objectives be modified to better accomplish the goals above?

2. Can the applicant achieve the stated objectives based on the methods described in the plan?

3. Are there technical modifications to the proposed monitoring techniques and methodologies proposed by the applicant that should be considered to better accomplish their stated objectives?

4. Are there techniques not proposed by the applicant (i.e., additional monitoring techniques or methodologies) that should be considered for inclusion in the applicant's monitoring program to better accomplish their stated objectives?

5. What is the best way for an applicant to present their data and results (formatting, metrics, graphics, etc.) in the required reports that are to be submitted to NMFS (i.e., 90-day report and comprehensive report)?

The panel raised particular questions and concerns about four aspects of SAE's original proposed monitoring plan. First, SAE proposed having one PSO conducting marine mammal monitoring from the survey vessel during operations. Citing a 2013 90-day marine mammal monitoring report from TGS (Cate *et al.* 2014), the panel raised concerns that a single PSO would not be able to effectively monitor the entire exclusion zone. Second, SAE proposed conducting passive acoustic monitoring (PAM) as part of its monitoring program. The panel report stated that SAE's IHA application and its marine mammal monitoring and mitigation plan lacked sufficient detail on the PAM SAE proposed. Third, SAE proposed conducting a pinniped aerial monitoring survey. The panel report stated that SAE's IHA application and proposed plan also lacked sufficient detail on the pinniped aerial survey. The panel further stated that an aerial survey is not an effective way to study pinnipeds, with the possible exception of spotted seal use of land haulouts. In addition, the panel stated that it is nearly impossible to use aerial surveys to make inferences into ice seal density or abundance during the open-water season, when seals are likely to be in the water, because such surveys have extremely high availability bias that cannot be reliably estimated. Finally, the panel stated that the residents of Nuiqsut, located near the Colville River delta, had expressed considerable concerns about the frequency of aerial overflights in the area. The panel

determined that the cultural impacts of excessive aerial surveys in this region largely outweighed the value of the ice seal data that could be collected using this methodology. Instead, the panel recommended SAE conduct surveys of the spotted seal coastal haulouts from an unmanned aerial vehicle (UAV), which are considerably quieter than manned aircraft.

Other recommendations from the panel included: (1) Requiring a minimum of two PSOs to be on watch throughout all daylight hours, regardless of whether airguns are firing; (2) documenting marine mammal occurrence, density, and behavior during times when airguns are not operating; (3) submitting summary reports with an initial summary or interpretation of the efficacy, measurements, and observations, rather than raw data, fully processed analyses that include a summary of timeline and spatial representation (e.g., a map, with latitude and longitude clearly shown), or a summary of operations and important observations; (4) providing a complete characterization of the acoustic footprint resulting from various activity states; (5) providing a summary of any and all mitigation measures (e.g., operational shutdowns if they occur) and an assessment of the efficacy of the monitoring methods; and (6) collaborating with other industrial operators in the area to integrate and synthesize monitoring results as much as possible (such as submitting ''sightings'' from their monitoring projects to an online data archive, such as OBIS–SEAMAP) and archiving and making the complete databases available upon request.

Based on the recommendations provided by the panel, NMFS worked with SAE and requested detailed information on the monitoring methodology and survey design. On April 25, 2014, SAE provided an updated IHA application, and on May 15, 2014, an updated Marine Mammal Monitoring and Mitigation Plan (4MP).

In the updated 4MP, SAE provided a detailed description of its plan for using a drift buoy equipped with acoustic sensors for sound source verification (SSV) and a detailed deployment plan for the bottom-mounted hydrophone array for passive acoustic monitoring (PAM) during the seismic survey. In response to the concerns raised by the panel about the pinniped aerial survey, SAE modified the survey protocol to replace the aerial survey with a vessel-based visual survey of spotted seal haulout instead.

NMFS provided the panel with the updated 4MP, for an additional voluntary review. Two of the panel members provided additional comments on SAE's updated 4MP. These panelists again raised concern that the use of a single onboard PSO for marine mammal monitoring would not be adequate to cover the safety zone monitoring. In addition, the panel members raised questions about the use of a drifting buoy for SSV and the marine mammal passive acoustic detection and classification, and requested NMFS to require SAE to consult with NMFS and North Slope Borough Department of Wildlife Management (NSB–DWM) on spotted seal haulout usage prior to issuance of the IHA.

As a result of the independent peer review, NMFS worked with SAE and proposed the following mitigation and monitoring measures based on the panel's recommendations:

(1) PSOs shall monitor and document marine mammal occurrence, density, and behavior for at least some periods when airguns are not operating;

(2) Summaries that represent an initial level of interpretation of the efficacy, measurements, and observations, rather than raw data, fully processed analyses, or a summary of operations and important observations, shall be given in the final report;

(3) Summaries of all mitigation measures (e.g., operational shutdowns if they occur) and an assessment of the efficacy of the monitoring methods shall be provided in the final report;

(4) A complete characterization of the acoustic footprint resulting from various activity states shall be provided in the final report;

(5) Collaborating with other industrial operators in the area to integrate and synthesize monitoring results as much as possible (such as submitting ''sightings'' from their monitoring projects to an online data archive, such as OBIS–SEAMAP) and archiving and making the complete databases available upon request; and

(6) Spotted Seal Haulout Monitoring: SAE will conduct a biweekly boat survey of spotted seals, before, during, and after the seismic survey, to identify where seals haulout in the action area. The survey will begin at the village of Nuiqsut and follow the far west channel of the Colville River, survey all the outer islands of the river delta, and then return to Nuiqsut following the farthest eat river channel. All seals will be identified to species, and GPS location and whether the animals were hauled out or in the water will be noted. Collected data will be combined with available traditional knowledge and historical information to determine whether there are locations of consistent seal haulout use that might be affected by the seismic survey. If sites of suspected high use are found, SAE shall contact NMFS and the NSB–DWM to identify additional mitigation measures to minimize impacts to these sites.

Regarding the panel's recommendation that NMFS require a minimum of two PSOs to be on watch throughout all daylight hours, regardless of whether airguns are firing, NMFS discussed the matter with SAE and SAE reported that its source vessel is small and cannot support extra PSOs, for safety reasons. To address the panel's concerns and to compensate for any potential monitoring inadequacy resulting from having only a single PSO on the source vessel, SAE revised its monitoring plan, so that it will also mobilize a mitigation vessel dedicated to marine mammal monitoring. There will be 2–3 PSOs onboard the mitigation vessel. At any given time, there will be 1–2 PSOs monitoring from the mitigation vessel, in addition to the PSO monitoring from the source vessel. The mitigation vessel will be positioned north and east of the source vessel, or essentially upstream of the bowhead and beluga migration route.

The panel's concern that monitoring by a single PSO was potentially inadequate was based largely on a 90-day monitoring report submitted by TGS (Cate *et al.* 2014), in which a sighting curve was provided showing that during dual-PSO effort from an observation height of 6.5 m, using unaided eye, Fujinon 7 × 50 reticle binoculars, or 25 × 150 Fujinon ''Big-eyes,'' the detection probability dropped by 50% within 150 m of the ship, meaning there could be whales within the exclusion zone that may not be detected. However, the sighting curve developed for that 90-day report was solely based on observations obtained on a 2D seismic survey by TGS in offshore water. SAE plans to survey in relatively calmer coastal shallow waters, and therefore, marine mammal detection rates should be higher for SAE's survey. In addition, the TGS sighting curve does not separate marine mammals by species, but rather combines all sightings from large bowhead whales to small pinnipeds and harbor porpoises. Therefore, NMFS does not believe the sighting curve provided by TGS provides an accurate assessment of species-specific marine mammal detection as a function of distance, particularly for large mysticetes.

As one of the ultimate goals of adequate monitoring is to support protective measures to prevent marine mammals from being exposed to noise levels that could cause injury (Level A harassment) or other harmful effects,

NMFS analyzed the effectiveness of the monitoring protocol proposed by SAE to make a determination whether the protocol provides adequate measures for protecting marine mammals. One factor that NMFS took into consideration is that the airgun array proposed to be used by SAE for its survey is much smaller than the one used by TGS. The ensonified zones from the SAE seismic survey will be much smaller. In addition, marine mammals are known to avoid intense sound and most likely will move out of the area as the seismic vessel approaches. SAE also will have a separate mitigation vessel with additional PSOs to provide additional monitoring of the ensonified zones. Therefore, for this seismic survey, NMFS considered the proposed vessel-based marine mammal monitoring to be adequate for supporting mitigation.

Reporting Measures

(1) Sound Source Verification Report

A report on the preliminary results of the sound source verification measurements, including the measured 190, 180, 170, and 160 dB (rms) radii of the airgun sources, will be submitted within 14 days after collection of those measurements at the start of the field season. This report will specify the distances of the exclusion zones that were adopted for the survey.

(2) Technical Report

The results of SAE's 2014 vessel-based monitoring, including estimates of ''take'' by harassment, will be presented first in a ''90-day'' draft Technical Report, to be submitted to NMFS within 90 days after the end of the seismic survey, and then in a final Technical Report, which will address any comments NMFS had on the draft. The Technical Report will include:

(a) Summaries of monitoring effort (e.g., total hours, total distances, and marine mammal distribution through the study period, accounting for sea state and other factors affecting visibility and detectability of marine mammals);

(b) Analyses of the effects of various factors influencing detectability of marine mammals (e.g., sea state, number of observers, and fog/glare);

(c) Species composition, occurrence, and distribution of marine mammal sightings, including date, water depth, numbers, age/size/gender categories (if determinable), group sizes, and ice cover;

(d) Data analysis separated into periods when a seismic airgun array (or a single mitigation airgun) is operating and when it is not, to better assess impacts to marine mammals—the final and comprehensive report to NMFS should summarize and plot:

- Data for periods when a seismic array is active and when it is not; and
- The respective predicted received sound conditions over fairly large areas (tens of km) around operations;

(e) Sighting rates of marine mammals during periods with and without airgun activities (and other variables that could affect detectability), such as:

- Initial sighting distances versus airgun activity state;
- Closest point of approach versus airgun activity state;
- Observed behaviors and types of movements versus airgun activity state;
- Numbers of sightings/individuals seen versus airgun activity state;
- Distribution around the survey vessel versus airgun activity state; and
- Estimates of take by harassment;

(f) Results from all hypothesis tests, including estimates of the associated statistical power, when practicable;

(g) Estimates of uncertainty in all take estimates, with uncertainty expressed by the presentation of confidence limits, a minimum-maximum, posterior probability distribution, or another applicable method, with the exact approach to be selected based on the sampling method and data available;

(h) A clear comparison of authorized takes and the level of actual estimated takes; and

(i) The methodology used to estimate marine mammal takes and relative abundance from the towed PAM.

(3) Notification of Injured or Dead Marine Mammals

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the IHA, such as an injury (Level A harassment), serious injury, or mortality (e.g., ship-strike, gear interaction, and/or entanglement), SAE would immediately cease the specified activities and immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, and the Alaska Regional Stranding Coordinators. The report would include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Name and type of vessel involved;
- Vessel's speed during and leading up to the incident;
- Description of the incident;
- Status of all sound source use in the 24 hours preceding the incident;
- Water depth;
- Environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Species identification or description of the animal(s) involved;
- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available).

Activities would not resume until NMFS is able to review the circumstances of the prohibited take. NMFS would work with SAE to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. SAE would not be able to resume its activities until notified by NMFS via letter, email, or telephone.

In the event that SAE discovers an injured or dead marine mammal, and the lead PSO determines that the cause of the injury or death is unknown and the death is relatively recent (i.e., in less than a moderate state of decomposition as described in the next paragraph), SAE would immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, and the NMFS Alaska Stranding Hotline and/or by email to the Alaska Regional Stranding Coordinators. The report would include the same information identified in the paragraph above. Activities would be able to continue while NMFS reviews the circumstances of the incident. NMFS would work with SAE to determine whether modifications in the activities are appropriate.

In the event that SAE discovers an injured or dead marine mammal, and the lead PSO determines that the injury or death is not associated with or related to the activities authorized in the IHA (e.g., previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), SAE would report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, and the NMFS Alaska Stranding Hotline and/or by email to the Alaska Regional Stranding Coordinators, within 24 hours of the discovery. SAE would provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS and the Marine Mammal Stranding Network. SAE can continue its operations under such a case.

Monitoring Results From Previously Authorized Activities

SAE requested an IHA for a 3D OBN seismic survey in the Beaufort Sea in 2013, but the IHA application was withdrawn before an IHA was issued.

Therefore, there are no previous monitoring results from this project.

Estimated Take by Incidental Harassment

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Only take by Level B behavioral harassment of some species is anticipated as a result of SAE's 3D OBN seismic survey. NMFS expects marine mammal takes could result from noise propagation from operation of seismic airguns. NMFS does not expect marine mammals will be taken by collision with seismic and support vessels, because the vessels will be moving at low speeds, and PSOs on the survey vessels and the mitigation vessel will be monitoring for marine mammals and will be able to alert the vessels to avoid any marine mammals in the area.

For impulse sounds, such as those produced by the airguns to be used in SAE's 3D OBN seismic surveys, NMFS uses the 160 dB (rms) re 1 μPa isopleth to indicate the onset of Level B harassment. SAE provided calculations of the 160-dB isopleths expected to be produced by the seismic surveys and then used those isopleths to estimate takes by harassment. NMFS used those calculations to make the necessary MMPA findings. SAE provided a full description of the methodology used to estimate takes by harassment in its IHA application, which is also provided in the following sections.

Acoustic Footprint

The areas ensonified by seismic airgun noise that could cause marine mammal takes under MMPA was determined by assuming that the entire survey area is ensonified (given that the distance to the 160 dB isopleth during seismic survey is greater than the distance between seismic source lines), and adding a buffer area around the survey box corresponding to the distance to the 160 dB isopleth. The estimated distance to the 160 dB isopleth is 3 kilometers (1.86 miles) (Table 2) based on a sound source of 236.55 dB re 1 μPa (rms) for the 1,760 in^3 seismic array and a spreading model of 18 LogR − 0.0047R estimated for similar Beaufort nearshore waters (BP Liberty) by Aerts *et al.* (2008). Placing a 3-kilometer buffer around the 1,882-km^2 (727-mi^2) seismic source area expands the ensonification (or Zone of Influence [ZOI]) area to approximately 2,295 km^2 (886 mi^2), and represents the ZOI for pinnipeds. (The distance to the 160 dB isopleth when operating the 880 in^3 airgun array is 1.5 km (0.9 mi).)

Within the 2,295 km^2 ensonified area, 19% (431 km^2) falls within the 0 to 1.5 m depth range, 14% (326 km^2) falls within the 1.5 to 5 m range, 39% (903 km^2) with the 5 to 15 m range, and 28% (635 km^2) within waters greater than 15 m deep (bowhead migration corridor). The distribution of these depth ranges is found in Figure 6–1 of the IHA application.

Marine Mammal Densities

Density estimates were derived for bowhead whales, beluga whales, ringed seals, spotted seals, and bearded seals as described below and shown in Table 3. There are no available Beaufort Sea density estimates for gray whales or extralimital species, such as killer whales, harbor porpoises, humpback whales, narwhals, and ribbon seals. Encountering these animals during the seismic program would be unexpected. The density derivations for the five species presented in Table 3 are provided in the discussion below.

TABLE 3—MARINE MAMMAL DENSITIES (#/km^2) IN THE BEAUFORT SEA

Species	Summer	Fall
Bowhead whale	0.0672	0.0910
Beluga whale	0.0327	0.0175
Ringed seal	0.3547	0.2510
Spotted seal	0.0177	0.0125
Bearded seal	0.0177	0.0125

Bowhead Whale: The summer density estimate for bowhead whales was derived from July and August aerial survey data collected in the Beaufort Sea during the Aerial Surveys of Arctic Marine Mammals (ASAMM) program in 2012 and 2013. During this period, 276 bowhead whales were record along 24,560 km of transect line, or 0.0112 whales per km of transect line. Applying an effective strip half-width (ESW) of 1.15 (Ferguson and Clarke 2013), results in an uncorrected density of 0.0049. Thomas *et al.*'s (2002) correction factors (g(0)) for availability (0.144) and observer (0.505) bias were applied producing an estimated density of 0.0672 whales per km^2. This is a much higher density than previous estimates (e.g., Brandon *et al.* 2011) due to relatively high numbers of whales recorded in the Beaufort Sea in August 2013. In 2013, 205 whales were recorded along 9,758 km of transect line (corrected density = 0.1251), with 78% of the sightings (160 whales) recorded in the easternmost blocks, Blocks 4, 5, 6, and 7. In contrast, 26 of the 71 whales (37%) recorded on-transect during summer 2012 were at or near Barrow Canyon (Block 12), or the western extreme of the Alaskan Beaufort Sea, while another 26 (37%) were recorded at the eastern extreme (Blocks 4, 5, 6, and 7). For both years combined, only 8 of the 276 (2.9%) recorded during the summer were found in Block 3 where the seismic survey is planned.

Fall density estimate was determined from September and October ASAMM data collected from 2006 to 2013. The Western Arctic stock of bowhead whale has grown considerably since the late 1970s; thus, data collected prior to 2006 probably does not well represent current whale densities. From 2006 to 2013, 1,286 bowhead whales were recorded along 84,400 km of transect line, or 0.1524 per km. Using an ESW of 1.15 results in an uncorrected density of 0.0066. Applying the availability and observer bias correction factors from Thomas *et al.* (2002) derives a corrected fall density estimate of 0.0910.

Beluga Whale: There is little information on summer use by beluga whales in the Beaufort Sea. Moore *et al.* (2000) reported that only 9 beluga whales were recorded in waters less than 50 m deep during 11,985 km of transect survey effort, or about 0.00057 whales per km. Assuming an ESW of 0.614 and a 2.62 (Lloyd and Frost 1995) correction factor for whales missed (availability and observer bias of adults) and a 1.18 (Brodie 1971) correction factor for dark juveniles, both correction factors used by NMFS for the annual Alaska Stock Assessment Reports, the derived corrected density would be 0.0014 whales per mi^2. The same data showed much higher beluga numbers in deeper waters.

During the summer aerial surveys conducted during the 2012 ASAMM program (Clarke *et al.* 2013), 5 beluga whales were observed along 1,431 km of transect in waters less than 20 m deep and between longitudes 140°W and 154°W (the area within which the seismic survey would fall). This equates to 0.0035 whales per km of trackline and an uncorrected density of 0.0028, assuming an ESW of 0.614. Applying correction factors for animals missed (2.62 for adults and 1.18 for juveniles) results in a corrected summer density estimate of 0.0088. Summer beluga data was also collected in 2013. This data,

currently available in posted daily reports, does not parse the data by depth or longitude and, therefore, is not yet directly comparable to the 2012 data. Fourteen whales were observed along 340 km of survey in block 3 in 2013, which is the survey block in which the seismic survey area falls. Adding the Block 3 data to the 2012 data results in 23 whales observed over 1,771 km of transect effort, or 0.0130 whales per km and 0.0107 per km². Applying the correction factors described above, the summer density estimate would increase to 0.0327. This density value is probably inflated due to the limited survey effort in 2013, but it represents a conservative estimate and is the value used in the take estimate.

Calculated fall beluga densities are approximately twice as high as summer densities. Between 2006 and 2012, 2,210 beluga were recorded along 79,586 km of transect line flown during September and October, or 0.0278 beluga per km of transect. Assuming an ESW of 0.614 gives an uncorrected density of 0.0226, and a corrected density of 0.0699. However, unlike in summer, almost none of the fall migrating belugas were recorded in waters less than 20 meters deep. For years where depth data is available (2006, 2009–2012), only 11 of 1,605 (1%) recorded belugas were found in waters less than 20 m during the fall. To take into account this bias in distribution, but to remain conservative, the corrected density estimate is reduced to 25%, or 0.0175.

Ringed Seal: Surveys for ringed seals have been recently conducted in the Beaufort Sea by Kingsley (1986), Frost *et al.* (2002), Moulton and Lawson (2002), Green and Negri (2005), and Green *et al.* (2006, 2007). The shipboard monitoring surveys by Green and Negri (2005) and Green *et al.* (2006, 2007) were not systematically based, but are useful in estimating the general composition of pinnipeds in the Beaufort nearshore, including the Colville River Delta. Frost *et al.*'s aerial surveys were conducted during ice coverage and don't fully represent the summer and fall conditions under which the Beaufort surveys will occur. Moulton and Lawson (2002) conducted summer shipboard-based surveys for pinnipeds along the nearshore Beaufort Sea coast and developed seasonal average and maximum densities representative of SAE's Beaufort summer seismic project, while Kingsley (1986) conducted surveys along the ice margin representing fall conditions. Therefore, the Moulton and Lawson (2002) and Kingsley (1986) ringed seal densities were used as the estimated densities of ringed seals in the survey area.

Spotted Seal: Green and Negri (2005) and Green *et al.* (2006, 2007) recorded pinnipeds during barging activity between West Dock and Cape Simpson, and found high numbers of ringed seal in Harrison Bay, and peaks in spotted seal numbers off the Colville River Delta where a haulout site is located. Approximately 5% of all phocid sightings recorded by Green and Negri (2005) and Green *et al.* (2006, 2007) were spotted seals, which provide a suitable estimate of the proportion of ringed seals versus spotted seals in the Colville River Delta and Harrison Bay. Thus, the estimated densities of spotted seals in the seismic survey area were derived by multiplying the ringed seal densities from Moulton and Lawson (2002) and Kingsley (1986) by 0.05.

Bearded Seal: Bearded seals were also recorded in Harrison Bay and the Colville River Delta by Green and Negri (2005) and Green *et al.* (2006, 2007), but at lower proportions than spotted seals, when both were compared to ringed seals. However, estimating bearded seal densities based on the proportion of bearded seals observed during the barge-based surveys results in density estimates that appear unrealistically low given density estimates from other studies, and especially given that nearby Thetis Island is used as a base for annually hunting this seal (densities are seasonally high enough for focused hunting). To be conservative, the bearded seal density values used in this application are derived from Stirling *et al.*'s (1982) observations that the proportion of eastern Beaufort Sea bearded seals is 5% that of ringed seals, which is similar to the calculations done for spotted seals.

Exposure Calculations

The estimated potential harassment take of local marine mammals by SAE's Beaufort seismic survey project was determined by multiplying the animal densities in Table 3 by the area ensonified by seismic airgun noise greater than 160 dB re 1 μPa (rms) that constitutes habitat for each respective species. For pinnipeds, which occupy all water depths, this includes the entire seismic survey area, plus the additional 3-km (1.86-mi) buffer of noise exceeding 160 dB, or 2,295 km² (886 mi²). The results are further corrected by multiplying the summer numbers by 26%, to account for the percentage of the survey that was proposed be conducted in the summer season (August 15–31, 16 days), and multiplying the fall numbers by 74%, to account for the percentage of the survey that was proposed to be conducted in the fall season (September 1–October 15, 45 days).

Although the vast majority of bowhead whales migrate through the Beaufort Sea in waters greater than 15 m (50 ft) deep (Miller *et al.* 2002), feeding and migrating bowheads have been found in waters as shallow as 5 m (16 ft) (Clarke *et al.* 2011). Thus, the seismic survey area potentially inhabitable by bowhead whales is all waters greater than 5 m deep. This area, including the 3-km buffer, is 1,538 km² (594 mi²).

Beluga whales have been observed inside the barrier islands, where they would have to traverse water depths as low as 1.8 m, but these whales are unlikely to inhabit the shallowest water (<1.5 m deep) inside the barrier islands, where stranding risk can be high. For the seismic survey, the area of beluga habitat potentially ensonified (>160 dB) by the seismic operations is the waters greater than 1.5 m (5 ft) deep, plus the 3-km buffer, or approximately 1,864 km² (720 mi²). The resulting exposure calculations are found in Table 4.

TABLE 4—THE AVERAGE NUMBER OF ANIMALS POTENTIALLY EXPOSED TO RECEIVED SOUND LEVELS > 160 dB

Species	Summer	Fall	Total	Population	Percent affected
Bowhead whale	27	104	131	12,631	1.04
Beluga whale (Beaufort Sea stock)	16	24	40	39,258	0.10
Beluga whale (E. Chukchi Sea stock)	16	24	40	3,710	1.08
Ringed seal	212	426	638	249,000	0.26
Spotted seal	11	21	32	101,568	0.03
Bearded seal	11	21	32	155,000	0.02

The estimated number of marine mammal exposures was based on the average density in the area of summer or fall habitat that could be ensonified by SAE's proposed activities. Given that the estimated densities are overestimates of the expected densities in Block 3 (based on ASAMM survey data), especially for bowhead and beluga whales, no adjustments were made to account for variability. Most of the summer sightings are well east or west of Block 3, and the great majority of the fall sightings are in deeper water than Block 3.

The take estimates do not account for mitigation measures that will be implemented. These mitigation measures include shutting down operations during the fall bowhead hunt (thereby avoiding any noise exposure during the peak of fall bowhead whale and beluga migration) and plans for conducting the seismic survey in August in waters greater than 15 m (50 ft) deep (thereby avoiding seismic survey within the bowhead whale migration corridor after the fall hunt). These measures, coupled with the ramp up procedures for airguns, should reduce the estimated take from seismic survey operations.

The estimated take as a percentage of the marine mammal stock is 1.08% or less in all cases (Table 4). The highest percent of population estimated to be taken is 1.08% for the East Chukchi Sea stock of beluga whale. However, that percentage assumes that all 40 beluga whales taken are from that population. Similarly, the 0.10% potential take percentage for the Beaufort Sea stock of beluga whale assumes that all 40 beluga whales are taken from the Beaufort Sea stock. Most likely, some beluga whales would be taken from each stock, meaning fewer than 40 beluga whales would be taken from either individual stock. Therefore, the take of beluga whales as a percentage of populations would likely be below 0.10 and 1.08% for the Beaufort Sea and East Chukchi Sea stocks, respectively. In addition, the estimated take for the East Chukchi Sea stock does not take into account mitigation measures, such as curtailing survey activities during the fall bowhead whale hunt, shutdowns within the harassment zone for cow/calf pairs, and possibly completing the survey of the more offshore waters in the summer. These actions would reduce the potential encounters with bowhead and beluga whales in the fall.

Analysis and Determinations

Negligible Impact

Negligible impact is ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival'' (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (i.e., population-level effects). An estimate of the number of Level B harassment takes, alone, is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through behavioral harassment, NMFS must consider other factors, such as the likely nature of any responses (their intensity, duration, etc.), the context of any responses (critical reproductive time or location, migration, etc.), as well as the number and nature of estimated Level A harassment takes, the number of estimated mortalities, effects on habitat, and the status of the species.

No injuries or mortalities are anticipated to occur as a result of SAE's 3D OBN seismic survey, and none are proposed to be authorized. Additionally, animals in the area are not expected to incur hearing impairment (i.e., TTS or PTS) or non-auditory physiological effects. The takes that are anticipated and authorized are expected to be limited to short-term Level B behavioral harassment. While pinnipeds are likely to be found in the project area more frequently, their distribution is dispersed enough that they likely will not be in the Level B harassment zone continuously. As mentioned previously in this document, pinnipeds appear to be more tolerant of anthropogenic sound than mysticetes.

Most of the bowhead whales encountered will likely show overt disturbance (avoidance) only if they receive airgun sounds with levels ≥160 dB re 1 μPa. Odontocete reactions to seismic airgun pulses are generally assumed to be limited to shorter distances from the airgun than are those of mysticetes, in part because odontocete low-frequency hearing is assumed to be less sensitive than that of mysticetes. However, at least when in the Canadian Beaufort Sea in summer, belugas appear to be fairly responsive to seismic energy, with few being sighted within 6–12 mi (10–20 km) of seismic vessels during aerial surveys (Miller *et al.* 2005). Belugas will likely occur in small numbers in the Beaufort Sea during the survey period and few will likely be affected by the survey activity.

As noted, elevated background noise level from the seismic airgun reverberant field could cause acoustic masking to marine mammals and reduce their communication space. However, even though the decay of the signal is extended, the fact that pulses are separated by approximately 8 to 10 seconds for each individual source vessel (or 4 to 5 seconds when taking into account the two separate source vessels stationed 300 to 335 m (990 to 1,100 ft) apart) means that overall received levels at distance are expected to be much lower, thus resulting in less acoustic masking.

Taking into account the mitigation measures that are planned, effects on marine mammals are generally expected to be restricted to avoidance of a limited area around SAE's open-water activities and short-term changes in behavior, falling within the MMPA definition of ''Level B harassment.'' The many reported cases of apparent tolerance by cetaceans to seismic exploration, vessel traffic, and some other human activities show that co-existence is possible. Mitigation measures, such as controlled vessel speed, dedicated marine mammal observers, non-pursuit, ramp up procedures, and shutdowns or power downs when marine mammals are seen within defined ranges, will further reduce short-term reactions and minimize any effects on hearing sensitivity. In all cases, the effects are expected to be short-term, with no lasting biological consequence.

Of the five marine mammal species likely to occur in the marine survey area, bowhead whales and ringed and bearded seals are listed as endangered or threatened under the ESA. These species are also designated as ''depleted'' under the MMPA. Despite these designations, the Bering-Chukchi-Beaufort stock of bowheads has been increasing at a rate of 3.4 percent annually for nearly a decade (Allen and Angliss 2010). Additionally, during the 2001 census, 121 calves were counted, which was the highest yet recorded. The calf count provides corroborating evidence for a healthy and increasing population (Allen and Angliss 2010). There is no critical habitat designated in the U.S. Arctic for the bowhead whales. The Alaska stock of bearded seals, part of the Beringia distinct population segment (DPS), and the Arctic stock of ringed seals have recently been listed by NMFS as threatened under the ESA. The only other species that may occur in the project area that is listed as endangered or threatened under the ESA is the humpback whale, which is also listed as

depleted under the MMPA, but the occurrence of humpback whales in the marine survey area is considered very rare. None of the other species that may occur in the project area are listed as threatened or endangered under the ESA or designated as depleted under the MMPA.

Potential impacts to marine mammal habitat were discussed previously in this document (see the ''Anticipated Effects on Habitat'' section). Although some disturbance of food sources of marine mammals is possible, any impacts are anticipated to be minor enough as to not affect rates of recruitment or survival of marine mammals in the area. The marine survey activities would occur in a localized area, and given the vast area of the Arctic Ocean where feeding by marine mammals occurs, any missed feeding opportunities in the direct project area could be offset by feeding opportunities in other available feeding areas.

In addition, no important feeding or reproductive areas are known in the vicinity of SAE's seismic surveys at the time the surveys are to take place. No critical habitat of ESA-listed marine mammal species occurs in the Beaufort Sea.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS finds that the total marine mammal take from SAE's 3D OBN seismic survey in the Beaufort Sea, Alaska, will have a negligible impact on the affected marine mammal species or stocks.

Small Numbers

The requested takes authorized represent less than 1.08% of all populations or stocks potentially impacted (see Table 4 in this document). These take estimates represent the percentage of each species or stock that could be taken by Level B behavioral harassment if each animal is taken only once. The numbers of marine mammals estimated to be taken are small proportions of the total populations of the affected species or stocks. In addition, the mitigation and monitoring measures (described previously in this document) included in the IHA are expected to reduce even further any potential disturbance to marine mammals.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, NMFS finds that small numbers of marine mammals will be taken relative to the populations of the affected species or stocks.

Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses

Relevant Subsistence Uses

The seismic activities will occur within the marine subsistence area used by the village of Nuiqsut. Nuiqsut was established in 1973 at a traditional location on the Colville River providing equal access to upland (e.g., caribou, Dall sheep) and marine (e.g., whales, seals, and eiders) resources (Brown 1979). Although Nuiqsut is located 40 km (25 mi) inland, bowhead whales are still a major fall subsistence resource. Although bowhead whales have been harvested in the past all along the barrier islands, Cross Island is the site currently used as the fall whaling base, as it includes cabins and equipment for butchering whales. However, whalers must travel about 160 km (100 mi) to annually reach the Cross Island whaling camp, which is located in a direct line over 110 direct km (70 mi) from Nuiqsut. Whaling activity usually begins in late August with the arrival whales migrating from the Canadian Beaufort Sea, and may occur as late as early October, depending on ice conditions and quota fulfillment. Most whaling occurs relatively near (<16 km or <10 mi) the island, largely to prevent meat spoilage that can occur with a longer tow back to Cross Island. Since 1993, Cross Island hunters have harvested one to four whales annually, averaging three.

Cross Island is located 70 km (44 mi) east of the eastern boundary of the seismic survey box. (Point Barrow is over 180 km [110 mi] outside the potential survey box.) Seismic activities are unlikely to affect Barrow or Cross Island based whaling, especially if the seismic operations temporarily cease during the fall bowhead whale hunt.

Although Nuiqsut whalers may incidentally harvest beluga whales while hunting bowheads, these whales are rarely seen and are not actively pursued. Any harvest that would occur would most likely be in association with Cross Island.

The potential seismic survey area is also used by Nuiqsut villagers for hunting seals. All three seal species that are likely to be taken—ringed, spotted, and bearded—are hunted. Sealing begins in April and May when villagers hunt seals at breathing holes in Harrison Bay. In early June, hunting is concentrated at the mouth of the Colville River, where ice breakup flooding results in the ice thinning and seals becoming more visible.

Once the ice is clear of the Delta (late June), hunters will hunt in open boats along the ice edge from Harrison Bay to Thetis Island in a route called ''round the world.'' Thetis Island is important as it provides a weather refuge and a base for hunting bearded seals. During July and August, ringed and spotted seals are hunted in the lower 65 km (40 mi) of the Colville River proper.

In terms of pounds, approximately one-third of the village of Nuiqsut's annual subsistence harvest is marine mammals (fish and caribou dominate the rest), of which bowhead whales contribute by far the most (Fuller and George 1999). Seals contribute only 2 to 3% of annual subsistence harvest (Brower and Opie 1997, Brower and Hepa 1998, Fuller and George 1999). Fuller and George (1999) estimated that 46 seals were harvested in 1992. The more common ringed seals appear to dominate the harvest, although the larger and thicker-skinned bearded seals are probably preferred. Spotted seals occur in the Colville River Delta in small numbers, which is reflected in the harvest.

Available harvest records suggest that most seal harvest occurs in the months preceding the proposed August start of the seismic survey, when waning ice conditions provide the best opportunity to approach and kill hauled out seals. Much of the late summer seal harvest occurs in the Colville River as the seals follow fish runs upstream. Still, open-water seal hunting could occur coincident with the seismic surveys, especially bearded seal hunts based from Thetis Island. In general, however, given the relatively low contribution of seals to the Nuiqsut subsistence, and the greater opportunity to hunt seals earlier in the season, any potential impact by the seismic survey on seal hunting is likely remote.

Potential Impacts to Subsistence Uses

NMFS has defined ''unmitigable adverse impact'' in 50 CFR 216.103 as: ''An impact resulting from the specified activity: (1) That is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by: (i) Causing the marine mammals to abandon or avoid hunting areas; (ii) Directly displacing subsistence users; or (iii) Placing physical barriers between the marine mammals and the subsistence hunters; and (2) That cannot be sufficiently mitigated by other measures to increase

the availability of marine mammals to allow subsistence needs to be met.

Noise and general activity during SAE's 3D OBN seismic survey have the potential to impact marine mammals hunted by Native Alaskans. In the case of cetaceans, the most common reaction to anthropogenic sounds (as noted previously) is avoidance of the ensonified area. In the case of bowhead whales, this often means that the animals divert from their normal migratory path by several kilometers. Additionally, general vessel presence in the vicinity of traditional hunting areas could negatively impact a hunt. Native knowledge indicates that bowhead whales become increasingly ''skittish'' in the presence of seismic noise. Whales are more wary around the hunters and tend to expose a much smaller portion of their back when surfacing, which makes harvesting more difficult. Additionally, natives report that bowheads exhibit angry behaviors, such as tail-slapping, in the presence of seismic activity, which translate to danger for nearby subsistence harvesters.

Responses of seals to seismic airguns are expected to be negligible. Bain and Williams (2006) studied the responses of harbor seals, California sea lions, and Steller sea lions to seismic airguns and found that seals at exposure levels above 170 dB re 1 μPa (peak-peak) often showed avoidance behavior, including generally staying at the surface and keeping their heads out of the water, but that the responses were not overt, and there were no detectable responses at low exposure levels.

Plan of Cooperation or Measures To Minimize Impacts to Subsistence Hunts

Regulations at 50 CFR 216.104(a)(12) require IHA applicants for activities that take place in Arctic waters to provide a Plan of Cooperation (POC) or information that identifies what measures have been taken and/or will be taken to minimize adverse effects on the availability of marine mammals for subsistence purposes.

SAE prepared a POC, which was developed by identifying and evaluating any potential effects the seismic survey might have on seasonal abundance that is relied upon for subsistence use. For the project, SAE stated that it is working closely with the North Slope Borough (NSB) and its partner Kuukpik Corporation, to identify subsistence communities and activities that may take place within or near the project area.

SAE adopted a three-stage process to develop its POC:

Stage 1: SAE attended the AEWC's mini-convention in December 2013, in Anchorage, and presented a description of the seismic survey program to the AEWC. Collaboration meetings were also held in March and April 2014 with Kuukpik Corporation leaders. Kuukpik Corporation is SAE's joint venture partner in the project and on the North Slope of Alaska.

In addition, SAE met and consulted with nearby communities, namely the NSB planning department and the Fish and Wildlife division. SAE also presented its proposed project and discussed planned activities during community meetings in the villages of Nuiqsut and Kaktovik. The meetings included discussions of SAE's project description, potential ways to resolve potential conflicts, and the proposed operational timeframe. These meetings helped to identify any subsistence conflicts and allowed SAE to understand community concerns, and requests for communication or mitigation. The following community and stakeholder meetings were conducted:

- December 13, 2013—AEWC
- February 27, 2014—Barrow (NSB)
- February 10, 11, 12, 2014—AEWC
- January 15, 2014—Nuiqsut
- April 22, 2014—Nuqsut (seals)
- May 14, 2014—Kaktovik

Stage 2: SAE documented results of all meetings and incorporated them into the POC, as applicable, to mitigate concerns. SAE will also review permit stipulations and develop a permit matrix for the crews. SAE will develop appropriate means of communication and a contact list to communicate with appropriate stakeholders, and these will be incorporated into operations. The use of scientific and Inupiat PSOs/Communicators on board the vessels will ensure that appropriate precautions are taken to avoid harassment of marine mammals, including whales, seals, walruses or polar bears. SAE will coordinate the timing and location of operations with the Com-Centers in Deadhorse and Kaktovik to minimize impact to the subsistence activities or the Nuiqsut/Kaktovik bowhead whale hunt.

Stage 3: If a conflict between project activities and subsistence hunting does occur, SAE states that it will immediately contact the project manager and the Com-Center. If avoidance is not possible, the project manager will initiate communication with a representative from the impacted subsistence hunter group(s) to resolve the issue and to plan an alternative course of action.

In addition, SAE and its contractors will work with local villages and Kuukpik Cooperation to identify qualified individuals that are interested in working on its program and provide employment opportunities.

Finally, SAE has signed a Conflict Avoidance Agreement (CAA) with the Alaska whaling communities to further ensure that its open-water seismic survey activities in the Beaufort Sea will not have unmitigable impacts to subsistence activities. NMFS has included appropriate measures identified in the CAA in the IHA.

Mitigation Measures for Subsistence Activities

The following mitigation measures will be imposed in order to effect the least practicable adverse impact on the availability of marine mammal species for subsistence uses:

(i) Establishment and operations of Communication and Call Centers (Com-Center) Program

- For the purposes of reducing or eliminating conflicts between subsistence whaling activities and SAE's survey program, SAE will participate with other operators in the Com-Center Program. Com-Centers will be operated to facilitate communication of information between SAE and subsistence whalers. The Com-Centers will be operated 24 hours/day during the 2014 fall subsistence bowhead whale hunt.
- All vessels shall report to the appropriate Com-Center at least once every six hours, commencing each day with a call at approximately 06:00 hours.
- The appropriate Com-Center shall be notified if there is any significant change in plans, such as an unannounced start-up of operations or significant deviations from announced course, and that Com-Center shall notify all whalers of such changes. The appropriate Com-Center also shall be called regarding any unsafe or unanticipated ice conditions.

(ii) SAE shall monitor the positions of all of its vessels and exercise due care in avoiding any areas where subsistence activity is active.

(iii) Routing barge and transit vessels:

- Vessels transiting in the Beaufort Sea east of Bullen Point to the Canadian border shall remain at least 5 miles offshore during transit along the coast, provided ice and sea conditions allow. During transit in the Chukchi Sea, vessels shall remain as far offshore as weather and ice conditions allow, and at all times at least 5 miles offshore.
- From August 31 to October 31, vessels in the Chukchi Sea or Beaufort

Sea shall remain at least 20 miles offshore of the coast of Alaska from Icy Cape in the Chukchi Sea to Pitt Point on the east side of Smith Bay in the Beaufort Sea, unless ice conditions or an emergency that threatens the safety of the vessel or crew prevents compliance with this requirement. This condition shall not apply to vessels actively engaged in transit to or from a coastal community to conduct crew changes or logistical support operations.

- Vessels shall be operated at speeds necessary to ensure no physical contact with whales occurs, and to make any other potential conflicts with bowheads or whalers unlikely. Vessel speeds shall be less than 10 knots in the proximity of feeding whales or whale aggregations.
- If any vessel inadvertently approaches within 1.6 kilometers (1 mile) of observed bowhead whales, except when providing emergency assistance to whalers or in other emergency situations, the vessel operator will take reasonable precautions to avoid potential interaction with the bowhead whales by taking one or more of the following actions, as appropriate:
  - Reducing vessel speed to less than 5 knots within 900 feet of the whale(s);
  - Steering around the whale(s) if possible;
  - Operating the vessel(s) in such a way as to avoid separating members of a group of whales from other members of the group;
  - Operating the vessel(s) to avoid causing a whale to make multiple changes in direction; and
  - Checking the waters immediately adjacent to the vessel(s) to ensure that no whales will be injured when the propellers are engaged.

(iv) Limitation on seismic surveys in the Beaufort Sea.

- Kaktovik: No seismic survey from the Canadian Border to the Canning River from August 25 to close of the fall bowhead whale hunt in Kaktovik and Nuiqsut. From August 10 to August 25, SAE will communicate and collaborate with the Alaska Eskimo Whaling Commission (AEWC) on any planned vessel movement in and around Kaktovik and Cross Island to avoid impacts to whale hunting.
- Nuiqsut:
  - Pt. Storkerson to Thetis Island: No seismic survey prior to July 25 inside the Barrier Islands. No seismic survey from August 25 to close of fall bowhead whale hunting outside the Barrier Island in Nuiqsut.
  - Canning River to Pt. Storkerson: No seismic survey from August 25 to the close of bowhead whale subsistence hunting in Nuiqsut.
- Barrow: No seismic survey from Pitt Point on the east side of Smith Bay to a location about half way between Barrow and Peard Bay from September 15 to the close of the fall bowhead whale hunt in Barrow.

(v) SAE shall complete operations in time to allow such vessels to complete transit through the Bering Strait to a point south of 59 degrees North latitude no later than November 15, 2014. Any vessel that encounters weather or ice that will prevent compliance with this date shall coordinate its transit through the Bering Strait to a point south of 59 degrees North latitude with the appropriate Com-Centers. SAE vessels shall, weather and ice permitting, transit east of St. Lawrence Island and no closer than 10 miles from the shore of St. Lawrence Island.

In addition, SAE is conducting the planned seismic surveys in a joint partnership agreement with the Kuukpik Corporation. As a joint venture partner with Kuukpik, SAE states that it will be working closely with Kuukpik and the communities on the North Slope to plan operations that will include measures that are environmentally suitable and that do not impact local subsistence use.

Unmitigable Adverse Impact Analysis and Determination

SAE has adopted a spatial and temporal strategy for its 3D OBN seismic survey that should minimize impacts to subsistence hunters and ensure the sufficient availability of species for hunters to meet subsistence needs. SAE will temporarily cease seismic activities during the fall bowhead whale hunt, which will allow the hunt to occur without any adverse impact from SAE's activities. Although some seal hunting co-occurs temporally with SAE's seismic survey, the locations do not overlap, so SAE's activities will not impact the hunting areas and will not directly displace sealers or place physical barriers between the sealers and the seals. In addition, SAE is conducting the seismic surveys in a joint partnership agreement with Kuukpik Corporation, which allows SAE to work closely with the native communities on the North Slope to plan operations that include measures that are environmentally suitable and that do not impact local subsistence use, and to adjust the operations, if necessary, to minimize any potential impacts that might arise. Based on the description of the specified activity, the measures described to minimize adverse effects on the availability of marine mammals for subsistence purposes, and the mitigation and monitoring measures, NMFS has determined that there will not be an unmitigable adverse impact on subsistence uses from SAE's activities.

Endangered Species Act (ESA)

Bowhead whales, ringed seals, and bearded seals are the only marine mammal species currently listed as endangered or threatened under the ESA that could be impacted by SAE's 3D OBN seismic surveys during the 2014 Arctic open-water season. NMFS' Permits and Conservation Division consulted with NMFS' Alaska Regional Office Division of Protected Resources under section 7 of the ESA on the issuance of an IHA to SAE under section 101(a)(5)(D) of the MMPA for this activity. A Biological Opinion was issued on August 8, 2014, which concluded that issuance of the IHA is not likely to jeopardize the continued existence of the ESA-listed marine mammal species. An Incidental Take Statement was issued under this Biological Opinion that contains reasonable and prudent measures, with implementing terms and conditions, to minimize the effects of takes of listed species.

National Environmental Policy Act (NEPA)

In 2013, NMFS prepared an EA that included an analysis of potential environmental effects associated with NMFS' issuance of an IHA to SAE to take marine mammals incidental to conducting a proposed 3D OBN seismic survey in the Beaufort Sea during the 2013 open-water season. However, due to logistical issues, SAE was not able to conduct the survey in 2013 and postponed the survey to the open-water season of 2014. After analyzing and comparing SAE's 2014 3D seismic survey and the survey proposed for 2013, as well as the affected environment in the 2014 and proposed 2013 action areas, NMFS concluded that SAE's 2014 action is essentially the same as the one SAE proposed in 2013, and that there are no material changes in the affected environment between 2013 and 2014. Therefore, NMFS determined that the information and analyses in its 2013 EA is still up-to-date and applicable for addressing the NEPA analysis related to the issuance of an IHA to SAE for the take of marine mammals during SAE's 2014 Arctic open-water survey. Based on the EA, NMFS prepared a FONSI for this action. Therefore, preparation of an EIS is not necessary.

Authorization

As a result of these determinations, NMFS has issued an IHA to SAE to take

marine mammals incidental to SAE's 2014 3D OBN seismic survey in the Beaufort Sea, Alaska, and the IHA incorporates the mitigation, monitoring, and reporting requirements described in this **Federal Register** notice.

Dated: August 25, 2014.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

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CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed.

Currently, CNCS is soliciting comments concerning application instructions designed to be used for grant competitions which CNCS sponsors when appropriations are available. These application instructions will be used by applicants for funding through CNCS competitions focused on strategic initiatives, partnerships, or other priorities that are not addressed through regular CNCS grant competitions.

Copies of the information collection request can be obtained by contacting the office listed in the Addresses section of this Notice.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by November 3, 2014.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) By mail sent to: Corporation for National and Community Service; Attention Amy Borgstrom, Associate Director for Policy, Room 10508B; 1201 New York Avenue NW., Washington, DC 20525.

(2) By hand delivery or by courier to the CNCS mailroom at Room 8100 at the mail address given in paragraph (1) above, between 9:00 a.m. and 4:00 p.m. Eastern Time, Monday through Friday, except Federal holidays.

(3) Electronically through *www.regulations.gov.*

Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Amy Borgstrom, 202–606–6930, or by email at *aborgstrom@cns.gov.*

SUPPLEMENTARY INFORMATION:

CNCS is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are expected to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submissions of responses).

Background

These application instructions will be used by applicants for funding through CNCS competitions focused on strategic initiatives, partnerships, or other priorities that are not addressed through regular CNCS grant competitions. The application is completed electronically using eGrants, the CNCS Web-based grants management system, or submitted via email.

Current Action

CNCS seeks to revise and renew the current information collection. The application instructions have been revised to ensure ease of use and reduce burden. The information collection will otherwise be used in the same manner as the existing application. CNCS also seeks to continue using the current application until the revised application is approved by OMB. The current application is due to expire on 2/28/2015.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: CNCS Application Instructions.

OMB Number: 3045–0129.

Agency Number: None.

Affected Public: Potential applicants.

Total Respondents: 2,200.

Frequency: Depending on the availability of appropriations.

Average Time per Response: Averages 8 hours.

Estimated Total Burden Hours: 17,600 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: August 26, 2014.

Amy Borgstrom,

Associate Director of Policy.

[FR Doc. 2014–20672 Filed 8–29–14; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Strategic Environmental Research and Development Program, Scientific Advisory Board; Notice of Federal Advisory Committee Meeting

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing this notice to announce an open meeting of the Strategic Environmental Research and Development Program, Scientific Advisory Board (SAB). This meeting will be open to the public.

DATES: Thursday, September 11, 2014, from 8:30 a.m. to 12:45 p.m.

ADDRESSES: 901 N. Stuart Street, Suite 200, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Dr. Anne Andrews, SERDP Office, 4800 Mark Center Drive, Suite 17D08, Alexandria, VA 22350–3605; or by telephone at (571) 372–6565.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. Appendix, as amended), the

Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150. This notice is published in accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463).

Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. Seating is on a first-come basis.

Due to difficulties finalizing the meeting agenda for the scheduled meeting of September 11, 2014, of the Strategic Environmental Research and Development Program Scientific Advisory Board the requirements of 41 CFR § 102–3.150(a) were not met. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR § 102–3.150(b), waives the 15-calendar day notification requirement.

The purpose of the September 11, 2014 meeting is to review new start research and development projects requesting Strategic Environmental Research and Development Program funds in excess of $1 million over the proposed length of the project as required by the SERDP Statute, U.S. Code - Title 10, Subtitle A, Part IV, Chapter 172, § 2904. The full agenda follows:

8:30 a.m.	Convene	Mr. Joseph Francis, Chair.
8:35 a.m.	Environmental Restoration Overview	Dr. Andrea Leeson, Environmental Restoration Program Manager.
8:40 a.m.	15 ER02–001 (ER–2301): Developing and Validating Genetic Catabolic Probes to Quantitatively Assess Monitored Natural Attenuation of 1,4-Dioxane (FY15 Follow-On).	Dr. Pedro Alvarez, Rice University, Houston, TX.
9:25 a.m.	Environmental Restoration Overview	Dr. Andrea Leeson, Environmental Restoration Program Manager.
9:30 a.m.	15 ER01–015 (ER–2529): Estimating Mobile-Immobile Mass Transfer Parameters using Direct Push Tools (FY15 New Start).	Dr. Robert Borden, Solutions-IES, Raleigh, NC.
10:15 a.m.	Break	
10:30 a.m.	15 ER01–017 (ER–2530): Biogeochemical Processes that Control Natural Attenuation of Trichloroethylene in Low Permeability Zones (FY15 New Start).	Dr. Charles Werth, University of Illinois at Urbana-Champaign, Urbana, IL.
11:15 a.m.	15 ER01–026 (ER–2532): Biologically Mediated Abiotic Degradation of Chlorinated Ethenes: A New Conceptual Framework (FY15 New Start).	Dr. Michelle Scherer, University of Iowa, Iowa City, IA.
12:00 p.m.	15 ER01–031 (ER–2533): A Field Method to Quantify Chlorinated Solvent Diffusion, Sorption, Abiotic and Biotic Degradation in Low Permeability Zones (FY14 New Start).	Dr. Richelle Allen-King, University at Buffalo, The State University of New York, Buffalo, NY.

Pursuant to 41 CFR 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written statements to the Strategic Environmental Research and Development Program, Scientific Advisory Board. Written statements may be submitted to the committee at any time or in response to an approved meeting agenda.

All written statements shall be submitted to the Designated Federal Officer (DFO) for the Strategic Environmental Research and Development Program, Scientific Advisory Board. The DFO will ensure that the written statements are provided to the membership for their consideration. Contact information for the DFO can be obtained from the GSA's FACA Database at *http://www.facadatabase.gov/.*

Time is allotted at the close of each meeting day for the public to make comments. Oral comments are limited to 5 minutes per person.

Dated: August 27, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–20748 Filed 8–29–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number 2014–0036]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Part 216, Types of Contracts

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

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. *DoD invites comments on:* (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through November 30, 2014. DoD proposes that OMB extend its approval for three additional years.

DATES: DoD will consider all comments received by November 3, 2014.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0259, using any of the following methods:

○ *Regulations.gov: http://www.regulations.gov.* Follow the instructions for submitting comments.

○ *Email: osd.dfars@mail.mil.* Include OMB Control Number 0704–0259 in the subject line of the message.

○ *Fax:* 571–372–6094.

○ *Mail:* Defense Acquisition Regulations System, Attn: Ms. Janetta Brewer, OUSD(AT&L)DPAP/DARS, Room 3B941, 3060 Defense Pentagon, Washington, DC 20301–3060.

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

FOR FURTHER INFORMATION CONTACT: Ms. Janetta Brewer, 571–372–6104. The information collection requirements addressed in this notice are available electronically on the Internet at: *http://www.acq.osd.mil/dpap/dfars/index.htm.* Paper copies are available from Ms. Janetta Brewer, OUSD (AT&L) DPAP (DARS), Room 3B941, 3060 Defense Pentagon, Washington, DC 20301–3060.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 216, Types of Contracts, and related clauses in Part 252.216; OMB Control Number 0704–0259.

Needs and Uses: The clauses at DFARS 252.216–7000, Economic Price Adjustment—Basic Steel, Aluminum, Brass, Bronze, or Copper Mill Products; DFARS 252.216–7001, Economic Price Adjustment—Nonstandard Steel Items, and DFARS 252.216–7003, Economic Price Adjustment—Wage Rates or Material Prices Controlled by a Foreign Government, require contractors with fixed-price economic price adjustment contracts to submit information to the contracting officer regarding changes in established material prices or wage rates. The contracting officer uses this information to make appropriate adjustments to contract prices.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Number of Respondents: 258.

Responses per Respondent: Approximately 7.55.

Annual Responses: 1,949.

Average Burden per Response: 4 hours.

Annual Burden Hours: 7,844.

Frequency: On occasion.

Summary of Information Collection

Paragraph (c) of the clause at DFARS 252.216–7000, Economic Price Adjustment—Basic Steel, Aluminum, Brass, Bronze, or Copper Mill Products, requires the contractor to notify the contracting officer of the amount and effective date of each decrease in any established price. Paragraph (d) of the clause permits the contractor to submit a written request to the contracting officer for an increase in contract price.

Paragraph (f)(2) of the clause at DFARS 252.216–7001, Economic Price Adjustment—Nonstandard Steel Items, requires the contractor to furnish a statement identifying the correctness of the established prices and employee hourly earnings that are relevant to the computation of various indices. Paragraph (f)(3) of the clause requires the contractor to make available all records used in the computation of labor indices upon the request of the contracting officer.

Paragraph (b)(1) of the clause at DFARS 252.216–7003, Economic Price Adjustment—Wage Rates or Material Prices Controlled by a Foreign Government, permits the contractor to provide a written request for contract adjustment based on increases in wage rates or material prices that are controlled by a foreign government. Paragraph (c) of the clause requires the contractor to make available its books and records that support a requested change in contract price.

Manuel Quinones,

Editor, Defense Acquisition Regulations Council.

[FR Doc. 2014–20738 Filed 8–29–14; 8:45 am]

BILLING CODE 5001–06–P

DELAWARE RIVER BASIN COMMISSION

Notice of Public Hearing and Business Meeting, September 9–10, 2014

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Tuesday, September 9, 2014. A conference session and business meeting will be held the following day on Wednesday, September 10, 2014. The hearing, conference session and business meeting are open to the public and will be held at the Washington Crossing Historic Park Visitor Center, 1112 River Road, Washington Crossing, Pennsylvania.

Public Hearing. The public hearing on September 9, 2014 will begin at 1:30 p.m. Hearing items will include draft dockets for withdrawals, discharges and other water-related projects subject to the Commission's review, and resolutions: (1) Requesting that U.S. EPA establish Stage 2 TMDLs for PCBs in the Delaware Estuary and Bay; and (2) authorizing the Executive Director to enter into an agreement with New York University Medical Center for studies on the effects of PCBs and dissolved oxygen on Atlantic Sturgeon. The list of projects scheduled for hearing, including project descriptions, will be posted on the Commission's Web site, *www.drbc.net*, in a long form of this notice at least ten days before the hearing date. Written comments on draft dockets and resolutions scheduled for hearing on September 9 will be accepted through the close of the hearing that day. After the hearing on all scheduled matters has been completed, there will be an opportunity for public dialogue.

Because hearings on particular projects may be postponed to allow additional time for the commission's review, interested parties are advised to check the Commission's Web site during the week immediately prior to the hearing date. Any postponements will be duly noted there.

Public Meeting. The public meeting on September 9, 2014 will begin at 12:15 p.m. with an informal conference session, consisting of an annual progress report by the staff on implementation of the Basin Plan. The business meeting will include the following items: adoption of the Minutes of the Commission's June 11, 2014 business meeting, announcements of upcoming meetings and events, a report on hydrologic conditions, reports by the Executive Director and the Commission's General Counsel, and consideration of any items for which a hearing has been completed or is not required.

There will be no opportunity for additional public comment at the September 10 business meeting on hearing items for which the hearing was completed on September 9 or a previous date. Commission consideration on September 10 of items for which the public hearing is closed may result in either approval of the item (docket or resolution) as proposed, approval with changes, denial, or deferral. When the Commissioners defer an action, they may announce an additional period for written comment on the item, with or without an additional hearing date, or they may take additional time to consider the input they have already received without requesting further public input. Any deferred items will be considered for action at a public meeting of the Commission on a future date.

Advance Sign-Up for Oral Comment. Individuals who wish to comment for the record at the public hearing on

September 9 or to address the Commissioners informally during the public dialogue portion of the hearing on September 9 are asked to sign up in advance by contacting Ms. Paula Schmitt of the Commission staff, at *paula.schmitt@drbc.state.nj.us* or by phoning Ms. Schmitt at 609–883–9500 ext. 224.

Addresses for Written Comment. Written comment on items scheduled for hearing may be delivered by hand at the public hearing or in advance of the hearing, either: by hand, U.S. Mail or private carrier to: Commission Secretary, P.O. Box 7360, 25 State Police Drive, West Trenton, NJ 08628; by fax to Commission Secretary, DRBC at 609–883–9522; or by email to *paula.schmitt@drbc.state.nj.us*. If submitted by email in advance of the hearing date, written comments on a docket should also be sent to Mr. William Muszynski, Manager, Water Resources Management at *william.muszynski@drbc.state.nj.us*.

Accommodations for Special Needs. Individuals in need of an accommodation as provided for in the Americans with Disabilities Act who wish to attend the informational meeting, conference session or hearings should contact the Commission Secretary directly at 609–883–9500 ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how we can accommodate your needs.

Updates. Items scheduled for hearing are occasionally postponed to allow more time for the Commission to consider them. Other meeting items also are subject to change. Please check the Commission's Web site, *www.drbc.net*, closer to the meeting date for changes that may be made after the deadline for filing this notice.

Additional Information, Contacts. The list of projects scheduled for hearing, with descriptions, will be posted on the Commission's Web site, *www.drbc.net,* in a long form of this notice at least ten days before the hearing date. Draft dockets and resolutions for hearing items will be available as hyperlinks from the posted notice. Additional public records relating to hearing items may be examined at the Commission's offices by appointment by contacting Carol Adamovic, 609–883–9500, ext. 249. For other questions concerning hearing items, please contact Project Review Section assistant Victoria Lawson at 609–883–9500, ext. 216.

Dated: August 25, 2014.

Pamela M. Bush,

Commission Secretary and Assistant General Counsel.

[FR Doc. 2014–20684 Filed 8–29–14; 8:45 am]

BILLING CODE 6360–01–P

DEPARTMENT OF EDUCATION

2015–2016 Federal Student Aid Application; Docket ID Number; Correction

AGENCY: Department of Education.

ACTION: Correction notice.

SUMMARY: On August 27, 2014 the U.S. Department of Education published a 60-day comment period notice in the **Federal Register** Pages 51144, Column 2 and 3; Page 51145, Column 1, 2 and 3 and Page 51146, Column 1 seeking public comment for an information collection entitled, ''2015–2016 Federal Student Aid Application''. ED is requesting a correction to the Docket ID Number ED–2014–ICCD–0125. Docket ID should read as ED–2014–ICCD–0126.

The Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management, hereby issues a correction notice as required by the Paperwork Reduction Act of 1995.

Dated: August 27, 2014.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–20771 Filed 8–29–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0122]

Agency Information Collection Activities; Comment Request; Consolidated State Application

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before November 3, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0122 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E105, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Andrew Brake, 202–260–0998.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Consolidated State Application.

OMB Control Number: 1810–0576.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, or Tribal Governments.

Total Estimated Number of Annual Responses: 30.

Total Estimated Number of Annual Burden Hours: 2,400.

Abstract: Title IX, Part C, Sections 9301–9306, of the Elementary and Secondary Education Act (ESEA), as amended, authorizes the Secretary of Education to provide States the option of submitting consolidated applications to obtain funds for covered programs in which the State participates. The purpose of consolidated applications as defined in ESEA is to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery; to enhance program integration; and to provide greater flexibility and less burden for State educational agencies.

The Department will use the information from the consolidated State application as the basis for approving funding under the covered ESEA, as amended programs (in which the State participates). The Department also will use the performance targets, baseline data, and other related information in the consolidated application to continue to assess the degree of progress States make over time in achieving ESEA goals. As with previous collections, the information in this collection will allow the Department to continue to monitor effectiveness of the use of program funds, and provide grantees with technical assistance.

Dated: August 26, 2014.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–20706 Filed 8–29–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

President's Advisory Commission on Educational Excellence for Hispanics Meeting

AGENCY: White House Initiative on Educational Excellence for Hispanics, Department of Education.

ACTION: Announcement of an Open Meeting.

SUMMARY: This notice sets forth the schedule and agenda of the ninth meeting of the President's Advisory Commission on Educational Excellence for Hispanics. The notice also describes the functions of the Commission. Notice of the meeting is required by section 10(a)(2) of the Federal Advisory Committee Act and intended to notify the public of its opportunity to attend. Due to unexpected complications in securing adequate meeting space coupled with the immediate need to establish a plan of activities for the White House Initiative on Educational Excellence for Hispanics' 25th Anniversary scheduled to begin on or about September 2014, this notice is being published late.

DATES: The meeting will be held on Wednesday, September 3, 2014 at 9 a.m.–4 p.m. Central Daylight Time.

ADDRESSES: Durango Building, Southwest Room, 1.124, The University of Texas at San Antonio, Downtown Campus, 501 Cesar E. Chavez Blvd., San Antonio, TX 78207.

FOR FURTHER INFORMATION CONTACT: Emmanuel Caudillo, Special Advisor, White House Initiative on Educational Excellence for Hispanics, 400 Maryland Ave. SW., Room 4W108, Washington, DC 20202; telephone: 202–401–1411.

SUPPLEMENTARY INFORMATION: The President's Advisory Commission on Educational Excellence for Hispanics (the Commission) is established by Executive Order 13555 (Oct. 19, 2010; reestablished December 12, 2012). The Commission is governed by the provisions of the Federal Advisory Committee Act (FACA), (Pub. L. 92–463; as amended, 5 U.S.C.A., Appendix 2) which sets forth standards for the formation and use of advisory committees. The purpose of the Commission is to advise the President and the Secretary of Education on all matters pertaining to the education attainment of the Hispanic community.

The Commission shall advise the President and the Secretary in the following areas: (i) Developing, implementing, and coordinating educational programs and initiatives at the Department and other agencies to improve educational opportunities and outcomes for Hispanics of all ages; (ii) increasing the participation of the Hispanic community and Hispanic-Serving Institutions in the Department's programs and in education programs at other agencies; (iii) engaging the philanthropic, business, nonprofit, and education communities in a national dialogue regarding the mission and objectives of this order; (iv) establishing partnerships with public, private, philanthropic, and nonprofit stakeholders to meet the mission and policy objectives of this order.

Meeting: The Commission will provide updates to its activities and engagement efforts on key priorities, and hold breakout sessions with the established subcommittees: Early Learning; K–12; and Higher Education. There will be discussion focusing on the Commission's 25th Anniversary in 2015.

Individuals who wish to attend the Commission meeting must RSVP by 12 noon EDT, Friday, August 29, 2014, to *WHIEEH@ed.gov*.

An opportunity for public comment will be available on Wednesday, September 3, 2014, from 9 a.m. to 4 p.m., CDT. Individuals who wish to provide comments will be allowed three minutes to speak. Those members of the public interested in submitting written comments may do so by submitting them to the attention of Emmanuel Caudillo, White House Initiative on Educational Excellence for Hispanics, U.S. Department of Education, 400 Maryland Ave. SW., Room 4W108, Washington, DC 20202, by Friday, August 29, 2014 or via email at *WHIEEH@ed.gov*.

Reasonable Accommodations: Individuals who will need accommodations in order to attend the meeting (e.g., interpreting services, assistive listening devices, or material in alternative format) should notify Emmanuel Caudillo, Special Advisor, White House Initiative on Educational Excellence for Hispanics at 202–401–1411, no later than Wednesday, August 27, 2014. We will attempt to meet requests for such accommodations after this date, but cannot guarantee their availability. The meeting site is accessible to individuals with disabilities.

Access to Records of the Meeting: Records are kept of all Commission proceedings and are available for public inspection at the office of the White House Initiative on Educational Excellence for Hispanics, U.S. Department of Education, 400 Maryland Ave. SW., Room 4W108, Washington, DC 20202, Monday through Friday (excluding federal holidays) during the hours of 9 a.m. to 5 p.m. EDT.

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.

Authority: 20 U.S.C. 101c.

Ted Mitchell,

Under Secretary, U.S. Department of Education.

[FR Doc. 2014–20870 Filed 8–29–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Record of Decision To Withdraw From Production and Distribution of the Radioisotope Germanium-68 Used for Calibration Sources

AGENCY: Office of Science, Department of Energy.

ACTION: Record of Decision.

SUMMARY: The Department of Energy (Department or DOE) Isotope Program, within the Office of Science, currently produces and distributes the radioisotope germanium-68 (Ge-68). There are two primary uses of the Ge-68: In the manufacture of calibration sources for Positron Emission Tomography (PET) scanners used for diagnostic medical imaging; and in the manufacture of germanium-68/gallium-68 (Ge-68/Ga-68) generators, which provide Ga-68 as a positron source in radiopharmaceuticals used in PET imaging.

The Department published a Notice of Inquiry and Request for comment in the **Federal Register**, on March 8, 2013, concerning its consideration of withdrawal from commercial production of Ge-68. The Department received numerous comments in response to this Notice of Inquiry, evaluated substantial information provided by one private domestic company seeking the Department's withdrawal, and assessed other available information. The Department determined that Ge-68 is reasonably available from the commercial sector for use in the manufacture of calibration sources but not for use in Ge-68/Ga-68 generators. The Department published a Notice of Intent and Request for comment in the **Federal Register**, on April 9, 2014, to provide the public with notice and seek public comment on the Department's intent to withdraw from the production and distribution of Ge-68 used in the manufacture of calibration sources, while maintaining its current position in the production and distribution of Ge-68 for Ge-68/Ga-68 generators. Three comments in response to this Notice of Intent were received and assessed by the Department to conclude the evaluation process with this Record of Decision. The Department's decision is to: (1) Withdraw from sales of Ge-68 for the purpose of fabricating calibration sources, while maintaining production capability in the event circumstances change; (2) maintain its current position in the production and distribution of Ge-68 for use in the manufacture of Ge-68/Ga-68 generators; and (3) require the Department's Ge-68 customers to sign an end-use statement that the Ge-68 will be used only in the fabrication of Ge-68/Ga-68 generators.

FOR FURTHER INFORMATION CONTACT: Dr. Marc Garland, Program Manager, Office of Nuclear Physics, Office of Science, U.S. Department of Energy, Germantown Building, SC–26.2, 1000 Independence Ave. SW., Washington, DC 20585, Tel: 301–903–9576.

SUPPLEMENTARY INFORMATION: It is the Department's policy to refrain from competition with private industry in the commercial production and distribution of radioisotopes when those radioisotopes are reasonably available commercially. This policy was announced in the **Federal Register** notice, 30 FR 3247 (March 9, 1965), entitled ''Policies and Procedures for Transfer of Commercial Radioisotope Production and Distribution to Private Industry'' (''Statement of Policy''). The Statement of Policy provides criteria and guidance on withdrawal from the market and states that when the Department determines to voluntarily withdraw from the commercial production and distribution of particular radioisotopes, it will publish a notice of such intent for public comment.

Background

The Department currently produces and distributes the radioisotope Ge-68. The Department was made aware of domestic private industry development of commercial production and distribution of this radioisotope in the United States, in addition to the distribution in the United States of the radioisotope produced by foreign entities. In light of these circumstances, a Notice of Inquiry and Request for comment entitled ''Consideration of Withdrawal from Commercial Production and Distribution of the Radioisotope Germanium-68'' (''Notice of Inquiry'') was published in the **Federal Register**, 78 FR 15009 (March 8, 2013), announcing the Department's intent to conduct an evaluation and to request comments and information from the public for consideration in the evaluation.

The Department received numerous comments in response to the Notice of Inquiry from private citizens affected by the use of Ge-68 in Ge-68/Ga-68 generators critical in medical imaging for certain cancers, and from some private companies involved in the manufacture of products for medical purposes. The Department conducted an evaluation of all available information, including all comments received in response to the Notice of Inquiry, and subsequently published a Notice of Intent to Withdraw from Production and Distribution of the Radioisotope Germanium-68 Used for Calibration Sources (''Notice of Intent and Request for Comment'') (''NOI'') in the **Federal Register**, 79 FR 19610 (April 9, 2014). The NOI announced the Department's intent to withdraw from production of Ge-68 for the manufacture of calibration sources, but to maintain production and distribution of Ge-68 for Ge-68/Ga-68 generators. To provide assurance of supply of Ge-68 for calibration source purposes, the Department announced that it would maintain production capability but not engage in sales to the marketplace. Sales of Ge-68 for calibration sources would end by April 30, 2014, and thereafter customers would be required to sign an end-use statement that the Ge-68 would be used in the fabrication of Ge-68/Ga-68 generators. The NOI presented the basis for the Department's proposed actions and solicited comments regarding those actions.

Evaluation and Determination

The Department received three comments in response to the NOI, two from the general public and one from private industry. The responses from the general public were received from a university researcher involved in Ga-68 radiopharmaceutical development and a cancer patient who benefits from the use of Ga-68 radiopharmaceuticals; both responses were in support of the Department's announced intent to maintain production for use in Ge-68/Ga-68 generators. Neither commenter objected to the Department's withdrawal from the production and distribution of Ge-68 used in calibration sources.

The response received from private industry, Mallinckrodt Pharmaceuticals, supported the Department's announced intent to withdraw from production of Ge-68 for the manufacture of calibration sources, but provided additional information and requested the Department reconsider the announced intent to maintain production and distribution of Ge-68 for Ge-68/Ga-68

generators. In summary, Mallinckrodt requested reconsideration on the bases that its Ge-68 is qualified for use in Ge-68 generators, and that there is effective competition in the market for the supply of Ge-68 for generators.

Mallinckrodt provided information indicating that it's Ge-68 is now qualified for use in Ge-68/Ga-68 generators, in response to the Department's concern expressed in the NOI regarding the lack of domestic producers of Ge-68 qualified for use in Ge-68/Ga-68 generators. The Department acknowledges that Mallinckrodt is now a domestic producer of Ge-68 qualified for use in Ge-68/Ga-68 generators.

In regard to effective competition, Mallinckrodt provided information identifying as major Ge-68 suppliers Brookhaven National Laboratory (BNL), Los Alamos National Laboratory (LANL) (United States), Cyclotron Co. Ltd. (Obninsk, Russia), and iThemba Laboratories/NAC (Faure, South Africa), and requested these suppliers be considered as constituting effective competition in the supply of Ge-68. In the NOI, the Department had stated that, in the absence of a Department supply of Ge-68 for the manufacture of generators, Mallinckrodt would be the sole domestic source of Ge-68 for generators, that a single domestic supplier could be problematic for the U.S. market for generators, and that the Department's continued participation in that segment of the market as a second domestic supplier would serve to reduce the potential for impediments to research and development leading to FDA approval of Ga-68 radiopharmaceuticals. The United States suppliers identified by Mallinckrodt—BNL and LANL—are both Department of Energy production sites, so if the Department exited the Ge-68 market, Mallinckrodt would be the sole domestic supplier of Ge-68. Mallinckrodt correctly noted that the Department's policy on withdrawal from radioisotope production and distribution may include consideration of foreign producers to evaluate effective competition in the market. Even with two potential foreign sources of supply, however, the Department concluded that insufficient data, and thereby inadequate evidence, exists on the capability of these suppliers to provide an adequate supply and effective competition in the market to justify the Department's withdrawal. Use of Ge-68 in Ge-68/Ga-68 generators, which provide Ga-68 as a positron source in radiopharmaceuticals used in PET imaging, is a relatively new, unique and evolving application of this isotope in a critical state of development for cancer research. In consideration of the additional information provided on potential suppliers balanced against public comments and the critical need and use of Ge-68 in the context of Ge-68/Ga-68 generators, the Department affirms its initial conclusion that a sole domestic supplier and the uncertain contribution of foreign suppliers would not represent effective competition in the supply of Ge-68 in support of the Nation's significant interest in the research and development of Ga-68 radiopharmaceuticals.

The Department also affirms its intent that, to help provide assurance of supply of Ge-68 for calibration source purposes, DOE will maintain production capability, but not engage in sales to the marketplace, such that production would resume in a timely manner if Mallinckrodt and other suppliers are not be able to adequately serve the market or if private supplier pricing substantially increases and has a negative impact on the development and utilization of Ge-68 products.

To serve the Nation's interests in the advancement of health care, the Department will continue to produce and distribute Ge-68 for use in the manufacture of Ge-68/Ga-68 generators until such time as firm data exists establishing that there are multiple domestic suppliers capable of fully satisfying the needs of the United States market without the participation of Department in that market.

Issued in Washington, DC, on August 21, 2014.

Jehanne Gillo,

Director, Facilities and Project Management Division, Office of Nuclear Physics, Office of Science.

[FR Doc. 2014–20749 Filed 8–29–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC14–14–000]

Commission Information Collection Activities (FERC–519); Comment Request

AGENCY: Federal Energy Regulatory Commission, FERC.

ACTION: Comment request.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(a)(1)(D), the Federal Energy Regulatory Commission (Commission or FERC) is submitting its information collection FERC–519 (Application under Federal Power Act Section 203) to the Office of Management and Budget (OMB) for review of the information collection requirements. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission previously issued a Notice in the **Federal Register** (79 FR 30598, 5/28/2014) requesting public comments. The Commission received no comments on the FERC–519 and is making this notation in its submittal to OMB.

DATES: Comments on the collection of information are due by October 2, 2014.

ADDRESSES: Comments filed with OMB, identified by the OMB Control No. 1902–0082, should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov.* Attention: Federal Energy Regulatory Commission Desk Officer. The Desk Officer may also be reached via telephone at 202–395–4718.

A copy of the comments should also be sent to the Commission, in Docket No. IC14–14–000, by either of the following methods:

- *eFiling at Commission's Web site: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* by telephone at (202) 502–8663, and by fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–519, Application under Federal Power Act Section 203.

OMB Control No.: 1902–0082.

Type of Request: Three-year extension of the FERC–519 information collection requirements with no changes to the reporting requirements.

Abstract: The FERC–519 (Application under Federal Power Act Section 203) is necessary to enable the Commission to

carry out its responsibilities in implementing the statutory provisions of Section 203 of the Federal Power Act (FPA), 16 U.S.C. 824b. Section 203 authorizes the Commission to grant approval of transactions in which a public utility disposes of jurisdictional facilities, merges such facilities with the facilities owned by another person or acquires the securities of another public utility. Under this statute, the Commission must find that the proposed transaction will be consistent with the public interest.

Under Section 203 of the FPA, FERC must review proposed mergers, acquisitions and dispositions of jurisdictional facilities by public utilities, if the value of the facilities exceeds $10 million, and must approve these transactions if they are consistent with the public interest. One of FERC's overarching goals is to promote competition in wholesale power markets, having determined that effective competition, as opposed to traditional forms of price regulation, can best protect the interests of ratepayers. Market power, however, can be exercised to the detriment of effective competition and customers, making it necessary for FERC to review and approve or disapprove all jurisdictional mergers, dispositions and acquisitions. The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR Part 33.

Type of Respondents: Public utilities subject to the FPA.

Estimate of Annual Burden: [1] The Commission estimates the annual public reporting burden for the information collection as:

FERC–519

[Application under Federal Power Act Section 203]

	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1)*(2)=(3)	Average burden & cost per response [2] (4)	Total annual burden hours & total annual cost (3)*(4)=(5)	Cost per respondent ($) (5)÷(1)
FERC–519	141	1	141	395 $27,847.5	55,695 $3,926,498	$27,847.5

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: August 21, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–20764 Filed 8–29–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–533–000; Docket No. CP14–534–000]

Duke Energy Kentucky, Inc.; Duke Energy Ohio, Inc.; Notice of Applications for Certificate of Public Convenience and Necessity

Take notice that on August 13, 2014 Duke Energy Kentucky, Inc. (DEK) and Duke Energy Ohio, Inc. (DOE), 139 E. Fourth Street, Cincinnati, Ohio 45202, filed in the above referenced dockets two complimentary applications pursuant to sections 7(b) and 7(f) of the Natural Gas Act (NGA). DEK requests authorization to abandon by sale to DEO, a segment of existing natural gas pipeline that extends from Kenton County, Kentucky to Hamilton County, Ohio. DEO is concurrently seeking a determination of a service area within which DEO may enlarge and extend its distribution facilities, without further Commission authorization, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Chuck Whitlock, President, Midwest Commercial Generation and Vice President, Gas Operations, at (513) 287–2534 or *chuck.whitlock@duke-energy.com,* Duke Energy Corporation, 139 East Fourth Street, Cincinnati, OH 45202.

Specifically, the pipeline segment to be conveyed to DEO (AM–1 River Crossing) originates at a pipeline valve in Kenton County, Kentucky, about 400 feet south of the Ohio River, and extends northward about 0.4 miles, under the river, to an interconnection with distribution facilities of DEO at a pipeline valve in Hamilton County, Ohio. It is part of DEK's Line AM–1 natural gas pipeline. DEK states that the AM–1 River Crossing is used for the sole purpose of delivering gas to DEO to serve its own retail customers and retail customer choice load in Ohio. DEK also states that its entire retail load that is served from Line AM–1 is located upstream of the proposed point of transfer, so no DEK customer will be

[1] The Commission defines burden as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3.

[2] The estimates for cost per response are derived using the following formula: Average Burden Hours per Response * $70.50 per Hour = Average Cost per Response. The hourly cost figure of $70.50 is the average FERC employee wage plus benefits. We assume that respondents earn at a similar rate.

affected by the transfer. DEO's request includes (1) a determination that DEO's service area may be extended to include AM–1 River Crossing, the associated right-of-way and sufficient adjacent right-of-way to accommodate future replacement of the existing pipeline segment; (2) a finding that DEO continues to qualify as a local distribution company (LDC) for purposes of section 311 of the Natural Gas Policy Act of 1978 (NGPA); (3) a waiver of the regulatory requirements ordinarily applicable to natural gas companies under the NGA and NGPA; (4) and such further relief as the Commission may deem appropriate. DEO states that inclusion of the AM–1 River Crossing and adjacent right-of-way in DEO's service area will allow DEO to replace the line and thereby ensure continued reliable delivery of gas via the line to DEO's distribution system.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on September 12, 2014.

Dated: August 22, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–20755 Filed 8–29–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13701–002]

FFP Missouri 2, LLC; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, and Other Agency Authorizations

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original Major License—Existing Dam.

b. *Project No.:* 13701–002.

c. *Date filed:* November 13, 2013.

d. *Applicant:* FFP Missouri 2, LLC.

e. *Name of Project:* Sardis Lake Hydroelectric Project.

f. *Location:* The proposed project would be located at the U.S. Army Corps of Engineers' (Corps) existing Sardis Lake Dam, on the Little Tallahatchie River, near the Town of Sardis, Panola County, Mississippi. The proposed project would occupy approximately 59 acres of federal lands administered by the Corps.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Thomas Feldman, Vice President, Project Development, Free Flow Power Corporation, 239 Causeway Street, Suite 300, Boston, MA 02114; (978) 283–2822.

i. *FERC Contacts:* Jeanne Edwards at (202) 502–6181, *jeanne.edwards@ferc.gov* or Patti Leppert at (202) 502–6034, *patricia.leppert@ferc.gov.*

j. The deadline for filing motions to intervene and protests is 60 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–13701–002.

The Commission's Rules of Practice require all intervenors filing documents

with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted, but is not ready for environmental analysis at this time.

l. The proposed project would utilize the Corps' existing Sardis Lake Dam outlet works, consisting of a concrete conduit outlet tunnel, regulating gates, and a stilling basin. The project would operate consistent with the Corps' current operation policy.

The proposed project would consist of the following new facilities: (1) A 510-foot-long, 15.5-foot-diameter steel liner installed within the Corps' existing concrete outlet tunnel; (2) a 50-foot-long, 30-foot-wide steel-lined concrete bifurcation at the end of the Corps' existing conduit to divide the flows between the Corps' existing stilling basin and the project new powerhouse; (3) a 250-foot-long, 15.5-foot-diameter steel penstock; (4) an 102.6-foot-high by 78-foot-wide by 50-foot-deep forebay; (5) a 120-foot-long by 85-foot-wide concrete powerhouse with two vertical Kaplan generating units with a total installed capacity of 14.6 megawatts; (6) a 200-foot-long, 100-foot-wide tailrace channel; (7) a substation; (8) a 7,097-foot-long transmission line consisting of a 887-foot-long, 4.160 kilovolt (kV) buried line from the powerhouse to the substation and a 6,210-foot-long, 161 kV overhead line from the substation to an existing utility-owned distribution line; and (9) appurtenant facilities. The project would have an estimated average annual generation of 52.0 gigawatt-hours.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.FERC.gov,* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support. A copy is available for inspection and reproduction at the address in item h above.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified intervention deadline date, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified intervention deadline date. Applications for preliminary permits will not be accepted in response to this notice.

A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a development application. A notice of intent must be served on the applicant(s) named in this public notice.

o. Anyone may submit a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must: (1) Bear in all capital letters the title ''PROTEST,'' or ''MOTION TO INTERVENE,'' ''NOTICE OF INTENT TO FILE COMPETING APPLICATION,'' or ''COMPETING APPLICATION;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon the representative of the applicant.

p. Procedural schedule: The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Issue Notice of Acceptance—August 2014
Issue Scoping Document 1 for comments—October 2014
Comments on Scoping Document 1—November 2014
Issue Scoping Document 2 (if necessary)—December 2014
Issue notice of ready for environmental analysis—December 2014
Commission issues EA or draft EA—September 2015
Comments on EA or draft EA—October 2015
Commission issues final EA (if necessary)—April 2016

q. Other Agency Authorizations: Pursuant to section 401 of the Clean Water Act, the Mississippi Department of Environmental Quality (Mississippi DEQ) must certify that discharge from the construction and operation of this proposed project will comply with the Clean Water Act. The Mississippi DEQ is also reviewing the project application under Title 11 Miss. Admin. Code, Pt. 6, Ch.1, Subch.3, which establishes the review of water quality certification applications. Based on an understanding between the Federal Energy Regulatory Commission (FERC) and the Mississippi DEQ, this public notice is also issued for the purpose of advising all interested persons that there is a decision pending before the Mississippi Environmental Quality Permit Board on the request for section 401 water quality certification for this FERC license application. Any comments concerning the water quality certification request may be submitted to the Mississippi Department of Environmental Quality, Office of Pollution Control at Post Office Box 2261, Jackson, Mississippi 39225–2261. The public comment period on the water quality certification extends 30 days from the date of publication of this notice. A copy of the public notice with a description of the project construction and operation is available for review at the Mississippi DEQ's Jackson office. The complete application may be reviewed at the address listed in paragraph h.

Dated: August 25, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–20758 Filed 8–29–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13704–002]

FFP Missouri 2, LLC; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, and Other Agency Authorizations

Take notice that the following hydroelectric application has been filed

with the Commission and is available for public inspection.

a. *Type of Application:* Original Major License—Existing Dam.

b. *Project No.:* 13704–002.

c. *Date filed:* November 13, 2013.

d. *Applicant:* FFP Missouri 2, LLC.

e. *Name of Project:* Arkabutla Lake Hydroelectric Project.

f. *Location:* The proposed project would be located at the U.S. Army Corps of Engineers' (Corps) existing Arkabutla Lake Dam, on the Coldwater River in Tate and DeSoto Counties, Mississippi. The proposed project would occupy approximately 48.2 acres of federal lands administered by the Corps.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Thomas Feldman, Vice President, Project Development, Free Flow Power Corporation, 239 Causeway Street, Suite 300, Boston, MA 02114; (978) 283–2822.

i. *FERC Contacts:* Jeanne Edwards at (202) 502–6181, *jeanne.edwards@ferc.gov* or Patti Leppert at (202) 502–6034, *patricia.leppert@ferc.gov.*

j. The deadline for filing motions to intervene and protests is 60 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–13704–002.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted, but is not ready for environmental analysis at this time.

l. The proposed project would utilize the Corps' existing Arkabutla Lake Dam outlet works, consisting of a concrete conduit outlet tunnel, regulating gates, and a stilling basin. The project would operate consistent with the Corps' current operation policy.

The proposed project would consist of the following new facilities: (1) A 325-foot-long, 15.5-foot-diameter steel liner installed within the Corps' existing concrete conduit outlet tunnel; (2) a 50-foot-long, 25-foot-wide steel-lined reinforced concrete bifurcation at the end of the Corps' existing conduit outlet tunnel to divide the flows between the Corps' existing stilling basin and the project new powerhouse; (3) a 272-foot-long, 12-foot-diameter steel penstock; (4) an 83-foot high by 60-foot wide by 50-foot-deep forebay; (5) an 80-foot-long, 46-foot-wide concrete powerhouse with two vertical Kaplan generating units with a total installed capacity of 5.1 megawatts; (6) a 200-foot-long, 85-foot-wide tailrace channel; (7) a substation; (8) a 4,286-foot-long transmission line consisting of a 1,574-foot-long, 4.16 kilovolts (kV) buried line from the powerhouse to the substation and a 2,712-foot-long, 12.5 kV overhead line from the substation to an existing utility-owned distribution line; and (9) appurtenant facilities. The project would have an estimated average annual generation of 19.0 gigawatt-hours.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.FERC.gov,* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support. A copy is available for inspection and reproduction at the address in item h above.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified intervention deadline date, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified intervention deadline date. Applications for preliminary permits will not be accepted in response to this notice.

A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a development application. A notice of intent must be served on the applicant(s) named in this public notice.

o. Anyone may submit a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must: (1) Bear in all capital letters the title ''PROTEST,'' or ''MOTION TO INTERVENE,'' ''NOTICE OF INTENT TO FILE COMPETING APPLICATION,'' or ''COMPETING APPLICATION;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon the representative of the applicant.

p. Procedural schedule: The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Issue Notice of Acceptance—August 2014.

Issue Scoping Document 1 for comments—October 2014.

Comments on Scoping Document 1—November 2014.

Issue Scoping Document 2 (if necessary)—December 2014.

Issue notice of ready for environmental analysis—December 2014.

Commission issues EA or draft EA—September 2015.

Comments on EA or draft EA—October 2015.

Commission issues final EA (if necessary)—April 2016.

q. Other Agency Authorizations: Pursuant to section 401 of the Clean Water Act, the Mississippi Department of Environmental Quality (Mississippi DEQ) must certify that discharge from the construction and operation of this

proposed project will comply with the Clean Water Act. The Mississippi DEQ is also reviewing the project application under Title 11 Miss. Admin. Code, Pt. 6, Ch.1, Subch.3, which establishes the review of water quality certification applications. Based on an understanding between the Federal Energy Regulatory Commission (FERC) and the Mississippi DEQ, this public notice is also issued for the purpose of advising all interested persons that there is a decision pending before the Mississippi Environmental Quality Permit Board on the request for section 401 water quality certification for this FERC license application. Any comments concerning the water quality certification request may be submitted to the Mississippi Department of Environmental Quality, Office of Pollution Control at Post Office Box 2261, Jackson, Mississippi 39225–2261. The public comment period on the water quality certification extends 30 days from the date of publication of this notice. A copy of the public notice with a description of the project construction and operation is available for review at the Mississippi DEQ's Jackson office. The complete application may be reviewed at the address listed in paragraph h.

Dated: August 25, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–20761 Filed 8–29–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13702–002]

FFP Missouri 2, LLC; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, and Other Agency Authorizations

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original Major License—Existing Dam.

b. *Project No.:* 13702–002.

c. *Date filed:* November 13, 2013.

d. *Applicant:* FFP Missouri 2, LLC.

e. *Name of Project:* Grenada Lake Hydroelectric Project.

f. *Location:* The proposed project would be located at the U.S. Army Corps of Engineers' (Corps) existing Grenada Lake Dam, on the Yalobusha River, near the Town of Grenada, Grenada County, Mississippi. The proposed project would occupy approximately 35.5 acres of federal lands administered by the Corps.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Thomas Feldman, Vice President, Project Development, Free Flow Power Corporation, 239 Causeway Street, Suite 300, Boston, MA 02114; (978) 283–2822.

i. *FERC Contacts:* Jeanne Edwards at (202) 502–6181, *jeanne.edwards@ferc.gov* or Patti Leppert at (202) 502–6034, *patricia.leppert@ferc.gov.*

j. The deadline for filing motions to intervene and protests is 60 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–13702–002.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted, but is not ready for environmental analysis at this time.

l. The proposed project would utilize the Corps' existing Grenada Lake Dam outlet works consisting of a concrete conduit outlet tunnel, regulating gates, and a stilling basin. The project would operate consistent with the Corps' current operation policy.

The proposed project would consist of the following new facilities: (1) A 327.5-foot-long, 10.25-foot-diameter steel liner installed within the Corps' existing concrete outlet tunnel; (2) a 50-foot-long with a varied width steel-lined concrete bifurcation at the end of the Corps' existing conduit to divide the flows between the Corps' existing stilling basin and the project new powerhouse; (3) a 260-foot-long, 14-foot-diameter steel penstock; (4) an 86-foot-high by 78-foot-wide by 50-foot-deep forebay; (5) a 120-foot-long by 60-foot-wide concrete powerhouse with two vertical Kaplan generating units with a total installed capacity of 9.0 megawatts; (6) a 150-foot-long, 70 foot-wide tailrace channel; (7) a substation; (8) a 2,650-foot-long transmission line consisting of a 670-foot-long, 4.160 kilovolt (kV) buried line from the powerhouse to the substation and a 1,980-foot-long, 12.5 kV overhead line from the substation to an existing utility-owned distribution line; and (9) appurtenant facilities. The project would have an estimated average annual generation of 31.0 gigawatt-hours.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.FERC.gov,* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support. A copy is available for inspection and reproduction at the address in item h above.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified intervention deadline date, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified intervention deadline date. Applications for preliminary permits will not be accepted in response to this notice.

A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a development application. A notice of intent must be served on the applicant(s) named in this public notice.

o. Anyone may submit a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the

Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must: (1) Bear in all capital letters the title ''PROTEST,'' or ''MOTION TO INTERVENE,'' ''NOTICE OF INTENT TO FILE COMPETING APPLICATION,'' or ''COMPETING APPLICATION;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon the representative of the applicant.

p. *Procedural schedule:* The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Issue Notice of Acceptance—August 2014
Issue Scoping Document 1 for comments—October 2014
Comments on Scoping Document 1—November 2014
Issue Scoping Document 2 (if necessary)—December 2014
Issue notice of ready for environmental analysis—December 2014
Commission issues EA or draft EA—September 2015
Comments on EA or draft EA—October 2015
Commission issues final EA (if necessary)—April 2016

q. *Other Agency Authorizations:* Pursuant to section 401 of the Clean Water Act, the Mississippi Department of Environmental Quality (Mississippi DEQ) must certify that discharge from the construction and operation of this proposed project will comply with the Clean Water Act. The Mississippi DEQ is also reviewing the project application under Title 11 Miss. Admin. Code, Pt. 6, Ch.1, Subch.3, which establishes the review of water quality certification applications. Based on an understanding between the Federal Energy Regulatory Commission (FERC) and the Mississippi DEQ, this public notice is also issued for the purpose of advising all interested persons that there is a decision pending before the Mississippi Environmental Quality Permit Board on the request for section 401 water quality certification for this FERC license application. Any comments concerning the water quality certification request may be submitted to the Mississippi Department of Environmental Quality, Office of Pollution Control at Post Office Box 2261, Jackson, Mississippi 39225–2261. The public comment period on the water quality certification extends 30 days from the date of publication of this notice. A copy of the public notice with a description of the project construction and operation is available for review at the Mississippi DEQ's Jackson office. The complete application may be reviewed at the address listed in paragraph h.

Dated: August 25, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–20759 Filed 8–29–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 405–111]

Exelon Generation Company, LLC; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-project use of project lands and waters; water withdrawal and discharge into licensed project waters.

b. *Project No.:* 405–111.

c. *Date Filed:* June 30, 2014.

d. *Applicant:* Exelon Generation Company, LLC.

e. *Name of Project:* Conowingo Hydroelectric Project.

f. *Location:* The project is located on the Susquehanna River in Cecil and Harford Counties, Maryland and in Lancaster and York Counties, Pennsylvania.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contacts:* Mr. Brian J. McManus, Van Ness Feldman, LLP, 1050 Thomas Jefferson Street NW., Seventh Floor, Washington, DC 20007–3877, telephone (202) 298–3720, and email address: *bzm@vnf.com.*

i. *FERC Contact:* CarLisa Linton-Peters, telephone: (202) 502–8416, and email address: *Carlisa.linton-peters@ferc.gov.*

j. Deadline for filing comments, motions to intervene, and protests is 30 days from the issuance date of this notice by the Commission.

All documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commissions Web site at *http://www.ferc.gov/docs-filing/efiling.asp.* If unable to be filed electronically documents may be paper-filed. To paper-file, an original should be mailed to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. Please include the project number (P–405–111) on any comments or motions filed.

k. *Description of Request:* Exelon Generation Company, LLC (Exelon or licensee) proposes to permit Old Dominion Electric Cooperative (ODEC or permitee) use of the Conowingo Project waters and lands for the withdraw and discharge of water necessary to support the combined-cycle electric power generating plant known as the Wildcat Point Generation Project that ODEC proposes to build and operate in Cecil County, Maryland. The proposed non-project use of project lands would include the construction and installation of a water intake structure and pipeline extending into the Conowingo reservoir, an off-site pumphouse and pipeline, and an outfall structure and pipeline that would discharge return water back into the reservoir. The amount of the proposed water withdraw from the Conowingo Project reservoir would not exceed 8.7 million gallons per day (mgd) and the return water would not exceed 0.8 mgd, for a total consumptive use of 7.9 mgd. ODEC would use water from the Conowingo reservoir for cooling and process water for the new generating facilities. The proposed Wildcat Point Generation Project would be located outside of the Conowingo Project boundary, in Lancaster, Pennsylvania.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the

document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* All filings must (1) bear in all capital letters the title ''COMMENTS,'' ''PROTEST,'' or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervener must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: August 25, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–20765 Filed 8–29–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13703–002]

FFP Missouri 2, LLC; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, and Other Agency Authorizations

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original Major License—Existing Dam.

b. *Project No.:* 13703–002.

c. *Date filed:* November 13, 2013.

d. *Applicant:* FFP Missouri 2, LLC.

e. *Name of Project:* Enid Lake Hydroelectric Project.

f. *Location:* The proposed project would be located at the U.S. Army Corps of Engineers' (Corps) existing Enid Lake Dam, on the Yocona River, in Yalobusha County, Mississippi. The proposed project would occupy approximately 30 acres of federal lands administered by the Corps.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Thomas Feldman, Vice President, Project Development, Free Flow Power Corporation, 239 Causeway Street, Suite 300, Boston, MA 02114; (978) 283–2822.

i. *FERC Contacts:* Jeanne Edwards at (202) 502–6181, *jeanne.edwards@ferc.gov* or Patti Leppert at (202) 502–6034, *patricia.leppert@ferc.gov.*

j. The deadline for filing motions to intervene and protests is 60 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–13703–002.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted, but is not ready for environmental analysis at this time.

l. The proposed project would utilize the Corps' existing Enid Lake Dam outlet works, consisting of a concrete conduit outlet tunnel, regulating gates, and a stilling basin. The project would operate consistent with the Corps' current operation policy.

The proposed project would consist of the following new facilities: (1) A 320-foot-long, 10.25-foot-diameter steel liner installed within the Corps' existing concrete conduit outlet tunnel; (2) a 50-foot-long, 20-foot-wide steel-lined concrete bifurcation at the end of the Corps' existing conduit outlet tunnel to divide the flows between the Corps' existing stilling basin and the project new powerhouse; (3) a 240-foot-long, 10-foot-diameter steel penstock; (4) a 100-foot-high by 55-foot-wide by 50-foot-deep forebay; (5) an 80-foot-long, 50-foot-wide concrete powerhouse with two vertical Kaplan generating units with a total installed capacity of 4.6 megawatts; (6) a 150-foot-long, 75-foot-wide tailrace channel; (7) a substation; (8) a 2,217-foot-long transmission line consisting of a 181-foot-long, 4.16 kilovolts (kV) buried line from the powerhouse to the substation and a 2,036-foot-long, 12.5 kV overhead line from the substation to an existing utility-owned distribution line; and (9) appurtenant facilities. The project would have an estimated average annual generation of 17.7 gigawatt-hours.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.FERC.gov,* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support. A copy is available for inspection and reproduction at the address in item h above.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified intervention deadline date, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified intervention deadline date. Applications for preliminary permits will not be accepted in response to this notice.

A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a development application. A notice of intent must be served on the applicant(s) named in this public notice.

o. Anyone may submit a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must: (1) Bear in all capital letters the title ''PROTEST,'' or ''MOTION TO INTERVENE,'' ''NOTICE OF INTENT TO FILE COMPETING APPLICATION,'' or ''COMPETING APPLICATION;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon the representative of the applicant.

p. Procedural schedule: The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Issue Notice of Acceptance—August 2014.

Issue Scoping Document 1 for comments—October 2014.

Comments on Scoping Document 1—November 2014.

Issue Scoping Document 2 (if necessary)—December 2014.

Issue notice of ready for environmental analysis—December 2014.

Commission issues EA or draft EA—September 2015.

Comments on EA or draft EA—October 2015.

Commission issues final EA (if necessary)—April 2016.

q. Other Agency Authorizations: Pursuant to section 401 of the Clean Water Act, the Mississippi Department of Environmental Quality (Mississippi DEQ) must certify that discharge from the construction and operation of this proposed project will comply with the Clean Water Act. The Mississippi DEQ is also reviewing the project application under Title 11 Miss. Admin. Code, Pt. 6, Ch.1, Subch.3, which establishes the review of water quality certification applications. Based on an understanding between the Federal Energy Regulatory Commission (FERC) and the Mississippi DEQ, this public notice is also issued for the purpose of advising all interested persons that there is a decision pending before the Mississippi Environmental Quality Permit Board on the request for section 401 water quality certification for this FERC license application. Any comments concerning the water quality certification request may be submitted to the Mississippi Department of Environmental Quality, Office of Pollution Control at Post Office Box 2261, Jackson, Mississippi 39225–2261. The public comment period on the water quality certification extends 30 days from the date of publication of this notice. A copy of the public notice with a description of the project construction and operation is available for review at the Mississippi DEQ's Jackson office. The complete application may be reviewed at the address listed in paragraph h.

Dated: August 25, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–20760 Filed 8–29–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–536–000]

Northern Natural Gas Company; Notice of Application

Take notice that on August 18, 2014, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124, filed an application pursuant to section 7(b) of the Natural Gas Act (NGA) for authorization to abandon in place and by removal approximately 4.74 miles of its 24-inch diameter coupled A-line in Guthrie County, Iowa, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application may be directed to Michael T. Loeffler, Senior Director, Certificates and External Affairs, Northern Natural Gas Company, 1111 South 103rd Street, Omaha, Nebraska 68124, at (402) 398–7103.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice, the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and

by all other parties. A party must submit seven copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and five copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: September 15, 2014.

Dated: August 25, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–20762 Filed 8–29–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC11–112–001.
Applicants: La Paloma Generating Company, LLC, SOLA LTD, Solus Alternative Asset Management LP.
Description: Request for Extension of Existing Blanket Authorization under Section 203(a)(1) of the Federal Power Act of La Paloma Generating Company, LLC, et. al.
Filed Date: 8/22/14.
Accession Number: 20140822–5062.
Comments Due: 5 p.m. ET 9/12/14.

Docket Numbers: EC14–128–000.
Applicants: International Transmission Company.
Description: Application pursuant to Section 203 seeking authorization to acquire transmission assets from DTE Electric Company of International Transmission Company.
Filed Date: 8/22/14.
Accession Number: 20140822–5027.
Comments Due: 5 p.m. ET 9/12/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–3297–004.
Applicants: Powerex Corp.
Description: Supplement to May 29, 2014 Notice of Non-Material Change in Status of Powerex Corp.
Filed Date: 8/20/14.
Accession Number: 20140820–5197.
Comments Due: 5 p.m. ET 9/10/14.

Docket Numbers: ER12–2304–004.
Applicants: Green Mountain Power Corporation, ISO New England Inc.
Description: Compliance filing per 35: Statge 1 Compliance Filing—Schedule 21–GMP to be effective 10/1/2012.
Filed Date: 8/22/14.
Accession Number: 20140822–5004.
Comments Due: 5 p.m. ET 9/12/14.

Docket Numbers: ER12–2304–005.
Applicants: Green Mountain Power Corporation, ISO New England Inc.
Description: Compliance filing per 35: Stage 2 Compliance Filing—Schedule 21–GMP to be effective 8/4/2014.
Filed Date: 8/22/14.
Accession Number: 20140822–5005.
Comments Due: 5 p.m. ET 9/12/14.

Docket Numbers: ER14–1485–002.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment per 35.17(b): Motion to Hold Captioned Dockets in Abeyance under Docket No. ER14–1485 to be effective 6/11/2014.
Filed Date: 8/21/14.
Accession Number: 20140821–5110.
Comments Due: 5 p.m. ET 9/11/14.

Docket Numbers: ER14–2555–001.
Applicants: Southwest Power Pool, Inc.
Description: Tariff Amendment per 35.17(b): 2158R4 Substitute Arkansas Electric Cooperative Corp NITSA NOA to be effective 7/1/2014.
Filed Date: 8/22/14.
Accession Number: 20140822–5141.
Comments Due: 5 p.m. ET 9/12/14.

Docket Numbers: ER14–2686–000.
Applicants: ISO New England Inc., New England Power Pool Participants Committee.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): MR1 Rev. to FCM Competitive Offer Test for EMOF to be effective 12/3/2014.
Filed Date: 8/22/14.
Accession Number: 20140822–5011.
Comments Due: 5 p.m. ET 9/12/14.

Docket Numbers: ER14–2687–000.
Applicants: CED White River Solar, LLC.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Filing of modification to market-based rate tariff to be effective 8/25/2014.
Filed Date: 8/22/14.
Accession Number: 20140822–5042.
Comments Due: 5 p.m. ET 9/12/14.

Docket Numbers: ER14–2688–000.
Applicants: PacifiCorp.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): BPA Agreement for Work at Hat Rock Switching Station Mod 2 to be effective 10/22/2014.
Filed Date: 8/22/14.
Accession Number: 20140822–5085.
Comments Due: 5 p.m. ET 9/12/14.

Docket Numbers: ER14–2689–000.
Applicants: Pacific Gas and Electric Company.
Description: Pacific Gas and Electric Company submits Notice of Termination of Generator Interconnection Agreement & Generator Special Facilities Agreement for Global Ampersand, LLC, Service Agreement No. 80 under PG&E's FERC Electric Tariff Volume No. 5 in ER14–2689.
Filed Date: 8/22/14.
Accession Number: 20140822–5087.
Comments Due: 5 p.m. ET 9/12/14.

Docket Numbers: ER14–2690–000.
Applicants: PacifiCorp.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): UAMPS ARTSOA Rev 4 ? Mutual Filing to be effective 10/1/2014.
Filed Date: 8/22/14.
Accession Number: 20140822–5086.
Comments Due: 5 p.m. ET 9/12/14.

Docket Numbers: ER14–2691–000.
Applicants: Alpaugh North, LLC.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Filing of modification to market-based rate tariff to be effective 8/25/2014.
Filed Date: 8/22/14.
Accession Number: 20140822–5101.
Comments Due: 5 p.m. ET 9/12/14.

Docket Numbers: ER14–2692–000.
Applicants: Alpaugh 50, LLC.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Filing of modification to market-based rate tariff to be effective 8/25/2012.
Filed Date: 8/22/14.
Accession Number: 20140822–5105.
Comments Due: 5 p.m. ET 9/12/14.

Docket Numbers: ER14–2693–000.
Applicants: Beebe 1B Renewable Energy, LLC.
Description: Compliance filing per 35: Beebe 1B Renewable Energy, LLC Compliance Filing to be effective 8/23/2014.
Filed Date: 8/22/14.
Accession Number: 20140822–5115.
Comments Due: 5 p.m. ET 9/12/14.

Docket Numbers: ER14–2694–000.
Applicants: Fourmile Wind Energy, LLC.
Description: Compliance filing per 35: Fourmile Wind Energy, LLC Compliance Filing to be effective 8/23/2014.
Filed Date: 8/22/14.
Accession Number: 20140822–5118.
Comments Due: 5 p.m. ET 9/12/14.

Docket Numbers: ER14–2695–000.
Applicants: Ioway Energy, LLC.
Description: Initial rate filing per 35.12 Ioway Energy MBR Tariff Application to be effective 9/1/2014.
Filed Date: 8/22/14.
Accession Number: 20140822–5139.
Comments Due: 5 p.m. ET 9/12/14.

Docket Numbers: ER14–2696–000.
Applicants: ITC Midwest LLC.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Filing of a Joint Use Agreement with MidAmerican to be effective 8/25/2014.
Filed Date: 8/22/14.
Accession Number: 20140822–5149.
Comments Due: 5 p.m. ET 9/12/14.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR14–6–000.
Applicants: North American Electric Reliability Corp.
Description: Request of the North American Electric Reliability Corporation for Acceptance of its 2015 Business Plan and Budget and the 2015 Business Plans and Budgets of Regional Entities and for Approval of Proposed Assessments to Fund Budgets.
Filed Date: 8/22/14.
Accession Number: 20140822–5090.
Comments Due: 5 p.m. ET 9/12/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 22, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–20728 Filed 8–29–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP14–1188–000.
Applicants: Southern Natural Gas Company, L.L.C.
Description: § 4(d) rate filing per 154.204: Fuel Retention Rates—Winter 2014 to be effective 10/1/2014.
Filed Date: 8/19/14.
Accession Number: 20140819–5070.
Comments Due: 5 p.m. ET 9/2/14.

Docket Numbers: RP14–1189–000.
Applicants: UGI LNG Inc.
Description: Compliance filing per 154.203: Order to Show Cause Compliance Filing to be effective 12/31/9998.
Filed Date: 8/19/14.
Accession Number: 20140819–5104.
Comments Due: 5 p.m. ET 9/2/14.

Docket Numbers: RP14–1190–000.
Applicants: East Tennessee Natural Gas, LLC.
Description: § 4(d) rate filing per 154.204: ETNG OFO Procedures Update to be effective 9/22/2014.
Filed Date: 8/19/14.
Accession Number: 20140819–5117.
Comments Due: 5 p.m. ET 9/2/14.

Docket Numbers: RP14–1191–000.
Applicants: Saltville Gas Storage Company L.L.C.
Description: § 4(d) rate filing per 154.204: SGSC OFO Procedures Update to be effective 9/22/2014.
Filed Date: 8/19/14.
Accession Number: 20140819–5118.
Comments Due: 5 p.m. ET 9/2/14.

Docket Numbers: RP14–1192–000.
Applicants: Colorado Interstate Gas Company, L.L.C.
Description: Colorado Interstate Gas Company, L.L.C. penalties assessed compliance filing.
Filed Date: 8/19/14.
Accession Number: 20140819–5125.
Comments Due: 5 p.m. ET 9/2/14.

Docket Numbers: RP14–1193–000.
Applicants: Columbia Gas Transmission, LLC.
Description: § 4(d) rate filing per 154.204: Section 4 Revisions—Availability of Capacity for Firm Services to be effective 9/20/2014.
Filed Date: 8/20/14.
Accession Number: 20140820–5160.
Comments Due: 5 p.m. ET 9/2/14.

The filings are accessible in the Commission's eLibrary system by clickling 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 date(s). 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: August 25, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–20729 Filed 8–29–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL14–93–000]

State Corporation Commission of the State of Kansas v. Westar Energy, Inc.; Notice of Complaint

Take notice that on August 20, 2014, pursuant to sections 206 and 306 of the Federal Power Act, 16 U.S.C. 824e and 825e and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, the State Corporation Commission of the State of Kansas (Complainant), filed a formal complaint against Westar Energy, Inc. (Respondent), alleging that the Return on Equity component of the Respondent's Transmission Formula Rate is unjust, unreasonable, and unduly discriminatory.

Richard A. Drom, counsel for the Complainant certifies that copies of the complaint were served on the contact for the Respondent as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on September 9, 2014.

Dated: August 21, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–20763 Filed 8–29–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–68–000]

Texas Eastern Transmission, LP; Notice of Availability of the Environmental Assessment for the Proposed Ohio Pipeline Energy Network Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Ohio Pipeline Energy Network (OPEN) Project proposed by Texas Eastern Transmission, LP (Texas Eastern) in the above-referenced docket. Texas Eastern requests authorization to construct, modify, operate, and maintain a new natural gas pipeline and associated facilities in Ohio, which would provide 550,000 dekatherms per day of firm transportation service.

The EA assesses the potential environmental effects of the construction and operation of the OPEN Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The U.S. Fish and Wildlife Service (USFWS) participated as a cooperating agency in the preparation of the EA. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis. The USFWS intends to adopt and use the EA to issue an easement on federal lands to Texas Eastern.

The proposed OPEN Project includes the following new facilities in Ohio:

- 75.8 miles of new 30-inch-diameter natural gas pipeline crossing portions of Columbiana, Carroll, Jefferson, Belmont, and Monroe Counties, and;
- a new 18,800-horsepower compressor station in Belmont County, Ohio (Colerain Compressor Station) that would include a 300-foot communication tower.

The proposed OPEN Project also includes modifications to existing facilities along Texas Eastern's system in Monroe County, Ohio; Monroe County, Kentucky; Attala, Hinds, and Jefferson Counties, Mississippi; and West Feliciana Parish, Louisiana.

The FERC staff mailed copies of the EA to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; newspapers and libraries in the Project area; and parties to this proceeding. In addition, the EA is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Any person wishing to comment on the EA may do so. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this Project, it is important that we receive your comments in Washington, DC on or before September 22, 2014.

For your convenience, there are three methods you can use to file your comments with the Commission. In all instances, please reference the Project docket number (CP14–68–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You can file your comments electronically using the eComment feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by

clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[1] Only intervenors have the right to seek rehearing of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search,'' and enter the docket number excluding the last three digits in the Docket Number field (i.e., CP14–68). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp*.

Dated: August 22, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–20767 Filed 8–29–14; 8:45 am]

BILLING CODE 6717–01–P

[1] See the previous discussion on the methods for filing comments.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9421–000]

James D. Sysko; Notice of Intent To Terminate Exemption (5 MW or Less) and Soliciting Comments, Protests, or Motions To Intervene

Take notice that the following hydroelectric proceeding has been initiated by the Commission:

a. *Type of Proceeding:* Notice of Intent To Terminate Exemption.

b. *Project No.:* 9421–000.

c. *Date Initiated:* August 21, 2014.

d. *Exemptee:* James D. Sysko.

e. *Name and Location of Project:* The Gardner Brook Hydroelectric Project is located on Gardner Brook, in Oxford County, Maine.

f. *Exemptee Contact Information:* James D. Sysko, 524 Jims Drive, Newry, ME 04261, (207) 824–3244 and Penny Percival, P.O. Box 366, Andover, ME 04216.

g. *FERC Contact:* Ashish Desai, (202)502–8370, *Ashish.Desai@ferc.gov*.

h. *Deadline for filing comments, protests, or motions to intervene is 30 days from the issuance of this notice by the Commission*. Please file your submittal electronically via the Internet (eFiling) in lieu of paper. Please refer to the instructions on the Commission's Web site under *http://www.ferc.gov/docs-filing/efiling.asp* and filing instructions in the Commission's Regulations at 18 CFR section 385.2001(a)(1)(iii). To assist you with eFilings you should refer to the submission guidelines document at *http://www.ferc.gov/help/submission-guide/user-guide.pdf*. In addition, certain filing requirements have statutory or regulatory formatting and other instructions. You should refer to a list of these ''qualified documents'' at *http://www.ferc.gov/docs-filing/efiling/filing.pdf*. You must include your name and contact information at the end of your comments. Please include the project number (P–9421–000) on any documents or motions filed. The Commission strongly encourages electronic filings; otherwise, you should submit an original and seven copies of any submittal to the following address: The Secretary, Federal Energy Regulatory Commission, Mail Code: DHAC, PJ–12, 888 First Street NE., Washington, DC 20426.

i. *Description of Project Facilities:* (1) 10-Acre impoundment; (2) 14-foot-high, 100-foot-long timber crib dam with concrete cap; (3) 12-inch-diameter, 3900-foot-long penstock; (4) a powerhouse containing a single generating unit rated at 50 kW and (5) a 4000-foot-long underground transmission line.

j. *Description of Proceeding:* The exemptee is in violation of Standard Article 1 of its exemption, which was granted March 27, 1986 (34 FERC ¶62,603). The Commission's regulation, 18 CFR 4.106, provides, among other things, that the Commission reserves the right to revoke an exemption if any term or condition of the exemption is violated.

Commission records indicate that the project stopped operating sometime in early 2007. After several years of correspondence regarding restoring operation to the project or surrounding the exemption, the exemptee has become non-responsive. On December 19, 2013, the Commission sent a letter indicating that the exemptee must file a plan and schedule to restore operation or surrender the project, failure to do so would result in an implied surrender. To date, the exemptee has not filed a response and the project remains inoperable.

k. This notice is available for review and reproduction at the Commission in the Public Reference Room, Room 2A, 888 First Street NE., Washington, DC 20426. The filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the Docket number (P–9421–000) excluding the last three digits in the docket number field to access the notice. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659.

l. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .212, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular proceeding.

m. *Filing and Service of Responsive Documents*—Any filing must (1) bear in all capital letters the title ''COMMENTS, PROTEST,'' or ''MOTIONS TO INTERVENE,'' as applicable; (2) set

forth in the heading the project number of the proceeding to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting, or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments or protests must set forth their evidentiary basis. All comments, protests, or motions to intervene should relate to project works which are the subject of the termination of exemption. A copy of any protest or motion to intervene must be served on each representative of the exemptee specified in item f above. A copy of all other filings in reference to this notice must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding in accordance with 18 CFR 4.34(b) and 385.2010.

n. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described proceeding. If any agency does not file comments within the time specified for filing comments, it will be presumed to have no comments.

Dated: August 22, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–20766 Filed 8–29–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. DI14–6–000]

Pedro Bay Village Council; Notice of Declaration of Intention and Soliciting Comments, Protests, and/or Motions To Intervene

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Declaration of Intention.

b. *Docket No:* DI14–6–000.

c. *Date Filed:* July 22, 2014.

d. *Applicant:* Pedro Bay Village Council.

e. *Name of Project:* Knutson Creek Hydroelectric Project.

f. *Location:* The proposed Knutson Creek Hydroelectric Project will be located on Knutson Creek, in the unincorporated village of Pedro Bay, in Lake and Peninsula Borough, Alaska, affecting T. 4S, R. 28W, Seward Median.

g. *Filed Pursuant to:* Section 23(b)(1) of the Federal Power Act, 16 U.S.C. 817(b).

h. *Applicant Contact:* Joel Groves, 1503 W. 33rd Ave. #310, Anchorage, AK 99503; Telephone: (907) 258–2420 Ext. 204; Fax: (907) 258–2419; Email address: *joel@ polarconsult.netmailto:mpdpe@aol.com*.

i. *FERC Contact:* Any questions on this notice should be addressed to Ashish Desai, (202) 502–8370, or Email address: *Ashish.Desai@ferc.gov*

j. Deadline for filing comments, motions to intervene, and protests, is 30 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file any motion to intervene, protest, comments, and/or recommendations using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp* .You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include the docket number (DI14–6–000). For more information on how to submit these types of filings, please go to the Commission's Web site located at *http://www.ferc.gov/filing-comments.asp*.

Please include the docket number (DI14–6–000) on any comments, protests, and/or motions filed.

k. *Description of Project:* The proposed 200 kW Knutson Creek Hydroelectric Project will consist of: (1) A 7-foot-high, 560-foot-long combination reinforced concrete weir and rock faced earthen dike diversion structure at river mile 2.59; (2) a screened intake integrated into the reinforced concrete portion of the diversion; (3) a 7,100-foot-long, 24-inch-diameter penstock; (4) a pipe and trail bridge for the penstock crossing Knutson Creek at river mile 1.79; (5) a powerhouse containing a single cross-flow turbine coupled to a single phase synchronous generator; (6) a 1400-foot-long tailrace that would discharge directly into Knutson Creek; (7) a buried 9900-foot-long, 7,200-volt electric cable to interconnect with Pedro Bay's existing power grid; and (8) appurtenant facilities.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the project would affect the interests of interstate or foreign commerce. The Commission also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's reservoir, head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

l. *Locations of the Application:* Copies of this filing are on file with the Commission and are available for public inspection. This filing may be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the Docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOlineSupport@ferc.gov* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents*—All filings must bear in all capital letters the title ''COMMENTS'', ''PROTESTS'', AND/OR ''MOTIONS TO INTERVENE'', as applicable, and the Docket Number of the particular application to which the filing refers. A copy of any Motion to Intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: August 22, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–20754 Filed 8–29–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL14–92–000]

Notice of Petition for Declaratory Order

Confederated Salish and Kootenai Tribes of the Flathead

SXʷNQ̓ EʔELS LSUW̓ EČM / KSUKŁIŁMUMAŁ ʼ A·K̓ÇAŁMUKWAʼITS, Inc.;

Take notice that on August 20, 2014, Confederated Salish and Kootenai Tribes of the Flathead (CSKT) and SXʷNQ̓ EʔELS LSUW̓ EČM / KSUKŁIŁMUMAŁ ʼ A·K̓ÇAŁMUKWAʼITS, Inc. (EKI), pursuant to Rules 205 and 207, and section 35.12 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.205, 385.207, and 35.12 and in accordance to Commission's Orders,[1] filed a petition for declaratory order requesting that the Commission find that CSKT and EKI are public utilities that are exempt under section 210(f) of Part II of the Federal Power Act, 16 U.S.C. 824(f) (2012), as more fully explained in its petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on September 19, 2014.

Dated: August 25, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–20757 Filed 8–29–14; 8:45 am]

BILLING CODE 6717–01–P

[1] *Sovereign Power, Inc.,* 84 FERC ¶ 61,014 (1998). *Confederated Tribes of the Warm Springs Reservation of Oregon,* 93 FERC ¶ 61,182 (2000).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL02–60–000; EL02–62–000; (Consolidated)]

Public Utilities Commission of the State of California, Complainant v. Sellers of Long-Term Contracts to the California Department of Water Resources, Respondent; Notice of Proposed Restricted Service List

Rule 2010(d) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure provides that, to eliminate unnecessary expense or improve administrative efficiency, the Secretary may establish a restricted service list for a proceeding.[1] The restricted service list should contain the names of persons on the service list who, in the judgment of the decisional authority establishing the list, are active participants with respect to the ''proceeding or consolidated proceeding'' for which the list is established.[2]

On August 1, 2014, the California Public Utilities Commission (CPUC) requested that a restricted service list be established in the captioned consolidated dockets. The CPUC asserts that with the passage of time and various settlements the active parties have been significantly diminished. The CPUC also points out that there are numerous invalid addresses in the current lists, and that because the proceedings were initiated prior to March 21, 2005, electronic service is not the default means of service unless the parties otherwise agree.[3]

The CPUC asserts that is has served this request on the existing service lists in these proceedings, and has directly contacted the two remaining Respondents to the proceeding who

[1] 18 CFR 385.2010(d) (2014).

[2] *Id.* at § 2010(d)(2).

[3] *Id.* at § 2010(f).

have indicated they do not oppose this request.

Any person on the official service list for the above-captioned proceeding may request inclusion on the restricted service list, or may request that a restricted service list not be established, by filing a letter or pleading to that effect within 15 days of this notice date. Service pursuant to the restricted service list will be made by electronic means.[4] Any person requesting inclusion on the restricted service list that has not previously done so should comply with the Commission's procedures for electronic registration.[5]

Requests for inclusion on the restricted service list, or any other pleadings, may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov/docs-filing/ferconline.asp*) under the ''eFiling'' link. For a simpler method of submitting text only comments, click on ''Quick Comment.'' For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov;* call toll-free at (866) 208–3676; or, for TTY, contact (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and 5 copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please put the docket number on the first page of the filing.

If no pleadings opposing a restricted service list are filed, the restricted service list will be effective at the end of the 15-day period. Otherwise, a further notice will be issued ruling on any such pleadings filed within the 15-day period.

Dated: August 25, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–20756 Filed 8–29–14; 8:45 am]

BILLING CODE 6717–01–P

[4] *Id.* at §§ 2010(f) and (g).

[5] *Id.* at § 2010(h).

ENVIRONMENTAL PROTECTION AGENCY

[FRL- 9915–68–AO]

Notification of a Public Teleconference of the Science Advisory Board Advisory Panel for the Review of the EPA Report on the Environment 2014

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office announces a public teleconference of the SAB Panel to discuss its draft advisory report concerning the EPA draft *Report on the Environment 2014*.

DATES: The public teleconference will be held on Friday, October 3, 2014, from 1:00 p.m. to 5:00 p.m. (Eastern Time).

Location: The public teleconference will be conducted by telephone only.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing to obtain information concerning the public teleconference may contact Ms. Stephanie Sanzone, Designated Federal Officer (DFO), EPA Science Advisory Board Staff Office (1400R), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; via telephone at (202) 564–2067 or email at *sanzone.stephanie@epa.gov*. General information concerning the SAB as well as any updates concerning the teleconference announced in this notice may be found on the EPA Web site at *http://www.epa.gov/sab*.

SUPPLEMENTARY INFORMATION: The SAB was established pursuant to the Environmental Research, Development, and Demonstration Authorization Act (ERDDAA), codified at 42 U.S.C. 4365, to provide independent scientific and technical advice to the Administrator on the technical basis for Agency positions and regulations. The SAB is a federal advisory committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2. The SAB complies with the provisions of FACA and all appropriate SAB Staff Office procedural policies. Pursuant to FACA and EPA policy, notice is hereby given that the SAB Advisory Panel on EPA's Report on the Environment 2014 will hold a public meeting to discuss its draft advisory report on the Agency's draft *Report on the Environment (ROE) 2014*. This SAB panel will provide advice to the Administrator through the chartered SAB.

Background: The SAB Advisory Panel on EPA's Report on the Environment 2014 previously held a face-to-face meeting on July 30–31, 2014 (79 FR 40101–40103) to respond to charge questions regarding EPA's draft *Report on the Environment 2014,* available online at *http://www.epa.gov/draftroe*. Specifically, the Agency has requested the SAB to comment on the clarity of the ROE objectives for various audiences, the overarching conceptual framework based on a sustainability theme, the addition of statistical information for individual indicators, and the presentation of the ROE 2014 features in an online format. The purpose of the upcoming teleconference is for the SAB Panel to discuss its draft advisory report.

Technical Contact: For technical questions and information concerning the EPA draft *Report on the Environment 2014,* please contact Dr. Jeffrey Frithsen, National Center for Environmental Assessment, Office of Research and Development, U.S. EPA, 1200 Pennsylvania Avenue NW., Mail Code 8601P, Washington, DC 20460, telephone (703) 347–8623 or via email at *frithsen.jeffrey@epa.gov*.

Availability of Meeting Materials: Prior to the teleconference, the meeting agenda, the SAB Panel's draft advisory report, and any other meeting materials will be accessible through the calendar link on the blue navigation bar of the SAB Web site at *http://www.epa.gov/sab*.

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office.

Federal advisory committees and panels, including scientific advisory committees, provide independent advice to EPA. Members of the public can submit comments for a federal advisory committee to consider as it develops advice for EPA. Input from the public to the SAB will have the most impact if it provides specific scientific or technical information or analysis for SAB panels to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide oral statements to the SAB Panel should contact the DFO directly. *Oral Statements:* In general, individuals or groups requesting an oral presentation at a public teleconference will be limited to three minutes. Interested parties should contact Ms. Stephanie Sanzone, DFO, in writing (preferably via email) at the contact information noted above by

September 26, 2014 to be placed on the list of public speakers. *Written Statements:* Written statements should be supplied to the DFO via email at the contact information noted above by September 26, 2014 so that the information may be made available to the Panel members for their consideration. Written statements should be supplied in one of the

following electronic formats: Adobe Acrobat PDF, MS Word, MS PowerPoint, or Rich Text files in IBM–PC/Windows format. It is the SAB Staff Office general policy to post written comments on the Web page for the advisory meeting or teleconference. Submitters are requested to provide an unsigned version of each document because the SAB Staff Office does not publish documents with signatures on its Web sites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the SAB Web site. Copyrighted material will not be posted without explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact Ms. Sanzone at (202) 564–2067 or via email at *sanzone.stephanie@epa.gov*. To request accommodation of a disability, please contact Ms. Sanzone preferably at least ten days prior to the teleconference to give EPA as much time as possible to process your request.

Dated: August 20, 2014.

Thomas H. Brennan,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2014–20786 Filed 8–29–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2014–0002; FRL–9915–56]

SFIREG POM and EQI Committees; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Association of American Pesticide Control Officials (AAPCO)/ State FIFRA Issues Research and Evaluation Group (SFIREG), Environmental Quality Issues (EQI) Committee, and the Pesticide Operations and Management (POM) Committee will hold 2-day meetings, beginning on September 15, 2014 and ending September 16, 2014. This notice announces the location and times for the meeting and sets forth the tentative agenda topics.

DATES: The meeting will be held on Monday, September 15, 2014 from 8:30 a.m. to 5:00 p.m., and 8:30 a.m. to 12 p.m. on Tuesday, September 16, 2014.

To request accommodation of a disability, please contact the person listed under **FOR FURTHER INFORMATON CONTACT**, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

ADDRESSES: The meeting will be held at EPA, One Potomac Yard (South Bldg.), 2777 Crystal Dr., Arlington, VA, 4th Floor, South Conference Room.

FOR FURTHER INFORMATION CONTACT: Ron Kendall, Field External Affairs Division (7506P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–5561; fax number: (703) 305–5884; email address: *kendall.ron@epa.gov.* or Grier Stayton, SFIREG Executive Secretary, P.O. Box 466, Milford, DE 19963; telephone number: (302) 422–8152; fax (302) 422–2435; email address: Grier Stayton at *aapco-sfireg@comcast.net.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are interested in pesticide regulation issues affecting States and any discussion between EPA and SFIREG on FIFRA field implementation issues related to human health, environmental exposure to pesticides, and insight into EPA's decision-making process. You are invited and encouraged to attend the meetings and participate as appropriate. Potentially affected entities may include, but are not limited to:

Those persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug and Cosmetics Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and those who sell, distribute or use pesticides, as well as any Non-Government Organization.

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

The docket for this action, Identified by docket identification (ID) number EPA–HQ–OPP–2014–0002 is available at *http://www.regulations.gov,* or at the Office of Pesticide Programs Regulatory Public Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202)–566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. Tentative Agenda Topics

- Sharing State Data with EPA–OECA.
- Cover Crop issue—National Resource Conservation Service (NRCS) actions.
- Worker Protection Standard, Economic impact to State Lead Agencies (SLA's).
- Developing a Pollinator Protection Program template for AAPCO membership.
- USDA 2,4–D/Dicamba Risk Assessment—Proposed Implementation Plans.
- Manufacturers view of Designed for the Environment pesticide products.
- Robust discussion on the status of the Pesticides of Interest to States (POINTS) data system.
- Current and future monitoring or evaluation actions regarding urban pesticide use.
- Presentation on the USFWS bat and bird pesticide impact reporting system.
- Update of aquatic risk assessment: Data requirements, procedures, and models.

III. How can I request to participate in this meeting?

This meeting is open for the public to attend. You may attend the meeting without further notification.

Dated: August 21, 2014.

Jay S. Ellenberger,

Acting Director, Field and External Affairs Division, Office of Pesticide Programs.

[FR Doc. 2014–20770 Filed 8–29–14; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

[Public Notice 2014–0041]

Application for Final Commitment for a Long-Term Loan or Financial Guarantee in Excess of $100 Million: AP088834XX

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. Comments received will be made available to the public.

DATES: Comments must be received on or before September 29, 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–2014–0041 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–2014–0041 on any attached document.

Reference: AP088834XX

Purpose and Use:

Brief description of the purpose of the transaction:

To support the export of U.S.-manufactured commercial aircraft to China.

Brief non-proprietary description of the anticipated use of the items being exported:

To provide short-and medium haul airline service in China and between China and other regional destinations and to provide long-haul airline service between China and various international destinations.

To the extent that Ex-Im Bank is reasonably aware, the item(s) being exported may be used 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: The Boeing Company

Obligor: China Eastern Airlines

Guarantor(s): N/A

Description of Items Being Exported:

Boeing 777 aircraft and Boeing 737 aircraft

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.

Lloyd Ellis,

Program Specialist, Office of the General Counsel.

[FR Doc. 2014–20660 Filed 8–29–14; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 92–237; DA 14–1207]

Next Meeting of the North American Numbering Council

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Commission released a public notice announcing the meeting and agenda of the North American Numbering Council (NANC). The intended effect of this action is to make the public aware of the NANC's next meeting and agenda.

DATES: Wednesday, September 17, 2014, 10:00 a.m.

ADDRESSES: Requests to make an oral statement or provide written comments to the NANC should be sent to Carmell Weathers, Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, Portals II, 445 12th Street SW., Room 5–C162, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Carmell Weathers at (202) 418–2325 or *Carmell.Weathers@fcc.gov.* The fax number is: (202) 418–1413. The TTY number is: (202) 418–0484.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document in CC Docket No. 92–237, DA 14–1207 released August 20, 2014. The complete text in this document is available for public inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. The document may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone (800) 378–3160 or (202) 863–2893, facsimile (202) 863–2898, or via the Internet at *http://www.bcpiweb.com.* It is available on the Commission's Web site at *http://www.fcc.gov.*

The North American Numbering Council (NANC) has scheduled a meeting to be held Wednesday, September 17, 2014, from 10:00 a.m. until 2:00 p.m. The meeting will be held at the Federal Communications Commission, Portals II, 445 12th Street SW., Room TW–C305, Washington, DC. This meeting is open to members of the general public. The FCC will attempt to accommodate as many participants as possible. The public may submit written statements to the NANC, which must be received two business days before the meeting. In addition, oral statements at the meeting by parties or entities not represented on the NANC will be permitted to the extent time permits. Such statements will be limited to five minutes in length by any one party or entity, and requests to make an oral statement must be received two business days before the meeting.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty). Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need, including as much detail as you can. Also include a way we can contact you if we need more information. Please allow at least five days advance notice; last minute requests will be accepted, but may be impossible to fill.

Proposed Agenda: Wednesday, September 17, 2014, 10:00 a.m.*

1. Announcements and Recent News
2. Approval of Transcript
   —Meeting of June 17, 2014
3. Report of the North American Numbering Plan Administrator (NANPA)
4. Report of the National Thousands Block Pooling Administrator (PA)
5. Report of the Numbering Oversight Working Group (NOWG)
6. Report of the North American Numbering Plan Billing and Collection (NANP B&C) Agent
7. Report of the Billing and Collection Working Group (B&C WG)
8. Report of the North American Portability Management LLC (NAPM LLC)
9. Report of the Local Number Portability Administration (LNPA) Selection Working Group (SWG)
10. Report of the LNPA Working Group
11. Status of the Industry Numbering Committee (INC) activities
12. Report of the Future of Numbering Working Group (FoN WG)
13. Report of the Internet Protocol Issue Management Group(IP IMG)
14. Summary of Action Items
15. Public Comments and Participation (maximum 5 minutes per speaker)

16. Other Business

Adjourn no later than 2:00 p.m.

* The Agenda may be modified at the discretion of the NANC Chairman with the approval of the DFO.

Federal Communications Commission.

Marilyn Jones,

Attorney, Wireline Competition Bureau.

[FR Doc. 2014–20667 Filed 8–29–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Wednesday, September 3, 2014, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous Board of Directors' Meetings.

Discussion Agenda:

Memorandum and resolution re: Notice of Proposed Rulemaking to Establish Margin and Capital Requirements for Covered Swap Entities.

Memorandum and resolution re: The Liquidity Coverage Ratio Final Rule.

Memorandum and resolution re: Regulatory Capital Rules: Regulatory Capital, Revisions to the Supplementary Leverage Ratio.

The meeting will be held in the Board Room temporarily located on the fourth floor of the FDIC Building located at 550 17th Street NW., Washington, DC.

This Board meeting will be Webcast live via the Internet and subsequently made available on-demand approximately one week after the event. Visit *https://fdic.primetime.mediaplatform.com/#/channel/1232003497484/Board+Meetings* to view the event. If you need any technical assistance, please visit our Video Help page at: *http://www.fdic.gov/video.html.*

The FDIC will provide attendees with auxiliary aids (e.g., sign language interpretation) required for this meeting. Those attendees needing such assistance should call 703–562–2404 (Voice) or 703–649–4354 (Video Phone) to make necessary arrangements.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at 202–898–7043.

Dated: August 27, 2014.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–20873 Filed 8–28–14; 11:15 am]

BILLING CODE P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10379, Pierce Commercial Bank Tacoma, WA

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Pierce Commercial Bank, Tacoma, WA. (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Pierce Commercial Bank on 11/05/2010. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 32.1, 601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: August 27, 2014.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–20775 Filed 8–29–14; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 4650, Hamilton Bank, N.A. Miami, FL

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Hamilton Bank, N.A. (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Hamilton Bank, N.A. on January 11, 2002. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to:

Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 32.1, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: August 27, 2014.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–20742 Filed 8–29–14; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S. C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S. C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices

also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than September 16, 2014.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street, NE., Atlanta, Georgia 30309:

1. *George League Southworth,* Tampa, Florida; to retain voting shares of Pilot Bancshares, Inc., and thereby indirectly retain voting shares of Pilot Bank, both in Tampa, Florida.

Board of Governors of the Federal Reserve System, August 27, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–20797 Filed 8–29–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

AGENCY: Federal Reserve System.

ACTION: Notice; correction.

SUMMARY: This notice corrects a notice (FR Doc. 2014–20383) published on page 51167 of the issue for Wednesday, August 27, 2014.

Correction

Under the Federal Reserve Bank of Dallas heading, the entry for George V. Deaton and Russell E. Deaton, both of Paducah, Texas, is revised to read as follows:

1. *George V. Deaton and Russell E. Deaton,* both of Paducah, Texas, jointly; to acquire voting shares of First Paducah Bancshares, Inc., and thereby indirectly acquire voting shares of First National Bank, both in Paducah, Texas.

Comments on this application must be received by September 11, 2014.

Board of Governors of the Federal Reserve System, August 27, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–20794 Filed 8–29–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of July 29–30, 2014

In accordance with Section 271.25 of its rules regarding availability of information (12 CFR part 271), there is set forth below the domestic policy directive issued by the Federal Open Market Committee at its meeting held on July 29–30, 2014.[1]

Consistent with its statutory mandate, the Federal Open Market Committee seeks monetary and financial conditions that will foster maximum employment and price stability. In particular, the Committee seeks conditions in reserve markets consistent with federal funds trading in a range from 0 to ¼ percent. The Committee directs the Desk to undertake open market operations as necessary to maintain such conditions. Beginning in August, the Desk is directed to purchase longer-term Treasury securities at a pace of about $15 billion per month and to purchase agency mortgage-backed securities at a pace of about $10 billion per month. The Committee also directs the Desk to engage in dollar roll and coupon swap transactions as necessary to facilitate settlement of the Federal Reserve's agency mortgage-backed securities transactions. The Committee directs the Desk to maintain its policy of rolling over maturing Treasury securities into new issues and its policy of reinvesting principal payments on all agency debt and agency mortgage-backed securities in agency mortgage-backed securities. The System Open Market Account manager and the secretary will keep the Committee informed of ongoing developments regarding the System's balance sheet that could affect the attainment over time of the Committee's objectives of maximum employment and price stability.

By order of the Federal Open Market Committee, August 21, 2014.

William B. English,

Secretary, Federal Open Market Committee.

[FR Doc. 2014–20772 Filed 8–29–14; 8:45 am]

BILLING CODE 6210–01–P

[1] Copies of the Minutes of the Federal Open Market Committee at its meeting held on July 29–30, 2014, which includes the domestic policy directive issued at the meeting, are available upon request to the Board of Governors of the Federal Reserve System, Washington, DC 20551. The minutes are published in the Federal Reserve Bulletin and in the Board's Annual Report.

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR Part 238), and Regulation MM (12 CFR Part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association and nonbanking companies owned by the savings and loan holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the HOLA (12 U.S.C. 1467a(e)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 10(c)(4)(B) of the HOLA (12 U.S.C. 1467a(c)(4)(B)). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 26, 2014.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President), 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Ottawa Savings Bancorp MHC, and Ottawa Savings Bancorp, Inc.,* both in Ottawa, Illinois; to merge Twin Oaks Savings Bank, Marseilles, Illinois, a mutual savings bank, with and into Ottawa Savings Bank FSB, Ottawa, Illinois, with Ottawa Savings Bank as the surviving institution.

Board of Governors of the Federal Reserve System, August 27, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–20793 Filed 8–29–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Government in the Sunshine Meeting Notice

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10:30 a.m. on Wednesday, September 3, 2014.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th Street entrance between Constitution Avenue

and C Streets NW., Washington, DC 20551.

STATUS: Open.

On the day of the meeting, you will be able to view the meeting via webcast from a link available on the Board's public Web site. *You do not need to register to view the webcast of the meeting.* A link to the meeting documentation will also be available approximately 20 minutes before the start of the meeting. Both links may be accessed from the Board's public Web site at *www.federalreserve.gov.*

If you plan to attend the open meeting in person, we ask that you notify us in advance and provide your name, date of birth, and social security number (SSN) or passport number. You may provide this information by calling 202–452–2474 or you may *register online.* You may pre-register until close of business on September 2, 2014. You also will be asked to provide identifying information, including a photo ID, before being admitted to the Board meeting. The Public Affairs Office must approve the use of cameras; please call 202–452–2955 for further information. If you need an accommodation for a disability, please contact Penelope Beattie on 202–452–3982. For the hearing impaired only, please use the Telecommunication Device for the Deaf (TDD) on 202–263–4869.

PRIVACY ACT NOTICE: The information you provide will be used to assist us in prescreening you to ensure the security of the Board's premises and personnel. In order to do this, we may disclose your information consistent with the routine uses listed in the Privacy Act Notice for BGFRS–32, including to appropriate federal, state, local, or foreign agencies where disclosure is reasonably necessary to determine whether you pose a security risk or where the security or confidentiality of your information has been compromised. We are authorized to collect your information by 12 U.S.C 243 and 248, and Executive Order 9397. In accordance with Executive Order 9397, we collect your SSN so that we can keep accurate records, because other people may have the same name and birth date. In addition, we use your SSN when we make requests for information about you from law enforcement and other regulatory agency databases. Furnishing the information requested is voluntary; however, your failure to provide any of the information requested may result in disapproval of your request for access to the Board's premises. You may be subject to a fine or imprisonment under 18 U.S.C 1001 for any false statements you make in your request to enter the Board's premises.

Matters To Be Considered

DISCUSSION AGENDA:

1. Final Rulemaking: U.S. Liquidity Coverage Ratio.
2. Proposed Rulemaking: Margin Requirements on Non-Cleared Swaps.

Notes: 1. The staff memo to the Board will be made available to the public on the day of the meeting in paper and the background material will be made available on a compact disc (CD). If you require a paper copy of the entire document, please call Penelope Beattie on 202–452–3982. The documentation will not be available until about 20 minutes before the start of the meeting.

2. This meeting will be recorded for the benefit of those unable to attend. The webcast recording and a transcript of the meeting will be available after the meeting on the Board's public Web site *http://www.federalreserve.gov/aboutthefed/boardmeetings/* or if you prefer, a CD recording of the meeting will be available for listening in the Board's Freedom of Information Office, and copies can be ordered for $4 per disc by calling 202–452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

For more information please contact: Michelle Smith, Director, Office of Board Members at 202–452–2955.

SUPPLEMENTARY INFORMATION: You may access the Board's public Web site at *www.federalreserve.gov* for an electronic announcement. (The Web site also includes procedural and other information about the open meeting.)

Dated: August 27, 2014.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2014–20878 Filed 8–28–14; 11:15 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

[File No. 141 0031]

National Association of Residential Property Managers, Inc.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before September 22, 2014.

ADDRESSES: Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/narpmconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''National Association of Residential Property Managers, Inc.—Consent Agreement; File No. 141 0031'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/narpmconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), 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 D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Armando Irizarry, Bureau of Competition, (202–326–2964), 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for August 22, 2014), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before September 22, 2014. Write ''National Association of Residential Property Managers, Inc.—Consent Agreement; File No. 141 0031'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact

information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/narpmconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''National Association of Residential Property Managers, Inc.—Consent Agreement; File No. 141 0031'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), 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 D), 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 and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before September 22, 2014. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

Analysis of Agreement Containing Consent Order To Aid Public Comment

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an Agreement Containing Consent Order (''Consent Agreement'') from the National Association of Residential Property Managers, Inc. (hereinafter ''NARPM''). The Commission's complaint (''Complaint'') alleges that NARPM, acting as a combination of its members and in agreement with at least some of its members, restrained competition among its members and others in violation of Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45. NARPM restrained competition by adopting and maintaining provisions in its Code of Ethics that restrain its members from (1) soliciting the customers of competing property managers, and (2) making statements about competing property managers that are neither false nor deceptive.

Under the terms of the proposed Consent Agreement, NARPM is required to cease and desist from restricting its members from soliciting customers or from making statements about competitors' products, services, or business or commercial practices that are not false or deceptive.

The Commission anticipates that the competitive issues described in the Complaint will be resolved by accepting the proposed order, subject to final approval, contained in the Consent Agreement. The proposed Consent Agreement has been placed on the public record for 30 days for receipt of comments from interested members of the public. Comments received during this period will become part of the public record. After 30 days, the Commission will review the Consent Agreement again and the comments received, and will decide whether it should withdraw from the Consent Agreement or make final the accompanying Decision and Order (''the Proposed Order'').

The purpose of this Analysis to Aid Public Comment is to invite and facilitate public comment. It is not intended to constitute an official interpretation of the proposed Consent Agreement and the accompanying Proposed Order or in any way to modify their terms.

The Consent Agreement is for settlement purposes only and does not constitute an admission by NARPM that the law has been violated as alleged in the Complaint or that the facts alleged in the Complaint, other than jurisdictional facts, are true.

I. The Complaint

The Complaint makes the following allegations.

A. The Respondent

NARPM is a non-profit professional corporation of real estate agents, brokers, managers and their employees, with over 4,000 members. NARPM's members are in the business of managing single-family and multi-family residential properties, condominiums, townhouses, and short-term rentals. Some members also manage commercial and industrial properties and homeowners associations.

B. The Anticompetitive Conduct

NARPM maintains a Code of Ethics applicable to the commercial activities of its members. NARPM's members agree to abide by the Code of Ethics as a condition of membership. NARPM maintains the following provisions in its Code of Ethics:

- ''The Property Manager shall not knowingly solicit competitor's clients.''
- ''NARPM Professional Members shall refrain from criticizing other property managers or their business practices.''

NARPM also established a process for receiving complaints about and resolving alleged violations of the Code of Ethics. NARPM may sanction members found to violate the Code of Ethics. Sanctions may include a letter of reprimand, probation or suspension for a specified term, or expulsion from NARPM.

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

The Complaint alleges that NARPM has violated Section 5 of the Federal Trade Commission Act by adopting and maintaining provisions in its Code of Ethics that restrain its members from (1) soliciting the customers of competing property managers, and (2) making statements that are not false or deceptive about competing property managers. The Complaint alleges that the purpose, effects, tendency, or capacity of the combination, agreement, acts and practices of NARPM has been and is to restrain competition unreasonably and to injure consumers by discouraging and restricting competition among property managers, and by depriving consumers and others of the benefits of free and open competition among property managers.

II. The Proposed Order

The Proposed Order has the following substantive provisions. Paragraph II requires NARPM to cease and desist from restraining its members from soliciting property management work, or from making statements about competitors' products, services, or business or commercial practices that are not false or deceptive. The Proposed Order does not prohibit NARPM from adopting and enforcing reasonable restraints with respect to representations that NARPM reasonably believes would be false or deceptive within the meaning of Section 5 of the Federal Trade Commission Act.

Paragraph III of the Proposed Order requires NARPM to remove from its Web site and organization documents any statement that does not comply with the Proposed Order, and to publish on the Web site any revision to the organization documents. NARPM must publish an announcement that it has changed its Code of Ethics, and a statement describing the Consent Agreement (''the Settlement Statement''). NARPM must publish the aforementioned documents in NARPM's news magazine. NARPM must distribute the Settlement Statement to NARPM's board of directors, officers, employees, and members. NARPM must publish in all ethics courses designed or offered by NARPM that discuss the provisions at issue a statement that restrictions on solicitation or advertising no longer apply. Paragraph III also requires NARPM to provide all new members and all members who receive a membership renewal notice with a copy of the Settlement Statement.

Paragraph IV of the Proposed Order requires NARPM to design, maintain, and operate an antitrust compliance program. NARPM will have to appoint an Antitrust Compliance Officer for the duration of the Proposed Order. For a period of five years, NARPM will have to provide in-person annual training to its board of directors, officers, and employees, and conduct a presentation at its annual convention, regional conferences, and each code of ethics training session, that summarizes NARPM's obligations under the Proposed Order and provides context-appropriate guidance on compliance with the antitrust laws. NARPM must also implement policies and procedures to enable persons to ask questions about, and report violations of, the Proposed Order and the antitrust laws confidentially and without fear of retaliation, and to discipline its board of directors, officers, employees, members, and agents for failure to comply with the Proposed Order.

Paragraphs V–VII of the Proposed Order impose certain standard reporting and compliance requirements on NARPM.

The Proposed Order will expire in 20 years.

By direction of the Commission.

Janice Podoll Frankle,

Acting Secretary.

[FR Doc. 2014–20776 Filed 8–29–14; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

[File No. 131 0127]

National Association of Teachers of Singing, Inc.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before September 22, 2014.

ADDRESSES: Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/natsconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''National Association of Teachers of Singing, Inc.—Consent Agreement; File No. 131 0127'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/natsconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), 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 D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Karen Mills, Bureau of Competition, (202–326–2052), 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for August 22, 2014), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before September 22, 2014. Write ''National Association of Teachers of Singing, Inc.—Consent Agreement; File No. 131 0127'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health

information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/natsconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''National Association of Teachers of Singing, Inc.—Consent Agreement; File No. 131 0127'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), 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 D), 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 and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before September 22, 2014. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

Analysis of Agreement Containing Consent Order To Aid Public Comment

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an Agreement Containing Consent Order (''Consent Agreement'') from the National Association of Teachers of Singing, Inc. (hereinafter ''NATS''). The Commission's complaint (''Complaint'') alleges that NATS, acting as a combination of its members and in agreement with at least some of its members, restrained competition among its members and others in violation of Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, by adopting and maintaining a provision in its Code of Ethics that restrains solicitation of teaching work.

Under the terms of the proposed Consent Agreement, NATS is required to cease and desist from restricting solicitation among its members, and is required to disaffiliate any Chapter that adopts or maintains provisions in its code of ethics or similar documents that restrain solicitation, advertising, or price-related competition.

The Commission anticipates that the competitive issues described in the Complaint will be resolved by accepting the proposed order, subject to final approval, contained in the Consent Agreement. The proposed Consent Agreement has been placed on the public record for 30 days for receipt of comments from interested members of the public. Comments received during this period will become part of the public record. After 30 days, the Commission will review the Consent Agreement again and the comments received, and will decide whether it should withdraw from the Consent Agreement or make final the accompanying Decision and Order (''the Proposed Order'').

The purpose of this Analysis to Aid Public Comment is to invite and facilitate public comment. It is not intended to constitute an official interpretation of the proposed Consent Agreement and the accompanying Proposed Order or in any way to modify their terms.

The Consent Agreement is for settlement purposes only and does not constitute an admission by NATS that the law has been violated as alleged in the Complaint or that the facts alleged in the Complaint, other than jurisdictional facts, are true.

I. The Complaint

The Complaint makes the following allegations.

A. The Respondent

NATS is a non-profit professional association of more than 7,300 singing teachers. Many of NATS's members provide music-teaching services for a fee. Some also are employed at schools, universities and music studios as music teachers. NATS membership provides pecuniary benefits to its members.

NATS has affiliated state and local chapters, which are grouped into 14 regions. Members of Chapters also are members of NATS.

NATS maintains a Code of Ethics applicable to the commercial activities of its members, and requires its members to read and pledge adherence to all the provisions of the Code of Ethics. The NATS Bylaws require that Chapters shall abide by Association Bylaws, policies and guidelines, and will establish their own Bylaws and operating procedures consistent with the NATS Bylaws and with review and consent of the NATS Board of Directors.

The NATS Code of Ethics has three sections. One of those sections is titled ''Ethical Standards Relating to Colleagues.'' That Section of the Code of Ethics includes a provision that states, ''Members will not, either by inducements, innuendos, or other accts, proselytize students of other teachers.''

Some NATS Chapters have the same Code of Ethics that NATS has. Some Chapters have codes of ethics that contain other restrictions on solicitation, restrictions on price competition, restrictions on advertising free tuition, or restrictions on accepting pupils who have not fulfilled a financial obligation to another member until those obligations are satisfied.

B. The Anticompetitive Conduct

The Complaint alleges that NATS violated Section 5 of the Federal Trade Commission Act by restraining competition among singing teachers through adoption and enforcement of the non-solicitation provision of its Code of Ethics. This is in effect an agreement among competitors not to compete. NATS requires members to agree to abide by the non-solicitation provision. NATS adopted a complaint and enforcement procedure for the Code of Ethics that can result in termination of membership. When NATS members have complained that other members

violated the non-solicitation provision of the Code of Ethics, NATS has investigated complaints, and even where no formal action is taken, the NATS Ethics Committee, Executive Director, President, and Regions sometimes contact a teacher to secure compliance with the non-solicitation provision of the Code of Ethics, or mediate between parties in order to resolve complaints.

The Complaint alleges that the purpose, effect, tendency, or capacity of the combination, agreement, acts and practices of NATS has been and is to restrain competition unreasonably and to injure consumers by discouraging and restricting competition among music teachers.

II. The Proposed Order

The Proposed Order has the following substantive provisions.

Paragraph I contains definitions for terms used in the Order.

Paragraph II requires NATS to cease and desist from restraining or declaring unethical the solicitation of teaching work. It also requires NATS to cease and desist from maintaining a relationship with any NATS Chapter that NATS learns or learns that, or obtains information that would lead a reasonable person to conclude that, engages in conduct that restrains solicitation, advertising, or price-related competition by its members.

The Proposed Order does not prohibit NATS from adopting and enforcing reasonable principles (i) to prevent false or deceptive representations, or (ii) to govern the conduct of judges during singing competitions sponsored or held by NATS or its Chapters, or maintaining a relationship with a Chapter that adopts and enforces such principles. The Proposed Order does not prohibit restrictions on judges' solicitation during competitions because NATS could have a plausible efficiency rationale: Ensuring fair competitions. The Proposed Order's exemption is limited to restrictions on judges' behavior during competitions; prohibitions on judges' pre- or post-competition solicitation would violate the Proposed Order.

Paragraph III requires NATS to remove from its organization documents and Web site any statement inconsistent with the Proposed Order, including the Code of Ethics restriction on solicitation. NATS also must publicize to its members, new members, Chapters, new Chapters, leaders, employees, and the public the changes NATS must make to the Code of Ethics, and a statement describing the Consent Agreement.

Paragraph III also requires NATS to notify each of its Chapters that, as a condition of remaining a NATS Chapter, each Chapter must execute and return a Certification to NATS that the Chapter does not have restrictions on solicitation, advertising, or price-related competition. NATS must terminate any Chapter that does not provide an executed Certification within one hundred and twenty days of when NATS gave notice to the Chapter. Thereafter, if NATS learns that a Chapter has engaged in restraining or declaring unethical the solicitation, advertising, or price-related competition, the Proposed Order requires NATS to terminate the Chapter for one year unless the Chapter informs NATS that the Chapter has eliminated and will not reengage in such practices.

Paragraph IV requires NATS to design, maintain, and operate an antitrust compliance program. NATS must appoint an Antitrust Compliance Officer for the duration of the Proposed Order. For a period of five years, NATS must provide guidance to its staff, employees, members, leaders, and Chapters concerning the antitrust laws and NATS' obligations under the Proposed Order. NATS also must implement policies and procedures to enable persons to ask questions about, and report violations of, the Proposed Order and the antitrust laws confidentially and without fear of retaliation, and to discipline its leaders, employees and agents for failure to comply with the Proposed Order.

Paragraphs V–VII of the Proposed Order requires certain standard compliance reporting, cooperation, and access.

The Proposed Order will expire in 20 years.

By direction of the Commission.

Janice Podoll Frankle,

Acting Secretary.

[FR Doc. 2014–20747 Filed 8–29–14; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier OS–0990–0330–60D]

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). The ICR is for extending the use of the approved information collection assigned OMB control number 0990–0330, which expires on 12/31/14. Prior to submitting that ICR to OMB, OS seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on the ICR must be received on or before November 3, 2014.

ADDRESSES: Submit your comments to *Information.CollectionClearance@hhs.gov* or by calling (202) 690–6162.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: Annual Appellant Climate Survey—Office of Medicare Hearings and Appeals (OMHA).

OMB No.: 0990—0330.

Abstract: The annual OMHA Appellant Climate Survey is a survey of Medicare beneficiaries, providers, suppliers, or their representatives who participated in a hearing before an Administrative Law Judge (ALJ) from the Office of Medicare Hearings and Appeals (OMHA). Appellants dissatisfied with the outcome of their Level 2 Medicare appeal may request a hearing before an OMHA ALJ. The Appellant Climate Survey will be used to measure appellant satisfaction with their OMHA appeals experience, as opposed to their satisfaction with a specific ruling.

OMHA was established by the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) of 2003 (Pub. L. 108–173) and became operational on July 1, 2005. The MMA legislation and implementing regulations issued on March 8, 2007 instituted a number of changes in the appeals process. The MMA legislation also directed the U.S. Department of Health and Human Services to consider the feasibility of conducting hearings using telephone or video-teleconference (VTC) technologies. In carrying out this mandate, OMHA makes use of VTC to provide appellants with a vast nationwide network of access points for hearings close to their homes. The first three-year administration cycle of the OMHA survey began in FY08 and a second three-year cycle began in FY12. The survey will continue to be

conducted annually over a three-year period, beginning in FY15.

Likely Respondents: Survey respondents will consist of Medicare beneficiaries, providers, suppliers, or their representatives who participated in a hearing before an OMHA ALJ. OMHA will draw a representative, non-redundant sample of appellants whose cases have been closed in the last six months.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Type of respondent	Form name	Number of respondents	Number responses per respondent	Average burden per response (in hours)	Total burden hours
Charged at rate of Healthcare Providers and Suppliers	Form A	240	1	11/60	44
Charged at rate of Beneficiaries	Form A	160	1	11/60	29
Total		400	1	11/60	73

OS specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Darius Taylor,

Information Collection Clearance Officer.

[FR Doc. 2014–20769 Filed 8–29–14; 8:45 am]

BILLING CODE 4150–46–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice of Interest Rate on Overdue Debts

Section 30.18 of the Department of Health and Human Services' claims collection regulations (45 CFR Part 30) provides that the Secretary shall charge an annual rate of interest, which is determined and fixed by the Secretary of the Treasury after considering private consumer rates of interest on the date that the Department of Health and Human Services becomes entitled to recovery. The rate cannot be lower than the Department of Treasury's current value of funds rate or the applicable rate determined from the ''Schedule of Certified Interest Rates with Range of Maturities'' unless the Secretary waives interest in whole or part, or a different rate is prescribed by statute, contract, or repayment agreement. The Secretary of the Treasury may revise this rate quarterly. The Department of Health and Human Services publishes this rate in the **Federal Register**.

The current rate of 10⅜%, as fixed by the Secretary of the Treasury, is certified for the quarter ended June 30, 2014. This rate is based on the Interest Rates for Specific Legislation, ''National Health Services Corps Scholarship Program (42 U.S.C. 250(B)(1)(A))'' and ''National Research Service Award Program (42 U.S.C. 288(c)(4)(B)).'' This interest rate will be applied to overdue debt until the Department of Health and Human Services publishes a revision.

Dated: August 11, 2014.

Teresa Miranda,

Director, Financial Management Policy Division.

[FR Doc. 2014–20773 Filed 8–29–14; 8:45 am]

BILLING CODE 4150–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Decision To Evaluate a Petition To Designate a Class of Employees From the Dow Chemical Co. Facility in Walnut Creek, California (Also Known as Pittsburg, CA), To Be Included in the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: NIOSH gives notice as required by 42 CFR 83.12(e) of a decision to evaluate a petition to designate a class of employees from the Dow Chemical Co. facility in Walnut Creek, California (also known as Pittsburg, CA), to be included in the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000. The initial proposed definition for the class being evaluated, subject to revision as warranted by the evaluation, is as follows:

Facility: Dow Chemical Co. facility.

Location: Walnut Creek, California (also known as Pittsburg, CA).

Job Titles and/or Job Duties: All employees who worked in any area.

Period of Employment: January 1, 1947 through December 31, 1957.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, National Institute for Occupational Safety and Health, 1090 Tusculum Avenue, MS C–46, Cincinnati, OH 45226–1938, Telephone 877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV.*

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2014–20740 Filed 8–29–14; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–14–0800]

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

Focus Group Testing to Effectively Plan and Tailor Cancer Prevention and Control Communication Campaigns (OMB No. 0920–0800, exp. 11/30/2014)—Extension—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The mission of the CDC's Division of Cancer Prevention and Control (DCPC) is to reduce the burden of cancer in the United States through cancer prevention, reduction of risk, early detection, better treatment, and improved quality of life for cancer survivors. Toward this end, the DCPC supports the scientific development, implementation, and evaluation of various health communication campaigns with an emphasis on specific cancer burdens. This process requires testing of messages, concepts, and materials prior to their final development and dissemination. Communication campaigns vary according to the type of cancer, the qualitative dimensions of the message described above, and the type of respondents.

CDC is currently approved to collect information needed to plan and tailor cancer communication campaigns (OMB No. 0920–0800, exp. 11/30/2014), and seeks OMB approval to extend the existing generic clearance. No changes to the scope of the clearance or data collection methodology are proposed. There are small decreases in the annualized estimates for the number of respondents and burden hours.

Information will be collected primarily through focus groups, and will be used to assess numerous qualitative dimensions of cancer prevention and control messages, including, but not limited to, knowledge, attitudes, beliefs, behavioral intentions, information needs and sources, and compliance to recommended screening intervals. Insights gained from the focus groups will assist in the development and/or refinement of future campaign messages and materials.

DCPC plans to conduct or sponsor up to 80 focus groups per year over a three-year period. An average of 10 respondents will participate in each focus group discussion. Screening will be conducted to recruit respondents for specific target audiences, e.g., the general public or health care providers. The estimated burden per response for screening is three minutes. Each focus group discussion will be facilitated by a written discussion guide, and will last approximately two hours. CDC will submit an information collection request to OMB for approval of each focus group activity.

OMB approval is requested for three years. There are no changes to information collection purpose or methodology. There are minor reductions in the annualized estimates for the number of respondents and corresponding burden hours.

Participation is voluntary and there are no costs to respondents except their time. The total estimated annualized burden hours are 1,680.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
General Public	Screening Form	960	1	3/60
	Focus Group Guide	480	1	2
Health Care Professionals	Screening Form	640	1	3/60
	Focus Group Guide	320	1	2

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–20718 Filed 8–29–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–0329]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Guidance for Industry on Fees for Human Drug Compounding Outsourcing Facilities Under the Federal Food, Drug, and Cosmetic Act

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (the PRA).

DATES: Fax written comments on the collection of information by October 2, 2014.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs,

OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the title. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Guidance for Industry on Fees for Human Drug Compounding Outsourcing Facilities Under the Federal Food, Drug, and Cosmetic Act

In the **Federal Register** of April 1, 2014 (79 FR 18297), FDA announced the availability of the draft guidance for industry entitled ''Fees for Human Drug Compounding Outsourcing Facilities Under Sections 503B and 744K of the FD&C Act.'' On November 27, 2013, President Obama signed the Drug Quality and Security Act (DQSA) (Pub. L. 113–54) into law. The DQSA added a new section 503B to the FD&C Act (21 U.S.C. 353B) that created a category of entities called ''outsourcing facilities.'' Outsourcing facilities, as defined in section 503B(d)(4) of the FD&C Act, are facilities that meet certain requirements described in section 503B, including, registering with FDA as an outsourcing facility and paying associated fees. Drug products compounded in an outsourcing facility can qualify for exemptions from the FDA approval requirements in section 505 of the FD&C Act (21 U.S.C. 355) and the requirement to label products with adequate directions for use under section 502(f)(1) of the FD&C Act (21 U.S.C. 352(f)(1)) if the requirements in section 503B of the FD&C Act are met.

This guidance describes in detail the fee types and amounts an entity must pay to satisfy the fee requirements of sections 503B and 744K of the FD&C Act (21 U.S.C. 379j–62) to be deemed an outsourcing facility and maintain its status as an outsourcing facility, the adjustments to the fees required by law, how to qualify as a small business to obtain a reduction of the annual establishment fee, how and when to submit payment to FDA, the effect of failure to pay fees, and fee-related dispute resolution.

In response to the April 1, 2014, **Federal Register** notice, FDA received one comment on the draft guidance, which raised several issues pertaining to the information collection provisions in the draft guidance. These issues are discussed below.

(Issue 1) The comment asserted that placement of facilities on a list of registered outsourcing facilities in fiscal year (FY) 2014 (before any registered outsourcing facilities had paid the required establishment fee) is contrary to the language of the DQSA, because those entities had not yet paid the requisite establishment fee and, therefore, could not qualify as outsourcing facilities. The comment recommended that FDA interpret the DQSA to require that a facility be required to pay the establishment fee in full to be deemed a ''registered outsourcing facility.''

(Response) As the comment points out, section 744K(g)(3)(A) of the FD&C Act provides that ''[a]n outsourcing facility shall not be considered registered under section 503B(b) in a fiscal year until the date that the outsourcing facility remits the establishment fee under this subsection for such fiscal year.'' Section 744K(a)(1), however, provides that ''[f]or fiscal year 2015 and each subsequent fiscal year, the Secretary shall, in accordance with this subsection, assess and collect—(A) an annual establishment fee from each outsourcing facility.'' The plain language of the statute makes clear that FDA is not to assess and collect the annual establishment fee for human drug outsourcing facilities until FY 2015. Because the fee provisions of the DQSA, under section 744K, do not become effective until FY 2015, no fees are due in 2014, and payment of the establishment fee is not a prerequisite to registration in FY 2014. Therefore, failure to pay a fee was not a bar to registration as an outsourcing facility or to FDA placing such facilities on its list of registered outsourcing facilities on its Web site in FY 2014. Accordingly, FDA will not revise the proposed guidance to reflect the points addressed in the comment on issue one.

(Issue 2) The comment expressed concern regarding FDA's estimation in the notice accompanying the guidance that only 20 of the current (at the time the notice was published) 43 facilities that registered in FY 2014 will pay the required establishment fee and be deemed registered outsourcing facilities for FY 2015.

(Response) FDA's estimates at the time the guidance was published, just a few months after the legislation was enacted, were its best estimates of how many firms were likely to register as outsourcing facilities. Registration as an outsourcing facility is a voluntary process, and FDA cannot predict with any certainty how many firms will register. As of July 18, 2014, 51 firms were registered. However, since registration began in December 2013, some firms have registered and then de-registered. Estimates of how many facilities will register in FY 2015 and beyond when establishment fees take effect are highly uncertain. Thus, for purposes of calculating the information collection burden in the final guidance, in tables 1–3, FDA is estimating that approximately 50 outsourcing facilities will register and pay establishment fees, and we have adjusted the other estimates (except for the ''Average Burden per Response'') accordingly.

(Issue 3) The comment noted that FDA failed to correlate the deadline to submit a request for a small business fee reduction with the deadline to comment on the small business reduction program in general. The comment noted that the deadline to submit a request for a small business reduction preceded the deadline for submitting comments to the public docket on the draft guidance. The comment suggested that this failure preempted stakeholders from submitting comments on the small business reduction program prior to the deadline for submitting their request to receive the small business reduction. The commenter expressed concern that FDA is not soliciting adequate input from interested parties. The commenter recommended that FDA provide more opportunities for stakeholder input. Moreover, the comment suggested that FDA extend the deadline for submitting small business reduction requests to such time as FDA has reviewed all comments.

(Response) FDA notes that section 744K(c)(4)(B) states that ''[t]o qualify for the exception under this paragraph, a small business shall submit to the Secretary a written request for such exception . . . to the Secretary not later than April 30 of such immediately preceding fiscal year.'' The annual April 30 deadline for requesting a small business reduction is not a creation of FDA and the draft guidance; it is a statutory requirement mandated by Congress. FDA cannot to revise the deadline enacted by Congress. Accordingly, FDA will not revise the draft guidance to permit entities to submit FY 2015 small business reduction requests after April 30, 2014. In addition, notwithstanding the fact that the deadline to submit a small business reduction request preceded the deadline to submit comments on the draft guidance, the public had a full and meaningful opportunity to submit

comments on the draft guidance. The draft guidance was made available on April 1, 2014, and the period to provide comments lasted 60 days, closing on June 2, 2014. FDA reviewed all comments submitted and considered each of them carefully. Having considered all comments received, FDA will not revise the draft guidance in response to comments on Issue 3. Furthermore, FDA has recently held a series of meetings with stakeholders to hear their views and concerns on any aspects of FDA's implementation of the DQSA they wanted to discuss. Over 40 organizations participated, including the commenter, and there was a robust discussion of the issues and concerns associated with many aspects of the implementation effort. FDA will consider the input provided during these meetings as it moves forward to implement the DQSA.

(Issue 4) The comment noted that FDA has not provided adequate guidance on the standards to which section 503B and 503A facilities will be held. This lack of guidance, the comment argues, creates uncertainty and confusion in the compounding industry about standards of practice expected by FDA. The comment further noted that notwithstanding the lack of guidance and the confusion within the industry, FDA has not provided an opportunity for facilities to decline to operate as outsourcing facilities under section 503B and instead identify themselves as section 503A pharmacies. Instead, the comment notes, FDA has dictated that all of these facilities will be deemed in violation of the new drug requirements of the FD&C Act and in possession of misbranded drugs until they pay the establishment fee. The comment recommends that FDA outline a clear process for outsourcing facilities interested in withdrawing their section 503B registration packets and instead identifying and operating as section 503A regulated pharmacies.

(Response) FDA notes that the comments focus primarily on matters not covered by the draft guidance, i.e., the standards for satisfying the conditions necessary to qualify for the exemptions under sections 503A and 503B of the FD&C Act. These standards will be addressed in other guidance and regulations, such as the recently issued final guidance entitled ''Pharmacy Compounding of Human Drug Products Under Section 503A of the Federal Food, Drug, and Cosmetic Act,'' (79 FR 37742, July 2, 2014) and the draft guidance entitled, ''Current Good Manufacturing Practice—Interim Guidance for Human Drug Compounding Outsourcing Facilities Under Section 503B of the FD&C Act.'' (79 FR 37743, July 2, 2014). Because the draft fees guidance does not discuss the substantive provisions of section 503A or 503B of the FD&C Act—focusing instead on sections 744J (21 U.S.C. 379j-61) and 744K of the FD&C Act—the response to this issue cannot be addressed in the context of this draft guidance. Accordingly, FDA will not incorporate the recommendations suggested in the comments on this issue into the final version of this draft guidance.

With regard to providing a process for registered outsourcing facilities to de-register and identify themselves as section 503A pharmacies, the final guidance describes how a registered outsourcing facility can de-register. With regard to the substantive effect of de-registering, the law, the guidance, and information on FDA's Web site make it clear that a facility has three choices: (1) Comply with the FDA approval requirements in section 505 of the FD&C Act, the requirement to label products with adequate directions for use under section 502(f)(1) of the FD&C Act, and the requirements for current good manufacturing practices under section 501(a)(2)(B)) of the FD&C Act; (2) meet the conditions to qualify for the exemptions from these three requirements by meeting the conditions to qualify for the exemptions under section 503A of the FD&C Act; or (3) register as an outsourcing facility and meet the conditions under section 503B of the FD&C Act to qualify for the exemptions from the FDA approval requirements and adequate directions for use. A firm's compliance status will be determined by whether they have registered as an outsourcing facility and are meeting the conditions of section 503B (including payment of the required fee if they register on or after October 1, 2014), or if they have not registered, whether they are meeting the conditions of section 503A of the FD&C Act. If they are not meeting the conditions necessary to qualify for the exemptions under either section 503A or 503B, they may be held to be in violation of any applicable provisions of the FD&C Act.

Burden estimates: As discussed previously, the guidance pertains to entities that compound human drugs and elect to register as outsourcing facilities. These outsourcing facilities must pay certain fees to FDA. The guidance describes the fee types and amounts, the adjustments to fees required by law, how to submit payment, the effect of failure to pay fees, and how to qualify as a small business to obtain a reduction of the annual establishment fee. The guidance contains the following collections of information:

As described in section III.A of the guidance, upon receiving registration information from a facility seeking to register as an outsourcing facility, FDA will send an invoice for an establishment fee to the outsourcing facility. The invoice contains instructions for paying the establishment fee, as discussed in section III.E of the guidance. This process would be repeated annually under the timeframes described in the guidance. An outsourcing facility is not considered registered until the required establishment fee is paid for that fiscal year.

We estimate that annually a total of 50 outsourcing facilities (''No. of Respondents'' in table 1, row 1) will pay to FDA 50 establishment fees (''Total Annual Responses'' in table 1, row 1) as described in the guidance. We also estimate that it will take an outsourcing facility 0.50 hours to prepare and submit to FDA each establishment fee (''Average Burden per Response'' in table 1, row 1).

As described in section III.C of the guidance, outsourcing facilities that are reinspected will be assessed a reinspection fee for each reinspection. The reinspection fee is designed to reimburse FDA when it must visit a particular outsourcing facility more than once because of noncompliance identified during a previous inspection. A reinspection fee will be incurred for each reinspection that occurs. After FDA conducts a reinspection, we will send an invoice to the email address indicated in the facility's registration file. The invoice contains instructions for paying the reinspection fee, as discussed in section III.E of the guidance.

We estimate that annually a total of 15 outsourcing facilities (''No. of Respondents'' in table 2, row 1) will pay to FDA 15 reinspection fees (''Total Annual Responses'' in table 2, row 1) as described in the guidance. We also estimate that it will take an outsourcing facility 0.50 hours to prepare and submit to FDA each reinspection fee (''Average Burden per Response'' in table 2, row 1).

As described in section III.D of the guidance, certain outsourcing facilities may qualify for a small business reduction in the amount of the annual establishment fee. To qualify for this reduction, an outsourcing facility must submit to FDA a written request certifying that the entity meets the requirements for the reduction. For every fiscal year that the firm seeks to

qualify as a small business and receive the fee reduction, the written request must be submitted to FDA by April 30 of the preceding the fiscal year. For example, an outsourcing facility must submit a written request for the small business reduction by April 30, 2015, to qualify for a reduction in the FY 2016 annual establishment fee. As described in the guidance, section 744K of the FD&C Act also requires an outsourcing facility to submit its written request for a small business reduction in a format specified by FDA in the guidance. The guidance specifies that Form FDA 3908 is the format for submitting requests for a small business fee reduction.

We estimate that annually a total of 15 outsourcing facilities (''No. of Respondents'' in table 1, row 2) will submit to FDA a request for a small business reduction in the amount of the annual establishment fee. We estimate that 15 outsourcing facilities will submit Form FDA 3908 (''Total Annual Responses'' in table 1, row 2) to FDA annually, as described in the guidance, and that it will take an outsourcing facility 25 hours to prepare and submit to FDA each Form FDA 3908 (''Average Burden per Response'' in table 1, row 2).

As described in section III.D of the guidance, those outsourcing facilities that request a small business reduction in the amount of the annual establishment fee will receive a small business designation letter notifying the facility of FDA's decision. Outsourcing facilities eligible to pay a reduced fee should maintain a copy of the small business designation letter applicable to that fiscal year for their records.

We estimate that annually a total of 15 outsourcing facilities (''No. of Recordkeepers'' in table 3) will keep a copy of their small business designation letter (''Total Annual Records'' in table 3), and that maintaining each record will take 0.5 hours (''Average Burden Per Recordkeeping'' in table 3).

As described in section V.B of the guidance, an outsourcing facility may request a reconsideration under 21 CFR 10.75 of an FDA decision related to the fee provisions of section 744K of the FD&C Act. As explained in the guidance, the request should state the facility's rationale for its position that the decision was in error and include any additional information that is relevant to the outsourcing facility's argument.

We estimate that a total of 6 outsourcing facilities (''No. of Respondents'' in table 2, row 2) annually will submit to FDA a request for reconsideration as described in the guidance. We estimate that it will take an outsourcing facility 1 hour to prepare and submit to FDA each request for reconsideration (''Average Burden Per Response'' in table 2, row 2).

As described in section V.B of the guidance, an outsourcing facility may appeal, as set forth in § 10.75, an FDA denial of a request for reconsideration of an FDA decision related to the fee provisions of section 744K of the FD&C Act.

We estimate that a total of 3 outsourcing facilities (''No. of Respondents'' in table 2, row 3) annually will submit an appeal of an FDA denial of a request for reconsideration. We estimate that it will take an outsourcing facility 1 hour to prepare and submit each appeal under § 10.75 (''Average Burden Per Response'' in table 2, row 3).

The estimated reporting and recordkeeping burdens for this collection of information are as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN—ESTABLISHMENT FEE [1]

Type of reporting	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Payment of annual establishment fee	50	1	50	0.5 (30 min.)	25
Request for small business establishment fee reduction (FDA Form 3908).	15	1	15	25	375
Total					400

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN—REINSPECTION FEE AND DISPUTE RESOLUTION REQUESTS [1]

Type of reporting	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Payment of re-inspection fee	15	1	15	0.5 (30 min.)	7.50
Reconsideration request	6	1	6	1	6
Appeal request	3	1	3	1	3
Total					16.50

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 3—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Type of recordkeeping	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per record	Total hours
Copy of small business designation letter	15	1	15	0.5 (30 min.)	7.50

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: August 26, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–20719 Filed 8–29–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Neurological Sciences Training Initial Review Group, Neurological Sciences and Disorders A.

Date: October 27–28, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin Georgetown, 2350 M Street NW., Washington, DC 20037.

Contact Person: Natalia Strunnikova, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS/Neuroscience Center, 6001 Executive Boulevard, Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–402–0288, *natalia.strunnikova@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: August 26, 2014.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–20714 Filed 8–29–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S. C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S. C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; DEM Fellowship Applications Review.

Date: October 2–3, 2014.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Avenue NW., Washington, DC 20037.

Contact Person: Carol J. Goter-Robinson, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 748, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7791, *goterrobinsonc@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK Diabetes Research Centers (P30)–RFA–DDK13–004.

Date: October 20, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda Downtown, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Najma Begum, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 749, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8894, *begumn@niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: August 26, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–20715 Filed 8–29–14; 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 Meeting

Notice is hereby given of a change in the meeting of the National Heart, Lung, and Blood Advisory Council Meeting, September 9, 2014, 8:00 a.m. to 5:00 p.m., National Institutes of Health, Building 31, 31 Center Drive, Bethesda, MD 20892, which was published in the **Federal Register** on July 18, 2014, 79 FR 42024.

This notice is being amended to notify the public of a change in start time of the National Heart, Lung, and Blood Advisory Council Meeting from 12:30 p.m. to 1:00 p.m. on September 9, 2014. This notice is also being amended to indicate a possible change to the start time (8:00 a.m.) of the September 10, 2014 meeting. The meeting start time will be determined at the end of the meeting day on September 9, 2014 and will be announced at the meeting and published on the Council Web site (*http://www.nhlbi.nih.gov/about/committees/nhlbac/#agenda*).

The meeting is open to the public.

Dated: August 26, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–20716 Filed 8–29–14; 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 Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S. C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning

individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Framingham Heart Study.

Date: September 23, 2014.

Time: 12:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive. Room 7172, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: William J Johnson, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7172, Bethesda, MD 20892–7924, 301–443–8788, *johnsonwj@nhlbi.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: August 22, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–20712 Filed 8–29–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Neurological Sciences Training Initial Review Group NST–1 Subcommittee.

Date: September 22–23, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin Georgetown, 2350 M Street NW., Washington, DC 20037.

Contact Person: Raul A. Saavedra, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS/Neuroscience Center, 6001 Executive Boulevard, Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–9223, *saavedrr@ninds.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

August 26, 2014.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–20713 Filed 8–29–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of HHS-Certified Laboratories and Instrumented Initial Testing Facilities Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITF) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines). The Mandatory Guidelines were first published in the **Federal Register** on April 11, 1988 (53 FR 11970), and subsequently revised in the **Federal Register** on June 9, 1994 (59 FR 29908); September 30, 1997 (62 FR 51118); April 13, 2004 (69 FR 19644); November 25, 2008 (73 FR 71858); December 10, 2008 (73 FR 75122); and on April 30, 2010 (75 FR 22809).

A notice listing all currently HHS-certified laboratories and IITFs is published in the **Federal Register** during the first week of each month. If any laboratory or IITF certification is suspended or revoked, the laboratory or IITF will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any laboratory or IITF has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end and will be omitted from the monthly listing thereafter.

This notice is also available on the Internet at *http://www.workplace.samhsa.gov.*

FOR FURTHER INFORMATION CONTACT: Giselle Hersh, Division of Workplace Programs, SAMHSA/CSAP, Room 7–1051, One Choke Cherry Road, Rockville, Maryland 20857; 240–276–2600 (voice), 240–276–2610 (fax).

SUPPLEMENTARY INFORMATION: The Mandatory Guidelines were initially developed in accordance with Executive Order 12564 and section 503 of Pub. L. 100–71. The ''Mandatory Guidelines for Federal Workplace Drug Testing Programs,'' as amended in the revisions listed above, requires strict standards that laboratories and IITFs must meet in order to conduct drug and specimen validity tests on urine specimens for federal agencies.

To become certified, an applicant laboratory or IITF must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification, a laboratory or IITF must participate in a quarterly performance testing program plus undergo periodic, on-site inspections.

Laboratories and IITFs in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines. A HHS-certified laboratory or IITF must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA), which attests that it has met minimum standards.

In accordance with the Mandatory Guidelines dated November 25, 2008 (73 FR 71858), the following HHS-certified laboratories and IITFs meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

HHS-Certified Instrumented Initial Testing Facilities:

Gamma-Dynacare Medical Laboratories, 6628 50th Street NW., Edmonton, AB Canada T6B 2N7, 780–784–1190.

HHS-Certified Laboratories:

ACM Medical Laboratory, Inc., 160 Elmgrove Park, Rochester, NY 14624, 585–429–2264.

Aegis Analytical Laboratories, Inc., 345 Hill Ave., Nashville, TN 37210, 615–255–2400, (Formerly: Aegis Sciences Corporation, Aegis Analytical Laboratories, Inc., Aegis Analytical Laboratories).

Alere Toxicology Services, 1111 Newton St., Gretna, LA 70053, 504–361–8989/800–433–3823, (Formerly: Kroll Laboratory Specialists, Inc., Laboratory Specialists, Inc.)

Alere Toxicology Services, 450 Southlake Blvd., Richmond, VA

23236, 804–378–9130, (Formerly: Kroll Laboratory Specialists, Inc., Scientific Testing Laboratories, Inc.; Kroll Scientific Testing Laboratories, Inc.)

Baptist Medical Center-Toxicology Laboratory, 11401 I–30, Little Rock, AR 72209–7056, 501–202–2783, (Formerly: Forensic Toxicology Laboratory Baptist Medical Center)

Clinical Reference Lab, 8433 Quivira Road, Lenexa, KS 66215–2802, 800–445–6917.

DrugScan, Inc., 200 Precision Road, Suite 200, Horsham, PA 19044, 800–235–4890.

ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662–236–2609

Fortes Laboratories, Inc., 25749 SW Canyon Creek Road, Suite 600, Wilsonville, OR 97070, 503–486–1023

Gamma-Dynacare Medical Laboratories,* A Division of the Gamma-Dynacare Laboratory Partnership, 245 Pall Mall Street, London, ONT, Canada N6A 1P4, 519–679–1630

Laboratory Corporation of America Holdings, 7207 N. Gessner Road, Houston, TX 77040, 713–856–8288/800–800–2387

Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908–526–2400/800–437–4986, (Formerly: Roche Biomedical Laboratories, Inc.)

Laboratory Corporation of America Holdings, 1904 Alexander Drive, Research Triangle Park, NC 27709, 919–572–6900/800–833–3984, (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group)

Laboratory Corporation of America Holdings, 1120 Main Street, Southaven, MS 38671, 866–827–8042/800–233–6339, (Formerly: LabCorp Occupational Testing Services, Inc.; MedExpress/National Laboratory Center)

LabOne, Inc. d/b/a Quest Diagnostics, 10101 Renner Blvd., Lenexa, KS 66219, 913–888–3927/800–873–8845, (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.)

MedTox Laboratories, Inc., 402 W. County Road D, St. Paul, MN 55112, 651–636–7466/800–832–3244

MetroLab-Legacy Laboratory Services, 1225 NE 2nd Ave., Portland, OR 97232, 503–413–5295/800–950–5295

Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, MN 55417, 612–725–2088

National Toxicology Laboratories, Inc., 1100 California Ave., Bakersfield, CA 93304, 661–322–4250/800–350–3515

One Source Toxicology Laboratory, Inc., 1213 Genoa-Red Bluff, Pasadena, TX 77504, 888–747–3774, (Formerly: University of Texas Medical Branch, Clinical Chemistry Division; UTMB Pathology-Toxicology Laboratory)

Pacific Toxicology Laboratories, 9348 DeSoto Ave., Chatsworth, CA 91311, 800–328–6942, (Formerly: Centinela Hospital Airport Toxicology Laboratory)

Pathology Associates Medical Laboratories, 110 West Cliff Dr., Spokane, WA 99204, 509–755–8991/800–541–7891x7

Phamatech, Inc., 10151 Barnes Canyon Road, San Diego, CA 92121, 858–643–5555

Quest Diagnostics Incorporated, 1777 Montreal Circle, Tucker, GA 30084, 800–729–6432, (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories)

Quest Diagnostics Incorporated, 400 Egypt Road, Norristown, PA 19403, 610–631–4600/877–642–2216, (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories)

Quest Diagnostics Incorporated, 8401 Fallbrook Ave., West Hills, CA 91304, 818–737–6370, (Formerly: SmithKline Beecham Clinical Laboratories)

Redwood Toxicology Laboratory, 3700650 Westwind Blvd., Santa Rosa, CA 95403, 800–255–2159

Southwest Laboratories, 4625 E. Cotton Center Boulevard, Suite 177, Phoenix, AZ 85040, 602–438–8507/800–279–0027

STERLING Reference Laboratories, 2617 East L Street, Tacoma, Washington 98421, 800–442–0438

US Army Forensic Toxicology Drug Testing Laboratory, 2490 Wilson St., Fort George G. Meade, MD 20755–5235, 301–677–7085

*The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. HHS, with the HHS' NLCP contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, HHS will recommend that DOT certify the laboratory (**Federal Register**, July 16, 1996) as meeting the minimum standards of the Mandatory Guidelines published in the **Federal Register** on April 30, 2010 (75 FR 22809). After receiving DOT certification, the laboratory will be included in the monthly list of HHS-certified laboratories and participate in the NLCP certification maintenance program.

Janine Denis Cook,

Chemist, Division of Workplace Programs, Center for Substance Abuse Prevention, SAMHSA.

[FR Doc. 2014–20717 Filed 8–29–14; 8:45 am]

BILLING CODE 4160–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2007–0008]

National Advisory Council

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Committee Management; Notice of Federal Advisory Committee Meeting.

SUMMARY: The Federal Emergency Management Agency (FEMA) National Advisory Council (NAC) will meet in person on September 17 and 18, 2014 in Los Angeles, CA. The meeting will be open to the public.

DATES: The NAC will meet on Wednesday, September 17, 2014, from 8:30 a.m. to 5:00 p.m. and on Thursday, September 18 from 8:30 a.m. to 11:45 a.m. Pacific Daylight Time (PDT). Please note that the meeting may close early if the NAC has completed its business.

ADDRESSES: The meeting will be held at the Los Angeles Emergency Operations Center located at 500 E. Temple Street, Los Angeles, CA 90012. All visitors to the Los Angeles Emergency Operations Center are required to register with FEMA prior to the meeting in order to be admitted to the building. Photo identification is required to access the building. Please provide your name,

telephone number, email address, title, and organization by close of business on September 10, 2014, to the person listed in **FOR FURTHER INFORMATION CONTACT** below.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the person listed in **FOR FURTHER INFORMATION CONTACT** below as soon as possible.

To facilitate public participation, members of the public are invited to provide written comments on the issues to be considered by the NAC (see ''Agenda''). Written comments must be submitted and received by September 10, 2014, identified by Docket ID FEMA–2007–0008, and submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: FEMA–RULES@fema.dhs.gov.* Include the docket number in the subject line of the message.
- *Fax:* (540) 504–2331.
- *Mail:* Regulatory Affairs Division, Office of Chief Counsel, FEMA, 500 C Street SW., Room 8NE, Washington, DC 20472–3100.

Instructions: All submissions received must include the words ''Federal Emergency Management Agency'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read comments received by the NAC, go to *http://www.regulations.gov,* and search for the Docket ID listed above.

A public comment period will be held after each subcommittee report and before NAC voting and again from 3:35 p.m. to 3:50 p.m. PDT. All speakers are requested to limit their comments to 3 minutes. Comments should be addressed to the committee. Any comments not related to the agenda topics will not be considered by the NAC. Contact the individual listed below to register as a speaker by September 10, 2014. Please note that the public comment period may end before the time indicated, following the last call for comments.

FOR FURTHER INFORMATION CONTACT: Alexandra Woodruff, Alternate Designated Federal Officer, Office of the National Advisory Council, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472–3184, telephone (202) 646–2700, fax (540) 504–2331, and email *FEMA-NAC@fema.dhs.gov.* The NAC Web site is: *http://www.fema.gov/national-advisory-council.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. (Pub. L. 92–463).

The NAC advises the FEMA Administrator on all aspects of emergency management. The NAC incorporates State, local, and tribal government, private sector and nongovernmental input in the development and revision of FEMA plans and strategies.

Agenda: On Wednesday, September 17, the NAC will be welcomed to FEMA Region IX and introduced to its activities by the Acting Regional Administrator and then engage in an open discussion with the FEMA Administrator. The NAC will receive report outs from its subcommittees on the following topics: Progress on issues related to Federal Insurance and Mitigation, Preparedness and Protection, and Response and Recovery. The NAC will review the information presented on each topic, deliberate on any recommendations presented in the subcommittees' reports, and, if appropriate, vote on recommendations for FEMA's consideration.

The NAC will also receive briefings from FEMA Executive Staff on the following topics:

- The FEMA Strategic Plan;
- FEMA Office of Response and Recovery Activities and Updates; and
- America's PrepareAthon.

On Thursday, September 18, the NAC will receive a briefing on Unity of Effort and Novelty from the Los Angeles Police Department, a presentation on the Integration of the Public Health/Medical Sector with Emergency Management, a briefing on the Preparations for the 2015 Special Olympics from the Los Angeles Fire Department, and a briefing on Emergency Management Issues at Colleges and Universities from a representative from Loyola Marymount University.

The full agenda and any related committee documents will be posted on the NAC Web site at *http://www.fema.gov/national-advisory-council.*

Dated: August 27, 2014.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–20832 Filed 8–29–14; 8:45 am]

BILLING CODE 9111–48–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2541–14; DHS Docket No. USCIS–2014–0004]

RIN 1615–ZB27

Extension and Redesignation of South Sudan for Temporary Protected Status

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Through this Notice, the Department of Homeland Security (DHS) announces that the Secretary of Homeland Security (Secretary) is extending the designation of South Sudan for Temporary Protected Status (TPS) for 18 months from November 3, 2014 through May 2, 2016, and redesignating South Sudan for TPS for 18 months, effective November 3, 2014 through May 2, 2016.

The extension allows currently eligible TPS beneficiaries to retain TPS through May 2, 2016, so long as they otherwise continue to meet the eligibility requirements for TPS. The redesignation of South Sudan allows additional individuals who have been continuously residing in the United States since September 2, 2014 to obtain TPS, if otherwise eligible. The Secretary has determined that an extension of the current designation and a redesignation of South Sudan for TPS are warranted because of the ongoing armed conflict and other extraordinary and temporary conditions that prompted the 2013 TPS redesignation have not only persisted, but have deteriorated. The ongoing armed conflict in South Sudan and other extraordinary and temporary conditions would pose a serious threat to the personal safety of South Sudanese nationals if they were required to return to their country.

Through this Notice, DHS also sets forth procedures necessary for nationals of South Sudan (or aliens having no nationality who last habitually resided in South Sudan) either to: (1) Re-register under the extension if they already have TPS and to apply for renewal of their Employment Authorization Documents (EADs) with U.S. Citizenship and Immigration Services (USCIS); or, (2) submit an initial registration application under the redesignation and apply for an EAD.

For individuals who have already been granted TPS under the 2011 original South Sudan designation or

under the 2013 South Sudan redesignation, the 60-day re-registration period runs from September 2, 2014 through November 3, 2014. USCIS will issue new EADs with a May 2, 2016 expiration date to eligible South Sudan TPS beneficiaries who timely re-register and apply for EADs under this extension. Given the timeframes involved with processing TPS re-registration applications, DHS recognizes that not all re-registrants will receive new EADs before their current EADs expire on November 2, 2014. Accordingly, through this Notice, DHS automatically extends the validity of EADs issued under the TPS designation of South Sudan for 6 months, through May 2, 2015, and explains how TPS beneficiaries and their employers may determine which EADs are automatically extended and their impact on Employment Eligibility Verification (Form I–9) and E-Verify processes.

Under the redesignation, individuals who currently do not have TPS (or an initial TPS application pending) may submit an initial application during the 180-day initial registration period that runs from September 2, 2014 through March 2, 2015. In addition to demonstrating continuous residence in the United States since September 2, 2014 and meeting other eligibility criteria, initial applicants for TPS under this redesignation must demonstrate that they have been continuously physically present in the United States since November 3, 2014, the effective date of this redesignation of South Sudan, before USCIS may grant them TPS.

TPS applications that were filed during the 2013 South Sudan redesignation that remain pending on September 2, 2014 will be treated as initial applications under this 2014 redesignation. Therefore, individuals who have a pending South Sudan TPS application will not need to file a new Application for Temporary Protected Status (Form I–821). DHS provides additional instructions in this Notice for individuals whose TPS applications remain pending and who would like to obtain an EAD valid through May 2, 2016.

DATES: *Extension of Designation of South Sudan for TPS:* The 18-month extension of the TPS designation of South Sudan is effective November 3, 2014, and will remain in effect through May 2, 2016. The 60-day re-registration period runs from September 2, 2014 through November 3, 2014.

Redesignation of South Sudan for TPS: The redesignation of South Sudan for TPS is effective November 3, 2014, and will remain in effect through May 2, 2016, a period of 18 months. The 180-day initial registration period for new applicants under the South Sudan TPS redesignation runs from September 2, 2014 through March 2, 2015.

Further Information

- For further information on TPS, including guidance on the application process and additional information on eligibility, please visit the USCIS TPS Web page at *http://www.uscis.gov/tps.* You can find specific information about this extension of South Sudan for TPS by selecting ''TPS Designated Country: South Sudan'' from the menu on the left of the TPS Web page.
- You can also contact the TPS Operations Program Manager at the Family and Status Branch, Service Center Operations Directorate, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue NW., Washington, DC 20529–2060; or by phone at (202) 272–1533 (this is not a toll-free number). **Note:** The phone number provided here is solely for questions regarding this TPS Notice. It is not for individual case status inquires.
- Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).
- Further information will also be available at local USCIS offices upon publication of this Notice.

SUPPLEMENTARY INFORMATION:

Table of Abbreviations

BIA—Board of Immigration Appeals
CPA—Comprehensive Peace Agreement
DHS—Department of Homeland Security
DOS—Department of State
EAD—Employment Authorization Document
FNC—Final Nonconfirmation
Government—U.S. Government
IJ—Immigration Judge
INA—Immigration and Nationality Act
OCHA—UN Office for the Coordination of Humanitarian Affairs
OSC—U.S. Department of Justice, Office of Special Counsel for Immigration-Related Unfair Employment Practices
RSS—Government of the Republic of South Sudan
SAVE—USCIS Systematic Alien Verification for Entitlements Program
Secretary—Secretary of Homeland Security
SPLM–A—Sudan People's Liberation Movement/Army
TNC—Tentative Nonconfirmation
TPS—Temporary Protected Status
TTY—Text Telephone
UN—United Nations
USCIS—U.S. Citizenship and Immigration Services

What is Temporary Protected Status (TPS)?

- TPS is a temporary immigration status granted to eligible nationals of a country designated for TPS under the Immigration and Nationality Act (INA), or to persons without nationality who last habitually resided in the designated country.
- During the TPS designation period, TPS beneficiaries are eligible to remain in the United States, may not be removed, and may obtain work authorization, so long as they continue to meet the requirements of TPS.
- TPS beneficiaries may also be granted travel authorization as a matter of discretion.
- The granting of TPS does not result in or lead to permanent resident status.
- When the Secretary terminates a country's TPS designation, beneficiaries return to the same immigration status they maintained before TPS, if any (unless that status has since expired or been terminated), or to any other lawfully obtained immigration status they received while registered for TPS.

When was South Sudan designated for TPS?

On October 13, 2011, the Secretary designated South Sudan for TPS, effective November 3, 2011, based on an ongoing armed conflict and extraordinary and temporary conditions within that country. *See Designation of Republic of South Sudan for Temporary Protected Status,* 76 FR 63629 (Oct. 13, 2011). In 2013, the Secretary both extended South Sudan's designation and redesignated South Sudan for TPS for 18 months through November 2, 2014. *See Extension and Redesignation of South Sudan for Temporary Protected Status,* 78 FR 1866 (Jan. 9, 2013). This announcement is the third designation of TPS for South Sudan and the first extension since the 2013 redesignation.

What authority does the Secretary of Homeland Security have to extend the designation of South Sudan for TPS?

Section 244(b)(1) of the INA, 8 U.S.C. 1254a(b)(1), authorizes the Secretary, after consultation with appropriate U.S. Government (Government) agencies, to designate a foreign state (or part thereof) for TPS if the Secretary finds that certain country conditions exist.[1] The

[1] As of March 1, 2003, in accordance with section 1517 of title XV of the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, any reference to the Attorney General in a provision of the INA describing functions transferred from the Department of Justice to DHS ''shall be deemed to

Secretary may grant TPS to eligible nationals of that foreign state (or aliens having no nationality who last habitually resided in that state). *See* INA section 244(a)(1)(A), 8 U.S.C. 1254a(a)(1)(A).

At least 60 days before the expiration of a country's TPS designation or extension, the Secretary, after consultation with appropriate Government agencies, must review the conditions in a foreign state designated for TPS to determine whether the conditions for the TPS designation continue to be met. *See* INA section 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). If the Secretary determines that a foreign state continues to meet the conditions for TPS designation, the designation may be extended for an additional period of 6, 12 or 18 months. *See* INA section 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C). If the Secretary determines that the foreign state no longer meets the conditions for TPS designation, the Secretary must terminate the designation. *See* INA section 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B).

Why is the Secretary extending the TPS designation for South Sudan through May 2, 2016?

Over the past year, DHS and the Department of State (DOS) have continued to review conditions in South Sudan. Based on this review and after consulting with DOS, the Secretary has determined that an 18-month extension is warranted because the armed conflict and other extraordinary and temporary conditions that prompted the October 13, 2011 designation and the January 9, 2013 redesignation continue to exist.

What is the Secretary's authority to redesignate South Sudan for TPS?

In addition to extending an existing TPS designation, the Secretary, after consultation with appropriate Government agencies, may redesignate a country (or part thereof) for TPS. *See* section 244(b)(1) of the INA, 8 U.S.C. 1254a(b)(1); *see also* section 244(c)(1)(A)(i) of the INA, 8 U.S.C. 1254a(c)(1)(A)(i) (requiring that ''the alien has been continuously physically present since the effective date of *the most recent designation of the state''*) (emphasis added). This is one of several instances in which the Secretary, and prior to the establishment of DHS, the Attorney General, has simultaneously extended a country's TPS designation and redesignated the country for TPS. *See, e.g., Extension and Redesignation of Syria for Temporary Protected Status,* 78 FR 36223 (June 17, 2013); *Extension and Redesignation of Sudan for Temporary Protected Status,* 78 FR 1872 (Jan. 9, 2013); *Extension and Redesignation of Haiti for Temporary Protected Status,* 76 FR 29000 (May 19, 2011); *Extension of Designation and Redesignation of Liberia Under Temporary Protected Status Program,* 62 FR 16608 (Apr. 7, 1997) (describing legal authority for redesignation of a country for TPS).

When the Secretary designates or redesignates a country for TPS, he also has the discretion to establish the date from which TPS applicants must demonstrate that they have been ''continuously resid[ing]'' in the United States. *See* section 244(c)(1)(A)(ii) of the INA, 8 U.S.C.S 1254a(c)(1)(A)(ii). The Secretary has the discretionary authority to determine the ''continuous residence'' date that he deems appropriate.

The Secretary has determined that the ''continuous residence'' date for applicants for TPS under the redesignation of South Sudan will be September 2, 2014. Initial applicants for TPS under this redesignation must also show they have been ''continuously physically present'' in the United States since November 3, 2014, which is the effective date of the Secretary's redesignation of South Sudan. *See* section 244(c)(1)(A)(i) of the INA, 8 U.S.C. 1254a(c)(1)(A)(i). For each initial TPS application filed under the redesignation, the final determination whether the applicant has met the ''continuous physical presence'' requirement cannot be made until November 3, 2014. USCIS, however, will issue EADs, as appropriate, during the registration period in accordance with 8 CFR 244.5(b).

Why is the Secretary extending the TPS designation for South Sudan and simultaneously redesignating South Sudan for TPS through May 2, 2016?

In November 2013, the United Nations (UN) Office of Coordination for Humanitarian Affairs (OCHA) reported that the situation in South Sudan remained fragile but had potential to improve. OCHA cited a number of positive developments during 2013, including a reduction in deaths and population displacement caused by violence, improved food security, and a decrease in refugees. However, by mid-December 2013, less than 1 month after OCHA released its report, political infighting within the government of the Republic of South Sudan (RSS) had set off a catastrophic chain of events that have plunged the country to the brink of civil war.

South Sudan seceded from Sudan in 2011 after more than two decades of civil war between the government in Khartoum and the Sudan People's Liberation Movement-Army (SPLM–A), which had been fighting for southern independence. The Comprehensive Peace Agreement (CPA), signed by both sides in January 2005, brought an official end to the war and provided a mechanism for peaceful separation of the two countries. However, issues related to security arrangements along the border, sharing of oil revenues, and the fate of the contested area of Abyei remain unresolved and have potential to threaten stability. In early August 2013, Sudan and South Sudan exchanged gunfire along the border in Teskuin, a border town claimed by both countries, and both countries have accused the other of supporting rebels in their territory. As of February 2014, several CPA issues lay unresolved. South Sudan's current internal conflict further threatens progress.

A myriad of factors contributes to the ongoing humanitarian crisis in South Sudan. Political and inter-communal violence caused civilian deaths, displacement of the population, and general instability. These events, coupled with floods, insufficient agricultural production, and high inflation due to the loss of oil revenues, exacerbated food insecurity in a region challenged by lack of infrastructure and poor accessibility.

Thousands of people have been killed as a result of inter-ethnic conflict in Jonglei in recent years. Inter-communal violence in Jonglei state continued and was exacerbated by a government anti-insurgency campaign against predominantly ethnic Murle rebels aligned with SPLM–A defector David Yau Yau. Human Rights Watch indicates that in 2013 during the campaign against the rebels, the SPLM–A committed atrocities, especially in ethnic Murle areas. Soldiers unlawfully targeted and killed Murle civilians and caused thousands to flee their homes out of fear of attack.

Conditions in South Sudan have become increasingly volatile and dangerous since December 15, 2013, when long-standing political tensions between President Salva Kiir Mayardit (an ethnic Dinka) and former vice president, Dr. Riek Machar Teny (an ethnic Nuer) sparked an outbreak of violence in Juba within the Presidential Guard unit. In the days that followed, violence engulfed the capital, causing widespread displacement of people of Nuer ethnicity from Juba. There are

refer to the Secretary'' of Homeland Security. *See* 6 U.S.C. 557 (codifying the Homeland Security Act of 2002, tit. XV, section 1517).

reports of abuses and targeting of civilians, which sparked cycles of violence among different ethnic groups, violence among armed groups aligned with government and opposition elements, and atrocities throughout the country. Reports indicate that RSS security forces conducted house to house searches and arrested hundreds of civilians in Juba and elsewhere. Witnesses claimed that some of those arrested were summarily shot in the street, while others were hauled to overcrowded jails. Within weeks, the violence had spread to six of the country's ten states.

Reports indicate both sides have committed mass atrocities. The violence has created a humanitarian disaster that, since December 2013, has left approximately thousands dead. More than 1.3 million people have been displaced internally and as refugees, and more than 2 million are in immediate need of humanitarian aid. The crisis that began in mid-December 2013 quickly pitted another amalgamation of irregular armed forces against government forces. The BBC reports that former Vice-President Machar presides over a loose alliance of military defectors, ethnic militias, warlords and other forces. The RSS signed a cessation of hostilities agreement with Machar's opposition delegation on January 23, 2014 and a re-commitment to this agreement on May 9, 2014, but within days clashes were again reported in many parts of the country. As of May 2014, South Sudan continued to experience sporadic clashes between the government and anti-government opposition forces. In a few months, South Sudan has come to the brink of civil war. After visiting South Sudan in mid-January 2014, UN Assistant Secretary-General for Human Rights Ivan Simonovic stated that, ''one month of conflict has set South Sudan back a decade.''

There have been reports of mass, ethnically-targeted killings and atrocities by both parties to the conflict, including reports of mass killing of civilians. Insecurity due to ongoing fighting has led to continued population displacement. While humanitarian agencies continue to provide assistance to people displaced, the response is hampered by a number of factors related to insecurity and lack of infrastructure in South Sudan. As of May 2014, approximately 375,500 South Sudanese had fled to Ethiopia, Kenya, Sudan, and Uganda since December 15, 2013.

Population displacement and factors related to food insecurity—including drought, flooding, and rising food prices—continue to negatively impact the ongoing humanitarian crisis that has left much of South Sudan's population of 9.7 million in need of humanitarian assistance. As of May 2014, reports indicate an estimated 4 to 7 million people are in need of humanitarian assistance, including approximately 3 million people facing food shortages. Ongoing insecurity is hampering relief agencies' ability to provide assistance. Multiple factors reportedly impede delivery of humanitarian aid. Many areas of South Sudan are prone to seasonal flooding, with nearly 1.5 million people living in flood-risk areas, including approximately 1 million internally displaced persons as of May 30, 2014. According to OCHA, South Sudan's limited infrastructure, low supply of commercial transport assets, and current insecurity caused by ongoing violence, make South Sudan one of the most challenging and costly operating environments in the world.

Violence has worsened since the outbreak of the domestic conflict in December 2013. Several groups, including numerous militia groups, Sudanese rebel groups, and ethnically-based armed groups, continue to threaten the long-term security of the region. Violent conflict throughout much of South Sudan has led to continued internal displacement and refugee flow into neighboring countries. Due to the ongoing insecurity, the UN maintains a peacekeeping mission in South Sudan, as well as in the disputed border region of Abyei. On December 24, 2013, the UN Security Council voted to nearly double its peacekeeping force in South Sudan due to concerns about the deteriorating security and humanitarian crisis in the country.

Efforts by the international community to get aid to the civilian population continue to be severely compromised by weather-related factors, poor infrastructure, and threats to the safety of aid workers. Violence and ensuing population displacement, along with environmental and economic factors, have created one of the worst humanitarian crises in the world.

Based upon this review and after consultation with appropriate Government agencies, the Secretary finds that:

- The conditions that prompted the 2013 redesignation of South Sudan for TPS continue to be met. *See* INA section 244(b)(3)(A) and (C), 8 U.S.C. 1254a(b)(3)(A) and (C).
- There continues to be an armed conflict in South Sudan and, due to such conflict, requiring the return of South Sudanese nationals to South Sudan would pose a serious threat to their personal safety. *See* INA section 244(b)(1)(A), 8 U.S.C. 1254a(b)(1)(A).
- There continue to be extraordinary and temporary conditions in South Sudan that prevent South Sudanese nationals from returning to South Sudan in safety. *See* INA section 244(b)(1)(C), 8 U.S.C. 1254a(b)(1)(C).
- It is not contrary to the national interest of the United States to permit South Sudanese nationals (and persons who have no nationality who last habitually resided in South Sudan) who meet the eligibility requirements of TPS to remain in the United States temporarily. *See* INA section 244(b)(1)(C), 8 U.S.C. 1254a(b)(1)(C).
- The designation of South Sudan for TPS should be extended for an additional 18-month period from November 3, 2014 through May 2, 2016. *See* INA section 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C).
- Based on current country conditions, South Sudan should be simultaneously redesignated for TPS effective November 3, 2014 through May 2, 2016. *See* INA sections 244(b)(1)(A), (b)(1)(C), and (b)(2); 8 U.S.C. 1254a(b)(1)(A), (b)(1)(C), and (b)(2).
- TPS applicants must demonstrate that they have continuously resided in the United States since September 2, 2014.
- The date by which TPS applicants must demonstrate that they have been continuously physically present in the United States is November 3, 2014, the effective date of the redesignation of South Sudan for TPS.
- There are approximately less than 20 current South Sudan TPS beneficiaries who are expected to apply for re-registration and may be eligible to retain their TPS under the extension.
- It is estimated that an additional 300 to 500 individuals may be eligible for TPS under the redesignation of South Sudan.

Notice of Extension of the TPS Designation of South Sudan and Redesignation of South Sudan for TPS

By the authority vested in me as Secretary under INA section 244, 8 U.S.C. 1254a, I have determined, after consultation with the appropriate Government agencies, that the conditions that prompted the redesignation of South Sudan for TPS in 2013 not only continue to be met, but have significantly deteriorated. *See* INA section 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). On the basis of these determinations, I am simultaneously extending the existing TPS designation of South Sudan for 18 months from November 3, 2014 through May 2, 2016, and redesignating South Sudan for TPS

for the same 18-month period. *See* INA sections 244(b)(1)(A), (b)(1)(C), and (b)(2); 8 U.S.C. 1254a(b)(1)(A), (b)(1)(C), and (b)(2). I have also determined that eligible individuals must demonstrate that they have continuously resided in the United States since September 2, 2014. *See* INA section 244(c)(1)(A)(ii), 8 U.S.C. 1254a(c)(1)(A)(ii).

Jeh Charles Johnson,
Secretary.

I am currently a South Sudan TPS beneficiary. What should I do?

If you filed a TPS application during the South Sudan TPS registration period that ran from January 9, 2013 through July 8, 2013, and that application was approved prior to September 2, 2014, then you need to file a re-registration application under the extension if you wish to maintain TPS benefits through May 2, 2016. You must use the Application for Temporary Protected Status (Form I–821) to re-register for TPS. The 60-day open re-registration period will run from September 2, 2014 through November 3, 2014.

I have a pending initial TPS application filed during the South Sudan TPS registration period that ran from January 9, 2013 through July 8, 2013. What should I do?

If your TPS application is still pending on September 2, 2014, then you do not need to file a new Application for Temporary Protected Status (Form I–821). Pending TPS applications will be treated as initial applications under this re-designation. Therefore, if your TPS application is approved, you will be granted TPS through May 2, 2016. If you have a pending TPS application *and* you wish to have an EAD valid through May 2, 2016, please refer to Table 1 to determine whether you should file a new Application for Employment Authorization (Form I–765).

TABLE 1—FORM AND EAD INFORMATION FOR PENDING TPS APPLICATIONS

If . . .	And . . .	Then . . .
You requested an EAD during the previous initial registration period for South Sudan TPS.	You received an EAD with Category C19 or A12.	You must file a new Application for Employment Authorization (Form I–765) with fee (or fee waiver request) if you wish to have a new EAD valid through May 2, 2016.
	You did not receive an EAD with Category C19 or A12.	You do not need to file a new Application for Employment Authorization (Form I–765). If your TPS application is approved, your Form I–765 will be approved through May 2, 2016.
You did not request an EAD during the previous initial registration period for South Sudan TPS.	You wish to have an EAD valid through May 2, 2016.	You must file a new Application for Employment Authorization (Form I–765) with fee (or fee waiver request).
	You do not wish to have an EAD valid through May 2, 2016.	You do not need to file a new Application for Employment Authorization (Form I–765).

I am not a TPS beneficiary, and I do not have a TPS application pending. What are the procedures for initial registration for TPS under the South Sudan redesignation?

If you are not a South Sudan TPS beneficiary or do not have a pending TPS application with USCIS, you may submit your TPS application during the 180-day initial registration period that will run from September 2, 2014 through March 2, 2015.

Required Application Forms and Application Fees to Register or Re-register for TPS

To register or re-register for TPS for South Sudan, an applicant must submit each of the following two applications:

1. Application for Temporary Protected Status (Form I–821).

• If you are filing an initial application, you must pay the fee for the Application for Temporary Protected Status (Form I–821). *See* 8 CFR 244.2(f)(2) and 244.6 and information on initial filing on the USCIS TPS Web page at *http://www.uscis.gov/tps.*

• If you are filing an application for re-registration, you do not need to pay the fee for the Application for Temporary Protected Status (Form I–821). *See* 8 CFR 244.17.

and

2. Application for Employment Authorization (Form I–765).

• If you are applying for initial registration and want an EAD, you must pay the fee for the Application for Employment Authorization (Form I–765) only if you are age 14 through 65. No fee for the Application for Employment Authorization (Form I–765) is required if you are under the age of 14 or are 66 and older and applying for initial registration.

• If you are applying for re-registration, you must pay the fee for the Application for Employment Authorization (Form I–765) only if you want an EAD, regardless of age.

• You do not pay the fee for the Application for Employment Authorization (Form I–765) if you are not requesting an EAD, regardless of whether you are applying for initial registration or re-registration.

You must submit both completed application forms together. If you are unable to pay for the application and/or biometric services fee, you may apply for a fee waiver by completing a Request for Fee Waiver (Form I–912) or submitting a personal letter requesting a fee waiver, and by providing satisfactory supporting documentation. For more information on the application forms and fees for TPS, please visit the USCIS TPS Web page at *http://www.uscis.gov/tps.* Fees for the Application for Temporary Protected Status (Form I–821), the Application for Employment Authorization (Form I–765), and biometric services are also described in 8 CFR 103.7(b)(1)(i).

Biometric Services Fee

Biometrics (such as fingerprints) are required for all applicants 14 years of age or older. Those applicants must submit a biometric services fee. As previously stated, if you are unable to pay for the biometric services fee, you may apply for a fee waiver by completing a Request for Fee Waiver (Form I–912) or by submitting a personal letter requesting a fee waiver, and providing satisfactory supporting documentation. For more information on the biometric services fee, please visit the USCIS Web site at *http://www.uscis.gov*. If necessary, you may be required to visit an Application Support Center to have your biometrics captured.

Refiling an Initial TPS Application After Receiving a Denial of a Fee Waiver Request

If you request a fee waiver when filing your initial TPS application package and your request is denied, you may re-file your application packet before the initial filing deadline of March 2, 2015. If you submit your application with a fee waiver request before that deadline, but you receive a fee waiver denial and there are fewer than 45 days before the filing deadline (or the deadline has passed), you may still re-file your application within the 45-day period after the date on the USCIS fee waiver denial notice. Your application will not be rejected even if the filing deadline has passed, provided it is mailed within those 45 days and all other required information for the application is included. **Note:** If you wish, you may also wait to request an EAD and pay the Application for Employment Authorization (Form I–765) fee after USCIS grants you TPS, if you are found eligible. If you choose to do this, you would file the Application for Temporary Protected Status (Form I–821) with the fee and the Application for Employment Authorization (Form I–756) without fee and without requesting an EAD.

Re-Filing a TPS Re-Registration Application After Receiving a Denial of a Fee Waiver Request

USCIS urges all re-registering applicants to file as soon as possible within the 60-day re-registration period so that USCIS can process the applications and issue EADs promptly. Filing early will also allow those applicants who may receive denials of their fee waiver requests to have time to re-file their applications before the re-registration deadline. If, however, an applicant receives a denial of his or her fee waiver request and is unable to re-file by the re-registration deadline, the applicant may still re-file his or her application. This situation will be reviewed to determine whether the applicant has established good cause for late re-registration. However, applicants are urged to re-file within 45 days of the date on their USCIS fee waiver denial notice, if at all possible. *See* INA section 244(c)(3)(C); 8 U.S.C. 1254a(c)(3)(C); 8 CFR 244.17(c). For more information on good cause for late re-registration, visit the USCIS TPS Web page at *http://www.uscis.gov/tps.* **Note:** As previously stated, although a re-registering TPS beneficiary age 14 and older must pay the biometric services fee (but not the initial TPS application fee) when filing a TPS re-registration application, the applicant may decide to wait to request an EAD, and therefore not pay the Application for Employment Authorization (Form I–765) fee, until after USCIS has approved the individual's TPS re-registration, if he or she is eligible.

Mailing Information

Mail your application for TPS to the proper address in Table 2.

TABLE 2—MAILING ADDRESSES

If . . .	Mail to . . .
You are applying through the U.S. Postal Service	USCIS, Attn: TPS South Sudan, P.O. Box 6943, Chicago, IL 60680–6943.
You are using a non-U.S. Postal Service delivery service	USCIS, Attn: TPS South Sudan, 131 S. Dearborn 3rd Floor, Chicago, IL 60603–5517.

If you were granted TPS by an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA), and you wish to request an EAD, or are re-registering for the first time following a grant of TPS by an IJ or the BIA, please mail your application to the appropriate address in Table 1. Upon receiving a Notice of Action (Form I–797) from USCIS, please send an email to *TPSijgrant.vsc@uscis.dhs.gov* with the receipt number and state that you submitted a re-registration and/or request for an EAD based on an IJ/BIA grant of TPS. You can find detailed information on what further information you need to email and the email address on the USCIS TPS Web page at *http://www.uscis.gov/tps.*

E-Filing

You cannot electronically file your application when re-registering or submitting an initial registration for South Sudan TPS. Please mail your application to the mailing address listed in Table 2.

Employment Authorization Document (EAD)

May I request an interim EAD at my local USCIS office?

No. USCIS will not issue interim EADs to TPS applicants or re-registrants at local offices.

Am I eligible to receive an automatic 6-month extension of my current EAD through May 2, 2015?

Provided that you currently have TPS under the South Sudan designation, this Notice automatically extends your EAD by 6 months if you:

- Are a national of South Sudan (or an alien having no nationality who last habitually resided in South Sudan);
- Received an EAD under the last extension or redesignation of TPS for South Sudan; and
- Have an EAD with a marked expiration date of November 2, 2014, bearing the notation ''A–12'' or ''C–19'' on the face of the card under ''Category.''

Although this Notice automatically extends your EAD through May 2, 2015, you must re-register timely for TPS in accordance with the procedures described in this Notice if you would like to maintain your TPS.

When hired, what documentation may I show to my employer as proof of employment authorization and identity when completing Employment Eligibility Verification (Form I–9)?

You can find a list of acceptable document choices on the ''Lists of Acceptable Documents'' for Employment Eligibility Verification (Form I–9). You can find additional detailed information on the USCIS I–9 Central Web page at *http://www.uscis.gov/I–9Central.* Employers are required to verify the identity and employment authorization of all new employees by using Employment Eligibility Verification (Form I–9). Within 3 days of hire, an employee must present proof of identity and employment authorization to his or her employer.

You may present any document from List A (reflecting both your identity and employment authorization), or one document from List B (reflecting identity) together with one document from List C (reflecting employment authorization). You may present an

acceptable receipt for List A, List B, or List C documents as described in the Form I–9 Instructions. An EAD is an acceptable document under ''List A.'' Employers may not reject a document based on a future expiration date.

If your EAD has an expiration date of November 2, 2014, and states ''A–12'' or ''C–19'' under ''Category,'' it has been extended automatically for 6 months by virtue of this **Federal Register** Notice, and you may choose to present your EAD to your employer as proof of identity and employment authorization for Employment Eligibility Verification (Form I–9) through May 2, 2015 (see the subsection titled ''*How do my employer and I complete the Employment Eligibility Verification (Form I–9) using an automatically extended EAD for a new job?''* for further information). To minimize confusion over this extension at the time of hire, you may also show your employer a copy of this **Federal Register** Notice confirming the automatic extension of employment authorization through May 2, 2015. As an alternative to presenting your automatically extended EAD, you may choose to present any other acceptable document from List A, or a combination of one selection from List B and one selection from List C.

What documentation may I show my employer if I am already employed but my current TPS-related EAD is set to expire?

Even though EADs with an expiration date of November 2, 2014, that state ''A–12'' or ''C–19'' under ''Category'' have been automatically extended for 6 months by this **Federal Register** Notice, your employer will need to ask you about your continued employment authorization once November 2, 2014, is reached to meet its responsibilities for Employment Eligibility Verification (Form I–9). However, your employer does not need a new document to reverify your employment authorization until May 2, 2015, the expiration date of the automatic extension. Instead, you and your employer must make corrections to the employment authorization expiration dates in Section 1 and Section 2 of Employment Eligibility Verification (Form I–9) (see the subsection titled ''*What corrections should my current employer and I make to Employment Eligibility Verification (Form I–9) if my EAD has been automatically extended?''* for further information). In addition, you may also show this **Federal Register** Notice to your employer to explain what to do for *Employment Eligibility Verification* (Form I–9).

By May 2, 2015, the expiration date of the automatic extension, your employer must reverify your employment authorization. At that time, you must present any document from List A or any document from List C on Employment Eligibility Verification (Form I–9) to reverify employment authorization, or an acceptable List A or List C receipt described in the Form I–9 Instructions. Your employer should complete either Section 3 of the Employment Eligibility Verification (Form I–9) originally completed for the employee or, if this Section has already been completed or if the version of Employment Eligibility Verification (Form I–9) has expired (check the date in the upper right-hand corner of the form), complete Section 3 of a new Employment Eligibility Verification (Form I–9) using the most current version. Note that your employer may not specify which List A or List C document employees must present, and cannot reject an acceptable receipt.

Can my employer require that I produce any other documentation to prove my status, such as proof of my South Sudanese citizenship?

No. When completing Employment Eligibility Verification (Form I–9), including re-verifying employment authorization, employers must accept any documentation that appears on the ''Lists of Acceptable Documents'' for Employment Eligibility Verification (Form I–9) that reasonably appears to be genuine and that relates to you or an acceptable List A, List B, or List C receipt. Employers may not request documentation that does not appear on the ''Lists of Acceptable Documents.'' Therefore, employers may not request proof of South Sudanese citizenship when completing Employment Eligibility Verification (Form I–9) for new hires or reverifying the employment authorization of current employees. If presented with EADs that have been automatically extended, employers should accept such EADs as valid List A documents so long as the EADs reasonably appear to be genuine and to relate to the employee. Refer to the Note to Employees section of this Notice for important information about your rights if your employer rejects lawful documentation, requires additional documentation, or otherwise discriminates against you based on your citizenship or immigration status, or your national origin.

What happens after May 2, 2015, for purposes of employment authorization?

After May 2, 2015, employers may no longer accept the EADs that this **Federal Register** Notice automatically extended. Before that time, however, USCIS will issue new EADs to eligible TPS re-registrants who request them. These new EADs will have an expiration date of May 2, 2016, and can be presented to your employer for completion of Employment Eligibility Verification (Form I–9). Alternatively, you may choose to present any other legally acceptable document or combination of documents listed on the Employment Eligibility Verification (Form I–9).

How do my employer and I complete Employment Eligibility Verification (Form I–9) using an automatically extended EAD for a new job?

When using an automatically extended EAD to complete Employment Eligibility Verification (Form I–9) for a new job prior to May 2, 2015, you and your employer should do the following:

1. For Section 1, you should:
   a. Check ''An alien authorized to work'';
   b. Write your alien number (USCIS number or A-number) in the first space (your EAD or other document from DHS will have your USCIS number or A-number printed on it; the USCIS number is the same as your A-number without the A prefix); and
   c. Write the automatically extended EAD expiration date (May 2, 2015) in the second space.
2. For Section 2, employers should record the:
   a. Document title;
   b. Document number; and
   c. Automatically extended EAD expiration date (May 2, 2015).

By May 2, 2015, employers must reverify the employee's employment authorization in Section 3 of the Employment Eligibility Verification (Form I–9).

What corrections should my current employer and I make to Employment Eligibility Verification (Form I–9) if my EAD has been automatically extended?

If you are an existing employee who presented a TPS-related EAD that was valid when you first started your job, but that EAD has now been automatically extended, you and your employer should correct your previously completed Employment Eligibility Verification (Form I–9) as follows:

1. For Section 1, you should:
   a. Draw a line through the expiration date in the second space;
   b. Write ''May 2, 2015'' above the previous date;
   c. Write ''TPS Ext.'' in the margin of

Section 1; and
d. Initial and date the correction in the margin of Section 1.

2. For Section 2, employers should:
a. Draw a line through the expiration date written in Section 2;
b. Write ''May 2, 2015'' above the previous date;
c. Write ''TPS Ext.'' in the margin of Section 2; and
d. Initial and date the correction in the margin of Section 2.

By May 2, 2015, when the automatic extension of EADs expires, employers must reverify the employee's employment authorization in Section 3.

If I am an employer enrolled in E-Verify, what do I do when I receive a ''Work Authorization Documents Expiration'' alert for an automatically extended EAD?

If you are an employer who participates in E-Verify and you have an employee who is a TPS beneficiary who provide a TPS-related EAD when he or she first started working for you, you will receive a ''Work Authorization Documents Expiring'' case alert when this EAD is about to expire. Usually, this message is an alert to complete Section 3 of the Employment Eligibility Verification (Form I–9) to reverify an employee's employment authorization. For existing employees with TPS-related EADs that have been automatically extended, employers should dismiss this alert by clicking the red ''X'' in the ''dismiss alert'' column and follow the instructions above explaining how to correct the Employment Eligibility Verification (Form I–9). By May 2, 2015, employment authorization must be reverified in Section 3. Employers should never use E-Verify for reverification.

Note To All Employers

Employers are reminded that the laws requiring proper employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. This Notice does not supersede or in any way limit applicable employment verification rules and policy guidance, including those rules setting forth re-verification requirements. For general questions about the employment eligibility verification process, employers may call USCIS at 888–464–4218 (TTY for the hearing impaired is at 877–875–6028) or email USCIS at *I–9Central@dhs.gov.* Calls and emails are accepted in English and many other languages. For questions about avoiding discrimination during the employment eligibility verification process (I–9 and E-Verify), employers may also call the U.S. Department of Justice, Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) Employer Hotline at 800–255–8155 (TTY 800–237–2515), which offers language interpretation in numerous languages, or email OSC at *osccrt@usdoj.gov.*

Note to Employees

For general questions about the employment eligibility verification process, employees may call USCIS at 888–897–7781 (TTY for the hearing impaired is at 877–875–6028) or email at *I-9Central@dhs.gov.* Calls are accepted in English, Spanish and many other languages. Employees or applicants may also call the OSC Worker Information Hotline at 800–255–7688 (TTY 800–237–2515) for information regarding employment discrimination based upon citizenship, immigration status, or national origin related to Employment Eligibility Verification (Form I–9) and E-Verify. The OSC Worker Information Hotline provides language interpretation in numerous languages.

To comply with the law, employers must accept any document or combination of documents from the List of Acceptable Documents if the documentation reasonably appears to be genuine and to relate to the employee, or an acceptable List A, List B, or List C receipt described in the *Employment Eligibility Verification* (Form I–9) Instructions. Employers may not require extra or additional documentation beyond what is required for Employment Eligibility Verification (Form I–9) completion. Further, employers participating in E-Verify who receive an E-Verify case result of ''Tentative Nonconfirmation'' (TNC) must promptly inform employees of the TNC and give such employees an opportunity to contest the TNC. A TNC case result means that the information entered into E-Verify from Employment Eligibility Verification (Form I–9) differs from the Social Security Administration, DHS, or DOS records. Employers may not terminate, suspend, delay training, withhold pay, lower pay or take any adverse action against an employee based on the employee's decision to contest a TNC or because the case is still pending with E-Verify. A Final Nonconfirmation (FNC) case result is received when E-Verify cannot verify an employee's employment eligibility. An employer may terminate employment based on a case result of FNC. Work-authorized employees who receive an FNC may call USCIS for assistance at 888–897–7781 (TTY for the hearing impaired is at 877–875–6028). To report an employer that discriminates against an employee in the E-Verify process based on citizenship or immigration status, or based on national origin, contact OSC's Worker Information Hotline at 800–255–7688 (TTY 800–237–2515). Additional information about proper nondiscriminatory Employment Eligibility Verification (Form I–9) and E-Verify procedures is available on the OSC Web site at *http://www.justice.gov/crt/about/osc/* and the USCIS Web site at *http://www.dhs.gov/E-verify.*

Note Regarding Federal, State, and Local Government Agencies (Such as Departments of Motor Vehicles)

While Federal government agencies must follow the guidelines laid out by the Federal government, state and local government agencies establish their own rules and guidelines when granting certain benefits. Each state may have different laws, requirements, and determinations about what documents you need to provide to prove eligibility for certain benefits. Whether you are applying for a Federal, state, or local government benefit, you may need to provide the government agency with documents that show you are a TPS beneficiary and/or show you are authorized to work based on TPS. Examples are:

(1) Your unexpired EAD that has been automatically extended, or your EAD that has not expired;

(2) A copy of this **Federal Register** Notice if your EAD is automatically extended under this Notice;

(3) A copy of your Application for Temporary Protected Status Notice of Action (Form I–797) for this re-registration;

(4) A copy of your past or current Application for Temporary Protected Status Notice of Action (Form I–797), if you received one from USCIS; and/or

(5) If there is an automatic extension of work authorization, a copy of the fact sheet from the USCIS TPS Web site that provides information on the automatic extension.

Check with the government agency regarding which document(s) the agency will accept. You may also provide the agency with a copy of this **Federal Register** Notice.

Some benefit-granting agencies use the USCIS Systematic Alien Verification for Entitlements Program (SAVE) to verify the current immigration status of applicants for public benefits. If such an agency has denied your application based solely or in part on a SAVE response, the agency must offer you the opportunity to appeal the decision in accordance with the agency's

procedures. If the agency has received and acted upon or will act upon a SAVE verification and you do not believe the response is correct, you may make an InfoPass appointment for an in-person interview at a local USCIS office. Detailed information on how to make corrections, make an appointment, or submit a written request can be found at the SAVE Web site at *http://www.uscis.gov/save,* then by choosing ''How to Correct Your Records'' from the menu on the right.

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DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2540–14; DHS Docket No. USCIS–2014–0003]

RIN 1615–ZB26

Extension of the Designation of Sudan for Temporary Protected Status

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Through this Notice, the Department of Homeland Security (DHS) announces that the Secretary of Homeland Security (Secretary) is extending the designation of Sudan for Temporary Protected Status (TPS) for 18 months from November 3, 2014 through May 2, 2016.

The extension allows currently eligible TPS beneficiaries to retain TPS through May 2, 2016, so long as they otherwise continue to meet the eligibility requirements for TPS. The Secretary has determined that an extension is warranted because the conditions in Sudan that prompted the TPS designation continue to be met. Sudan continues to experience ongoing armed conflict and other extraordinary and temporary conditions within the country that prevent its nationals from returning to the state in safety.

Through this Notice, DHS also sets forth procedures necessary for nationals of Sudan (or aliens having no nationality who last habitually resided in Sudan) to re-register for TPS and to apply for renewal of their Employment Authorization Documents (EADs) with U.S. Citizenship and Immigration Services (USCIS). Re-registration is limited to persons who have previously registered for TPS under the designation of Sudan and who were granted TPS. Certain nationals of Sudan (or aliens having no nationality who last habitually resided in Sudan) who have not previously applied for TPS may be eligible to apply under the late initial registration provisions, if they meet: (1) at least one of the late initial filing criteria; and, (2) all TPS eligibility criteria (including continuous residence in the United States since January 9, 2013, and continuous physical presence in the United States since May 3, 2013).

Current TPS beneficiaries under the Sudan designation may re-register during the 60-day re-registration period from September 2, 2014 through November 3, 2014. USCIS will issue new EADs with a May 2, 2016 expiration date to eligible Sudan TPS beneficiaries who timely re-register and apply for EADs under this extension. Given the timeframes involved with processing TPS re-registration applications, DHS recognizes that not all re-registrants will receive new EADs before their current EADs expire on November 2, 2014. Accordingly, through this Notice, DHS automatically extends the validity of EADs issued under the TPS designation of Sudan for 6 months through May 2, 2015, and explains how TPS beneficiaries and their employers may determine which EADs are automatically extended and their impact on Employment Eligibility Verification (Form I–9) and E-Verify processes.

DATES: The 18-month extension of the TPS designation of Sudan is effective November 3, 2014, and will remain in effect through May 2, 2016. The 60-day re-registration period runs from September 2, 2014 through November 3, 2014.

FOR FURTHER INFORMATION CONTACT:

- For further information on TPS, including guidance on the application process and additional information on eligibility, please visit the USCIS TPS Web page at *http://www.uscis.gov/tps.*

You can find specific information about this extension of Sudan for TPS by selecting ''TPS Designated Country: Sudan'' from the menu on the left of the TPS Web page.

- You can also contact the TPS Operations Program Manager at the Family and Status Branch, Service Center Operations Directorate, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue NW., Washington, DC 20529–2060; or by phone at (202) 272–1533 (this is not a toll-free number). Note: The phone number provided here is solely for questions regarding this TPS Notice. It is not for individual case status inquires.
- Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).
- Further information will also be available at local USCIS offices upon publication of this Notice.

SUPPLEMENTARY INFORMATION:

Table of Abbreviations

BIA—Board of Immigration Appeals
CPA—Comprehensive Peace Agreement
DHS—Department of Homeland Security
DOS—Department of State
EAD—Employment Authorization Document
FNC—Final Nonconfirmation
Government—U.S. Government
GOS—Government of Sudan
IDP—Internally Displaced Person
IJ—Immigration Judge
INA—Immigration and Nationality Act
JEM—Justice and Equality Movement
OSC—U.S. Department of Justice, Office of Special Counsel for Immigration-Related Unfair Employment Practices
RSS—Republic of South Sudan
SAF—Sudan Armed Forces
SAVE—USCIS Systematic Alien Verification for Entitlements Program
Secretary—Secretary of Homeland Security
SPLM–N—Sudan People's Liberation Movement-North
TNC—Tentative Nonconfirmation
TPS—Temporary Protected Status
TTY—Text Telephone
UN—United Nations
USCIS—U.S. Citizenship and Immigration Services

What is temporary protected status (TPS)?

- TPS is a temporary immigration status granted to eligible nationals of a country designated for TPS under the Immigration and Nationality Act (INA), or to persons without nationality who last habitually resided in the designated country.
- During the TPS designation period, TPS beneficiaries are eligible to remain in the United States, may not be removed, and may obtain work authorization, so long as they continue to meet the requirements of TPS.
- TPS beneficiaries may also be granted travel authorization as a matter of discretion.
- The granting of TPS does not result in or lead to permanent resident status.
- When the Secretary terminates a country's TPS designation, beneficiaries return to the same immigration status they maintained before TPS, if any (unless that status has since expired or been terminated), or to any other lawfully obtained immigration status they received while registered for TPS.

When was Sudan designated for TPS?

On November 4, 1997, the Attorney General designated Sudan for TPS due to ongoing armed conflict and extraordinary and temporary conditions within that country. *See Designation of Sudan Under Temporary Protected Status,* 62 FR 59737 (Nov. 4, 1997). Following the initial designation of Sudan for TPS in 1997, the Attorney General and, later, the Secretary have extended TPS and/or redesignated Sudan for TPS a total of 13 times. In 2013, the Secretary both extended Sudan's designation and redesignated Sudan for TPS for 18 months through November 2, 2014. *See Extension and Redesignation of Sudan for Temporary Protected Status,* 78 FR 1872 (Jan. 9, 2013). This announcement is the 14th extension of TPS for Sudan since the original designation in 1997 and the first extension of TPS for Sudan since the 2013 redesignation.

What authority does the Secretary of Homeland Security have to extend the designation of Sudan for TPS?

Section 244(b)(1) of the INA, 8 U.S.C. 1254a(b)(1), authorizes the Secretary, after consultation with appropriate U.S. Government (Government) agencies, to designate a foreign state (or part thereof) for TPS if the Secretary finds that certain country conditions exist.[1] The Secretary may then grant TPS to eligible nationals of that foreign state (or aliens having no nationality who last habitually resided in that state). *See* INA section 244(a)(1)(A), 8 U.S.C. 1254a(a)(1)(A).

At least 60 days before the expiration of a country's TPS designation or extension, the Secretary, after consultation with appropriate Government agencies, must review the conditions in a foreign state designated for TPS to determine whether the conditions for the TPS designation continue to be met. *See* INA section 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). If the Secretary determines that a foreign state continues to meet the conditions for TPS designation, the designation may be extended for an additional period of 6, 12 or 18 months. *See* INA section 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C). If the Secretary determines that the foreign state no longer meets the conditions for TPS designation, the Secretary must terminate the designation. *See* INA section 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B).

Why is the Secretary extending the TPS designation for Sudan through May 2, 2016?

Over the past year, DHS and the Department of State (DOS) have continued to review conditions in Sudan. Based on this review, and after consultations with DOS, the Secretary has determined that an 18-month extension is warranted because the armed conflict is ongoing and the extraordinary and temporary conditions that prompted the May 2013 extension and redesignation continue to exist.

Despite the end of the civil war achieved with the signing of the Comprehensive Peace Agreement (CPA) in 2005 and the secession of the Republic of South Sudan (RSS) in 2011, internal conflict continues to plague Sudan. A new round of peace negotiations began in February 2014 between rebel groups and the Government of Sudan (GOS). Currently, several territories along the border, including the Blue Nile and South Kordofan, are split between allegiances to the Sudan People's Liberation Movement—North (SPLM–N) and the GOS. The results of the ongoing RSS peace negotiations will have a direct impact on the stability of Sudan.

Ongoing armed conflict persists in several regions of Sudan. The GOS fought against opposition forces in the Darfur region and two southern states that also border the RSS, Blue Nile and South Kordofan. In 2011, rebel groups from all three regions formed the Sudan Revolutionary Front, a coalition that coordinates politically and militarily and advocates for the democratic change of government, while continuing military confrontation with the GOS. People in Eastern Sudan, which has remained relatively peaceful since the 2006 East Sudan Peace Agreement (ESPA) have complained that the government had failed to fulfill its promises in the ESPA. Abyei, claimed by both South Sudan and Sudan, held a non-binding referendum in October 2013 in which the population voted to become part of South Sudan, but the referendum process failed to meet international standards and therefore was not considered legitimate by the international community. A lasting determination of Abyei's status remains elusive and there is concern that violence in that area could erupt at any time. The outbreak of violence in the RSS on December 15, 2013 aggravated the humanitarian crisis along the Sudan and RSS border, forcing an estimated 86,000 people to flee to Sudan as of July 2014, with more expected to arrive in the coming months.

Blue Nile and South Kordofan states have historically been centers of hostility towards the GOS. The 2005 CPA that ended the civil war specified that Southern Kordofan and Blue Nile states would hold popular consultations to determine governmental structure and autonomy. However the process was incomplete before conflict broke out in each state in 2011 between the GOS and the SPLM–N. Through 2013, the Sudanese Armed Forces (SAF) and the SPLM–N have fought each other for control of towns, mountain strongholds, and supply routes. The GOS has been accused of indiscriminately targeting civilian populations with aerial bombardment in the states of Blue Nile and South Kordofan. In 2013, SAF forces conducted more bombings and attacks in South Kordofan and Blue Nile than any other year since the independence of RSS in 2011.

Violence escalated and spread in April 2013 when Justice and Equality Movement (JEM) rebels attacked government troops in the North Kordofan state, seizing control of the town of Umm Ruwaba. Sudanese forces struck back immediately and retook control of the town from JEM. Aerial bombardment reportedly increased in November and December 2013. As of May 2014, the U.N. estimates that renewed fighting between the SAF and SPLM–N in recent months has newly displaced approximately 116,000 people in the Two Areas, while an additional 2 million people—including 1.2 million people in GoS-controlled areas and 800,000 in SPLM–N-controlled areas—remain displaced or severely affected by the conflict, which erupted in 2011.

More than 10 years since armed conflict began in 2003, violence persists in the Darfur region, with government-rebel clashes increasing in 2013. Peace treaties signed in 2006, 2011 and 2013 have failed to end the fighting. Violence and displacement increased in Darfur in 2014 with the arrival of the government's Rapid Support Forces (RSF), who perpetrated attacks on armed groups, but were also accused of attacking civilians and their properties, raiding and burning numerous villages. More than 2 million people remain displaced in Darfur, with 380,000 people newly displaced in 2013 and 390,100 cumulative new displacements as of July 6, both of which are more than in any year since 2004. In addition to warfare between opposition groups and the state, inter-communal violence persists between multiple groups.

[1] As of March 1, 2003, in accordance with section 1517 of title XV of the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, any reference to the Attorney General in a provision of the INA describing functions transferred from the Department of Justice to DHS ''shall be deemed to refer to the Secretary'' of Homeland Security. *See* 6 U.S.C. 557 (codifying the Homeland Security Act of 2002, tit. XV, section 1517).

Adding to the instability in Darfur are increasing reports of criminal activity targeting civilians, government authorities, international humanitarian workers and peacekeepers. The frequency of criminal activity has also increased. This insecurity is compounded by evidence suggesting that the majority of criminal gangs in Darfur are comprised of former Janjaweed Arab militias that had been in the service of the GOS and are now acting independently of government control. Widespread impunity, the increased availability of weapons, high unemployment among youth, and the police force's inability to geographically cover all of Darfur combine to undermine stability.

Sudan continues to face internal conflicts on several fronts. On the national level, aerial bombardment by the SAF and violent clashes between rebel groups and GOS security forces occurred regularly. Human Rights Watch reported that in early April 2013, GOS security forces attacked the towns of Labado and Muhajariya and several other villages in South Darfur, and reportedly burned and looted homes, killed dozens of civilians and displaced tens of thousands. Since August 2013, the SAF has carried out air raids in North and South Darfur, almost daily. In January 2014, SAF continued bombings in North and South Darfur and reportedly carried out raids on villages.

GOS security services, rebel forces and other actors continued to inflict a range of human rights abuses against activists, opposition figures, and religious and ethnic minorities. Beginning in June 2012 and reaching a peak in September 2013, Khartoum and cities across Sudan experienced anti-regime protests. Despite the largely peaceful nature of these demonstrations, GOS security forces violently dispersed the gatherings, killing approximately 200 persons and detaining an additional 1,000 to 2,000 demonstrators.

Access to the conflict areas in Sudan is severely restricted. The GOS has placed limitations and pressure on journalists and international organizations. The GOS in February 2014 suspended the operations of the International Committee of the Red Cross throughout the country. Reports indicate that there is very limited humanitarian access to Blue Nile and South Kordofan states, and that as of October 2013, there was no humanitarian access to the areas of South Kordofan or Blue Nile controlled by rebels. As stated by the UN Under-Secretary-General for Peacekeeping Operations in February 2014, ''protracted displacement, food insecurity and a lack of basic services drive chronic vulnerability in the region.'' Deteriorating economic conditions have led to increased food and fuel prices, and shortages could threaten food security for some Sudanese. As of December 2013, UN estimates found that more than 6 million people were in need of humanitarian assistance. As of June 2014, approximately 5.3 million people are food insecure. UN estimates also found that throughout Sudan, 750,000 children suffer from severe acute malnutrition annually.

The conflict in Sudan has been prolonged and complicated by ethnic, economic, regional and international factors. While there is currently no active conflict in the eastern states due to the 2006 peace agreement, the situation in Red Sea, Kassala, and Gedaref remains tense. Instability in neighboring Chad, Central African Republic and the RSS put Sudan in a region facing a high risk of political violence. The outcome of the current conflict in the RSS will have a direct impact on the armed militias in Blue Nile and South Kordofan.

Based upon this review and after consultation with appropriate Government agencies, the Secretary finds that:

- The conditions that prompted the 2013 redesignation of Sudan for TPS continue to be met. *See* INA section 244(b)(3)(A) and (C), 8 U.S.C. 1254a(b)(3)(A) and (C).
- There continues to be an armed conflict in Sudan and, due to such conflict, requiring the return of Sudanese nationals to Sudan would pose a serious threat to their personal safety. *See* INA section 244(b)(1)(A), 8 U.S.C. 1254a(b)(1)(A).
- There continue to be extraordinary and temporary conditions in Sudan that prevent Sudanese nationals from returning to Sudan in safety. *See* INA section 244(b)(1)(C), 8 U.S.C. 1254a(b)(1)(C).
- It is not contrary to the national interest of the United States to permit Sudanese nationals (and persons who have no nationality who last habitually resided in Sudan) who meet the eligibility requirements of TPS to remain in the United States temporarily. *See* INA section 244(b)(1)(C), 8 U.S.C. 1254a(b)(1)(C).
- The designation of Sudan for TPS should be extended for an additional 18-month period from November 3, 2014 through May 2, 2016. *See* INA section 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C).
- There are approximately 600 current Sudan TPS beneficiaries who are expected to apply for re-registration and may be eligible to retain their TPS under the extension.

Notice of Extension of the TPS Designation of Sudan

By the authority vested in me as Secretary under INA section 244, 8 U.S.C. 1254a, I have determined, after consultation with the appropriate Government agencies, that the conditions that prompted the redesignation of TPS for Sudan in 2013 continue to be met. *See* INA section 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). On the basis of this determination, I am extending the existing designation of TPS for Sudan for 18 months from November 3, 2014 through May 2, 2016. *See* INA section 244(b)(1)(A), (b)(1)(C) and (b)(2), 8 U.S.C. 1254a(b)(1)(A), (b)(1)(C) and (b)(2).

Jeh Charles Johnson,

Secretary.

Required Application Forms and Application Fees To Register or Re-Register for TPS

To register or re-register for TPS for Sudan, an applicant must submit each of the following two applications:

1. Application for Temporary Protected Status (Form I–821)

- If you are filing an application for late initial registration, you must pay the fee for the Application for Temporary Protected Status (Form I–821). *See* 8 CFR 244.2(f)(2) and 244.6. Information on late initial filing is available on the USCIS TPS Web page at *http://www.uscis.gov/tps.*
- If you are filing an application for re-registration, you do not need to pay the fee for the Application for Temporary Protected Status (Form I–821). *See* 8 CFR 244.17.

and

2. Application for Employment Authorization (Form I–765)

- If you are applying for late initial registration and want an EAD, you must pay the fee for the Application for Employment Authorization (Form I–765) only if you are age 14 through 65. No fee for the Application for Employment Authorization (Form I–765) is required if you are under the age of 14 or are 66 and older and applying for late initial registration.
- If you are applying for re-registration, you must pay the fee for the Application for Employment Authorization (Form I–765) only if you want an EAD, regardless of age.
- You do not pay the fee for the Application for Employment Authorization (Form I–765) if you are

not requesting an EAD, regardless of whether you are applying for late initial registration or re-registration.

You must submit both completed application forms together. If you are unable to pay for the Application for Employment Authorization (Form I–765) and/or biometric service fee, you may apply for a fee waiver by completing a Request for Fee Waiver (Form I–912) or submitting a personal letter requesting a fee waiver, and by providing satisfactory supporting documentation. For more information on the application forms and fees for TPS, please visit the USCIS TPS Web page at *http://www.uscis.gov/tps.* Fees for the Application for Temporary Protected Status (Form I–821), the Application for Employment Authorization (Form I–765), and biometric services are also described in 8 CFR 103.7(b)(1)(i).

Biometric Services Fee

Biometrics (such as fingerprints) are required for all applicants 14 years of age or older. Those applicants must submit a biometric services fee. As previously stated, if you are unable to pay for the biometric services fee, you may apply for a fee waiver by completing a Request for Fee Waiver (Form I–912) or by submitting a personal letter requesting a fee waiver, and providing satisfactory supporting documentation. For more information on the biometric services fee, please visit the USCIS Web site at *http://www.uscis.gov.* If necessary, you may be required to visit an Application Support Center to have your biometrics captured.

Re-Filing a Re-Registration TPS Application After Receiving a Denial of a Fee Waiver Request

USCIS urges all re-registering applicants to file as soon as possible within the 60-day re-registration period so that USCIS can process the applications and issue EADs promptly. Filing early will also allow those applicants who may receive denials of their fee waiver requests to have time to re-file their applications *before* the re-registration deadline. If, however, an applicant receives a denial of his or her fee waiver request and is unable to re-file by the re-registration deadline, the applicant may still re-file his or her application. This situation will be reviewed to determine whether the applicant has established good cause for late re-registration. However, applicants are urged to re-file within 45 days of the date on their USCIS fee waiver denial notice, if at all possible. *See* INA section 244(c)(3)(C); 8 U.S.C. 1254a(c)(3)(C), 8 CFR 244.17(c). For more information on good cause for late re-registration, visit the USCIS TPS Web page at *http://www.uscis.gov/tps.* **Note:** As previously stated, although a re-registering TPS beneficiary age 14 and older must pay the biometric services fee (but not the initial TPS application fee) when filing a TPS re-registration application, the applicant may decide to wait to request an EAD, and therefore not pay the fee for the Application for Employment Authorization (Form I–765), until after USCIS has approved the individual's TPS re-registration, if he or she is eligible. If you choose to do this, you would file the Application for Temporary Protected Status (Form I–821) with the fee and the Application for Employment Authorization (Form I–765) without fee and without requesting an EAD.

Mailing Information

Mail your application for TPS to the proper address in Table 1.

TABLE 1—MAILING ADDRESSES

If . . .	Mail to . . .
You are applying through the U.S. Postal Service	USCIS, Attn: TPS Sudan, P.O. Box 6943, Chicago, IL 60680–6943.
You are using a non-U.S. Postal Service delivery service	USCIS, Attn: TPS Sudan, 131 S. Dearborn 3rd Floor, Chicago, IL 60603–5517.

If you were granted TPS by an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA), and you wish to request an EAD, or are re-registering for the first time following a grant of TPS by an IJ or the BIA, please mail your application to the appropriate address in Table 1. Upon receiving a Notice Action (Form I–797) from USCIS, please mail your application to the appropriate address in Table 1. Upon receiving a Notice of Action (Form I–797) from USCIS, please send an email to *TPSijgrant.vsc@uscis.dhs.gov* with the receipt number and state that you submitted a re-registration and/or request for an EAD based on an IJ/BIA grant of TPS. You can find detailed information on what further information you need to email and the email address on the USCIS TPS Web page at *http://www.uscis.gov/tps.*

E-Filing

You cannot electronically file your application when re-registering or submitting a late initial registration for Sudan TPS. Please mail your application to the mailing address listed in Table 1.

Employment Authorization Document (EAD)

May I request an interim EAD at my local USCIS office?

No. USCIS will not issue interim EADs to TPS applicants or re-registrants at local offices.

Am I eligible to receive an automatic 6-month extension of my current EAD through May 2, 2015?

Provided that you currently have TPS under the Sudan designation, this Notice automatically extends your EAD by 6 months if you:

- Are a national of Sudan (or an alien having no nationality who last habitually resided in Sudan);
- Received an EAD under the last extension or redesignation of TPS for Sudan; and
- Have an EAD with a marked expiration date of November 2, 2014, bearing the notation ''A–12'' or ''C–19'' on the face of the card under ''Category.''

Although this Notice automatically extends your EAD through May 2, 2015, you must re-register timely for TPS in accordance with the procedures described in this Notice if you would like to maintain your TPS.

When hired, what documentation may I show to my employer as proof of employment authorization and identity when completing Employment Eligibility Verification (Form I–9)?

You can find a list of acceptable document choices on the ''Lists of Acceptable Documents'' for Employment Eligibility Verification (Form I–9). You can find additional detailed information on the USCIS I–9 Central Web page at *http://www.uscis.gov/I-9Central.* Employers are required to verify the identity and employment authorization of all new employees by using Employment Eligibility Verification (Form I–9).

Within 3 days of hire, an employee must present proof of identity and employment authorization to his or her employer.

You may present any document from List A (reflecting both your identity and employment authorization), or one document from List B (reflecting identity) together with one document from List C (reflecting employment authorization). You may present an acceptable receipt for List A, List B, or List C documents as described in the Form I–9 Instructions. An EAD is an acceptable document under ''List A.'' Employers may not reject a document based on a future expiration date.

If your EAD has an expiration date of November 2, 2014, and states ''A–12'' or ''C–19'' under ''Category,'' it has been extended automatically for 6 months by virtue of this **Federal Register** Notice, and you may choose to present your EAD to your employer as proof of identity and employment authorization for Employment Eligibility Verification (Form I–9) through May 2, 2015 (see the subsection titled ''*How do my employer and I complete the Employment Eligibility Verification (Form I–9) using an automatically extended EAD for a new job?''* for further information). To minimize confusion over this extension at the time of hire, you may also show your employer a copy of this **Federal Register** Notice confirming the automatic extension of employment authorization through May 2, 2015. As an alternative to presenting your automatically extended EAD, you may choose to present any other acceptable document from List A, or a combination of one selection from List B and one selection from List C.

What documentation may I show my employer if I am already employed but my current TPS-related EAD is set to expire?

Even though EADs with an expiration date of November 2, 2014 that state ''A–12'' or ''C–19'' under ''Category'' have been automatically extended for 6 months by this **Federal Register** Notice, your employer will need to ask you about your continued employment authorization once November 2, 2014, is reached to meet its responsibilities for Employment Eligibility Verification (Form I–9). However, your employer does not need a new document to reverify your employment authorization until May 2, 2015, the expiration date of the automatic extension. Instead, you and your employer must make corrections to the employment authorization expiration dates in Section 1 and Section 2 of Employment Eligibility Verification (Form I–9) (see the subsection titled ''*What corrections should my current employer and I make to Employment Eligibility Verification (Form I–9) if my EAD has been automatically extended?''* for further information). In addition, you may also show this **Federal Register** Notice to your employer to explain what to do for Employment Eligibility Verification (Form I–9).

By May 2, 2015, the expiration date of the automatic extension, your employer must reverify your employment authorization. At that time, you must present any document from List A or any document from List C on Employment Eligibility Verification (Form I–9) to reverify employment authorization, or an acceptable List A or List C receipt described in the Form I–9 Instructions. Your employer should complete either Section 3 of the Employment Eligibility Verification (Form I–9) originally completed for the employee or, if this Section has already been completed or if the version of Employment Eligibility Verification (Form I–9) has expired (check the date in the upper right-hand corner of the form), complete Section 3 of a new Employment Eligibility Verification (Form I–9) using the most current version. Note that your employer may not specify which List A or List C document employees must present, and cannot reject an acceptable receipt.

Can my employer require that I produce any other documentation to prove my status, such as proof of my Sudanese citizenship?

No. When completing Employment Eligibility Verification (Form I–9), including re-verifying employment authorization, employers must accept any documentation that appears on the ''Lists of Acceptable Documents'' for Employment Eligibility Verification (Form I–9) that reasonably appears to be genuine and that relates to you or an acceptable List A, List B, or List C receipt. Employers may not request documentation that does not appear on the ''Lists of Acceptable Documents.'' Therefore, employers may not request proof of Sudanese citizenship when completing Employment Eligibility Verification (Form I–9) for new hires or reverifying the employment authorization of current employees. If presented with EADs that have been automatically extended, employers should accept such EADs as valid List A documents so long as the EADs reasonably appear to be genuine and to relate to the employee. Refer to the Note to Employees section of this Notice for important information about your rights if your employer rejects lawful documentation, requires additional documentation, or otherwise discriminates against you based on your citizenship or immigration status, or your national origin.

What happens after May 2, 2015, for purposes of employment authorization?

After May 2, 2015, employers may no longer accept the EADs that this **Federal Register** Notice automatically extended. Before that time, however, USCIS will issue new EADs to eligible TPS re-registrants who request them. These new EADs will have an expiration date of May 2, 2016, and can be presented to your employer for completion of Employment Eligibility Verification (Form I–9). Alternatively, you may choose to present any other legally acceptable document or combination of documents listed on the Employment Eligibility Verification (Form I–9).

How do my employer and I complete Employment Eligibility Verification (Form I–9) using an automatically extended EAD for a new job?

When using an automatically extended EAD to complete Employment Eligibility Verification (Form I–9) for a new job prior to May 2, 2015, you and your employer should do the following:

1. For Section 1, you should:

a. Check ''An alien authorized to work'';

b. Write your alien number (USCIS number or A-number) in the first space (your EAD or other document from DHS will have your USCIS number or A-number printed on it; the USCIS number is the same as your A-number without the A prefix); and

c. Write the automatically extended EAD expiration date (May 2, 2015) in the second space.

2. For Section 2, employers should record the:

a. Document title;

b. Document number; and

c. Automatically extended EAD expiration date (May 2, 2015).

By May 2, 2015, employers must reverify the employee's employment authorization in Section 3 of the Employment Eligibility Verification (Form I–9).

What corrections should my current employer and I make to Employment Eligibility Verification (Form I–9) if my EAD has been automatically extended?

If you are an existing employee who presented a TPS-related EAD that was valid when you first started your job, but that EAD has now been automatically extended, you and your employer should correct your previously completed Employment

Eligibility Verification (Form I–9) as follows:

1. For Section 1, you should:

a. Draw a line through the expiration date in the second space;

b. Write ''May 2, 2015'' above the previous date;

c. Write ''TPS Ext.'' in the margin of Section 1; and

d. Initial and date the correction in the margin of Section 1.

2. For Section 2, employers should:

a. Draw a line through the expiration date written in Section 2;

b. Write ''May 2, 2015'' above the previous date;

c. Write ''TPS Ext.'' in the margin of Section 2; and

d. Initial and date the correction in the margin of Section 2.

By May 2, 2015, when the automatic extension of EADs expires, employers must reverify the employee's employment authorization in Section 3.

If I am an employer enrolled in E-Verify, what do I do when I receive a ''Work Authorization Documents Expiration'' alert for an automatically extended EAD?

If you are an employer who participates in E-Verify and you have an employee who is a TPS beneficiary who provided a TPS-related EAD when he or she first started working for you, you will receive a ''Work Authorization Documents Expiring'' case alert when this EAD is about to expire. Usually, this message is an alert to complete Section 3 of the Employment Eligibility Verification (Form I–9) to reverify an employee's employment authorization. For existing employees with TPS-related EADs that have been automatically extended, employers should dismiss this alert by clicking the red ''X'' in the ''dismiss alert'' column and follow the instructions above explaining how to correct the Employment Eligibility Verification (Form I–9). By May 2, 2015, employment authorization must be reverified in Section 3. Employers should never use E-Verify for reverification.

Note to All Employers

Employers are reminded that the laws requiring proper employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. This Notice does not supersede or in any way limit applicable employment verification rules and policy guidance, including those rules setting forth re-verification requirements. For general questions about the employment eligibility verification process, employers may call USCIS at 888–464–4218 (TTY for the hearing impaired is at 877–875–6028) or email USCIS at *I-9Central@dhs.gov.* Calls and emails are accepted in English and many other languages. For questions about avoiding discrimination during the employment eligibility verification process (I–9 and E-Verify), employers may also call the U.S. Department of Justice, Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) Employer Hotline at 800–255–8155 (TTY 800–237–2515), which offers language interpretation in numerous languages, or email OSC at *osccrt@usdoj.gov.*

Note to Employees

For general questions about the employment eligibility verification process, employees may call USCIS at 888–897–7781 (TTY for the hearing impaired is at 877–875–6028) or email at *I-9Central@dhs.gov.* Calls are accepted in English, Spanish and many other languages. Employees or applicants may also call the OSC Worker Information Hotline at 800–255–7688 (TTY 800–237–2515) for information regarding employment discrimination based upon citizenship, immigration status, or national origin related to Employment Eligibility Verification (Form I–9) and E-Verify. The OSC Worker Information Hotline provides language interpretation in numerous languages.

To comply with the law, employers must accept any document or combination of documents from the List of Acceptable Documents if the documentation reasonably appears to be genuine and to relate to the employee, or an acceptable List A, List B, or List C receipt described in the *Employment Eligibility Verification* (Form I–9) Instructions. Employers may not require extra or additional documentation beyond what is required for Employment Eligibility Verification (Form I–9) completion. Further, employers participating in E-Verify who receive an E-Verify case result of ''Tentative Nonconfirmation'' (TNC) must promptly inform employees of the TNC and give such employees an opportunity to contest the TNC. A TNC case result means that the information entered into E-Verify from Employment Eligibility Verification (Form I–9) differs from the Social Security Administration, DHS, or DOS records. Employers may not terminate, suspend, delay training, withhold pay, lower pay or take any adverse action against an employee based on the employee's decision to contest a TNC or because the case is still pending with E-Verify. A Final Nonconfirmation (FNC) case result is received when E-Verify cannot verify an employee's employment eligibility. An employer may terminate employment based on a case result of FNC. Work-authorized employees who receive an FNC may call USCIS for assistance at 888–897–7781 (TTY for the hearing impaired is at 877–875–6028). To report an employer that discriminates against an employee in the E-Verify process based on citizenship or immigration status, or based on national origin, contact OSC's Worker Information Hotline at 800–255–7688 (TTY 800–237–2515). Additional information about proper nondiscriminatory Employment Eligibility Verification (Form I–9) and E-Verify procedures is available on the OSC Web site at *http://www.justice.gov/crt/about/osc/* and the USCIS Web site at *http://www.dhs.gov/E-verify.*

Note Regarding Federal, State, and Local Government Agencies (Such as Departments of Motor Vehicles)

While Federal government agencies must follow the guidelines laid out by the Federal government, state and local government agencies establish their own rules and guidelines when granting certain benefits. Each state may have different laws, requirements, and determinations about what documents you need to provide to prove eligibility for certain benefits. Whether you are applying for a Federal, state, or local government benefit, you may need to provide the government agency with documents that show you are a TPS beneficiary and/or show you are authorized to work based on TPS. Examples are:

(1) Your unexpired EAD that has been automatically extended, or your EAD that has not expired;

(2) A copy of this **Federal Register** Notice if your EAD is automatically extended under this Notice;

(3) A copy of your Application for Temporary Protected Status Notice of Action (Form I–797) for this re-registration;

(4) A copy of your past or current Application for Temporary Protected Status Notice of Action (Form I–797), if you received one from USCIS; and/or

(5) If there is an automatic extension of work authorization, a copy of the fact sheet from the USCIS TPS Web site that provides information on the automatic extension.

Check with the government agency regarding which document(s) the agency will accept. You may also provide the agency with a copy of this **Federal Register** Notice.

Some benefit-granting agencies use the USCIS Systematic Alien Verification

for Entitlements Program (SAVE) to verify the current immigration status of applicants for public benefits. If such an agency has denied your application based solely or in part on a SAVE response, the agency must offer you the opportunity to appeal the decision in accordance with the agency's procedures. If the agency has received and acted upon or will act upon a SAVE verification and you do not believe the response is correct, you may make an InfoPass appointment for an in-person interview at a local USCIS office. Detailed information on how to make corrections, make an appointment, or submit a written request can be found at the SAVE Web site at *http://www.uscis.gov/save,* then by choosing ''How to Correct Your Records'' from the menu on the right.

[FR Doc. 2014–20708 Filed 8–29–14; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5752–N–68]

30-Day Notice of Proposed Information Collection: ''Logic Model'' Grant Performance Reporting Standard Form

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date: October 2, 2014.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email at *Anna.P.Guido@hud.gov* or telephone 202–402–5535. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on June 30, 2014.

A. Overview of Information Collection

Title of Information Collection: Public Housing Admissions/Occupancy Policy.

OMB Approval Number: 2535–0114.

Type of Request: Extension of currently approved collection.

Form Number: HUD–96010.

Description of the need for the information and proposed use: The Logic Model is a tool that integrates program operations and program accountability. It links program operations (mission, need, intervention, projected results, and actual results), and program accountability (measurement tool, data source, and frequency of data collection and reporting, including personnel assigned to function). Applicants/grantees should use it to support program planning, monitoring, evaluation, and other management functions.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: An estimation of the total time needed to complete the form is less than ten minutes; number of respondents is 11,000; frequency of response is on the occasion of application submission. The total report burden is 1100 hours.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: August 26, 2014.

Anna P. Guido,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2014–20650 Filed 8–29–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[XXXD4523WT DWT000000.000000 DS65101000]

Privacy Act of 1974, as Amended; Notice of a New System of Records

AGENCY: Department of the Interior.

ACTION: Notice of creation of a new system of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, as amended, the Department of the Interior is issuing a public notice of its intent to create the Department of the Interior Insider Threat Program system of records. The Department of the Interior Office of Law Enforcement and Security will use the system to facilitate management of insider threat investigations and activities associated with counterintelligence complaints, inquiries and investigations; identify potential threats to Department of the Interior resources and information assets; track referrals of potential insider threats to internal and external partners; and provide statistical reports and meet other insider threat reporting requirements. This newly established system will be included in the Department of the Interior's inventory of record systems.

DATES: Comments must be received by October 14, 2014. This new system will be effective October 14, 2014.

ADDRESSES: Any person interested in commenting on this amendment may do so by: Submitting comments in writing to the Departmental Privacy Act Officer, 1849 C Street NW., Mail Stop 5547 MIB, Washington, DC 20240; hand-delivering comments to the Departmental Privacy Act Officer, 1849 C Street NW., Mail Stop 5547 MIB, Washington, DC 20240 or emailing comments to *Privacy@ios.doi.gov.*

FOR FURTHER INFORMATION CONTACT: Chief, National Security Programs,

Office of Law Enforcement and Security, Intelligence Division, 1849 C Street NW., MIB–3409, Washington, DC 20240. Telephone: 202–208–6206.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of the Interior (DOI) has created a Department-wide system, known as the Insider Threat Program system of records, to manage insider threat matters within DOI. The Insider Threat Program was mandated by Presidential Executive Order 13587, issued October 7, 2011, which required Federal agencies to establish an insider threat detection and prevention program to ensure the security of classified networks and the responsible sharing and safeguarding of classified information consistent with appropriate protections for privacy and civil liberties. Insider threats include attempted or actual espionage, subversion, sabotage, terrorism or extremist activities directed against the Department of the Interior and its personnel, facilities, resources, and activities; unauthorized use of or intrusion into automated information systems; unauthorized disclosure of classified, controlled unclassified, sensitive, or proprietary information or technology; indicators of potential insider threats or other incidents that may indicate activities of an insider threat. The Insider Threat Program system may include information from any DOI bureau, office, program, record or source, and includes records from information security, personnel security, and systems security for both internal and external security threats.

In a notice of proposed rulemaking, which is published separately in the **Federal Register**, the Department of the Interior is proposing to exempt records maintained in this system from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2).

The system will be effective as proposed at the end of the comment period (the comment period will end 40 days after the publication of this notice in the **Federal Register**), unless comments are received which would require a contrary determination. DOI will publish a revised notice if changes are made based upon a review of the comments received.

II. Privacy Act

The Privacy Act of 1974, as amended, embodies fair information practice principles in a statutory framework governing the means by which Federal Agencies collect, maintain, use, and disseminate individuals' personal information. The Privacy Act applies to records about individuals that are maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency for which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particulars assigned to the individual. The Privacy Act defines an individual as a United States citizen or lawful permanent resident. As a matter of policy, DOI extends administrative Privacy Act protections to all individuals. Individuals may request access to their own records that are maintained in a system of records in the possession or under the control of DOI by complying with DOI Privacy Act regulations at 43 CFR part 2.

The Privacy Act requires each agency to publish in the **Federal Register** a description denoting the type and character of each system of records that the agency maintains and the routine uses of each system to make agency recordkeeping practices transparent, notify individuals regarding the uses of their records, and assist individuals to more easily find such records within the agency. Below is the description of the Department of the Interior Insider Threat Program system of records.

In accordance with 5 U.S.C. 552a(r), DOI has provided a report of this system of records to the Office of Management and Budget and to Congress.

III. Public Disclosure

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: August 26, 2014.

Teri Barnett,

DOI Privacy Act Officer.

SYSTEM NAME:

Insider Threat Program, DOI–50

SECURITY CLASSIFICATION:

Classified and unclassified.

SYSTEM LOCATION:

Office of Law Enforcement and Security, U.S. Department of the Interior, 1849 C Street NW., Washington, DC 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The categories of individuals covered in the system include current and former DOI employees, potential employees, and contractors; other officials or employees of Federal, state, tribal, territorial, and local law enforcement organizations; complainants, informants, suspects and witnesses; persons with access to DOI facilities and infrastructure; members of the general public, including individuals and/or groups of individuals involved with insider threat matters, complaints or incidents involving classified systems or classified information; individuals being investigated as potential insider threats; individuals identified as the result of an administrative, security or investigative function who could pose a threat to DOI operations, data, personnel, facilities and systems; and foreign visitors or foreign contacts that become involved in the Foreign Visitors Program, or insider threat matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system may contain information from DOI bureaus, offices, programs, databases, records or sources, including incident reports, investigatory records, personnel security records, facility access records, network security records, security violations, travel records, foreign visitor records, foreign contact reports, financial disclosure reports, personnel records, medical records, information on complainants, informants, suspects, and witnesses, and records involving potential insider threats or activities directed against the Department of the Interior and its personnel, facilities, and resources. These records may contain the following information: Names, Social Security numbers, dates of birth, place of birth, security clearance, home addresses, work addresses, personal and official phone numbers, personal and official email addresses, other contact information, driver license numbers, vehicle identification numbers, license plate numbers, ethnicity and race, tribal identification numbers or other tribal enrollment data, work history, educational history, affiliations, information on family members, dependents, relatives and other personal associations, passport numbers, gender, fingerprints, hair and eye color, biometric data, and any other physical or distinguishing attributes of an individual. Investigation records and incident reports may include additional information such as photos, video, sketches, medical reports, and network use records, identification badge data,

facility and access control records, email and text messages. Records may also include information concerning potential insider threat activity, counterintelligence complaints, investigative referrals, results of incident investigations, case number, forms, nondisclosure agreements, consent forms, documents, reports, and correspondence received, generated or maintained in the course of managing insider threat activities and conducting investigations related to the protection of DOI resources and information assets against potential insider threats.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Intelligence Reform and Terrorism Prevention Act of 2004, Public Law 108–458; Intelligence Authorization Act for FY 2010, Public Law 111–259; Title 28 U.S.C. 535, Investigation of Crimes Involving Government Officers and Employees; Limitations; Title 50 U.S.C. 402a, Coordination of Counterintelligence Activities; Executive Order 10450, Security Requirements for Government Employment, April 17, 1953; Executive Order 12333, United States Intelligence Activities (as amended); Executive Order 12829, National Industrial Security Program; Executive Order 12968, Access to Classified Information, August 2, 1995; Executive Order 13467, Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information, June 30, 2008; Executive Order 13488, Granting Reciprocity on Excepted Service and Federal Contractor Employee Fitness and Reinvestigating Individuals in Positions of Public Trust, January 16, 2009; Executive Order 13526, Classified National Security Information; Executive Order 13587, Structural Reforms to Improve the Security of Classified Networks and the Responsible Sharing and Safeguarding of Classified Information, October 7, 2011; and Presidential Memorandum National Insider Threat Policy and Minimum Standards for Executive Branch Insider Threat Programs, November 21, 2012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary purpose of the Insider Threat Program system of records is to manage insider threat matters; facilitate insider threat investigations and activities associated with counterintelligence complaints, inquiries and investigations; identify potential threats to Department of the Interior resources and information assets; track referrals of potential insider threats to internal and external partners; and provide statistical reports and meet other insider threat reporting requirements.

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DOI as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

(1)(a) To any of the following entities or individuals, when the circumstances set forth in paragraph (b) are met:

(i) The U.S. Department of Justice (DOJ);

(ii) A court or an adjudicative or other administrative body;

(iii) A party in litigation before a court or an adjudicative or other administrative body; or

(iv) Any DOI employee acting in his or her individual capacity if DOI or DOJ has agreed to represent that employee or pay for private representation of the employee;

(b) When:

(i) One of the following is a party to the proceeding or has an interest in the proceeding:

(A) DOI or any component of DOI;

(B) Any other Federal agency appearing before the Office of Hearings and Appeals;

(C) Any DOI employee acting in his or her official capacity;

(D) Any DOI employee acting in his or her individual capacity if DOI or DOJ has agreed to represent that employee or pay for private representation of the employee;

(E) The United States, when DOJ determines that DOI is likely to be affected by the proceeding; and

(ii) DOI deems the disclosure to be:

(A) Relevant and necessary to the proceeding; and

(B) Compatible with the purpose for which the records were compiled.

(2) To a congressional office in response to a written inquiry that an individual covered by the system, or the heir of such individual if the covered individual is deceased, has made to the office, to the extent the records have not been exempted from disclosure pursuant to 5 U.S.C. 552a(j)(2) and (k)(2).

(3) To the Executive Office of the President in response to an inquiry from that office made at the request of the subject of a record or a third party on that person's behalf, or for a purpose compatible for which the records are collected or maintained, to the extent the records have not been exempted from disclosure pursuant to 5 U.S.C. 552a(j)(2) and (k)(2).

(4) To any criminal, civil, or regulatory law enforcement authority (whether Federal, State, territorial, local, tribal or foreign) when a record, either alone or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil, or regulatory in nature, and the disclosure is compatible with the purpose for which the records were compiled.

(5) To an official of another Federal agency to provide information needed in the performance of official duties related to reconciling or reconstructing data files or to enable that agency to respond to an inquiry by the individual to whom the record pertains.

(6) To Federal, State, territorial, local, tribal, or foreign agencies that have requested information relevant or necessary to the hiring, firing or retention of an employee or contractor, or the issuance of a security clearance, license, contract, grant or other benefit, when the disclosure is compatible with the purpose for which the records were compiled.

(7) To representatives of the National Archives and Records Administration to conduct records management inspections under the authority of 44 U.S.C. 2904 and 2906.

(8) To State and local governments and tribal organizations to provide information needed in response to court order and/or discovery purposes related to litigation, when the disclosure is compatible with the purpose for which the records were compiled.

(9) To an expert, consultant, or contractor (including employees of the contractor) of DOI that performs services requiring access to these records on DOI's behalf to carry out the purposes of the system.

(10) To appropriate agencies, entities, and persons when:

(a) It is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; and

(b) The Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interest, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and

(c) The disclosure is made to such agencies, entities and persons who are reasonably necessary to assist in connection with the Department's

efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

(11) To the Office of Management and Budget during the coordination and clearance process in connection with legislative affairs as mandated by OMB Circular A–19.

(12) To the Department of the Treasury to recover debts owed to the United States.

(13) To the Department of Justice, the Federal Bureau of Investigation, the Department of Homeland Security, and other Federal, State and local law enforcement agencies for the purpose of referring potential insider threats and information exchange on insider threat activity.

(14) To agency contractors, grantees, or volunteers for DOI or other Federal Departments who have been engaged to assist the Government in the performance of a contract, grant, cooperative agreement, or other activity related to this system of records and who need to have access to the records in order to perform the activity.

(15) To any criminal, civil, or regulatory authority (whether Federal, State, territorial, local, or tribal) for the purpose of providing background search information on individuals for legally authorized purposes, including but not limited to background checks on individuals residing in a home with a minor or individuals seeking employment opportunities requiring background checks.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic records are maintained in password-protected systems that are compliant with the Federal Information Security Management Act, and paper records are maintained in file cabinets. Access is limited to authorized personnel who have a need to access the records in the performance of their official duties.

RETRIEVABILITY:

Multiple fields allow retrieval of individual record information including first and last name, Social Security number, date of birth, phone number, and other types of information by key word search.

SAFEGUARDS:

The records contained in this system are safeguarded in accordance with 43 CFR 2.226 and other applicable security and privacy rules and policies. During normal hours of operation, paper records are maintained in locked filed cabinets under the control of authorized personnel. Computerized records systems follow the National Institute of Standards and Technology privacy and security standards as developed to comply with the Privacy Act of 1974 (Pub. L. 93–579), Paperwork Reduction Act of 1995 (Pub. L. 104–13), Federal Information Security Management Act of 2002 (Pub. L. 107–347), and the Federal Information Processing Standards 199, Standards for Security Categorization of Federal Information and Information Systems. Computer servers in which electronic records are stored are located in secured Department of the Interior facilities with physical, technical and administrative levels of security to prevent unauthorized access to the DOI network and information assets. Security controls include encryption, firewalls, audit logs, and network system security monitoring.

Electronic data is protected through user identification, passwords, database permissions and software controls. Access to records in the system is limited to authorized personnel who have a need to access the records in the performance of their official duties, and each user's access is restricted to only the functions and data necessary to perform that person's job responsibilities. System administrators and authorized users are trained and required to follow established internal security protocols and must complete all security, privacy, and records management training and sign the DOI Rules of Behavior.

RETENTION AND DISPOSAL:

A records retention schedule for the Insider Threat Program has been developed and submitted to the National Archives and Records Administration (NARA) for approval. Pending approval by NARA, these records will be treated as permanent. The proposed records disposition is temporary, and records will be destroyed when no longer needed for agency business. Approved disposition methods include shredding or pulping paper records, and degaussing or erasing electronic records in accordance with 384 Department Manual 1 and NARA guidelines.

SYSTEM MANAGER AND ADDRESS:

Chief, National Security Programs, Office of Law Enforcement and Security, Intelligence Division, 1849 C Street NW., MIB–3409, Washington, DC 20240.

NOTIFICATION PROCEDURES:

The Department of the Interior is proposing to exempt portions of this system from the notification procedures of the Privacy Act pursuant to sections (j)(2) and (k)(2). An individual requesting notification of the existence of records on himself or herself should send a signed, written inquiry to the System Manager identified above. The request envelope and letter should both be clearly marked ''PRIVACY ACT INQUIRY.'' A request for notification must meet the requirements of 43 CFR 2.235.

RECORDS ACCESS PROCEDURES:

The Department of the Interior is proposing to exempt portions of this system from the access procedures of the Privacy Act pursuant to sections (j)(2) and (k)(2). An individual requesting records on himself or herself should send a signed, written inquiry to the System Manager identified above. The request should describe the records sought as specifically as possible. The request envelope and letter should both be clearly marked ''PRIVACY ACT REQUEST FOR ACCESS.'' A request for access must meet the requirements of 43 CFR 2.238.

CONTESTING RECORDS PROCEDURES:

The Department of the Interior is proposing to exempt portions of this system from the amendment procedures of the Privacy Act pursuant to sections (j)(2) and (k)(2). An individual requesting corrections or the removal of material from his or her records should send a signed, written request to the System Manager identified above. A request for corrections or removal must meet the requirements of 43 CFR 2.246.

RECORD SOURCE CATEGORIES:

Sources of information in the system include Department, bureau, office and program officials, employees, contractors, and other individuals who are associated with or represent the DOI; officials from other Federal, Tribal, State, and local government organizations; relevant DOI records, databases and files, including personnel security files, facility access records, security incidents or violation files, network security records, investigatory records, visitor records, travel records, foreign visitor or contact reports, and financial disclosure reports; and complainants, informants, suspects, and witnesses.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system contains classified and unclassified intelligence and law enforcement investigatory records

related to counterintelligence and insider threat activities that are exempt from certain provisions of the Privacy Act, 5 U.S.C. 552a(j)(2) and (k)(2). Pursuant to the Privacy Act, 5 U.S.C. 552a(j)(2) and (k)(2), the Department of the Interior has exempted portions of this system from the following subsections of the Privacy Act: (c)(3), (c)(4), (d), (e)(1) through (e)(3), (e)(4)(G) through (e)(4)(I), (e)(5), (e)(8), (e)(12), (f), and (g). In accordance with 5 U.S.C. 553(b), (c) and (e), the Department of the Interior has promulgated rules, which have been published separately in today's **Federal Register**.

[FR Doc. 2014–20741 Filed 8–29–14; 8:45 am]

BILLING CODE 4310–RK–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–R–2014–N168; 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; reopening of public comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), advise the public that we are reopening the public review and comment period for the Draft Comprehensive Conservation Plan (CCP) and Environmental Assessment (EA) for the San Diego National Wildlife Refuge (NWR).

DATES: To ensure consideration, we must receive your written comments by September 17, 2014.

ADDRESSES: Send your comments or requests for more information by any of the following methods.

Email: fw8plancomments@fws.gov. Include ''San Diego NWR CCP'' in the subject line of the message.

Fax: Attn: San Diego NWR CCP, 619–476–9149.

U.S. Mail: U.S. Fish and Wildlife Service, Attn: San Diego NWR CCP, P.O. Box 2358, Chula Vista, CA 91912.

You will find the draft CCP/EA, as well as information about the planning process and a summary of the CCP, on the Refuge Web site: *http://www.fws.gov/refuge/San_Diego/what_we_do/planning.html.*

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.

SUPPLEMENTARY INFORMATION:

Introduction

On June 19, 2014, we published a **Federal Register** notice (79 FR 35183) announcing the availability of the draft San Diego NWR CCP/EA for public review and comment in accordance with National Environmental Policy Act (40 CFR 1506.6(b)) requirements. We originally opened the comment period from June 19, 2014, to August 18, 2014. We are reopening the public comment period until September 17, 2014, due to the level of interest in the various public use proposals addressed in the alternatives for the draft San Diego NWR CCP. For more information on the draft CCP/EA and the planning process we followed, please see the June 2014 notice.

Public Involvement

You may submit written comments anytime during the comment period (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.

Alexandra Pitts,

Acting Regional Director, Pacific Southwest Region, Sacramento, California.

[FR Doc. 2014–20730 Filed 8–29–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–IA–2014–N185; FXIA16710900000–145–FF09A30000]

Endangered Species; Marine Mammals; Issuance of Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of issuance of permits.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have issued the following permits to conduct certain activities with endangered species, marine mammals, or both. We issue these permits under the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA).

ADDRESSES: Brenda Tapia, U.S. Fish and Wildlife Service, Division of Management Authority, Branch of Permits, MS: IA, 5275 Leesburg Pike, Falls Church, VA 22041; fax (703) 358–2280; or email *DMAFR@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, (703) 358–2104 (telephone); (703) 358–2280 (fax); *DMAFR@fws.gov* (email).

SUPPLEMENTARY INFORMATION: On the dates below, as authorized by the provisions of the ESA (16 U.S.C. 1531 *et seq.*), as amended, and/or the MMPA, as amended (16 U.S.C. 1361 *et seq.*), we issued requested permits subject to certain conditions set forth therein. For each permit for an endangered species, we found that (1) The application was filed in good faith, (2) The granted permit would not operate to the disadvantage of the endangered species, and (3) The granted permit would be consistent with the purposes and policy set forth in section 2 of the ESA.

Permit No.	Applicant	Receipt of application *Federal Register* notice	Permit issuance date
Endangered Species			
21468B	Joan Hemker	79 FR 835; January 7, 2014	August 12, 2014.
23115B	Wildlife Discovery Center	79 FR 835; January 7, 2014	August 12, 2014.
23180B	Little Patch of Texas	79 FR 835; January 7, 2014	August 12, 2014.
166119	Sylvan Heights Waterfowl	79 FR 36090; June 25, 2014	August 14, 2014.
088507	Mike Talka	79 FR 36090; June 25, 2014	August 14, 2014.
123493	Capron Park Zoo	79 FR 39409; July 10, 2014	August 14, 2014.
735952	Janet Lilienthal	79 FR 39409; July 10, 2014	August 14, 2014.

Permit No.	Applicant	Receipt of application *Federal Register* notice	Permit issuance date
35436A	Camden Aquarium, LLC	79 FR 39409; July 10, 2014	August 14, 2014.
		Marine Mammals	
187053	ABR, Inc. Environmental Research and Services.	79 FR 8203; February 11, 2014	August 8, 2014.
30427B	Steven Kazlowski	79 FR 24445; April 30, 2014	August 22, 2014.
35442B	Yukon Route Productions	79 FR 36090; June 25, 2014	August 12, 2014.

Availability of Documents

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to: U.S. Fish and Wildlife Service, Division of Management Authority, Branch of Permits, MS: IA, 5275 Leesburg Pike, Falls Church, VA 22041; fax (703) 358–2280.

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2014–20652 Filed 8–29–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–IA–2014–N186; FXIA16710900000–145–FF09A30000]

Endangered Species; Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (ESA) prohibits activities with listed species unless Federal authorization is acquired that allows such activities.

DATES: We must receive comments or requests for documents on or before October 2, 2014.

ADDRESSES: Brenda Tapia, U.S. Fish and Wildlife Service, Division of Management Authority, Branch of Permits, MS: IA, 5275 Leesburg Pike, Falls Church, VA 22041; fax (703) 358–2280; or email *DMAFR@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, (703) 358–2104 (telephone); (703) 358–2280 (fax); *DMAFR@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I request copies of applications or comment on submitted applications?

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an email or address not listed under **ADDRESSES**. If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

B. May I review comments submitted by others?

Comments, including names and street addresses of respondents, will be available for public review at the street address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), along with Executive Order 13576, ''Delivering an Efficient, Effective, and Accountable Government,'' and the President's Memorandum for the Heads of Executive Departments and Agencies of January 21, 2009—Transparency and Open Government (74 FR 4685; January 26, 2009), which call on all Federal agencies to promote openness and transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken.

III. Permit Applications

A. Endangered Species

Applicant: Exotic Feline Breeding Compound Inc., Rosamond, CA; PRT–39418B, 43610B, 43611B

The applicant requests a permit to import three captive-bred snow leopards (*Uncia uncia*), two male and one female, for the purpose of enhancement of the survival of the species.

Applicant: Memphis Zoo, Memphis, TN; PRT–38006B

The applicant requests a permit to import semen from two captive-bred male Giant Pandas (*Ailuropoda melanoleuca*) for the purpose of enhancement of the survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Christopher Murray, Auburn University, Auburn, AL; PRT–37540B

The applicant requests a permit to import biological samples taken from American crocodiles (*Crocodylus acutus*) in the wild of Costa Rica for the purpose of scientific research.

Applicant: Colin Klimek, Saint Charles, IL; PRT–797847

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for Galapagos tortoise (*Chelonoidis nigra*) and radiated tortoise (*Astrochelys radiata*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Zoological Society of San Diego, San Diego, CA; PRT–24200B

The applicant requests a permit to export 241 saliva samples from captive born and captive held Western lowland gorillas (*Gorilla gorilla gorilla*) for the purpose of scientific research.

Multiple Applicants

The following applicants each request a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Ramon Gonzalez, Alexandria VA; PRT–40316B

Applicant: Byron Christie, Nichols Hills, OK; PRT–42019B

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2014–20651 Filed 8–29–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLAK910000 L13100000.DB0000 LXSINSSI0000]

Notice of Public Meeting, North Slope Science Initiative—Science Technical Advisory Panel

AGENCY: Bureau of Land Management, Alaska State Office, North Slope Science Initiative, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, North Slope Science Initiative (NSSI)—Science Technical Advisory Panel (STAP) will meet as indicated below.

DATES: The meeting will be held September 23 and 24, 2014, at the Campbell Creek Science Center, 5600 Science Center Drive, Anchorage, Alaska. The meetings will begin at 9:00 a.m. each day. Public comment will be received between 3:00 and 4:00 p.m. on Tuesday, September 23, 2014.

FOR FURTHER INFORMATION CONTACT: Dennis Lassuy, Deputy Director and Acting Designated Federal Officer, North Slope Science Initiative, AK–910, c/o Bureau of Land Management, 222 W. Seventh Avenue, #13, Anchorage, AK 99513, (907) 271–3212 or email *dlassuy@blm.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The NSSI STAP provides advice and recommendations to the NSSI Oversight Group regarding priority information needs for management decisions across the North Slope of Alaska. These priority information needs may include recommendations on inventory, monitoring, and research activities that contribute to informed resource management decisions. This meeting agenda will include discussions of: The North Slope Scenarios Project; a long-term monitoring strategy for the North Slope; and review of the status of the Emerging Issues Summaries revised in June 2014. In addition, the STAP will join the NSSI Oversight Group in a joint meeting the afternoon of September 24, 2014. The public may present written comments to the STAP through the Deputy Director, North Slope Science Initiative. Each formal meeting will also have time allotted for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need special assistance, such as sign language interpretation, transportation, or other reasonable accommodations, should contact the Deputy Director, North Slope Science Initiative. 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: August 21, 2014.

Bud C. Cribley,

State Director.

[FR Doc. 2014–20576 Filed 8–29–14; 8:45 am]

BILLING CODE 1310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLIDT000000.L11200000.DD0000.241A.00; MO 4500069133]

Notice of Public Meetings, Twin Falls District Resource Advisory Council, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA), the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Twin Falls District Resource Advisory Council (RAC) will meet as indicated below.

DATES: The Twin Falls District Resource Advisory Council will meet September 18, 2014, at La Quinta Inn, 539 Poleline Road, Twin Falls, Idaho. The meeting will begin at 9:00 a.m. and end no later than 3:00 p.m. The public comment period will take place from 9:10 a.m. to 9:40 a.m.

FOR FURTHER INFORMATION CONTACT: Heather Tiel-Nelson, Twin Falls District, Idaho, 2536 Kimberly Road, Twin Falls, Idaho 83301, (208) 736–2352.

SUPPLEMENTARY INFORMATION: The 15-member RAC advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of planning and management issues associated with public land management in Idaho. During the September 18th meeting, there will be an overview of the roles and responsibilities of a BLM law enforcement officer, an overview of the 2014 fire season and field office updates. Additional topics may be added and will be included in local media announcements. More information is available at

www.blm.gov/id/st/en/res/resource_advisory.3.html.

RAC meetings are open to the public.

Authority: 43 CFR 1784.4–1

June E. Shoemaker,

Twin Falls District Manager (Acting).

[FR Doc. 2014–20733 Filed 8–29–14; 8:45 am]

BILLING CODE 4310–GG–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–523 and 731–TA–1259 (Preliminary)]

Boltless Steel Shelving Units Prepackaged for Sale From China; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701–TA–523 and 731–TA–1259 (Preliminary) under sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from China of boltless steel shelving units prepackaged for sale, provided for in subheadings 9403.10.00 and 9403.20.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be subsidized by the Government of China and are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to sections 702(c)(1)(B) or 732(c)(1)(B) of the Act (19 U.S.C. 1671a(c)(1)(B) or 1673a(c)(1)(B)), the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by Friday, October 10, 2014. The Commission's views must be transmitted to Commerce within five business days thereafter, or by Monday, October 20, 2014.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

DATES: *Effective Date:* Tuesday, August 26, 2014.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to a petition filed on Tuesday, August 26, 2014, by Edsal Manufacturing Co., Inc., Chicago, IL.

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Investigations has scheduled a conference in connection with these investigations for 9:30 a.m. on Tuesday, September 16, 2014, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the conference should be emailed to *William.bishop@usitc.gov* and *Sharon.bellamy@usitc.gov* (DO NOT FILE ON EDIS) on or before Friday, September 12, 2014. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before Friday, September 19, 2014, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. Please consult the Commission's rules, as amended, 76 FR 61937 (Oct. 6, 2011) and the Commission's Handbook on Filing Procedures, 76 FR 62092 (Oct. 6, 2011), available on the Commission's Web site at *http://edis.usitc.gov*.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: August 27, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–20780 Filed 8–29–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–927]

Certain Noise Cancelling Headphones and Components Thereof Institution of Investigation Pursuant to 19 U.S.C. 1337

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on July 25, 2014, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Bose Corporation of Framingham, Massachusetts. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain noise cancelling headphones and components thereof by reason of infringement of certain claims of U.S. Patent No. 6,717,537 (''the '537 patent''); U.S. Patent No. 8,073,150 (''the '150 patent''); U.S. Patent No. 8,073,151 (''the '151 patent''); U.S. Patent No. 8,054,992 (''the '992 patent''); and U.S. Patent No. 8,345,888 (''the '888 patent''). The complaint further alleges that an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2014).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on August 26, 2014, *Ordered That*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain noise cancelling headphones and components thereof by reason of infringement of one or more of claims 1–3, 5–7, 9–12, 14–16, 18, and 19 of the '537 patent; claims 14, 22, and 23 of the '150 patent; claims 14, 18, 23, and 25 of the '151 patent; claims 1, 4, 6, 15, 16, and 18 of the '992 patent; and claims 1, 2, 5–9, 11–14, and 16 of the '888 patent, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Bose Corporation, The Mountain Road, Framingham, MA 01701.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Beats Electronics, LLC, 8600 Hayden Place, Culver City, CA 90232.

Beats Electronics International Ltd., The Malt House South, Grand Canal Quay, Dublin 2, Ireland.

Fugang Electronic (Dong Guan) Co., Ltd., Industry Street, Dong-Keng, Dong-Guan, Guang-Dong, China.

PCH International Ltd., Heritage Business Park, Bessboro Road, Blackrock, Cork, Ireland.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: August 27, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–20781 Filed 8–29–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–928]

Certain Windshield Wipers and Components Thereof; Notice of Institution of Investigation; Institution of Investigation Pursuant to 19 U.S.C. 1337

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on July 25, 2014, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Valeo North America,

Inc. of Troy, Michigan and Delmex de Juarez S. de R.L. de C.V. of Mexico. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain windshield wipers and components thereof by reason of infringement of certain claims of U.S. Patent No. 7,891,044 (''the '044 patent''); U.S. Patent No. 7,937,798 (''the '798 patent''); and U.S. Patent No. 8,220,106 (''the '106 patent''). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: The Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205–1802.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2014).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on August 26, 2014, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain windshield wipers and components thereof by reason of infringement of one or more of claims 1, 2, 7, 8, 10, 11, 13, 14, 18, 19, 31, and 32 of the '044 patent; claims 1–16 of the '798 patent; and claims 1, 12, 13, 15, and 17–19 of the '106 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Valeo North America, Inc., 150 Stephenson Highway, Troy, MI 48083.

Delmex de Juarez S. de R.L. de C.V., Avenida de las Torres y calle Intermex, #1681, Parque Industiral Intermex, Cd. Juarez, Chihuahua 32640, Mexico.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Federal-Mogul Corp., 26555 Northwestern Highway, Southfield, MI 48033.

Federal-Mogul Vehicle Component Solutions, Inc., 26555 Northwestern Highway, Southfield, MI 48033.

Federal-Mogul S.A., Avenue Champion 1, 6790 Aubange, Belgium.

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

Issued: August 27, 2014.

By order of the Commission.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–20782 Filed 8–29–14; 8:45 am]

BILLING CODE 7020–02–P

JUDICIAL CONFERENCE OF THE UNITED STATES

60 Days of Public Comment, and a Hearing, for Draft Amendments to Rules for Judicial-Conduct and Judicial-Disability Proceedings

AGENCY: Judicial Conference of the United States.

ACTION: Notice of public comment on draft rules and hearing.

SUMMARY: The Judicial Conference of the United States Committee on Judicial Conduct and Disability has released a draft of proposed amendments to the Judicial Conference's *Rules for Judicial-Conduct and Judicial-Disability Proceedings* (''JCD Rules'') for public comment and has scheduled a public hearing.

Notice of Draft Rules for Public Comment and Hearing

On September 2, 2014, the Committee on Judicial Conduct and Disability of the Judicial Conference of the United States released for public comment a draft of proposed amendments to the Judicial Conference's Rules for Judicial-Conduct and Judicial-Disability Proceedings (''JCD Rules''). The comment period will conclude on November 3, 2014. Comments received during this time will be carefully considered by the Judicial Conduct and Disability Committee as it prepares the draft amendments for Judicial Conference consideration.

The JCD Rules, which implement the Judicial Conduct and Disability Act, 28 U.S.C. 351–364, were adopted by the Judicial Conference in 2008 under 28 U.S.C. 358, which also governs this amendment process. The draft amendments being released for comment are designed to make the Act's complaint process more effective and efficient, improve its transparency, clarify language in the JCD Rules, and

fill procedural gaps. They deal with publication requirements, varieties of misconduct and disability, potential remedies, special-committee procedures, appeal rights, consultation options, and other matters.

A link on *http://www.uscourts.gov* will enable members of the public to review the draft amendments online and submit comments electronically. Providers of comments are asked to give their name and occupation (lawyer, judge, court official, professor, or other) and to identify any entity on whose behalf they are commenting. Members of the public may also ask to appear and testify at a hearing on the draft amendments, to be held at 10:00 a.m. on October 30, 2014 at the E. Barrett Prettyman Courthouse, 333 Constitution Avenue NW., Washington, DC. Any request to appear and testify must be emailed by October 10, 2014 to *JudicialConductRules AmendmentsHearing@ao.uscourts.gov.*

Dated: August 25, 2014.

Robert K. Loesche,

General Counsel, Administrative Office of the United States Courts.

[FR Doc. 2014–20555 Filed 8–29–14; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

Notice is hereby given that, for a period of 30 days, the United States will receive public comments on a proposed Consent Decree in *United States* v. *ExxonMobil Pipeline Company* (Civil Action No. 3:14–cv–0532), which was lodged with the United States District Court for the Middle District of Louisiana on August 26, 2014.

The Complaint in this Clean Water Act case was filed against ExxonMobil Pipeline Company (''ExxonMobil'') concurrently with the lodging of the proposed Consent Decree. The Complaint alleges that ExxonMobil is civilly liable for violation of the Clean Water Act (''CWA''), 33 U.S.C. 1321. The Complaint seeks civil penalties for the discharge of harmful quantities of crude oil into navigable waters of the United States or adjoining shorelines from ExxonMobil's ''North Line'' pipeline near Torbert, Louisiana, on April 28, 2012. The Complaint alleges that at least 2,800 barrels of oil were discharged from the pipeline during the spill event. The oil spilled into the surrounding area and flowed into an unnamed tributary connected to Bayou Cholpe. Under the settlement, ExxonMobil will pay a civil penalty of $1,427,120. ExxonMobil also is completing cleanup actions pursuant to an administrative order issued by the Louisiana Department of Environmental Quality and continues to do follow-up work and operate under a Corrective Action Order issued by the United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *ExxonMobil Pipeline Company,* D.J. Ref. No. 90–5–1–1–10941. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	pubcomment-ees.enrd@usdoj.gov.
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed 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 proposed 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 $4.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2014–20792 Filed 8–29–14; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Evaluation of Getting To Work: A Training Curriculum for HIV/AIDS Service Providers and Housing Providers

AGENCY: Office of Disability Employment Policy, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that required data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

A copy of the proposed ICR can be obtained by contacting the office listed below in the addresses section of this notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before November 3, 2014.

ADDRESSES: You may submit comments by either one of the following methods: *Email: DeDona.Meredith@dol.gov; Mail or Courier:* Office of Disability Employment Policy, Room S–1303, 200 Constitution Avenue NW., Washington, DC 20210, Attention: Meredith DeDona, Policy Advisor. *Instructions:* Please submit one copy of your comments by only one method. All submissions received must include the agency name and OMB Control Number identified above for this information collection. Because we continue to experience delays in receiving mail in the Washington, DC area, commenters are strongly encouraged to transmit their comments electronically via email or to submit them by mail early. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for OMB approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Meredith DeDona by telephone at 202–693–7880 (this is not a toll-free number)

or by email at *DeDona.Meredith@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background: Due to advances in treatment, more and more persons living with HIV/AIDS (PLWHA) can live long and healthy lives. Many PLWHA also have the desire, capability, and stamina to contribute to the workforce. Employment provides economic, social, and psychological benefits. Research suggests that for many PLWHA, employment, like stable housing, can be positively associated with improved physical and mental health, and it may also serve as a preventative measure to the spread of HIV/AIDS.

HIV/AIDS service providers are recognizing that employment is a key component of serving the whole person. Some are integrating employment assistance, in a variety of forms, into their service menus. To effectively provide such services, it is important that providers understand HIV/AIDS in the context of employment. There are different approaches to helping clients who are ready to work identify and achieve their related goals. The goal of *Getting to Work: A Training Curriculum for HIV/AIDS Service Providers and Housing Providers* (Getting to Work or GTW) is to increase the capacity of service providers to enhance opportunities for employment and retention of PLWHA and/or those at risk of living with HIV/AIDS.

In the fall of 2013, ODEP contracted with the IMPAQ team to conduct this study to address the following questions:

1. What knowledge did the training participants (individuals) acquire about HIV/AIDS and employment?

2. What new attitudes, behavior, or actions related to employing PLWHA did training participants (individuals) develop?

3. What longer-term individual and organizational changes occurred related to HIV/AIDS and employment as a result of participating in the training?

ODEP requests clearance to conduct, through the IMPAQ team, two principal research activities:

- Web-based survey of all GTW trainees (approximately 1,000 individuals who are staff or managers of housing providers)
- 8 focus groups of housing provider staff and management

This information collection is being conducted by the Office of Disability Employment Policy (ODEP), which was authorized by Congress in the Department of Labor's FY 2001 appropriation.

The survey of trainees will take place over a period of approximately four months. The survey will be administered to all individuals who complete the GTW training. The survey will be administered via the web and recipients will be notified about the survey by mail, with email reminders. Each survey will take about 30 minutes, on average, to complete, and an 80% response rate is expected.

All on-site data collection (focus groups) will take place over a period of approximately four months. Focus groups will be conducted at 8 housing provider facilities. Each focus group will involve approximately 9 customers in each group, and reasonable accommodations for disabilities will be provided for all attending participants, as needed. Focus groups will last approximately 90 minutes and all participants will receive $30 for their attendance.

II. Desired Focus of Comments: Currently, the Department of Labor is soliciting comments concerning the above data collection for the Evaluation of GTW. Comments are requested to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility, and clarity of the information to be collected; and
- minimize the burden of the information collection on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions: At this time, the Department of Labor is requesting comments on its proposal to conduct (1) one survey of all GTW trainees, (2) focus groups with trainees at 8 housing provider facilities, for the Evaluation of GTW.

Type of review: New information collection request.

OMB Control Number: 1230–0NEW.

Web Survey:

Affected Public: Private Sector (staff and management at housing provider facilities).

Total Respondents: 1,000.

Frequency: Once.

Total Responses: 1,000.

Average Time per Response: 30 minutes.

Estimated Total Burden Hours: 500 hours.

Average Annual Other Burden Cost: $0.

Focus Groups:

Affected Public: Staff and management at housing provider facilities.

Total Respondents: 72.

Frequency: Once.

Total Responses: 72

Average Time per Response: 90 minutes.

Estimated Total Burden Hours: 108 hours.

Average Annual Other Burden Cost: $2,160.

Comments submitted in response to this request will be summarized and/or included in the request for Office of Management and Budget approval; they will also become a matter of public record.

Signed at Washington, DC, this 25th day of August 2014.

Kathleen Martinez,

Assistant Secretary for Disability Employment Policy, U.S. Department of Labor.

[FR Doc. 2014–20710 Filed 8–29–14; 8:45 am]

BILLING CODE 4510–27–P

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

RIN 1250–0001

Proposed Extension of the Approval of Information Collection Requirements; Comment Request

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95). 44 U.S.C. 3506(c)(2)(A). This program helps ensure that requested data is provided in the desired format, that the reporting burden (time and financial resources) is minimized, that the collection instruments are clearly understood, and that the impact of collection requirements on respondents is properly assessed. Currently, the Office of Federal Contract Compliance Programs is soliciting comments on its

proposal to extend the Office of Management and Budget (OMB) approval of the Construction Information Collection. You can obtain a copy of the proposed information collection request by contacting the office listed below in the addresses section of this Notice.

DATES: Written comments must be submitted to the Office of Federal Contract Compliance Programs at the addresses listed in section below on or before November 3, 2014.

ADDRESSES: You may submit comments, identified by Control Number 1250–0001, by either one of the following methods:

Electronic comments: Through the Federal eRulemaking portal at *http://www.regulations.gov.* Follow the instructions for submitting comments.

Mail, Hand Delivery, Courier: Addressed to Debra A. Carr, Director, Division of Policy and Program Development, Office of Federal Contract Compliance Programs, 200 Constitution Avenue NW., Room C–3325, Washington, DC 20210. Telephone: (202) 693–0103 (voice) or (202) 693–1337 (TTY).

Instructions: Please submit one copy of your comments by only one method. All submissions must include the agency's name and Control Number identified above for this information collection. Because we continue to experience delays in receiving mail in the Washington, DC area, we strongly encourage commenters to transmit their comments electronically via the regulations.gov Web site or to submit them by mail early. Comments, including any personal information provided, become a matter of public record and will be posted to the regulations.gov Web site. They will also be summarized and/or included in the request for Office of Management and Budget approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Debra A. Carr, Director, Division of Policy and Program Development, Office of Federal Contract Compliance Programs, Room C–3325, 200 Constitution Avenue NW., Washington, DC 20210. Telephone: (202) 693–0103 (voice) or (202) 693–1337 (TTY) (these are not toll-free numbers). Copies of this notice may be obtained in alternative formats (Large Print, Braille, Audio Tape or Disc), upon request, by calling (202) 693–0103 (not a toll-free number). TTY/TDD callers may call (202) 693–1337 (not a toll-free number) to obtain information or request materials in alternative formats.

SUPPLEMENTARY INFORMATION:

I. Background: The Office of Federal Contractor Compliance Programs (OFCCP) administers three nondiscrimination and equal employment opportunity laws:

- Executive Order 11246, as amended (EO 11246);
- Section 503 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 793 (referred to as Section 503); and
- the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212 (referred to as Section 4212 or VEVRAA).

These authorities prohibit employment discrimination but also require affirmative action to ensure that equal employment opportunities are available regardless of race, sex, color, national origin, religion, or status as an individual with a disability or protected veteran by Federal contractors.

For purposes of this clearance, OFCCP is dividing its responsibilities under these authorities into categories: (1) Construction and (2) non-construction (supply and service). This clearance request covers the EO 11246 construction aspects of OFCCP's program. To view the current construction Information Collection, go to *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201003-1250-001.* A separate Information Collection Request (ICR), approved by the Office of Management and Budget (OMB) under OMB No. 1250–0003 (formerly 1215–0072), covers the supply and service aspects of these programs.

E.O. 11246 prohibits Federal contractors from discriminating against applicants and employees on the basis of race, color, religion, sex, or national origin and requires affirmative action. The E.O. 11246 applies to Federal contractors and subcontractors and to federally assisted construction contractors and subcontractors holding a Government contract of $10,000 or more, or Government contracts which have, or can reasonably be expected to have, an aggregate total value exceeding $10,000 in a 12-month period. The E.O. 11246 also applies to government bills of lading, depositories of Federal funds in any amount, and to financial institutions that are issuing and paying agents for U.S. Savings Bonds.

Section 503 prohibits employment discrimination against any employee or applicant for employment because of physical or mental disability and requires affirmative action to ensure that persons are treated without regard to either of these prohibited factors. Section 503 applies to Federal contractors and subcontractors with a contract in excess of $10,000. Because some construction contractors and subcontractors may be subject to these requirements, the burden hours associated with reporting compliance is included in this Information Collection Requirement (ICR).

The affirmative action provisions of VEVRAA prohibit employment discrimination against any protected veteran. VEVRAA applies to Federal contractors and subcontractors with a contract of $100,000 or more. Because some construction contractors and subcontractors may be subject to these requirements, the burden hours associated with reporting compliance is included in this ICR.

The ICR addresses recordkeeping and reporting for compliance with EO 11246, Section 503, and VEVRAA for the construction aspects of OFCCP's program which are subject to the Paperwork Reduction Act of 1995 (PRA).

II. Review Focus: The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the compliance and enforcement functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions: The DOL seeks the approval of the renewal of this information in order to carry out its responsibility to enforce the anti-discrimination and affirmative action provisions of the three legal authorities it administers.

Type of Review: Renewal—Extension.

Agency: Office of Federal Contract Compliance Programs.

Title: Recordkeeping and Reporting Requirements, Construction.

OMB Number: 1250–0001.

Agency Number: None.

Affected Public: Business or other for-profit, not-for-profit institutions.

Total Respondents: 52,429.

Total Annual Responses: 52,429.

Average Time per Response (approximation due to rounding): 16 hours.

Total Burden Hours: 816,832.

Frequency: Annually.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $83,131.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Debra A. Carr,

Director, Division of Policy and Program Development, Office of Federal Contract Compliance Programs.

Note to Reviewer

OFCCP is requesting OMB approval of 816,832 hours in combined recordkeeping, reporting, and third party disclosure burden for compliance with OFCCP's regulatory requirements by Federal and federally assisted construction contractors. This compares with 1,326,320 hours for the last clearance request, a decrease of 509,488 hours. This change is due to an estimated decrease in the number of Federal construction contractor respondents from 75,696 to 52,429 or a decrease of 23,267 construction contractors. OFCCP used data from the General Services Administration's System for Award Management (SAM) to determine the number of Federal construction contractors covered by this Information Collection Request (ICR).

The authorization for this ICR (OMB Control No. 1250–0001) expires December 31, 2014. This submission is for publication in the **Federal Register** for the initial 60-day comment period.

Supporting Statement
Construction Recordkeeping Requirements
OMB Number 1250–0001

A. Justification

The Office of Federal Contract Compliance Programs (OFCCP) is responsible for administering three equal opportunity mandates that prohibit employment discrimination based on race, sex, sexual orientation, gender identity, color, national origin, religion, disability, and status as a protected veteran by Federal contractors.[1] Discrimination based on an employee or job applicant discussing, inquiring about, or disclosing pay is also prohibited.[2] The authorities OFCCP enforces also require affirmative action to provide equal employment opportunities:

- Executive Order 11246, as amended (referred to as ''EO 11246''),[3]
- Section 503 of the Rehabilitation Act of 1973, as amended (referred to as ''Section 503''),[4] and
- The affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974,[5] as amended, 38 U.S.C. 4212 (referred to as ''VEVRAA'').

OFCCP promulgated regulations implementing these programs consistent with the Administrative Procedure Act. These regulations are found at Title 41 of the Code of Federal Regulations (CFR) in Chapter 60 and are accessible on the Web at *http://www.ecfr.gov/cgi-bin/text-idx?SID=aa406f536b889c43ca553a8983d4c42c&c=ecfr&tpl=/ecfrbrowse/Title41/41cfrv1_02.tpl#6000.*

EO 11246 prohibits employment discrimination on the basis of race, color, religion, sex, or national origin. The most recent amendment of EO 11246 includes sexual orientation, and gender identity in the nondiscrimination provision. This EO also creates affirmative action requires that contractors take affirmative action to ensure that applicants and employees are treated without regard to these protected categories. EO 11246 applies to Federal contractors and subcontractors, and to federally-assisted construction contractors and subcontractors, holding a Federal Government contract or subcontract of more than $10,000 or Federal Government contracts or subcontracts that have, or can reasonably expect to have, an aggregate total value exceeding $10,000 in a 12-month period. EO 11246 also applies to Federal Government bills of lading, depositories of Federal funds in any amount, and to financial institutions that are issuing and paying agents for U.S. Savings Bonds.

Section 503 prohibits employment discrimination on the basis of disability, and requires Federal contractors and subcontractors to take affirmative action to employ and advance in employment qualified individuals with disabilities. Its requirements apply to Federal contractors and subcontractors with a Federal Government contract or subcontract that meet the statutory contract dollar threshold value of in excess of $10,000. However, this threshold amount is periodically adjusted pursuant to an inflation-adjustment statute and is currently $15,000.[6]

The affirmative action provisions of VEVRAA prohibit employment discrimination against protected veterans and require Federal contractors and subcontractors to take affirmative action to employ and advance in employment protected veterans. Its requirements apply to Federal contractors and subcontractors with a Federal Government contract or subcontract of $100,000 or more.

For the purposes of OFCCP's recordkeeping and reporting requirements, the agency divides the obligations under these authorities into the information collection requests (ICR) listed in the table below. These divisions are based on the distinct programs and related regulatory requirements.

OMB Number	Description
1250–0001	Construction Recordkeeping Requirements
1250–0002	Complaint Procedures
1250–0003	Supply and Service Program
1250–0004	VEVRAA Requirements
1250–0005	Section 503 Requirements
1250–0006	Functional Affirmative Action Program Agreement Procedures

Some general approaches and assumptions are applicable across the

[1] On July 21, 2014, the President signed Executive Order13672 amending Executive Order 11246 to include nondiscrimination based on sexual orientation and gender identity. This Order requires that a regulation be prepared within 90 days of the date of the Order. Though the new Executive Order is effective immediately, the protections apply to contracts entered into on or after the effective date of the new DOL regulation. The regulations implementing Executive Order 13672 will require amending 60–1.4, Equal opportunity clause, to include sexual orientation and gender identity.

[2] Executive Order 13665, Non-Retaliation for Disclosure of Compensation Information, 79 FR 20749 (April 11, 2014). This order become effective immediately, and applies to contracts entered into on or after the effective date of rules being promulgated by the Department of Labor under section 3 of the order.

[3] The regulations implementing Executive Order 11246 applicable to construction contractors are published at 41 CFR Parts 60–1, 60–4, 60–3, 60–20, and 60–50.

[4] See ''Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Individuals With Disabilities,'' 78 **Federal Register** 185, pp. 58682–58752 (24 September 2013). The regulations implementing Section 503 are published at 41 CFR Part 60–741.

[5] See ''Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Special Disabled Veterans, Veterans of the Vietnam Era, Disabled Veterans, Recently Separated Veterans, Active Duty Wartime or Campaign Badge Veterans, and Armed Forces Service Medal Veterans,'' 78 **Federal Register** 185, pp. 58614–58679, (24 September 2013). The regulations implementing VEVRAA are published at 41 CFR Part 60–300.

[6] The threshold for Section 503 of the Rehabilitation Act is subject to 41 U.S.C. 431(a) that adjusts certain acquisition related thresholds for inflation. Thus, the threshold for Section 503 increased to $15,000 on August 30, 2010 (75 FR 53129). These inflationary adjustments also apply to VEVRAA's $100,000 statutory minimum threshold but they do not apply to Executive Order 11246 and its dollar threshold of more than $10,000. The procurement adjustments are made every five years.

regulations enforced by OFCCP. Many relate to assessing cost and burden in this ICR, including those listed below.

• This ICR does not include burden estimates for compliance with the information collections in VEVRAA and Section 503 because the burdens for these collections are covered elsewhere.[7] However, because construction contractors are required to provide documents and information relevant to their compliance with VEVRAA and Section 503, OFCCP references these statutes in this ICR.[8] The burden associated with reporting compliance with Section 503 and VEVRAA during a construction compliance evaluation is included in this ICR.

• The General Services Administration's System for Award Management (SAM) is the system where all bidders must register in order to receive a Federal contract or grant. There are approximately 500,000 contractor companies registered in SAM. This ICR focuses on construction contractors, thus using the North American Industry Classification System code 23, OFCCP estimates that there are 52,429 Federal construction contractors.

Pursuant to the expiration of OMB No. 1250–0001, this ICR seeks approval of the agency's construction recordkeeping requirements.

1. Legal and Administrative Requirements

a. Executive Order 11246 Regulations

41 CFR Part 60–1—Obligations of Contractors and Subcontractors

This regulation sets out the basic nondiscrimination and affirmative action requirements of the EO 11246 enforcement program. It defines coverage, specifies clauses to be included in contracts, provides a procedure to ensure compliance by covered contractors, and specifies certain reporting and recordkeeping requirements. Part 60–1 contains recordkeeping, reporting and third party disclosure requirements for the construction program. OFCCP discusses specific sections of this part below.

Section 60–1.4 describes the equal opportunity clause in Government contracts. Sections 60–1.4(a)(3) and 60–1.4(b)(3) require contractors to notify labor organizations of their obligations under EO 11246 and the implementing regulations. OFCCP explains third party disclosure requirements in numbered paragraph 12.c below, titled Third Party Disclosure Burden.

Section 60–1.7 requires specific Federal prime contractors and first-tier subcontractors to file an Employer Information Report EEO–1 (EEO–1 Report) annually. The U.S. Equal Employment Opportunity Commission (EEOC) and OFCCP use EEO–1 Report data to analyze employment patterns for women and minorities and as a civil rights enforcement tool. OMB approved the EEO–1 Report information collection under OMB No. 3046–0007. The EEO–1 Report requires reporting in seven racial and ethnic categories[9] within nine job categories.[10] To view the information collection, go to *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=200901-3046-001.*

Section 60–1.12 requires contractors to preserve any personnel or employment record made or kept for a period of not less than two years. However, if the contractor has fewer than 150 employees or does not have a contract of at least $150,000, this retention period is one year. Section 60–1.12 provides that the contractor must be able to identify the gender, race and ethnicity of each employee for any record the contractor maintains. Where possible, the contractor must also identify the gender, race and ethnicity of each applicant or Internet applicant.

Section 60–1.20 addresses the methods OFCCP uses to assess contractors' compliance with the agency's regulations during compliance evaluations. These methods range from an in-depth comprehensive evaluation of the contractor's employment practices (*e.g.,* a ''compliance review'') to a determination of whether the contractor maintained records consistent with section 60–1.12 (*e.g.,* a ''compliance check'').

41 CFR Part 60–3—Uniform Guidelines on Employee Selection Procedures

The EEOC, the U.S. Office of Personnel Management (OPM), the Department of Labor (DOL), and the Department of Justice (DOJ) adopted the Uniform Guidelines on Employee Selection Procedures (UGESP) in 1978. UGESP applies to tests and other selection procedures used as a basis to make any employment-related decision. UGESP was incorporated into the EO 11246 regulatory scheme through notice and comment rulemaking and has the full force and effect of law. Under UGESP, each contractor maintains records and other information for each job sufficient to permit analyses of the impact of its selection procedures on the employment opportunities of people based on race, sex, or ethnic group.[11] Using this information, contractors and OFCCP identify and evaluate selection procedures for adverse impact.

When a test or other selection procedure is determined to have an adverse impact, UGESP requires the contractor to validate the test or procedure (41 CFR 60–3.4) and to retain its validation study documentation.

Section 60–3.15 requires contractors with 100 or more employees to keep records for each job that are sufficient to allow contractors to make an adverse impact determination. Contractors make this determination at least annually and make it for each racial or ethnic group constituting of at least 2 percent of the labor force in the relevant labor area or 2 percent of the applicable workforce.

Section 60–3.15 requires contractors with fewer than 100 employees to keep records on the number of persons hired, promoted, and terminated for each job by sex and, where appropriate, by race and national origin. Section 60–3.15 also requires contractors to keep records showing the number of applicants for hire and promotion by sex and, where appropriate, by race and national origin, as well as records showing the selection procedures used.

The OMB approved the information collection required under UGESP under OMB No. 3046–0017. To view the information collection, go to this Web address: *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=200807-3046-001.*

41 CFR Part 60–4—Construction Contractors—Affirmative Action Requirements

This part sets out the affirmative action requirements of the EO 11246 that apply to all construction contractors, contracting agencies, applicants[12] for construction contracts

[7] Control Numbers 1250–0004 (VEVRAA) and 1250–0005 (Section 503) cover these requirements.

[8] Construction contractors working on federally assisted construction projects are not subject to the requirements of Section 503 and VEVRAA.

[9] Hispanic or Latino, White not Hispanic or Latino, Black or African-American not Hispanic or Latino, Native Hawaiian or Other Pacific Islander not Hispanic or Latino, Asian not Hispanic or Latino, American Indian or Alaska Native not Hispanic or Latino, and Two or More Races not Hispanic or Latino.

[10] The Officials and Managers category is divided into the subcategories—Executive/Senior Level Officials and Managers, and First/Mid-Level Officials and Managers.

[11] Section 60–3.4 requires recordkeeping and analyses on the following race and ethnic groups: Black, Hispanic, Asian/Pacific Islander, American Indian, and White (other than Hispanic). A total is also provided for each group.

[12] Applicants are defined as an applicant for Federal assistance involving a construction contract, or other participant in a program involving a construction contract as determined by regulation of an administering agency. The terms also include

Continued

and nonconstruction contractors.[13] It defines coverage, specifies clauses to be included in contracts, provides a procedure to ensure compliance by covered contractors, and specifies certain recordkeeping and reporting requirements. OFCCP discusses specific sections of this part below.

Section 4.2 requires all contracting officers, applicants for construction contracts and covered nonconstruction contractors to include the ''Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity'' set forth in section 4.2 in all solicitations for offers and bids on all Federal and federally assisted construction contracts or subcontracts. This notice includes the goals for the specific project based on its location. In addition, contracting officers, applicants for construction contracts and covered nonconstruction contractors must notify OFCCP within 10 working days of award of a covered contract. Similarly, subsection 4.2(d)3 requires that all contractors provide OFCCP written notification of covered subcontract awards in excess of $10,000 within 10 working days of the award.

Section 4.3 requires all contracting officers, applicants for construction contracts, construction contractors, and covered nonconstruction contractors to incorporate the ''Standard Federal Equal Employment Opportunity Construction Contracts Specifications'' set forth in section 4.3 into all nonexempt Federal contracts and subcontracts. Briefly, the specifications require covered contractors to engage in specific affirmative activities including:

- Ensuring and maintaining a work environment free of harassment;
- establishing and maintaining a list of minority and female recruitment resources;
- contacting recruitment sources and training institutions when employment opportunities are available;
- maintaining a file of minority and female walk-in applicants;
- notifying OFCCP if a union is impeding its efforts to meet its obligations;
- developing on the job training programs or participating in training programs;
- disseminating its equal employment opportunity policy both externally and internally;
- encouraging current minority and female employees to recruit others;
- validating all tests;
- conducting annual assessments and inventories of current minority and female employees for promotional opportunities;
- ensuring that seniority practices, job classifications, work assignments, and other personnel practices do not have a discriminatory effect;
- ensuring that all facilities are nonsegregated;[14]
- documenting and maintaining records of compliance; and
- conducting an annual review of supervisory performance and adherence to contractor's affirmative action obligations.

Sections 60–4.4 and 60–4.5 describe Hometown Plans and the requirements of contractors participating in approved Hometown Plans.[15]

Section 60–4.6 explains the goals and timetables set by OFCCP and their application to a contractor's workforce.

Section 60–4.7 explains the effect of the regulations in part 60–4 to the requirements of 60–1, 60–3, 60–20, and 60–50.

b. VEVRAA Regulations

41 CFR Part 60–300

OFCCP recently revised its regulations implementing VEVRAA. Included in the revisions was the rescission of 41 CFR Part 60–250. Regulations on the rights and protections provided to veterans, and the related obligations and responsibilities of contractors, are set forth in 41 CFR Part 60–300.

These regulations establish the basic nondiscrimination and affirmative action requirements of the VEVRAA enforcement program. They define coverage, specify clauses to be included in contracts, provide procedures to ensure compliance by covered contractors, specify certain reporting and recordkeeping requirements, establish an annual benchmark for veteran hiring, and specify the basic requirements for affirmative action programs (AAPs) under VEVRAA. A discussion of the relevant sections of 60–300 follows.

Section 60–300.5 describes the equal opportunity clause in Federal contracts.

Section 60–300.40 requires contractors with 50 or more employees and contracts of $100,000 or more to implement the requirements of Subpart C of the regulation including inviting applicants to self-identify and developing an AAP.

Section 60–300.42 requires contractors to invite applicants to voluntarily self-identify their protected veteran status at the pre-offer and post-offer stage.

Section 60–300.44 identifies required elements of an AAP, including those listed below.

- Develop and include an equal opportunity policy statement in the AAP.
- Review personnel processes to ensure that qualified protected veterans are provided equal opportunity.
- Review all physical and mental job qualification standards to ensure that those that screen out or tend to screen out qualified disabled veterans are job-related and are based on business necessity.
- Provide reasonable accommodations for physical and mental limitations of an applicant or employee who is a qualified disabled veteran.
- Develop procedures to ensure that employees are not harassed because of their veteran status.
- Undertake appropriate outreach and positive recruitment activities reasonably designed to effectively recruit protected veterans, document and assess these activities on an annual basis, and disseminate its affirmative action policy to all subcontractors.
- Develop procedures and practices to disseminate affirmative action policies internally.
- Establish an audit and reporting system to measure the effectiveness of the AAP.
- Collect and maintain certain applicant and hiring data.
- Designate a responsible official to implement and oversee the AAP.

Section 60–300.45 requires contractors to either adopt the national hiring benchmark published on OFCCP's Web site or establish their own hiring benchmark at each establishment for protected veterans using five factors.[16]

Section 60–300.60 identifies the methods OFCCP uses to assess contractors' compliance with the agency's regulations during a compliance evaluation. These methods range from an in-depth comprehensive evaluation of the contractor's employment practices (*e.g.,* a compliance review) to determination of whether the contractor maintained records consistent with section 60–300.80 (*e.g.* a ''compliance check). Evaluation of compliance with VEVRAA

such persons after they become recipients of such Federal assistance. 41 CFR 60–1.3.

[13] Nonconstruction contractors and subcontractors are required to comply with these requirements if, as a part of their Federal contract or subcontract, construction work is necessary in whole or in part to the performance of a nonconstruction contract or subcontract. 41 CFR 60–4.1.

[14] This requirement includes an exception for separate or single-user toilet and necessary changing facilities.

[15] OFCCP no longer approves Hometown Plans.

[16] 41 CFR 60–300.45.

is concurrent with evaluation of the contractor's compliance with Executive Order 11246.

Detailed instructions for the development of a VEVRAA AAP are in Subpart C of 41 CFR Part 60–300.

c. Section 503 Regulations

41 CFR Part 60–741

OFCCP recently revised its regulations implementing Section 503, which are found at 41 CFR 60–741 and address the affirmative action and nondiscrimination obligations of contractors and subcontractors related to individuals with disabilities. It defines coverage, specifies clauses to be included in contracts, provides a procedure to ensure compliance by covered contractors, specifies certain reporting and recordkeeping requirements, establishes an aspirational utilization goal of 7 percent, and specifies the basic requirements for AAPs under Section 503.

Section 60–741.5 describes the equal opportunity clause in Federal contracts.

Section 60–741.40 requires the development and maintenance of a Section 503 AAP. This regulation requires each contractor and subcontractor that has 50 or more employees, and a contract of $50,000 or more to implement the requirements of Subpart C of these regulations including inviting applicants and employees to self-identify and developing an AAP for each establishment.

Section 60–741.42 requires contractors to invite applicants to voluntarily self-identify as an individual with a disability at the pre-offer and post-offer stage of the employment process. Additionally, it requires contractors to invite employees in the first year of becoming subject to these requirements and at five year intervals thereafter to invite employees to voluntarily inform the contractor whether the employee believes that he or she is an individual with a disability.

Section 60–741.44 identifies required elements of an AAP, including those listed below.

- Develop and include an equal opportunity policy statement in the AAP.
- Review personnel processes to ensure that qualified individuals with disabilities are provided equal opportunity.
- Review all physical and mental job qualification standards to ensure that those that screen out qualified individuals with disabilities on the basis of disability are job-related and are based on business necessity.
- Provide reasonable accommodations for physical and mental limitations.
- Develop procedures to ensure that employees are not harassed because of their disability.
- Undertake appropriate outreach and positive recruitment activities reasonably designed to effectively recruit individuals with disabilities, document and assess these activities on an annual basis, and disseminate its affirmative action policy to all subcontractors.
- Develop procedures and practices to disseminate affirmative action policies internally.
- Establish an audit and reporting system to measure the effectiveness of the AAP.
- Collect and maintain certain applicant and hiring data.
- Designate a responsible official to implement and oversee the AAP.

Section 60–741.45 requires contractors to apply a 7 percent utilization goal to each of their job groups or to their entire workforce if the contractor has 100 or fewer employees.

Section 60–741.60 identifies the methods OFCCP uses to assess contractors' compliance with the agency's regulations during compliance evaluations. These methods range from an in-depth comprehensive evaluation of contractors' employment practices (*e.g.,* a compliance review) to determination of whether the contractor maintained records consistent with section 60–741.80 (*e.g.* a ''compliance check''). Evaluation of compliance with Section 503 is concurrent with evaluation of contractors' compliance with Executive Order 11246.

Detailed instructions for the development of a Section 503 AAP are in Subpart C of 41 CFR Part 60–741.

2. Use of Materials

EEO–1 Report Data [17]

The Joint Reporting Committee, comprised of OFCCP and EEOC, promulgates the EEO–1 Report. Employers use the EEO–1 Report ''Question 3'' to self-identify as contractors and subcontractors and indicate whether they meet the 50 employees and $50,000 contract value threshold for AAP coverage. In construction evaluations, OFCCP uses the report to assess contractors' equal employment opportunity trends.

Should EEO–1 Report data become unavailable or become inadequate for the agency's purpose, OFCCP would identify and obtain alternative sources of information.

Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity—41 CFR 60–4.2

This requirement ensures that all construction contractors and subcontractors are aware of the affirmative action requirements and obligations in the solicitation for offers and bids on all Federal and federally assisted construction projects. Without this notification, construction contractors and subcontractors may not be fully aware of their obligations before they develop their bids and proposals. Further, the required notice of subcontract awards provides OFCCP with accurate and current information regarding which employers are working on Federal contracts. This information serves two purposes: first, to identify those construction employers that would benefit from technical assistance; and second, to contribute to the formulation of OFCCP's pool for selecting construction contractors for compliance evaluations.

Standard Federal Equal Employment Opportunity Construction Contract Specifications—41 CFR 60–4.3

The 16 affirmative action specifications are contractors' plan for ensuring nondiscrimination and equal employment opportunity. The required activities relate to monitoring the work environment, outreach and recruitment, training, equal employment opportunity policies, selection and testing procedures, promotion practices, nonsegregated facilities, supervisor performance, and subcontracting. The recordkeeping requirements associated with executing the specifications are critical to the final evaluation and assessment of a contractor's compliance.

During a compliance evaluation, OFCCP examines contractors' compliance with the 16 specifications, supporting documentation, compensation data, and documents related to personnel actions, employment policies and practices to determine whether the contractor is complying with its obligations not to discriminate in employment and to take affirmative action to ensure equal employment opportunity.

Section 503 and VEVRAA AAPs [18]

Sections 60–741.44 and 60–300.44 describe the required contents of each

[17] 41 CFR 60–1.7—Reports and other required information.

[18] Contractors with 50 or more employees and a contract of $50,000 or more are required to develop Section 503 AAP. Contractors with more than 50 employees and a contract of $100,000 or more are

Continued

contractor's written AAPs under Section 503 and VEVRAA, respectively. During a compliance evaluation, OFCCP reviews contractors' AAPs to determine whether each contractor is complying with its obligations of nondiscrimination and affirmative action to ensure equal employment opportunity. This evaluation entails examination of various support documentation including:

- Assessments of personal processes under 41 CFR 60–741.44(b) and 60–300.44(b);
- assessments of physical and mental job qualification standards under 41 CFR 60–741.44(c) and 60–300.44(c);
- results of evaluation of the effectiveness of outreach and recruitment efforts under 41 CFR 741.44(f) and 60–300.44(f);
- records of activities to comply with audit and reporting system requirements under 41 CFR 60–741.44(h) and 60–300.44(h);
- details of computations and calculations contained in the data collection analysis under 41 CFR 60–741.44(k) and 60–300.44(k);
- utilization analysis evaluating the representation of individuals with disabilities in each job group or, if appropriate, evaluating the representation of individuals with disabilities in the workforce as a whole, as provided in 41 CFR 60–741.45; and
- documentation of the hiring benchmark adopted, including the methodology used to establish it if using the five factor approach, as described in 41 CFR 60–300.45.

3. Improved Information Technology

In general, under OFCCP regulations each contractor develops its own methods for collecting support data, developing and maintaining information. Contractors are free to use whatever methods best suit their needs as long as they can retrieve and provide OFCCP with the data required by the agency's regulations.

The vast majority of Federal contractors and subcontractors are repeat contractors. Since they are subject to OFCCP's regulatory requirements year after year, most have developed their information technology systems to generate the data required by OFCCP regulations.

Information technology systems used to comply with data requirements under OFCCP's regulations should be capable of:

- Monitoring hours worked on construction projects,
- facilitating calculation of utilization,
- collecting employment activity data (for example: applicants, hires, promotions, and terminations) related to EO 11246, and if applicable, Section 503 and VEVRAA,
- conducting Section 503 utilization analysis,
- analyzing outreach and recruitment,
- tracking self-identification,
- disseminating EO policies,
- providing notice to subcontractors and vendors, and
- facilitating calculation of the annual VEVRAA hiring benchmark.

In addition, OFCCP provides compliance assistance to all contractors, including smaller contractors, by leveraging information technology. For example, OFCCP's Web site provides wider access to compliance resources and information, including:

- Webinar trainings on a variety of compliance related topics found at *www.dol.gov/ofccp*
- Small Business Guide at *http://www.dol.gov/ofccp/TAguides/sbguide.htm*
- New Contractors' Guide at *http://www.dol.gov/ofccp/TAguides/new_contractors_guide.htm*
- 2006–2010 EEO Tabulation available at *http://www.census.gov/people/eeotabulation/data/eeotables20062010.html*
- Contractors' VEVRAA Hiring Benchmark Database projected in Q2 of FY2014
- Employment Resource Referral Directory at *http://www.dol-esa.gov/errd/index.html*

OFCCP believes that advances in technology make contractor compliance with the recordkeeping and reporting requirements easier and less burdensome. However, in the absence of empirical data, OFCCP is unable to quantify the impact of improved information technology. Accordingly, OFCCP does not include it in the calculation of burden hours.

Pursuant to the Government Paperwork Elimination Act (GPEA, P.L. 105–277, 1998), by October 2003, Government agencies must generally provide the option of using and accepting electronic documents and signatures, and electronic recordkeeping, where practicable. OFCCP fulfills its GPEA requirements by permitting electronic transmission, via email or computer disk, of contractors' documentation.

4. Description of Efforts To Identify Duplication

The reporting and recordkeeping requirements in this request result exclusively from the implementation of EO 11246, Section 503, and VEVRAA. These authorities uniquely empower the Secretary of Labor, and by a Secretary's Order, the OFCCP, to require the collection, analysis, and reporting of data and other information in connection with the enforcement of the laws and regulations requiring Government contractors to take affirmative action to ensure equal employment opportunity. No duplication of effort exists because no other Government agencies have these specific data collection requirements.

Where possible, OFCCP participates in information sharing and standardized requirements. Examples are OFCCP's joint collaboration on and use of EEOC's EEO–1 Report, and OFCCP's use of UGESP created with EEOC, OPM, DOJ and DOL. See Part 60–3.

While contractors maintain other employment data as a normal course of business, the 16 construction affirmative action specifications are unique in that contractors engage in specific activity to comply with the requirements of OFCCP regulations. This documentation is not available from any other source.

5. Collection by Small Organizations

OFCCP believes that its information collection does not have a significant economic impact on a substantial number of small entities. Generally for the purposes of identifying small business entities, OFCCP has determined that entities with fewer than 500 employees are small entities. Thus in making this determination, OFCCP compared the number of small business entities involved in construction to its construction contractor universe. Based on U.S. Census data there are 657,364 small construction firms that employ fewer than 500 people. Based on the May 2014 SAM data, there are 49,385 Federal construction contractors with fewer than 500 employees. Thus, comparing the number of small Federal contractors to the number of small construction contractor firms, OFCCP estimates that this ICR impacts approximately 7.5 percent of small construction firms.

OFCCP then examined the economic impact of the ICR. The estimated cost of the ICR is $499 per contractor.[19] OFCCP compared the cost of the ICR to the receipts from the U.S. Census Bureau's Statistics of U.S. Businesses for the North American Industry Classification System Code 23, disaggregated by firm size. In comparing the average annual

required to develop VEVRAA AAPs. This requirement does not apply to federally assisted construction contractors or subcontractors.

[19] This estimate of $499 includes the costs of recordkeeping, reporting, and operations and maintenance.

receipts ($50,246) of the smallest construction firms, those firms with receipts below $100,000, OFCCP determined that this ICR would account for less than one percent of the average annual receipts. Thus OFCCP believes that this ICR will not have a significant impact on small construction firms.[20]

6. Consequences for Federal Programs if This Information Is Collected Less Frequently

Less frequent collection could negatively affect civil rights enforcement activities because the data should reflect the contractor's existing workforce. Current information is imperative if OFCCP's compliance officers are to accurately assess contractors' good faith efforts to employ a diverse workforce relative to the demographics of the local population. Likewise, less frequent collection could undermine the success of a Federal contractor's affirmative action activities because the demographics of their workforce would not be reported. As a result, contractors' efforts to recruit, hire, and retain minority and female employees may be inadequate or misdirected. More current data therefore allows contractors to make more efficient use of the resources it employs to satisfy outreach and recruitment obligations.

For construction contractors that file EEO–1 Reports annually, less frequent collection could negatively affect OFCCP's civil rights enforcement activities because the agency would no longer have access to the most current data. As mentioned previously, EEO–1 data underpins our analyses of employment trends and patterns. Presently, data resulting from annual filing of the EEO–1 Report is one year old by the time OFCCP receives it; it can be 2 years old by the time OFCCP obtains new or updated data. If OFCCP allows contractors to file EEO–1 Reports in alternate years, the agency would receive and use data that is between two to four years old. The older the data the greater the chances are that more qualified workers may be victims of discrimination and that the discrimination continues for a longer period. A consequence may be that make whole remedies and the overall burden of contractor compliance are greater.[21]

7. Special Circumstances for the Collection of Information

Section 41 CFR 60–4.3(a)7.d requires contractors to immediately notify OFCCP's Director in writing when the union or unions with which a specific contractor has a collective bargaining agreement has not referred a woman or minority individual that was sent by that contractor. Similarly, contractors must notify OFCCP when they have information that the union referral process has impeded contractors' efforts to meet the obligations under these regulations.

This requirement is necessitated by Section 207 of EO 11246. Pursuant to this section, OFCCP is required to take action to ensure that any union or other agency referring workers on Federal contracts cooperates with the implementation of the Order. Further, when appropriate, OFCCP must notify the EEOC, DOJ, or other appropriate Federal agencies whenever it has reason to believe that the practices of any such labor organization or agency violate Title VI or Title VII of the Civil Rights Act of 1964 or other provision of Federal law.

In order to comply with the requirements of EO 11246, OFCCP must receive timely notice when unions are not referring women or minority individuals sent by contractors.

8. Consultation Outside the Agency

All OFCCP ICRs containing recordkeeping or reporting requirements are published in the **Federal Register** for public comment before agency adoption. This ICR is being published for comment and all comments received will be addressed in this section.

9. Gift Giving

OFCCP provides neither payments nor gifts to respondents.

10. Assurance of Confidentiality

Contractors who submit the required information during a compliance evaluation may view it as extremely sensitive information. OFCCP will evaluate all information pursuant to the public inspection and disclosure provisions of the Freedom of Information Act (FOIA), 5 U.S.C. 552, and the Department of Labor's implementing regulations at 29 CFR Part 70. OFCCP requires that contractors whose records are the subject of FOIA disclosure requests be notified in writing and that OFCCP make no decision to disclose information until contractors affected by the FOIA request have an opportunity to submit objections to the release of the information.

Furthermore, it is OFCCP's position that it does not release any data obtained during the course of compliance evaluations until the matters are completed.

11. Sensitive Questions

Generally, OFCCP does not collect information of a personal nature, such as marital status, religious beliefs, or other matters commonly considered private during the course of its compliance evaluations. Where allegations of employment discrimination are present, such evidence may become relevant. Under such circumstances, OFCCP may seek evidence concerning the attitudes or biases of selecting officials regarding race, sex, color, religion, national origin, disability or veteran status, as appropriate. OFCCP has no set of standardized questions and the gathering of such data is unique to each investigation.

OFCCP regulations require contractors to list employees and applicants by sex and by race or ethnicity in their employment activity data (see 41 CFR 60–1.12(c), 60–3.4, and 60–3.15). Contractors and the government require race, sex, and ethnicity data to evaluate the results of contractors' affirmative action efforts. Data are also required to investigate for indicators of potential employment discrimination. No equal employment opportunity program could operate without such data. Generally, contractors inform their employees that they collect and maintain race, sex, and ethnicity data strictly for purposes of meeting their nondiscrimination and affirmative action obligations.

A separate ICR covers employee complaint investigations approved by the OMB under OMB No. 1250–0002—''Complaint of Discrimination in Employment Under Federal Government Contracts'' (Form CC–4). Form CC–4 requires a description of an individual's disability, if disability discrimination is alleged. Consequently, OFCCP considers this a sensitive question. The disability information is necessary to establish jurisdiction under Section 503 of the Rehabilitation Act of 1973, as amended. As noted in number 10 above, OFCCP assures compliance with the Privacy Act of 1974.

[20] The average annual receipts for firms with sales/receipts/revenues below $100,000 is $50,246. Therefore, comparing the cost of the ICR, $499 to the average annual receipts equals 0.0993 ($499/$50,246 = 0.0993).

[21] A victim of employment discrimination may be entitled to a remedy that places him or her in the position he or she would have been in if the discrimination had not occurred. This may mean that the victim may be entitled to hiring, promotion, reinstatement, back pay, a pay raise, or reasonable accommodation, including reassignment. OFCCP does not recover punitive damages.

12. Estimate of Information Collection Burden

The following is a summary of the methodology used by OFCCP for the calculation of the recordkeeping, reporting, and third party disclosure burden requirements for OFCCP's construction ICR.

a. Recordkeeping Burden

OFCCP's regulations impose a recordkeeping burden for developing, updating, and maintaining documentation and records related to contractors' efforts to comply with OFCCP's regulations. The below calculations of hours for each requirement is based on information provided by OFCCP field staff.

(1) Equal Opportunity Clause

Section 60–1.4(a)(7) requires all covered construction contractors to include the equal opportunity (EO) clause in all nonexempt subcontracts. The EO clause may be incorporated by reference or operation [22] into subcontracts, thus there is no burden associated with this requirement.

(2) Uniform Guidelines on Employee Selection Procedures

Four Federal agencies, in addition to OFCCP, use UGESP. However, nearly all of the burden hours are associated with the EEOC, OFCCP, and DOJ; the fourth agency, OPM, assumes little if any burden related to the collection and retrieval of employment data required under UGESP.

The EEOC, under OMB Number 3046–0017, accounts for all employers with 15 or more employees. Federal construction contractors with 1–14 employees are subject to OFCCP's recordkeeping requirements. Based on information in the SAM, OFCCP estimates that there are 29,642 construction contractors that employ between 1 and 14 employees; OFCCP estimates that, on average, contractors expend 2.18 hours meeting this obligation. Therefore, OFCCP believes that the burden for this provision is 64,620 hours (29,642 contractors × 2.18 hours = 64,620 hours)

(3) Solicitations

Section 60–4.2 requires all contracting officers, applicants for construction contracts, and covered nonconstruction contractors to include the ''Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity'' set forth in section 4.2 in all solicitations for offers and bids on all Federal and federally assisted construction contracts or subcontracts. This clause is incorporated by operation of the order, thus there is no burden associated with its incorporation.[23]

(4) Maintenance of Documentation

Section 60–4.3(a)7 requires contractors to maintain records and documentation demonstrating efforts to comply with the 16 affirmative action specifications. The requirements and estimated hours of burden are detailed in numbers (5) through (19) below.

(5) Ensure Work Environment Free of Harassment

Section 4.3(a)7.a requires contractors to maintain a work environment free of harassment, intimidation, and coercion. In doing this, contractors are required to ensure that supervisory staff are aware of and carry out contractors' obligations. Burden hours associated with supervisor training and evaluation are included in numbers (11) and (20) below. Thus, there is no burden associated with this requirement.

(6) Develop, Maintain and Use a List of Recruitment Resources

Section 4.3(a)7.b requires contractors to develop and maintain current lists of minority and female recruitment sources, provide written notification to these sources when a contractor or its unions have employment opportunities, and maintain records of the notification. OFCCP estimates that for first-time contractors it takes 0.33 hours (20 minutes) to identify and establish a list of sources. OFCCP also estimates that it takes 0.17 hours (10 minutes) for existing contractors to maintain their list. Based on its experience, OFCCP assumes that 1 percent of its universe is first-time contractors and 99 percent are existing contractors. Thus, the burden for developing and maintaining a current list of sources is estimated as 8,997 hours ((.33 hours × 524 first time contractors = 173 hours) + (.17 hours × 51,905 existing contractors = 8,824)).

In addition, OFCCP estimates it takes 0.25 hours (15 minutes) to notify the sources on the list when opportunities occur and 0.08 hours (5 minutes) to maintain records of the notifications. Thus, OFCCP estimates the burden for notification and maintaining documentation is 17,302 hours (.33 hours × 52,429 contractors).

In sum, OFCCP estimates the total burden hours for complying with this requirement (including developing and maintaining the list of sources, contacting the sources, and maintaining copies of the notices sent) at 26,299 hours (8,997 hours + 17,302 hours).

(7) Maintain Current Files of Minority and Female Applicants

Section 4.3(a)7.c requires contractors to maintain a current file of minority and female applicants and referrals from all sources and to document in the file the actions taken with respect to each individual. OFCCP estimates it takes 0.25 hours (15 minutes) to maintain the file. Therefore, OFCCP estimates the burden for this requirement is 13,107 hours (0.25 hours × 52,429 contractors).

Additionally, OFCCP estimates that, on average, contractors take no more than 0.17 hours (10 minutes) for each applicant and make no more than 10 decisions annually. Therefore, OFCCP estimates 89,129 hours (.17 hours × 10 decisions × 52,429 contractors) to comply with this requirement.

OFCCP estimates the total burden hours for complying with this requirement is 102,236 hours (13,107 hours + 89,129 hours).

(8) Notify OFCCP's Director

Section 4.3(a)7.d requires contractors to notify OFCCP's Director in writing when the union or unions with which any contractor has a collective bargaining agreement has not referred a minority or female applicant that was sent by the contractor. Similarly, contractors must notify OFCCP's Director if any contractor has information that the union is impeding its efforts to meet the obligations of these requirements. OFCCP receives very few such requests, thus it estimates the total burden for such a request to as 10 hours, which includes both the recordkeeping and the reporting.

(9) Develop On the Job Training

Section 4.3(a)7.e requires contractors to develop on the job training opportunities or participate in training programs for the job areas which expressly include minorities and women. In addition, contractors must provide notice of these opportunities and job programs to its recruitment sources, state employment offices, and other referral sources that have been compiled under 41 CFR 60–4.3(a)7.b. OFCCP estimates the burden hours associated with documenting the development of training programs or enrolling minorities and women in existing training programs is 0.75 hours (45 minutes). OFCCP estimates the burden associated with maintaining records of employees' participation in training is 0.25 hours (15 minutes). Additionally, OFCCP estimates that maintaining records of contributions to

[22] 41 CFR 60–1.4(d) and 1.4(e).

[23] 41 CFR 60–4.9.

training programs takes 0.25 hours (15 minutes). Therefore, OFCCP estimates the hours associated with this burden as 65,536 hours (1.25 hours × 52,429 contractors).

(10) Disseminate EEO Policy Statement to Unions and Training Programs

Section 4.3(a)7.f requires contractors to broadly disseminate its EEO policy statement, including, but not limited to: Sending it to unions and training programs; publishing it in policy manuals; and including it in collective bargaining agreements. It also requires contractors to review the EEO policy with all management and minority and female employees, and to post it for all employees.

In estimating the burden, OFCCP believes that first-time contractors make up 1 percent of the construction contractor universe (524 contractors). OFCCP estimates it would take 0.33 hours (20 minutes) for a first time contractor to develop an EEO policy statement. OFCCP believes existing contractors require 0.17 hours (10 minutes) to review and update their existing EEO policy statement. Thus, OFCCP estimates 8997 hours ((.33 hours × 524 first time contractors = 173 hours) + (.17 hours × 51,905 existing contractors = 8,824 hours)) for contractors to either update or develop an EEO policy statement.

OFCCP estimates it will take 0.25 hours (15 minutes) for first-time contractors to incorporate the policy statement into employee handbooks and policy manuals. Therefore it estimates the burden of this requirement as 131 hours (0.25 hours × 524 first-time contractors). In addition, OFCCP estimates it will take 0.25 hours for all contractors to provide notification to unions and other recruitment sources. Thus the burden of notification is 13,107 hours (0.25 hours × 52,429 contractors).

OFCCP estimates it will take 0.5 hours (30 minutes) for all contractors to document the discussion of the policy with employees and its internal posting. Thus OFCCP estimates the burden of this requirement to be 26,215 hours (0.5 hours × 52,429 contractors).

In sum, OFCCP estimates the total burden for this provision to be 48,450 hours (8,997 + 131 + 13,107 + 26,215).

(11) Review EEO Policy Annually with Employees Having Hiring Responsibilities

Section 4.3(a)7.g requires contractors annually to review the EEO policy with all employees having hiring responsibilities for personnel activities (e.g., hiring, promotion, termination, lay-off, etc.). OFCCP estimates it will take an average of 2 hours to develop, deliver and document the annual training. Thus, OFCCP estimates the burden to be 104,858 hours (2 hours × 52,429 contractors).

(12) Disseminate EEO Policy Externally

Section 4.3(a)7.h requires contractors to disseminate EEO policy statements in advertisements in the news media and to other contractor and subcontractors. OFCCP estimates it will take all contractors 0.5 hours to develop correspondence and send it. Thus, OFCCP estimates the burden for this requirement to be 26,215 hours (0.5 hours × 52,429 contractors).

(13) Direct Recruitment Efforts to Community Organizations and Schools

Section 4.3(a)7.i requires contractors to direct its recruitment efforts to community organizations and schools with minority and female participants and students. Actions associated with this requirement are accounted for in the burden assessment for section 41 CFR 60–4.3(a)7.b. Therefore, OFCCP estimates no additional burden for this requirement.

(14) Encourage Employee Referrals

Section 4.3(a)7.j requires contractors to encourage current minority and female employees to recruit other minority and female employees. It also requires contractors, where reasonable, to provide summer and afterschool employment to minority and females. OFCCP estimates that it takes contractors 0.25 hours to comply with this requirement. Thus, the burden estimate is 13,107 hours (0.25 hours × 52,429 contractors).

(15) Validate Tests

Section 4.3(a)7.k requires contractors to comply with the UGESP requirements. As explained above, the burden associated with complying with the UGESP burden is assumed under OMB Number 3046–0017 for contractors with 15 or more employees. Further, OFCCP accounts for employers with 1 to 14 employees it its calculation of UGESP burden found in this ICR at Item number 12a(2). Thus there is no additional assessment of burden for this requirement.

(16) Conduct an Annual Inventory of Employees

Section 4.3(a)7.l requires contractors to conduct an annual inventory of minority and female employees for promotional and developmental opportunities. OFCCP estimates it takes 0.5 hours to conduct the assessment and maintain documentation. Thus, the burden estimate for this requirement is 26,215 hours (0.5 hours × 52,429 contractors).

(17) Ensure Personnel Practices Do Not Have a Discriminatory Effect

Section 4.3(a)7.m requires contractors to ensure that its personnel practices (e.g., seniority, job classifications, work assignments, etc.) do not have a discriminatory effect. OFCCP estimates that on average contractors spend 0.5 hours (30 minutes) documenting its activities that comply with this requirement. Thus, the burden estimate for this requirement is 26,215 hours (0.5 hours × 52,429 contractors).

(18) Ensure Facilities Are Not Segregated

Section 4.3(a)7.n requires contractors to ensure that its facilities are non-segregated. The exception is the provision for separate or single user toilet and changing facilities to provide privacy between the sexes. OFCCP estimates it takes contractors 0.25 hours (15 minutes) to maintain material evidence of compliance with this requirement. Thus OFCCP estimates the burden as 13,107 hours (0.25 hours × 52,429 contractors).

(19) Document and Maintain a Record of All Solicitations of Offers for Subcontractors

Section 4.3(a)7.o requires contractors to maintain documentation of all solicitations and offers from minority and female construction contractors or suppliers. OFCCP estimates that it takes 0.5 hours (30 minutes) to maintain a file of documentation that includes all solicitation and offers as required. Thus OFCCP estimates the burden as 26,215 hours (0.5 hours × 52,429 contractors).

(20) Evaluate Supervisor Performance

Section 4.3(a)7.p requires contractors to evaluate annually the performance of its supervisory personnel on their performance under the EEO and affirmative action requirements of these specifications. OFCCP estimates that, on average, it takes contractors 0.75 hours (45 minutes) to compile written evidence that supervisory personnel have been notified regarding their performance with regard to each contractor's EEO and affirmative action obligations. Thus, OFCCP estimates the burden as 39,322 hours (.75 hours × 52,429 contractors).

(21) Hometown Plans

Sections 4.4 and 4.5 detail the requirements of contractors that participate in approved Hometown

Plans. OFCCP no longer approves Hometown Plans, thus no burden is assessed for this provision.

Recordkeeping Total

The table below summarizes the recordkeeping burden hours.

Hours	*Item*
0	EO Clause
64,620	UGESP Recordkeeping
0	Solicitation
554,099	16 Affirmative Action Provisions
0	Hometown Plans
618,719	Total Recordkeeping Burden

OFCCP estimates the combined recordkeeping burden for compliance with the construction requirements of EO 11246 as 618,719 hours, or approximately 12 hours per contractor.[24]

b. Reporting Burden

OFCCP's reporting burden for construction contractors, as detailed below, includes providing notification of subcontract awards, filing EEO–1 Reports, providing documentation during compliance evaluations, notifying the OFCCP Director as prescribed at 41 CFR 60–4.3(a)7.d, and a third party reporting provision.

(1) Notification of Subcontract Awards

Subsection 60–4.2(d)3 requires contracting officers, applicants for construction contracts, covered nonconstruction contractors, and Federal construction contractors to notify OFCCP within 10 working days of awards of covered contracts and subcontract awards in excess of $10,000. OFCCP estimates it would take 0.5 hours (or 30 minutes) to identify the needed information, develop it, and send the notification to OFCCP. Using data from USASpending.gov to further inform OFCCP's estimate of burden, OFCCP determined that there are 63,411 Federal construction contracts and 8,309 federally assisted grants awarded annually on average.[25] Thus, there are approximately 71,720 prime construction contract awards. There is no reliable source of data for subcontract awards; absent hard data, OFCCP estimates there are approximately 4 subcontracts for each prime contract award, and thus OFCCP estimates that there are 286,880 notifications (71,720 construction contracts × 4 notifications) sent annually. To determine the average number of notifications sent by each contractor, OFCCP divided 286,880 notifications by the contractor universe of 52,429, which results in an average of roughly five notifications sent to OFCCP annually. Thus, the estimated burden associated with this requirement is 131,073 hours (0.5 hours × 5 notifications annually × 52,429 contractors).

(2) EEO–1 Reports

Construction contractors with 50 or more employees and a contract of $50,000 or more are required to file EEO–1 Reports with the Joint Reporting Committee. The burden associated with this Information Collection, submitted by EEOC, is approved under OMB No. 3046–0007. Therefore, OFCCP does not assess burden for this requirement as a part of this ICR.

(3) Compliance Evaluations

Section 60–1.20 describes OFCCP's compliance evaluation process. During compliance evaluations of construction contractors, OFCCP does not request documentation when scheduling the evaluation. Rather, the evaluation is scheduled and documents and information are gathered during the onsite investigation. Although OFCCP believes that this request for documentation would be considered exempt from the requirements of the Paperwork Reduction Act of 1995 (see 44 U.S.C. 3518), it estimates burden for contractors analyzing requests for information (1 hour) and retrieving documents (2 hours).[26] Thus, OFCCP estimates the reporting burden during a compliance evaluation as 3 hours. OFCCP further asserts that it has conducted, on average, 498 compliance evaluations annually.[27] Therefore, OFCCP estimates the burden associated with this reporting requirement as 1,494 hours (3 hours × 498 compliance evaluations).

(4) Notifying OFCCP's Director

Section 4.3(a)7.d requires contractors to notify OFCCP's Director in writing if the union or unions with which any contractor has a collective bargaining agreement are impeding a contractor's efforts to comply with the requirements. Based on OFCCP's experiences with this provision, it estimates a total of an additional 10 hours burden for compliance.

c. Third Party Disclosure

OFCCP's third party disclosure burden hours are based on 41 CFR 60–1.4(a)(3), 60–300.5(a)10, and 60–741.5(a)5, which require contractors to notify its labor organizations that it must comply with EO 11246, VEVRAA, and Section 503, respectively. Contractors may notify the organizations by mail, telephone, facsimile, or email. Assuming it takes 30 minutes to compose and 30 minutes to distribute written notification by mail to its labor organizations, OFCCP estimates an average of 1 hour per contractor, or 52,429 hours for notifying labor organizations. This is almost certainly an overestimation because it assumes that all contractors are a party to a collective bargaining agreement and further assumes they would use mail distribution, which takes longer than electronic distribution.

Reporting and Third Party Disclosure Total

Hours	*Item*
131,073	Notification of Subcontract Award
0	EEO–1 Reporting
1,494	Compliance Evaluations
10	Notifying OFCCP's Director
52,429	Third Party Disclosure
185,006	Total Reporting Burden

OFCCP estimates that the combined reporting and third party disclosure provisions of the construction ICR are 185,006 hours, or approximately 4 hours per contractor.

Summary of Recordkeeping, Reporting and Third Party Disclosure

The table below shows the sum of OFCCP's estimate of recordkeeping, reporting and third party disclosure burden for its construction ICR.

618, 719	Total Recordkeeping Burden Hours
132,577	Total Reporting Burden Hours

[24] Per contractor burden is determined by dividing the total hours (631,826) by the construction contractor universe of 52,429.

[25] OMB established USA Spending as a single searchable Web site of Federal spending activities accessible to the public. The Web site details information on individual awards of federal monies including contracts and grants. The average construction contracts are based on fiscal years 2010 through 2012 (65,964 + 65,136 + 59,134) divided by 3. The average federal assistance was based on an examination of each agencies individual list of grants for the same period of time (7,612 + 8,189 + 9,127), identifying the number of grants that are described as construction, repair, and remediation. Thus the number is approximated as not all agencies provide complete descriptions of the funded work.

[26] The two hours includes retrieval of Section 503 and VEVRAA AAPs if the contractor scheduled has more than 50 employees and a direct contract of $50,000 or more for the Section 503 AAP and a direct contract of $100,000 or more for the VEVRAA AAP.

[27] OFCCP averaged the number of construction compliance evaluations during fiscal years 2010 through 2013 (515,550,511, and 414) to determine the number of construction compliance evaluations.

52,429	Total Third Party Disclosure Burden Hours
803,725	Total Recordkeeping, Reporting, and Third Party Disclosure Burden Hours

d. Annualized Cost of Burden Hours to Contractors

The contractors' estimated annualized cost is based on Bureau of Labor Statistics data in the publication, ''Employer Costs for Employee Compensation''—December 2013, which lists total compensation (including wages and benefits) for management, professional, and related occupations as $51.58 per hour and administrative support as $24.23 per hour. Based on OFCCP's experience conducting compliance evaluations, OFCCP estimates that 30 percent of the burden hours will be management, professional, and related occupations (Mgmt. Prof.) and 70 percent will be administrative support (Adm. Supp.).[28] OFCCP has calculated the total estimated annualized cost as follows:

Mgmt. Prof.: 803,725 hours × .30 × $51.58 = $12,436,841

Adm. Supp.: 803,725 hours × .70 × $24.23 = $13,631,980

Total annualized cost estimate = $26,068,820

Estimated average cost per contractor is: $26,068,820/52,429, or $497.

13. Annual Operations and Maintenance Cost Burden to Respondents

OFCCP estimates that contractors will have operations and maintenance costs associated with this collection. Those costs are associated with the notification of subcontract awards, notifying OFCCP's Director, and the third party disclosure.

OFCCP estimates that the notifications will be sent by United States Postal Service (USPS) and email. Based on its experience, OFCCP receives approximately 50 percent of its notices by email and 50 percent by USPS. There are no mailing costs associated with email transmissions. The table below shows the operations and maintenance cost for those contractors that use USPS to send their notifications.

Activity	Number of transmissions	Postage	
Notice of Subcontract Awards	143,440 (286,880 × .50)	0.49	$70,286
Notice to OFCCP Director	1 (1 × .50)	0.49	$0.49
Third party Disclosure	26,215 (52,429 × .50)	0.49	$12,845
Total			$83,131

The total estimated costs would be $83,131, or approximately $2 per contractor.

14. Estimate of Cost to the Federal Government

OFCCP has estimated the cost to the Government as follows:

30 Hours per compliance evaluation	×	498 Compliance Evaluations	=	14,940 Hours
		TOTAL HOURS		14,940

OFCCP estimates the hourly rate at $33.30 (GS–12, step 1), annual salary of $69,497, based on the Office of Personnel Management's 2014 Salary Table for the Rest of the U.S. consisting of the portions of the lower 48 United States not located within another locality pay area as defined by the Office of Personnel Management. The total cost would be $33.30 per hour × 14,940 hours = $497,502. This dollar amount is part of the normal cost of OFCCP's enforcement work at the field level.

15. Changes in Burden Hours

a. Recordkeeping Burden Hours

The previous submission in 2011 included 1,324,660 hours for recordkeeping. The current request is for 618,719 hours. This decrease of 705,941 hours in the recordkeeping burden is due to a decrease in the number of covered contractors in the universe. Specifically, OFCCP estimates that its universe decreased by 23,267 Federal construction contractor respondents.

b. Reporting Burden Hours

The previous submission in 2011 included 1,660 hours for reporting. The current request is for 132,577 hours, an increase of 130,917 hours. This increase is related to OFCCP revising its calculation related to the burden hours associated with contractors complying with the notification of subcontract awards found at 41 CFR 60–4.2(c).

c. Third Party Disclosure Burden Hours

The previous submission in 2011 included no hours for third party disclosure. The current request is for 52,429 hours. This increase of 52,429 hours in the third party disclosure hours is due to recognition that the third party disclosure is not the same notification as found in 41 CFR 60–4.3(a)7.f.

16. Statistical Uses and Publication of Data

OFCCP does not publish the data collected by way of the items contained in this request as statistical tables.

17. Approval Not To Display the Expiration Date

OFCCP is not seeking such approval.

[28] Generally construction companies are small and the recordkeeping activities are performed by administrative support staff. Management involvement occurs as oversight to recordkeeping activities and during compliance evaluations (reporting). Thus, 30 percent of the total hour calculation (performed by management level employees) is 245,050 hours, and 70 percent is 571,782 hours.

18. Exceptions to the Certification Statement

OFCCP is able to certify compliance with all provisions.

B. Collections of Information Employing Statistical Methods

This information collection does not employ statistical methods.

[FR Doc. 2014–20711 Filed 8–29–14; 8:45 am]

BILLING CODE 4510–45–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2014–053]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency has submitted to OMB for approval the information collection described in this notice. The public is invited 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 October 2, 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 collection and supporting statement 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 May 27, 2014 (79 FR 30183 and 30184). One comment was 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; and (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: NARA Visitors Study.

OMB number: 3095–0067.

Agency form number: N/A.

Type of review: Regular.

Affected public: Visitors to the National Archives Experience in Washington, DC.

Estimated number of respondents: 200.

Estimated time per response: 12 minutes.

Frequency of response: On occasion (when an individual visits the National Archives Experience in Washington, DC).

Estimated total annual burden hours: 40 hours.

Abstract: The general purpose of this voluntary data collection is to benchmark the performance of the NAE in relation to other history museums. Information collected from visitors will assess the overall impact, expectations, presentation, logistics, motivation, demographic profile and learning experience. Once analysis has been done, this collected information will assist NARA in determining the NAE's success in achieving its goals.

Dated: August 25, 2014.

Swarnali Haldar,

Executive for Information Services/CIO.

[FR Doc. 2014–20825 Filed 8–29–14; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2014–051]

Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of a request for comments regarding a new information collection.

SUMMARY: As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, the National Archives and Records Administration (NARA) has submitted a Generic Information Collection Request (Generic ICR): ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery'' to OMB for approval under the Paperwork Reduction Act (PRA). NARA welcomes any comments on this information request.

DATES: For consideration as NARA moves forward on this document, comments must be submitted by October 2, 2014.

ADDRESSES: Written comments may be submitted 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: To request additional information, please contact Tamee Fechhelm, by telephone at 301–837–1694 or by fax at 301–713–7409.

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: The information collection activity will gather qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with NARA's commitment to improving service delivery. By qualitative feedback, we mean information that provides useful insights on perceptions and opinions; not statistical surveys that yield quantitative results that can be generalized to the study population. Qualitative feedback provides insights into customer or stakeholder perceptions, experiences, and expectations, provides an early warning of service issues, or focuses attention on areas where communication, training, or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative, and actionable communications between NARA and its customers and stakeholders, and allow feedback to contribute directly to program management improvement.

This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the

sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

NARA received no comments in response to the 60-day notice published in the **Federal Register** of June 11, 2014 (79 FR 33598 and 33599).

Below, we provide NARA's projected average estimates for the next three years:

Current Actions: OGIS Customer Service Assessment, NRPC Survey of Customer Satisfaction, and Training and Event Evaluations.

Type of Review: Regular.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Average expected annual number of activities: 20.

Respondents: 25,000.

Annual responses: 1.

Frequency of Response: Once per request.

Average minutes per response: 30.

Burden hours: 12,500.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget control number.

Dated: August 25, 2014.

Swarnali Haldar,

Executive for Information Services/CIO.

[FR Doc. 2014–20818 Filed 8–29–14; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Computing and Communication Foundations; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub., L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Proposal Panel Review for Expeditions in Computing (EIC) Program (#1192) Site Visit

Date/Time:

October 26, 2014—6:00 p.m.–9:00 p.m.

October 27, 2014—8:00 a.m.–8:00 p.m.

October 28, 2014—8:30 a.m.–3:00 p.m.

Place: University of Pennsylvania, Philadelphia, Pennsylvania, 19104.

Type of Meeting: Part Open.

Contact Person: Nina Amla, National Science Foundation, 4201 Wilson Boulevard, Room 1115, Arlington, VA 22230. Telephone: (703) 292–8910.

Purpose of Meeting: NSF site visit to assess the progress of the EIC Award: CCF–1138996, ''Collaborative Research: Expeditions in Computer Augmented Program Engineering (ExCAPE): Harnessing Synthesis for Software Design'' and to provide advise and recommendations concerning further NSF support for the project.

EIC Site Visit AGENDA

Sunday, October 26, 2014

6:00 p.m. to 9:00 p.m.: Closed

Site Team and NSF Staff meets to discuss Site Visit materials, review process and charge.

Monday, October 27, 2014

8:00 a.m. to 1:00 p.m.: Open

Presentations by Awardee Institution, faculty staff and students, to Site Team and NSF Staff.

Discussions and question and answer sessions.

1:00 p.m.–8:00 p.m.: Closed

Draft report on education and research activities.

Tuesday, October 28, 2014

8:30 a.m.–noon: Open

Response presentations by Site Team and NSF Staff Awardee Institution. Discussions and question and answer sessions.

Noon to 3:00 p.m.: Closed

Complete written site visit report with preliminary recommendations.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: August 19, 2014.

Crystal Robinson,

Acting Committee Management Officer.

[FR Doc. 2014–20461 Filed 8–29–14; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2014–0089]

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on May 20, 2014.

1. *Type of submission, new, revision, or extension:* Extension.

2. *The title of the information collection:* 10 CFR Part 81, ''Standard Specifications for the Granting of Patent Licenses.''

3. *Current OMB approval number:* 3150–0121.

4. *The form number if applicable:* Not applicable.

5. *How often the collection is required:* Applications for licenses are submitted once. Other reports are submitted annually or as events require.

6. *Who will be required or asked to report:* Applicants for and holders of NRC licenses to inventions covered by patents or patent applications.

7. *An estimate of the number of annual responses:* 1.

8. *The estimated number of annual respondents:* 1.

9. *An estimate of the total number of hours needed annually to complete the requirement or request:* 37; however, no applications are anticipated during the next 3 years.

10. *Abstract:* As specified in part 81 of Title 10 of the *Code of Federal Regulations,* the NRC may grant non-exclusive licenses or limited exclusive licenses to its patent inventions to responsible applicants. Applicants for licenses to NRC inventions are required to provide information which may provide the basis for granting the requested license. In addition, all license holders must submit periodic

reports on efforts to bring the invention to a point of practical application and the extent to which they are making the benefits of the invention reasonably accessible to the public. Exclusive license holders must submit additional information if they seek to extend their licenses, issue sublicenses, or transfer the licenses. In addition, if requested, exclusive license holders must promptly supply to the United States Government copies of all pleadings and other papers filed in any patent infringement lawsuit, as well as evidence from proceedings relating to the licensed patent.

The public may examine and have copied for a fee publicly-available documents, including the final supporting statement, at the NRC's Public Document Room, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. The OMB clearance requests are available at the NRC's Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/*. The document will be available on the NRC's home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by October 2, 2014. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Danielle Y. Jones, Desk Officer, Office of Information and Regulatory Affairs (3150–0121), NEOB–10202, Office of Management and Budget, Washington, DC 20503

Comments can also be emailed to *Danielle_Y_Jones@omb.eop.gov* or submitted by telephone at 202–395–1741.

The NRC Clearance Officer is Tremaine Donnell, telephone: 301–415–6258.

Dated at Rockville, Maryland, this 26th day of August, 2014.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2014–20644 Filed 8–29–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–247 and 50–286; NRC–2008–0672]

Indian Point Nuclear Generating Units 2 and 3; Entergy Nuclear Operations, Inc.

AGENCY: Nuclear Regulatory Commission.

ACTION: License renewal application; intent to prepare a second supplement to final supplemental environmental impact statement.

SUMMARY: On April 23, 2007, Entergy Operations, Inc. (Entergy or the licensee), submitted to the U.S. Nuclear Regulatory Commission (NRC) an application for renewal of Facility Operating Licenses DPR–26 and DPR–64 for an additional 20 years of operation at Indian Point Nuclear Generating Units 2 and 3 (IP2 and IP3). On December 3, 2010, the NRC staff issued the final supplemental environmental impact statement (FSEIS) documenting its final analysis and recommendation on the proposed action—renewal of the operating licenses for IP2 and IP3. On June 20, 2013, the NRC staff issued a supplement to the FSEIS to incorporate new and revised information related to the impacts from IP2 and IP3 on aquatic species. The purpose of this document is to inform the public that the NRC will be preparing a second supplement to the FSEIS to provide information to decision makers relevant to environmental impacts of the proposed federal action and to further the purposes of the National Environmental Policy Act (NEPA), including new aquatic impact data, refined cost estimates associated with the licensee's severe accident mitigation alternatives (SAMA) analysis, and other matters.

ADDRESSES: Please refer to Docket ID NRC–2008–0672 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0672. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Michael Wentzel, Division of License Renewal, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6459; email: *Michael.Wentzel@nrc.gov*.

SUPPLEMENTARY INFORMATION: Entergy submitted an application for renewal of Facility Operating Licenses DPR–26 and DPR–64 for an additional 20 years of operation at IP2 and IP3, respectively. IP2 and IP3 are located in Westchester County in the Village of Buchanan, New York, approximately 24 miles north of New York City.

The operating license for IP2 expired on September 28, 2013. However, having met the requirements of section 2.109 of Title 10 of the *Code of Federal Regulations* (10 CFR), the facility is allowed to continue to operate under the existing license until the NRC reaches a decision on the license renewal request.

The current operating license for IP3 expires on December 12, 2015. The application for renewal, dated April 23, 2007, was submitted pursuant to 10 CFR Part 54. In accordance with 10 CFR 51.53(c) and 10 CFR 54.23, Entergy submitted an environmental report (ER) as part of its application. The ER is available in ADAMS under Accession No. ML071210530, and may also be viewed on the internet at *http://www.nrc.gov/reactors/operating/licensing/renewal/applications.html*. In addition, the ER is available for public inspection at the White Plains Public Library located at 100 Martine Avenue, White Plains, NY 10601; the Hendrick Hudson Free Library located at 185 Kings Ferry Road, Montrose, NY 10548; and the Field Library located at 4 Nelson Avenue, Peekskill, NY 10566.

On December 3, 2010, the NRC staff issued an FSEIS, documenting its final

analysis and recommendation on the proposed action—renewal of the operating licenses for IP2 and IP3. The FSEIS is available in ADAMS under package Accession No. ML103360205. On June 20, 2013, the NRC staff issued a supplement to the FSEIS, updating its final analysis to include corrections to impingement and entrainment data presented in the FSEIS, revised conclusions regarding thermal impacts based on newly available thermal plume studies, and an update of the status of the NRC's consultation under section 7 of the Endangered Species Act with the National Marine Fisheries Service regarding the shortnose sturgeon and Atlantic sturgeon. The supplement to the FSEIS is available in ADAMS under Accession No. ML13170A028.

The purpose of this document is to inform the public that the NRC will be preparing a second supplement to the FSEIS to provide information to decision makers relevant to environmental impacts of the proposed federal action and to further the purposes of NEPA, including new aquatic impact data, refined cost estimates associated with the licensee's SAMA analysis, and other matters.

Dated at Rockville, Maryland, this 26th day of August, 2014.

For the Nuclear Regulatory Commission.

Elaine M. Keegan,

Acting Chief, Projects Branch 2, Division of License Renewal, Office of Nuclear Reactor Regulation.

[FR Doc. 2014–20810 Filed 8–29–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0193]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to Section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from August 7, 2014 to August 20, 2014. The last biweekly notice was published on August 19, 2014.

DATES: Comments must be filed by October 2, 2014. A request for a hearing must be filed by November 3, 2014.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0193. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- Mail comments to: Cindy Bladey, Office of Administration, Mail Stop: 3WFN–06–A44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Angela Baxter, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–2976, email: *Angela.Baxter@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2014–0193 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0193.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2014–0193 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in § 50.92 of Title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2)

create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

For further details with respect to this license amendment application, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Duke Energy Progress Inc., Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1, New Hill, North Carolina

Date of amendment request: June 19, 2014. A publicly-available version is in ADAMS under Accession No. ML14174A118.

Description of amendment request: The proposed amendment would revise Technical Specification (TS) 3.3.2, ''Engineered Safety Features Actuation System Instrumentation,'' Table 3.3–4, ''Engineered Safety Features Actuation System Instrumentation Trip Setpoints.'' Specifically, the instrument trip setpoint and associated allowable value are being revised to ensure that the trip of the safety-related alternating current bus will occur at a voltage at or above the minimum voltage necessary to operate the applicable safety-related loads.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises the TS Table 3.3–4 Functional Unit 9.a, Loss-of-Offsite Power 6.9 kV Emergency Bus Undervoltage—Primary, instrumentation trip setpoint and

allowable value. The Loss-of-Offsite Power, 6.9 kV Emergency Bus Undervoltage—Primary instrumentation is not an initiator to any accident previously evaluated. As such, the probability of an accident previously evaluated is not increased. The Loss-of-Offsite Power, 6.9 kV Emergency Bus Undervoltage—Primary instrumentation revised values continue to provide reasonable assurance that the Functional Unit 9.a will continue to perform its intended safety functions. As a result, the proposed change will not increase the consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change revises the TS Table 3.3–4 Functional Unit 9.a, Loss-of-Offsite Power 6.9 kV Emergency Bus Undervoltage—Primary, instrumentation trip setpoint and allowable value. No new operational conditions beyond those currently allowed are introduced. This change is consistent with the safety analyses assumptions and current plant operating practices. This simply corrects the setpoint consistent with the accident analyses and therefore cannot create the possibility of a new or different kind of accident from any previously evaluated accident.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change revises the TS Table 3.3–4 Functional Unit 9.a, Loss-of-Offsite Power 6.9 kV Emergency Bus Undervoltage—Primary, instrumentation trip setpoint and allowable value. Function 9.a protects the emergency power system against loss of voltage. This change is consistent with the safety analyses assumptions and current plant operating practices. No new operational conditions beyond those currently allowed are created by these changes.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lara S. Nichols, Deputy General Counsel, Duke Energy Corporation, 550 South Tyron Street, Mail Code DEC45A, Charlotte, NC 28202.

NRC Acting Branch Chief: Lisa M. Regner.

Entergy Nuclear Operations, Inc., Docket No. 50–255, Palisades Nuclear Plant, Van Buren County, Michigan

Date of amendment request: June 11, 2014. A publicly-available version is in ADAMS under Accession No. ML14162A079.

Description of amendment request: The proposed amendment would modify technical specification (TS) requirements to adopt the changes described in TS Task Force (TSTF)-426, Revision 5, ''Revise or Add Actions to Preclude Entry into LCO [limiting condition for operation] 3.0.3—RITSTF [Risk-Informed TSTF] Initiatives 6b & 6c'' (ADAMS Accession No. ML113260461).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change provides a short Completion Time to restore an inoperable system for conditions under which the existing Technical Specifications require a plant shutdown to begin within 1 hour in accordance with LCO 3.0.3. Entering into Technical Specification Actions is not an initiator of any accident previously evaluated. As a result, the probability of an accident previously evaluated is not significantly increased. The consequences of any accident previously evaluated that may occur during the proposed Completion Times are no different from the consequences of the same accident during the existing 1 hour allowance. As a result, the consequences of any accident previously evaluated are not significantly increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different type of accident from any accident previously evaluated?

Response: No.

No new or different accidents result from utilizing the proposed change. The changes do not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the changes do not impose any new or different requirements. The changes do not alter assumptions made in the safety analysis.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change increases the time the plant may operate without the ability to perform an assumed safety function. The analysis in WCAP–16125–NP–A, ''Justification for Risk-Informed Modifications to Selected Technical Specifications for Conditions Leading to Exigent Plant Shutdown,'' Revision 2, August 2010, demonstrated that there is an acceptably small increase in risk due to a limited period of continued operation in these conditions and that the risk is balanced by avoiding the risks associated with a plant shutdown. As a result, the change to the margin of safety provided by requiring a plant shutdown within 1 hour is not significant.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. William Dennis, Assistant General Counsel, Entergy Nuclear Operations, Inc., 440 Hamilton Ave., White Plains, NY 10601.

NRC Branch Chief: David L. Pelton.

Exelon Generation Company, LLC, and PSEG Nuclear LLC, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units 2 and 3, York and Lancaster Counties, Pennsylvania

Date of amendment request: July 11, 2014. A publicly-available version is in ADAMS under Accession No. ML14192B143.

Description of amendment request: The proposed amendment would incorporate several miscellaneous administrative changes to the Facility Operating License and the Technical Specifications. For example, the amendment would delete historical items that are no longer applicable, correct errors, and remove references that are no longer valid.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

No physical changes to the facility will occur as a result of this proposed amendment. The proposed changes will not alter the physical design or operational procedures associated with any plant structure, system, or component. The proposed changes are administrative in nature and have no effect on plant operation.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes are administrative in nature. The proposed changes do not alter the physical design, safety limits, or safety analysis assumptions associated with the operation of the plant. Accordingly, the changes do not introduce any new accident initiators, nor do they reduce or adversely affect the capabilities of any plant structure, system, or component to perform their safety function.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed changes conform to NRC regulatory guidance regarding the content of plant Technical Specifications. The proposed changes are administrative in nature. The proposed changes do not alter the physical design, safety limits, or safety analysis assumptions associated with the operation of the plant.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for Licensee: J. Bradley Fewell, Vice President and Deputy General Counsel, Exelon Generation Company, LLC, 200 Exelon Way, Kennett Square, PA 19348.

Acting NRC Branch Chief: Robert G. Schaaf.

Exelon Generation Company, LLC, and PSEG Nuclear LLC, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units 2 and 3, York and Lancaster Counties, Pennsylvania

Date of application for amendments: July 10, 2014. A publicly-available version is in ADAMS under Accession No. ML14191B190.

Description of amendment request: The proposed amendment would revise and add Technical Specification (TS) surveillance requirements to address the concerns discussed in NRC Generic Letter 2008–01, ''Managing Gas Accumulation in Emergency Core Cooling, Decay Heat Removal, and Containment Spray Systems,'' dated January 11, 2008 (ADAMS Accession No. ML072910759). The proposed TS changes are based on NRC-approved TS Task Force (TSTF) Traveler TSTF–523, Revision 2, ''Generic Letter 2008–01, Managing Gas Accumulation,'' dated February 21, 2013 (ADAMS Accession No. ML13053A075). The NRC staff issued a Notice of Availability for TSTF–523, Revision 2, for plant-specific adoption using the Consolidated Line Item Improvement Process, in the **Federal Register** on January 15, 2014 (79 FR 2700).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises or adds Surveillance Requirements (SRs) that require verification that the Emergency Core Cooling Systems, the Suppression Pool Cooling System, the Suppression Pool Spray System, the Drywell Spray System, the Shutdown Cooling System, and the Reactor Core Isolation Cooling System are not rendered inoperable due to accumulated gas and to provide allowances which permit performance of the revised verification. Gas accumulation in the subject systems is not an initiator of any accident previously evaluated. As a result, the probability of any accident previously evaluated is not significantly increased. The proposed SRs ensure that the subject systems continue to be capable of performing their assumed safety function and are not rendered inoperable due to gas accumulation. Thus, the consequences of any accident previously evaluated are not significantly increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change revises or adds SRs that require verification that the Emergency Core Cooling Systems, the Suppression Pool Cooling System, the Suppression Pool Spray System, the Drywell Spray System, the Shutdown Cooling System, and the Reactor Core Isolation Cooling System are not rendered inoperable due to accumulated gas and to provide allowances which permit performance of the revised verification. The proposed change does not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the proposed change does not impose any new or different requirements that could initiate an accident. The proposed change does not alter assumptions made in the safety analysis and is consistent with the safety analysis assumptions.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change revises or adds SRs that require verification that the Emergency Core Cooling Systems, the Suppression Pool Cooling System, the Suppression Pool Spray System, the Drywell Spray System, the Shutdown Cooling System, and the Reactor Core Isolation Cooling System are not rendered inoperable due to accumulated gas and to provide allowances which permit performance of the revised verification. The proposed change adds new requirements to manage gas accumulation in order to ensure the subject systems are capable of performing their assumed safety functions. The proposed SRs are more comprehensive than the current SRs and will ensure that the assumptions of the safety analysis are protected. The proposed change does not adversely affect any current plant safety margins or the reliability of the equipment assumed in the safety analysis. Therefore, there are no changes being made to any safety analysis assumptions, safety limits or limiting safety system settings that would adversely affect plant safety as a result of the proposed change.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for Licensee: J. Bradley Fewell, Esquire, Vice President and Deputy General Counsel, Exelon Generation Company, LLC, 200 Exelon Way, Kennett Square, PA 19348.

Acting NRC Branch Chief: Robert G. Schaaf.

Exelon Generation Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit 1, Dauphin County, Pennsylvania

Date of amendment request: July 10, 2014. A publicly-available version is in ADAMS under Accession No. ML14191A059.

Description of amendment request: The proposed amendment would revise and add Technical Specification (TS) Surveillance Requirements to address the concerns discussed in NRC Generic Letter 2008–01, ''Managing Gas Accumulation in Emergency Core Cooling, Decay Heat Removal, and Containment Spray Systems,'' dated January 11, 2008 (ADAMS Accession No. ML072910759). The proposed TS changes are based on NRC-approved TS Task Force (TSTF) Traveler TSTF–523, Revision 2, ''Generic Letter 2008–01, Managing Gas Accumulation,'' dated February 21, 2013 (ADAMS Accession

No. ML13053A075). The NRC staff issued a Notice of Availability for TSTF–523, Revision 2, for plant-specific adoption using the Consolidated Line Item Improvement Process, in the **Federal Register** on January 15, 2014 (79 FR 2700).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change adds Surveillance Requirements (SRs) that require verification that the Emergency Core Cooling System (ECCS), the Decay Heat Removal (DHR) System, and the Reactor Building Spray (RB Spray) System are not rendered inoperable due to accumulated gas and to provide allowances which permit performance of the revised verification. Gas accumulation in the subject systems is not an initiator of any accident previously evaluated. As a result, the probability of any accident previously evaluated is not significantly increased. The proposed SRs ensure that the subject systems continue to be capable of performing their assumed safety function and are not rendered inoperable due to gas accumulation. Thus, the consequences of any accident previously evaluated are not significantly increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change adds SRs that require verification that the ECCS, the DHR, and the RB Spray System are not rendered inoperable due to accumulated gas and to provide allowances which permit performance of the revised verification. The proposed change does not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the proposed change does not impose any new or different requirements that could initiate an accident. The proposed change does not alter assumptions made in the safety analysis and is consistent with the safety analysis assumptions.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change adds SRs that require verification that the ECCS, the DHR, and the RB Spray System are not rendered inoperable due to accumulated gas and to provide allowances which permit performance of the revised verification. The proposed change adds new requirements to manage gas accumulation in order to ensure that the subject systems are capable of performing their assumed safety functions. The proposed SRs are more comprehensive than the current SRs and will ensure that the assumptions of the safety analysis are protected. The proposed change does not adversely affect any current plant safety margins or the reliability of the equipment assumed in the safety analysis. Therefore, there are no changes being made to any safety analysis assumptions, safety limits, or limiting safety system settings that would adversely affect plant safety as a result of the proposed change.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: J. Bradley Fewell, Vice President and Deputy General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

Acting NRC Branch Chief: Robert G. Schaaf.

Exelon Generation Company, LLC, Docket Nos. 50–352 and 50–353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of amendment request: July 10, 2014. A publicly-available version is in ADAMS under Accession No. ML14191B180.

Description of amendment request: The proposed amendment would revise and add Technical Specification (TS) surveillance requirements to address the concerns discussed in NRC Generic Letter 2008–01, ''Managing Gas Accumulation in Emergency Core Cooling, Decay Heat Removal, and Containment Spray Systems,'' dated January 11, 2008 (ADAMS Accession No. ML072910759). The proposed TS changes are based on NRC-approved TS Task Force (TSTF) Traveler TSTF–523, Revision 2, ''Generic Letter 2008–01, Managing Gas Accumulation,'' dated February 21, 2013 (ADAMS Accession No. ML13053A075). The NRC staff issued a Notice of Availability for TSTF–523, Revision 2, for plant-specific adoption using the Consolidated Line Item Improvement Process, in the **Federal Register** on January 15, 2014 (79 FR 2700).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises or adds Surveillance Requirements (SRs) that require verification that the Emergency Core Cooling System (ECCS), the Residual Heat Removal (RHR) System, the Shutdown Cooling (SDC) System, the Containment Spray (CS) System, and the Reactor Core Isolation Cooling (RCIC) System are not rendered inoperable due to accumulated gas and to provide allowances which permit performance of the revised verification. Gas accumulation in the subject systems is not an initiator of any accident previously evaluated. As a result, the probability of any accident previously evaluated is not significantly increased. The proposed SRs ensure that the subject systems continue to be capable of performing their assumed safety function and are not rendered inoperable due to gas accumulation. Thus, the consequences of any accident previously evaluated are not significantly increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change revises or adds SRs that require verification that the ECCS, the RHR, the SDC, the CS, and the RCIC Systems are not rendered inoperable due to accumulated gas and to provide allowances which permit performance of the revised verification. The proposed change does not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the proposed change does not impose any new or different requirements that could initiate an accident. The proposed change does not alter assumptions made in the safety analysis and is consistent with the safety analysis assumptions.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change revises or adds SRs that require verification that the ECCS, the RHR, the SDC, the CS, and the RCIC Systems are not rendered inoperable due to accumulated gas and to provide allowances which permit performance of the revised verification. The proposed change revises or adds new requirements to manage gas accumulation in order to ensure the subject

systems are capable of performing their assumed safety functions. The proposed SRs are more comprehensive than the current SRs and will ensure that the assumptions of the safety analysis are protected. The proposed change does not adversely affect any current plant safety margins or the reliability of the equipment assumed in the safety analysis. Therefore, there are no changes being made to any safety analysis assumptions, safety limits or limiting safety system settings that would adversely affect plant safety as a result of the proposed change.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: J. Bradley Fewell, Vice President and Deputy General Counsel, Exelon Generation Company, LLC, 200 Exelon Way, Kennett Square, PA 19348.

Acting NRC Branch Chief: Robert G. Schaaf.

Exelon Generation Company, LLC, Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Units 1 and 2, Will County, Illinois

Docket Nos. STN 50–454 and STN 50–455, Byron Station, Units 1 and 2, Ogle County, Illinois

Date of amendment request: April 24, 2014. A publicly-available version is in ADAMS under Accession No. ML14120A039.

Description of amendment request: The proposed amendment would add new ''low degraded voltage relays'' and timers, with appropriate settings, on each engineered safety feature electrical bus. The technical specifications and surveillance requirements would be changed to add appropriate operational and testing requirements for the new relays and timers.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, with NRC staff revisions provided in [brackets], which is presented below:

EGC [Exelon Generation Company, LLC] has evaluated the proposed change for Braidwood Station and Byron Station, using the criteria in 10 CFR 50.92, and has determined that the proposed change does not involve a significant hazards consideration. The following information is provided to support a finding of no significant hazards consideration.

Criteria

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change to add new ''low degraded voltage relays'' (LDVRs) and associated CHANNEL CALIBRATION surveillance test provides a third level of undervoltage protection for the Engineered Safeguards Features (ESF) electrical buses. These new relays will further ensure that the normally operating safety-related motors/equipment, which are powered from the ESF buses, are appropriately isolated from the normal off-site power source and will not be damaged in the event of sustained degraded bus voltage. The addition of the LDVRs will continue to allow the existing undervoltage protection circuitry to function as originally designed; i.e., the first-level ''loss of voltage'' protection and the second-level ''degraded voltage'' protection will remain in place and be unaffected by this change. The proposed change does not affect the probability of any accident resulting in a loss of voltage or degraded voltage condition on the ESF electrical buses; and will positively impact the consequences of accidents previously evaluated as this change further ensures continued operation of safety-related equipment throughout the accident scenarios.

Specific analysis was performed and determined that the proposed LDVRs, with the specified allowable values and time delay, will ensure that the 4.16 kV ESF buses will be isolated from the normal off-site power source, at the appropriate voltage level, under nonaccident sustained degraded voltage conditions. The normally operating safety related motors will be subsequently sequenced back on to the 4.16 kV ESF buses powered by the EDGs [Emergency Diesel Generators]; and therefore, will not be damaged in the event of sustained degraded bus voltage during the time delay period prior to initiation of the first level loss of voltage trip function.

Therefore, these safety-related loads will be available to perform their design basis function should a loss-of-coolant accident (LOCA) occur concurrent with a loss-of-offsite power (LOOP) following the degraded voltage condition. The loading sequence (i.e., timing) of safety-related equipment back onto the ESF bus, powered by the EDG, is not affected by the addition of the new LDVRs.

The addition of new LDVRs will have no impact on accident initiators or precursors; does not alter the accident analysis assumptions or the manner in which the plant is operated or maintained; and does not affect the probability of operator error.

Based on the above, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change involves the addition of new ''low degraded voltage relays'' (LDVRs); i.e., a third level of undervoltage protection for the ESF electrical buses, and adds an associated CHANNEL CALIBRATION surveillance test. This change helps ensure that the assumptions in the previously evaluated accidents, which may involve a degraded voltage condition, continue to be valid.

The proposed changes do not result in the creation of any new accident precursors; do not result in changes to any existing accident scenarios; and do not introduce any operational changes or mechanisms that would create the possibility of a new or different kind of accident. A specific failure mode and effects review was completed for the new LDVRs, considering their potential failure, and concluded that the addition of these relays would not affect the existing ''loss of voltage'' and ''degraded voltage'' protection schemes; would not affect the number of occurrences of degraded voltage conditions that would cause the actuation of the existing Loss of Voltage Relays (LVRs), Degraded Voltage Relays (DVRs) or new LVDRs; would not affect the failure rate of the existing protection relays; and would not impact the assumptions in any existing accident scenario.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The current ''loss of voltage'' and ''degraded voltage'' protection circuitry is designed to appropriately isolate the normally operating safety-related motors/equipment, which are powered from the ESF buses, from the normal off-site power source such that the subject equipment will not be damaged in the event of sustained degraded bus voltage. The loss of voltage relays (LVRs) isolate the ESF buses at a TS [technical specifications] voltage value of approximately 66% of the nominal bus value after a short time delay (i.e., 1.9 seconds); while the degraded voltage relays (DVRs) isolate the ESF buses at a TS voltage value of 94.5% for Braidwood (91.2% for Byron Station) of the nominal bus voltage after a longer time delay of up to 5 minutes and 40 seconds (if no safety injection signal is present). After the ESF buses are isolated from the offsite power supply, the normally operating safety related motors will be sequenced back on to the 4.16 kV EFS bus powered by the EDG; and continue to perform their design basis function to mitigate the consequences of an accident, with a specified margin of safety.

A concern exists that ESF motors/equipment may be damaged when operating and/or starting safety-related equipment when bus voltage drops to just above the loss of voltage relay setpoint for the duration of the 5 minutes and 40 second time delay. The new LDVRs are being added to resolve this concern. Analysis has been performed that shows the ESF equipment will not be damaged at 75% of bus voltage; therefore, the LDVR setpoint will be set at 75% of nominal ESF bus voltage. With the addition of this new third level of undervoltage protection,

the capability of the ESF equipment will be assured; and thus the equipment will continue to perform its design basis function to mitigate the consequences of the previously analyzed accidents; and maintain the existing margin to safety currently assumed in the accident analyses.

An EDG start due to a safety injection signal (i.e., Loss of Coolant Accident) and the subsequent sequencing of ESF loads back on to the ESF buses, powered by the EDG, is not adversely affected by this change. If an actual loss of voltage condition occurs on the ESF buses, the loss of voltage time delays will continue to isolate the 4.16 kV ESF distribution system from the offsite power source prior to the EDG assuming the ESF loads.

The ESF loads will sequence back on to the bus in a specified order and time interval; again ensuring that the existing accident analysis assumptions remain valid and the existing margin to safety is unaffected.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, EGC concludes that the proposed amendments do not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Bradley J. Fewell, Associate General Counsel, Exelon Nuclear, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: Travis L. Tate.

NextEra Energy Seabrook, LLC, Docket No. 50–443, Seabrook Station, Unit 1, Rockingham County, New Hampshire

Date of amendment request: June 24, 2014. A publicly-available version is in ADAMS under Accession No. ML14177A503.

Description of amendment request: The proposed amendment would revise and add Technical Specification (TS) Surveillance Requirements (SRs) to address the concerns discussed in NRC Generic Letter 2008–01, ''Managing Gas Accumulation in Emergency Core Cooling, Decay Heat Removal, and Containment Spray Systems,'' dated January 11, 2008 (ADAMS Accession No. ML072910759). The proposed TS changes are based on NRC-approved TS Task Force (TSTF) Traveler TSTF–523, Revision 2, ''Generic Letter 2008–01, Managing Gas Accumulation,'' dated February 21, 2013 (ADAMS Accession No. ML13053A075). The NRC staff issued a Notice of Availability for TSTF–523, Revision 2, for plant-specific adoption using the Consolidated Line Item Improvement Process, in the **Federal Register** on January 15, 2014 (79 FR 2700).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, with NRC staff revisions provided in [brackets], which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises or adds SRs that require verification that the Emergency Core Cooling Systems (ECCS), Residual Heat Removal (RHR) System, and Containment Spray (CS) System are not rendered inoperable due to accumulated gas and to provide allowances which permit performance of the revised verification. Gas accumulation in the subject systems is not an initiator of any accident previously evaluated. As a result, the probability of any accident previously evaluated is not significantly increased. The proposed SRs ensure that the subject systems continue to be capable to perform their assumed safety function and are not rendered inoperable due to gas accumulation. Thus, the consequences of any accident previously evaluated are not significantly increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change revises or adds SRs that require verification that the ECCS, RHR System, and CS System are not rendered inoperable due to accumulated gas and to provide allowances which permit performance of the revised verification. The proposed change does not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the proposed change does not impose any new or different requirements that could initiate an accident. The proposed change does not alter assumptions made in the safety analysis and is consistent with the safety analysis assumptions[.]

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change revises or adds SRs that require verification that the ECCS, RHR System, and CS System are not rendered inoperable due to accumulated gas and to provide allowances which permit performance of the revised verification. The proposed change adds new requirements to manage gas accumulation in order to ensure that the subject systems are capable of performing their assumed safety functions. The proposed SRs are more comprehensive than the current SRs and will ensure that the assumptions of the safety analysis are protected. The proposed change does not adversely affect any current plant safety margins or the reliability of the equipment assumed in the safety analysis. Therefore, there are no changes being made to any safety analysis assumptions, safety limits, or limiting safety system settings that would adversely affect plant safety as a result of the proposed change.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: James Petro, Managing Attorney, Florida Power & Light Company, P.O. Box 14000, Juno Beach, FL 33408–0420.

Acting NRC Branch Chief: Robert G. Schaaf.

South Carolina Electric and Gas Docket Nos.: 52–027 and 52–028, Virgil C. Summer Nuclear Station (VCSNS) Units 2 and 3, Fairfield County, South Carolina

Date of amendment request: May 20, 2014, as supplemented by letter dated June 3, 2014. Publicly-available versions are in ADAMS under Accession Nos. ML14140A637 and ML14155A257, respectively.

Description of amendment request: The proposed change would amend Combined License Nos. NPF–93 and NPF–94 for VCSNS Units 2 and 3 by departing from the plant-specific Design Control Document (DCD) Tier 1(and corresponding Combined License Appendix C information) material by making various nontechnical changes to correct editorial and consistency errors in Tier 1. This is being done to promote consistency within the Updated Final Safety Analysis Report (UFSAR).

Because, this proposed change requires a departure from Tier 1 information in the Westinghouse Advanced Passive 1000 DCD, the licensee also requested an exemption from the requirements of the Generic DCD Tier 1 in accordance with 10 CFR 52.63(b)(1).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the

licensee has provided its analysis of the issue of no significant hazards consideration, with NRC staff revisions provided in [brackets], which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed editorial and consistency plant-specific Tier 1 and corresponding COL [combined operating license] Appendix C update does not involve a technical change, e.g., there is no design parameter or requirement, calculation, analysis, function or qualification change. No structure, system, or component (SSC) design or function would be affected. No design or safety analysis would be affected. The proposed changes do not affect any accident initiating event or component failure, thus the probabilities of the accidents previously evaluated are not affected. No function used to mitigate a radioactive material release and no radioactive material release source term is involved, thus the radiological releases in the accident analyses are not affected.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed editorial and consistency plant-specific Tier 1 and corresponding COL Appendix C update would not affect the design or function of any SSC, but will instead provide consistency between the SSC designs and functions currently presented in the UFSAR and the Tier 1 information. The proposed changes would not introduce a new failure mode, fault or sequence of events that could result in a radioactive material release.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed editorial and consistency plant-specific Tier 1 and corresponding COL Appendix C update is considered non-technical for reasons discussed above, thus would not affect any design parameter, function or analysis. There would be no change to an existing design basis, design function, regulatory criterion, or analysis. No safety analysis or design basis acceptance limit/criterion is involved.

Therefore, the proposed amendment does not reduce the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Kathryn M. Sutton, Morgan, Lewis & Bockius LLC, 1111 Pennsylvania Avenue NW., Washington, DC 20004–2514.

NRC Branch Chief: Lawrence J. Burkhart.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant, Units 1 and 2 (VEGP), Burke County, Georgia

Date of amendment request: August 31, 2012, as supplemented September 13, 2013, May 2, July 22, and August 11, 2014. Publicly-available versions are in ADAMS under Accession Nos. ML12248A035, ML13256A306, ML14122A364, ML14203A252 and, ML14223A616, respectively.

Description of amendment request: The proposed amendments would revise the licensing basis for the VEGP by adding license conditions that would allow for the voluntary implementation of 10 CFR 50.69, ''Risk-informed categorization and treatment of structures, systems, and components for nuclear power reactors.'' As indicated in § 50.69, a licensee may voluntarily comply with § 50.69 as an alternative to compliance with the following requirements for certain SSCs: (i) 10 CFR part 21, (ii) a portion of § 50.46, (iii) § 50.49, (v) certain requirements of § 50.55a, (vi) § 50.65, (vii) § 50. 72, (viii) § 50.73,·(ix) Appendix B to Part 50, (x) certain containment leakage testing requirements, and (xi) certain requirements of Appendix A to part 100.

Basis for proposed no significant hazards consideration determination: The licensee responded in its letter dated August 11, 2014, to the NRC staff's request for additional information regarding the licensee's no significant hazards consideration determination, which is required by 10 CFR 50.91(a). Portions of the licensee's response regarding each of the no significant hazards consideration standards, with NRC staff revisions provided in [brackets], are presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

Operation of the Vogtle Electric Generating Plant (VEGP) in accordance with the proposed amendment does not result in a significant increase in the probability or consequences of accidents previously evaluated. The Updated Final Safety Analysis Report (UFSAR) documents the analysis of design basis accidents at VEGP. The proposed amendment does not affect accident initiators, nor does it alter design assumptions, conditions, or configurations of the facility that would increase the probability of accidents previously evaluated, nor does it adversely alter design assumptions, conditions, or configurations of the facility, and it does not adversely impact the ability of structures, systems, or components (SSCs) to perform their intended function to mitigate the consequences of an initiating event within the assumed acceptance limits, nor do they affect assumed failure modes for accidents described and evaluated in the UFSAR. The proposed changes do not affect the way in which required systems perform their functions as required by the accident analysis. Structures, systems, and components required to safely shut down the reactor and maintain it in a safe shutdown condition will remain capable of performing their design functions.

Furthermore, the source term and radiological release assumptions of previously evaluated events are not affected by the alternative treatments permitted under 10 CFR 50.69; containment isolation devices assumed to function under accident conditions will not have their reliability adversely affected by the proposed amendment. Consequently, operating under the proposed amendment will not result in a significant increase in the radiological dose consequences assumed for previously analyzed events.

Section 50.69 defines the terminology ''safety significant function'' as functions whose loss or degradation could have a significant adverse effect on defense-in-depth, safety margins, or risk. For SSCs determined to be safety significant, 50.69 maintains the current regulatory requirements. These current requirements are adequate for addressing design basis performance of these SSCs.

The purpose of this amendment is to permit VEGP to adopt a new risk-informed licensing basis for categorization and treatment of structures, systems and components. The proposed VEGP Units 1 and 2 OL [operating license] LCs [license conditions] will allow for the voluntary implementation of 10 CFR 50.69. The SNC [Southern Nuclear Operating Company] risk-informed categorization process has been documented per the requirements of 10 CFR 50.69(b)(2) and meets the requirements of 10 CFR 50.69(c). A probabilistic approach to regulation enhances and extends the traditional deterministic approach by allowing consideration of a broader set of potential challenges to safety and providing a logical means for prioritizing these challenges based on safety significance. The SNC risk-informed categorization process will be used to modify the scope of SSCs subject to special treatment requirements. Alternative treatments permitted per 10 CFR 50.69(b)(1) and 10 CFR 50.69(d)(2) can then be applied consistent with the categorization of the SSCs. The process provides reasonable confidence that, for SSCs categorized as RISC–3, sufficient safety margins are maintained and that any potential increases in CDF [core damage frequency] and LERF [large early release frequency] resulting from changes in treatment are small per 10 CFR 50.69(c)(1)(iv). The proposed OL LCs do not result in or require any physical or operational changes to VEGP SSCs, including SSCs intended for the prevention or

mitigation of accidents. Implementation of 10 CFR 50.69 in compliance with 10 CFR 50.69 requirements ensures that RISC–1 and RISC–3 SSCs remain capable of performing their design basis functions, including safety-related functions, under design basis conditions. In addition, the process ensures that RISC–2 SSCs are capable of performing their safety significant functions.

Based on the above, implementation of this amendment to implement 10 CFR 50.69 risk informed categorization and treatment of structures, systems, and components does not involve a significant increase in the probability of any accident previously evaluated. In addition, all equipment required to mitigate an accident remains capable of performing the assumed function.

Therefore, consequences of any accident previously evaluated are not significantly increased with the implementation of this License Amendment.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

Operation of VEGP in accordance with the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed amendment does not impact any scenario or previously analyzed accident with offsite dose consequences included in the evaluation of design basis accidents (DBA) documented in the FSAR [final safety analysis report]. The proposed change does not alter the requirements or functions for systems required during accident conditions, nor does it alter the required mitigation systems as assumed in the licensing basis analyses and/or DBA radiological consequences evaluations. Implementation of the 50.69 categorization will not result in new or different accidents.

The proposed amendment does not adversely affect accident initiators nor alter design assumptions, or conditions of the facility. The proposed amendment does not introduce new or different accident initiators; neither does it introduce new modes of operation. The proposed amendment does not adversely affect the ability of SSCs to perform their design function. SSCs required to safely shutdown the reactor and maintain it in a safe shutdown condition remain capable of performing their design function.

Section 50.69 represents an alternative set of requirements whereby a licensee may voluntarily undertake categorization of its SSCs consistent with the requirements in 50.69(c), remove the special treatment requirements listed in 50.69(b) for SSCs that are determined to be of low safety significance, and implement alternative treatment requirements in 50.69(d). The regulatory requirements not removed continue to apply. These requirements are adequate for addressing design basis performance of these SSCs. This license amendment continues to maintain the principles that the net increase in plant risk is small, defense-in-depth is maintained, and safety margins are maintained.

The proposed VEGP Units 1 and 2 OL LCs will allow for the voluntary implementation of 10 CFR 50.69. The SNC risk-informed categorization process has been documented per the requirements of 10 CFR 50.69(b)(2) and meets the requirements of 10 CFR 50.69(c). The SNC risk-informed categorization process will be used to modify the scope of SSCs subject to special treatment requirements. Alternative treatments permitted per 10 CFR 50.69(b)(1) and 10 CFR 50.69(d)(2) can then be applied consistent with the categorization of the SSCs. The process provides reasonable confidence that, for SSCs categorized as RISC–3, sufficient safety margins are maintained and that any potential increases in CDF and LERF resulting from changes in treatment are small per 10 CFR 50.69(c)(1)(iv). The proposed OL LCs do not result in or require any physical or operational changes to VEGP SSCs, including SSCs intended for the prevention or mitigation of accidents. Implementation of 10 CFR 50.69 in compliance with 10 CFR 50.69 requirements ensures that RISC–1 and RISC–3 SSCs remain capable of performing their design basis functions, including safety-related functions, under design basis conditions. In addition, the process ensures that RISC–2 SSCs are capable of performing their safety significant functions. Therefore, even though there was not an individual evaluation done of every UFSAR accident with potential off-site dose consequences, it can be concluded that the SSCs, assumed to mitigate the consequences of any and all previously evaluated events, will not be adversely affected by the alternative treatments allowed under 10 CFR 50.69. Consequently, the dose consequences of previously analyzed events will not significantly increase as a result of the alternative treatment of SSCs. Additionally, implementation of 10 CFR 50.69 will not create new failure mechanisms that initiate new accidents because the process does not result in or require any physical or operational changes for VEGP SSCs nor does it alter the functions or functional requirements of those SSCs.

Based on this, implementation of the proposed amendment would not create the possibility of a new or different kind of accident from any kind of accident previously evaluated. No new accident scenarios, transient precursors, failure mechanisms, or limiting single failures will be introduced as a result of this amendment. There will be no adverse effect or challenges imposed on required systems as a result of this amendment.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

Operation of VEGP in accordance with the proposed amendment does not involve a significant reduction in the margin of safety. Implementation of a new risk informed categorization and treatment of structures, systems, and components licensing basis that complies with the requirements of 10 CFR 50.69 does not alter the manner in which safety limits, limiting safety system settings, or limiting conditions for operation are determined. The safety analysis acceptance criteria are not affected by this change. The proposed amendment does not adversely affect existing plant safety margins or the reliability of equipment assumed in the UFSAR to mitigate accidents. The proposed change does not adversely affect the ability of SSCs to perform their design function. The 10 CFR 50.69 process provides reasonable confidence that SSCs categorized as RISC–1, RISC–2, and RISC–3 maintain sufficient safety margins. The proposed amendment does not adversely impact systems required to safely shutdown the plant and maintain it in a safe condition.

The proposed VEGP Units 1 and 2 OL LCs will allow for the voluntary implementation of 10 CFR 50.69. The SNC risk-informed categorization process has been documented per the requirements of 10 CFR 50.69(b)(2) and meets the requirements of 10 CFR 50.69(c). The SNC risk-informed categorization process will be used to modify the scope of SSCs subject to special treatment requirements. Alternative treatments permitted per 10 CFR 50.69(b)(1) and 10 CFR 50.69(d)(2) can then be applied consistent with the categorization of the SSCs. Although there were no calculations or evaluations performed for the express purpose of demonstrating that the implementation of 10 CFR 50.69 will not result in a significant reduction in the margin of safety, the process provides reasonable confidence that, for SSCs categorized as RISC–3, sufficient safety margins are maintained and that any potential increases in CDF and LERF resulting from changes in treatment are small per 10 CFR 50.69(c)(1)(iv). The only requirements that are relaxed for SSCs, consistent with their categorization, are those related to treatment. The safety margins associated with SSCs design basis functions and design technical requirements remain unchanged. Additionally, it is required that there be reasonable confidence that any potential increases in CDF and LERF be small from assumed changes in reliability resulting from the treatment changes permitted by 10 CFR 50.69. As a result individual SSCs continue to be capable of performing their design basis functions. It is concluded that sufficient safety margins are preserved.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Leigh D. Perry, SVP & General Counsel, Southern Nuclear Operating Company, 40 Inverness Center Parkway, Birmingham, AL 35242.

NRC Branch Chief: Robert Pascarelli.

Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Units 1 and 2 (HNP), Appling County, Georgia

Date of amendment request: August 15, 2014. A publicly-available version is in ADAMS under Accession No. ML14227A921.

Description of amendment request: The proposed amendments would modify Technical Specification (TS) 3.8.7 to add two new safety-related instrument buses to the HNP electrical distribution system. Certain instruments will be re-located from existing safety-related electrical instrument buses to these new ''critical instrumentation buses.'' The existing instrument bus is listed in TS 3.8.7 of the HNP, Units 1 and 2, TSs and, since some of the instruments powered from this bus will be moved to the critical instrumentation bus, the new bus will be added to the list of the existing electrical buses in TS 3.8.7.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided an analysis of the issue of no significant hazards consideration, with NRC staff revisions provided in [brackets], as presented below:

Southern Nuclear Operating Company has evaluated whether or not a significant hazards consideration is involved with the proposed amendment by focusing on the three standards set forth in 10 CFR 50.92, ''Issuance of Amendment,'' as discussed below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously identified?

Response: No.

These new critical instrumentation buses and their inverters are not intended for the prevention of any previously analyzed transient or accident. They are intended to provide power to instruments which may be necessary to aid the operator in the mitigation of a beyond design basis external event. The new critical instrumentation buses perform the same function as existing instrumentation buses except they will have the added capability of obtaining primary power from DC [direct current] through their inverters connected to the station service DC power supplies.

The new equipment (inverters and critical instrumentation bus) will be installed as safety related, seismically and environmentally qualified equipment, with the primary power coming from the safety related DC station service buses, and alternate power available from the safety related AC [alternating current] essential cabinets. Therefore, the instruments being moved to the critical instrumentation bus will have a highly reliable source of power. Consequently, should the operator require the use of one of these instruments to aid in mitigating the consequences of a previously analyzed design basis event, it is highly likely that they will be available to him/her. It is therefore unlikely that the consequences of a previously evaluated accident would increase due to an inability to monitor a key containment parameter.

The TSs are being revised to add these instrument buses to the LCO [limiting condition for operation] requirements for the electrical distribution buses. No other TS LCOs are changing, no Surveillance Requirements are changing, and no instrument setpoints are changing. In fact, this TS change does not reduce any requirements. All of the components required to be Operable by the TSs before this revision request, will be required to be Operable following this change, as well as the new critical instrumentation bus. The TS requirements will therefore remain the same for the instruments being powered from the new critical instrumentation bus as well as for the instruments remaining on the AC instrument buses. In other words, the power supplies for these instruments will still be included in the TS as LCO requirements, as they were before the design change to add the critical instrumentation buses. The TS requirements will therefore continue to ensure that these indicators remain Operable during design basis events.

For the above reasons, revising the TS to include the new critical instrument buses in the electrical bus distribution Limiting Condition for Operation does not increase the probability, or consequences, of a previously analyzed event.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

TS LCO 3.8.7 is being changed to add the new critical instrumentation bus. No new modes of operation or new failure modes result from the actual TS change to any system intended for the prevention of accidents.

The design function of the instruments being moved from the existing instrument buses to the critical instrumentation buses will not change. Also, the operation of these instruments during any type of event is not changing. Only their power supply is being changed and thus no new modes of operation are created for these instruments. It is true that new components are being introduced, i.e., the inverters and instrumentation buses, thus introducing a potential failure that would not be present before the modification. However, their failure cannot cause a new or different type of accident. Furthermore the addition of these instruments will not affect any other system intended for the prevention of accidents.

The design change does not impact the existing essential cabinets or instrument buses, except to remove some loads from the instrument bus. Consequently, the design function, operation, maintenance, and testing of these existing power supplies will not change.

Finally, the new inverters and the critical instrumentation buses are not potential accident initiators; they are not intended to prevent an accident in that they do not serve as a barrier to the release of radiation either from the direct fission product boundary, or from the containment. Rather, they are intended to power instruments which serve the operators in their attempt to mitigate the consequences of accidents. Therefore, failure of these power supplies, or failure of any instrument being powered from them, cannot create an accident.

For the above reasons, the proposed amendment will not create the possibility of a new or different type of accident.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The new critical instrumentation buses being referenced in the TS will power several instruments currently being powered by the safety related instrument bus. The new inverters and critical instrumentation buses will also be safety related, as will their primary power source, the DC station service buses. Additionally, the inverters are alternately powered from the safety related essential cabinets. Therefore, because of the reliability and diversity of power supplies, the margin of safety of a loss of power event to the relocated instruments is not significantly reduced.

Loading calculations confirm that adequate design margin still exists for the DC station service buses with respect to their loading for design basis events, even with the additional loads of the added instruments.

Additionally, area heat load calculations were performed for the 130 foot elevation of the Units 1 and 2 Control Buildings which account for the new inverters, instrumentation bus and supporting components. These calculations concluded that there are no adverse effects on the [Final Safety Analysis Report] FSAR design functions.

Adding the critical instrumentation buses to the TS ensures that the new power supplies to the safety related instruments have the same TS requirements as their previous power supply. Therefore, no TS requirements have been eliminated or reduced.

For the above reasons, the margin of safety is not significantly reduced.

On the basis of the evaluation above provided by the licensee, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Leigh D. Perry, SVP & General Counsel of Operations and Nuclear, Southern Nuclear Operating Company, Inc., 40 Inverness Center Parkway, Birmingham, AL 35242.

NRC Branch Chief: Robert Pascarelli.

Virginia Electric and Power Company, Docket Nos. 50–338 and 50–339, North Anna Power Station, Units 1 and 2, (NAPS) Louisa County, Virginia

Date of amendment request: June 30, 2014. A publicly-available version is in ADAMS under Accession No. ML14183B318.

Description of amendment request: The proposed license amendment requests the changes to the Technical Specification (TS) TS 5.5.15, ''Containment Leakage Rate Testing Program,'' by replacing the reference to Regulatory Guide (RG) 1.163, ''Performance-Based Containment Leak-Test Program,'' with a reference to Nuclear Energy Institute (NEI) topical report NEI 94–01, Revision 3–A, ''Industry Guideline for Implementing Performance-Based Option of 10 CFR Part 50, Appendix J,'' as the implementation document used to develop the North Anna performance-based leakage testing program in accordance with Option B of 10 CFR Part 50, Appendix J.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1—Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment involves changes to the NAPS Containment Leakage Rate Testing Program. The proposed amendment does not involve a physical change to the plant or a change in the manner in which the plant is operated or controlled. The primary containment function is to provide an essentially leak tight barrier against the uncontrolled release of radioactivity to the environment for postulated accidents. As such, the containment and the testing requirements to periodically demonstrate the integrity of the containment exist to ensure the plant's ability to mitigate the consequences of an accident, and do not involve any accident precursors or initiators.

Therefore, the probability of occurrence of an accident previously evaluated is not significantly increased by the proposed amendment.

The proposed amendment adopts the NRC-accepted guidelines of NEI 94–01, Revision 3–A, for development of the NAPS performance-based testing program. Implementation of these guidelines continues to provide adequate assurance that during design basis accidents, the primary containment and its components will limit leakage rates to less than the values assumed in the plant safety analyses. The potential consequences of extending the ILRT [integrated leak rate test] interval to 15 years have been evaluated by analyzing the resulting changes in risk. The increase in risk in terms of person-rem per year within 50 miles resulting from design basis accidents was estimated to be acceptably small and determined to be within the guidelines published in RG 1.174 [''An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific changes to the Licensing Basis'']. Additionally, the proposed change maintains defense-in-depth by preserving a reasonable balance among prevention of core damage, prevention of containment failure, and consequence mitigation. NAPS has determined that the increase in Conditional Containment Failure Probability due to the proposed change is very small.

Therefore, it is concluded that the proposed amendment does not significantly increase the consequences of an accident previously evaluated.

Based on the above discussion, it is concluded that the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2—Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment adopts the NRC-accepted guidelines of NEI 94–01, Revision 3–A, for the development of the NAPS performance-based leakage testing program, and establishes a 15-year interval for the performance of the containment ILRT. The containment and the testing requirements to periodically demonstrate the integrity of the containment exist to ensure the plant's ability to mitigate the consequences of an accident, do not involve any accident precursors or initiators. The proposed change does not involve a physical change to the plant (i.e., no new or different type of equipment will be installed) or a change to the manner in which the plant is operated or controlled.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3—Does this change involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment adopts the NRC-accepted guidelines of NEI 94–01, Revision 3–A, for the development of the NAPS performance-based leakage testing program, and establishes a 15-year interval for the performance of the containment ILRT. This amendment does not alter the manner in which safety limits, limiting safety system setpoints, or limiting conditions for operation are determined. The specific requirements and conditions of the Containment Leakage Rate Testing Program, as defined in the TS, ensure that the degree of primary containment structural integrity and leak-tightness that is considered in the plant's safety analysis is maintained. The overall containment leakage rate limit specified by the TS is maintained, and the Type A, Type B, and Type C containment leakage tests will be performed at the frequencies established in accordance with the NRC-accepted guidelines of NEI 94–01, Revision 3–A.

Containment inspections performed in accordance with other plant programs serve to provide a high degree of assurance that the containment will not degrade in a manner that is not detectable by an ILRT. A risk assessment using the current NAPS PRA [probabilistic risk assessment] model concluded that extending the ILRT test interval from 10 years to 15 years results in a small change to the NAPS risk profile.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Senior Counsel, Dominion Resources Services, Inc., 120 Tredegar Street, RS–2, Richmond, VA 23219.

NRC Branch Chief: Robert Pascarelli.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

Duke Energy Carolinas, LLC, Docket Nos. 50–269, 50–270 and 50–287, Oconee Nuclear Station, Units 1, 2 and 3, Oconee County, South Carolina

Date of application for amendments: December 16, 2011, as supplemented by letters dated January 20, March 1, March 16, April 18, July 11, July 20, August 31, and November 2, 2012; April 5, June 28, August 7, and December 18, 2013; and February 14, April 3, April 11, and July 24, 2014.

Brief description of amendments: The amendments revised the Technical Specifications and the Updated Final Safety Analysis Report to add the new Protected Service Water (PSW) System to the plant's licensing basis as an additional method of achieving and maintaining safe shutdown of the reactors in the event of a high-energy line break or a fire in the turbine building, which is shared by all three units.

Date of Issuance: August 13, 2014.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: 386, 388, and 387. A publicly-available version is in ADAMS under Accession No. ML14206A790. Documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–38, DPR–47, and DPR–55: Amendments revised the license and the TSs.

Date of initial notice in ***Federal Register:*** July 10, 2012, (77 FR 40652). The supplemental letters dated January 20, March 1, March 16, April 18, July 11, July 20, August 31, and November 2, 2012; April 5, June 28, August 7, and December 18, 2013; and February 14, April 3, April 11, and July 24, 2014, provided additional information that clarified the application, did not expand the scope of the application as noticed, and did not change the staff's proposed no significant hazards consideration determination as published in the **Federal Register.**

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 13, 2014.

No significant hazards consideration comments received: No.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit 1, Washington County, Nebraska

Date of amendment request: August 5, 2013, as supplemented by letter dated January 28, 2014.

Brief description of amendment: The amendment revised the structural design basis related to the leak-before-break analysis for the reactor coolant system piping described in Section 4.3.6 of the Updated Safety Analysis Report.

Date of issuance: August 7, 2014.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment No.: 276. A publicly-available version is in ADAMS under Accession No. ML14209A027; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–40: The amendment revised the design basis as described in the Updated Safety Analysis Report.

Date of initial notice in ***Federal Register:*** April 8, 2014 (79 FR 19400).

The Commission's related evaluation of the amendment is contained in a safety evaluation dated August 7, 2014.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Date of application for amendment: August 20, 2012, as supplemented by letters dated October 25, 2012, November 8, 2012, July 2, 2013, and June 16, 2014.

Brief description of amendments: The amendments revise the condensate storage tank level requirement specified in Technical Specification surveillance requirement 3.7.6.1.

Date of issuance: August 15, 2014.

Effective date: As of its date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment Nos.: Unit 1—195, Unit 2—191. A publicly-available version is in ADAMS under Accession No. ML14155A302; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. NPF–2 and NPF–8: The amendments revised the Renewed Facility Operating Licenses and Technical Specifications.

Date of initial notice in ***Federal Register:*** January 15, 2013 (78 FR 3037). The supplemental letters dated October 25, 2012, November 8, 2012, July 2, 2013, and June 16, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register.**

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 15, 2014.

No significant hazards consideration comments received: No.

Virginia Electric and Power Company, Docket Nos. 50–338 and 50–339, North Anna Power Station, Units 1 and 2, Louisa County, Virginia and Docket No. 50–280 and 50–281, Surry Power Station, Units 1 and 2, Surry County, Virginia

Date of application for amendment: June 26, 2013, as supplemented by letter dated January 23, 2014.

Brief description of amendment: The license amendments approve the generic application of Appendix D, ''Qualification of the ABB–NV and WLOP Critical Heat Flux (CHF) Correlations in the Dominion VIPRE–D Computer Code,'' to Fleet Report DOM–NAF–2–A, ''Reactor Core Thermal-Hydraulics Using the VIPRE–D Computer Code,'' the plant-specific applications of Appendix D to Fleet Report DOM–NAF–2–A to North Anna and Surry Power Stations, an added Surry reactor core safety limit, an increase in the Surry Minimum Temperature for Criticality (MTC), and modified references to MTC.

Date of issuance: August 12, 2014.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment Nos.: 271, 253, 283, and 283. A publicly-available version is in ADAMS under Accession No. ML14169A359. Documents related to these amendments are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License Nos. NPF–4 and NPF–7, DPR–32 and DPR–37: Amendments changed the licenses.

Date of initial notice in ***Federal Register:*** September 3, 2013 (78 FR 54292). The supplemental dated January 23, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed,

and did not change the staffs original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 12, 2014.

No significant hazards consideration comments received: No.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: September 23, 2013.

Brief description of amendment: The amendment revised Technical Specification (TS) 5.6.5, ''CORE OPERATING LIMITS REPORT (COLR),'' to replace the methodology of Westinghouse Electric Company LLC topical report WCAP–11596–P–A, ''Qualification of the Phoenix-P/ANC Nuclear Design System for Pressurized Water Reactor Cores,'' with WCAP–16045–P–A, ''Qualification of the Two-Dimensional Transport Code PARAGON,'' and WCAP–16045–P–A, Addendum 1–A, ''Qualification of the NEXUS Nuclear Data Methodology,'' to determine core operating limits.

Date of issuance: August 7, 2014.

Effective date: As of its date of issuance and shall be implemented prior to core reload during Refueling Outage 20, currently expected to begin in January 2015.

Amendment No.: 209. A publicly-available version is in ADAMS under Accession No. ML14156A246; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–42. The amendment revised the Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** December 10, 2013 (78 FR 74186).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 7, 2014.

No significant hazards consideration comments received: No.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: January 23, 2014. A redacted version was provided by letter dated March 31, 2014.

Brief description of amendment: The amendment revised the Cyber Security Plan Implementation Milestone No. 8 completion date and the physical protection license condition.

Date of issuance: August 14, 2014.

Effective date: As of its date of issuance and shall be implemented within 90 days.

Amendment No.: 210. A publicly-available version is in ADAMS under Accession No. ML14209A023; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–42. The amendment revised the Operating License.

Date of initial notice in ***Federal Register:*** June 6, 2014 (79 FR 32765).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 14, 2014.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 22nd day of August 2014.

For the Nuclear Regulatory Commission.

A. Louise Lund,

Acting Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2014–20671 Filed 8–29–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (Acrs); Meeting of the ACRS Subcommittee on AP1000; Notice of Meeting

The ACRS Subcommittee on AP1000 will hold a meeting on September 17, 2014, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance with the exception of a portion that may be closed to protect proprietary information pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meeting shall be as follows:

Wednesday, September 17, 2014—8:30 a.m. until 12:00 p.m.

The Subcommittee will review a design change concerning the condensate return to the In-Containment Refueling Water Storage Tank. The Subcommittee will hear presentations by and hold discussions with the NRC staff, Westinghouse, and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Mr. Peter Wen (Telephone 301–415–2832 or Email: *Peter.Wen@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on November 8, 2013, (78 FR 67205–67206).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs*. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: August 19, 2014.

Cayetano Santos,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2014–20815 Filed 8–29–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0001]

Sunshine Act Meeting Notice

DATE: Weeks of September 1, 8, 15, 22, 29, October 6, 13, 2014.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of September 1, 2014

There are no meetings scheduled for the week of September 1, 2014.

Week of September 8, 2014—Tentative

Tuesday, September 9, 2014

9:30 a.m. Briefing on NRC International Activities (Closed—Ex. 1 & 9).

Wednesday, September 10, 2014

9:30 a.m. Strategic Programmatic Overview of the New Reactors Business Line (Public Meeting) (Contact: Donna Williams, 301–415–1322).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of September 15, 2014—Tentative

Monday, September 15, 2014

1:30 p.m. NRC All Employees Meeting (Public Meeting), Marriott Bethesda North Hotel, 5701 Marinelli Road, Rockville, MD 20852.

Tuesday, September 16, 2014

10:00 a.m. Briefing on Project Aim 2020 (Closed—Ex. 2).

Thursday, September 18, 2014

9:00 a.m. Briefing on Management of Low-Level Waste, High-Level Waste, and Spent Nuclear Fuel (Public Meeting) (Contact: Cinthya I. Román, 301–287–9091).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of September 22, 2014—Tentative

There are no meetings scheduled for the week of September 22, 2014.

Week of September 29, 2014—Tentative

Thursday, October 2, 2014

10:00 a.m. Meeting with the Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting) (Contact: Ed Hackett, 301–415–7360).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of October 6, 2014—Tentative

Tuesday, October 7, 2014

9:00 a.m. Briefing on the Status of Near-Term Task Force Recommendation 2.1 for Seismic Hazard Reevaluations (Public Meeting) (Contact: Nicholas DiFrancesco, 301–415–1115).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of October 13, 2014—Tentative

Wednesday, October 15, 2014

11:00 a.m. Discussion of Management and Personnel Issues (Closed—Ex. 2 and 6).

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The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Rochelle Bavol at (301) 415–1651 or via email at *Rochelle.Bavol@nrc.gov.*

* * * * *

Additional Information

The start time for the Briefing on Project Aim 2020 (Closed—Ex. 2) on September 16, 2014, was changed from 2:00 p.m. to 10:00 a.m.

The Discussion of Management and Personnel Issues (Closed—Ex. 2 and 6) previously scheduled on September 16, 2014, was rescheduled on October 15, 2014.

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The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0727, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov* . Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an email to *Patricia.Jimenez@nrc.gov* or *Brenda.Akstulewicz@nrc.gov.*

Dated: August 28, 2014.

Rochelle C. Bavol,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2014–20901 Filed 8–28–14; 4:15 pm]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Notice—September 18, 2014 Board of Directors Meeting

TIME AND DATE: Thursday, September 18, 2014, 2 p.m. (Open Portion) 2:15 p.m. (Closed Portion).

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue NW., Washington, DC.

STATUS: Meeting Open to the Public from 2 p.m. to 2:15 p.m. Closed portion will commence at 2:15 p.m. (approx.).

MATTERS TO BE CONSIDERED:

1. President's Report
2. Confirmation—Mildred O. Callear as Vice President, Financial & Portfolio Management
3. Minutes of the Open Session of the June 12, 2014 Board of Directors Meeting

FURTHER MATTERS TO BE CONSIDERED: (Closed to the Public 2:15 p.m.):

1. Proposed FY 2016 Budget
2. Finance Project—Sub-Saharan Africa
3. Minutes of the Closed Session of the June 12, 2014 Board of Directors Meeting
4. Reports
5. Pending Projects

CONTACT PERSON FOR INFORMATION: Information on the meeting may be obtained from Connie M. Downs at (202) 336–8438.

Dated: August 28, 2014.

Connie M. Downs,

Corporate Secretary, Overseas Private Investment Corporation.

[FR Doc. 2014–20888 Filed 8–28–14; 4:15 pm]

BILLING CODE 3210–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31222; 812–14032]

Northern Lights Fund Trust II and North Peak Asset Management LLC; Notice of Application

August 26, 2014.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 15(a) of the Act and rule 18f–2 under the Act, as well as from certain disclosure requirements.

SUMMARY OF APPLICATION: Applicants request an order that would permit them to enter into and materially amend subadvisory agreements without

shareholder approval and would grant relief from certain disclosure requirements.

APPLICANTS: Northern Lights Fund Trust II (the ''Trust'') and North Peak Asset Management LLC (''North Peak'').

FILING DATES: The application was filed May 11, 2012, and amended on March 7, 2014 and June 19, 2014.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on September 22, 2014, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants: Trust, 17605 Wright Street, Omaha, NE 68130; North Peak, 457 Washington Street, Duxbury, MA 02332.

FOR FURTHER INFORMATION CONTACT: Jill Ehrlich, Senior Counsel, at (202) 551–6819, or David P. Bartels, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Trust is organized as a Delaware statutory trust and is registered under the Act as an open-end management investment company. The Trust offers one or more series of shares, each with its own distinct investment objectives, policies and restrictions.[1]

2. North Peak is, and any other Adviser will be, registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act''). North Peak serves as the investment adviser to series of the Trust pursuant to an investment advisory agreement with the Trust (the ''Investment Advisory Agreement'').[2] Each Investment Advisory Agreement was approved or will be approved by the board of trustees of the Trust (the ''Board''), including a majority of the trustees who are not ''interested persons,'' as defined in section 2(a)(19) of the Act, of the Trust or the Adviser (''Independent Trustees'') and by the shareholders of the relevant Subadvised Fund in the manner required by sections 15(a) and 15(c) of the Act and rule 18f–2 under the Act.[3] Applicants are not seeking any exemption from the provisions of the Act with respect to the Investment Advisory Agreement.

3. Under the terms of the Investment Advisory Agreement, the Adviser, subject to the oversight of the Board, formulates a continuing program for the investment of the assets of each Subadvised Fund in a manner consistent with its investment objective(s), policies and restrictions. The Adviser periodically reviews each Subadvised Fund's investment policies and strategies and based on the need of a particular Subadvised Fund may recommend changes to the investment policies and strategies of the Subadvised Fund for consideration by its Board. For its services to each Subadvised Fund, the Adviser receives an investment advisory fee from that Subadvised Fund as specified in the Investment Advisory Agreement calculated based on that Subadvised Fund's average daily net assets. The terms of the Investment Advisory Agreements also permit the Adviser, subject to the approval of the Board, including a majority of the Independent Trustees, and the shareholders of the applicable Subadvised Fund (if required by applicable law), to delegate portfolio management responsibilities of all or a portion of the assets of the Subadvised Fund to one or more subadvisers (''Subadvisers''). The Adviser evaluates, selects and recommends Subadvisers to manage the assets (or portion thereof) of Subadvised Funds, monitors and reviews the Subadvisers and their performance and their compliance with that Subadvised Fund's investment policies and restrictions. The Adviser has entered into subadvisory agreements (''Subadvisory Agreements'') with various Subadvisers.[4] Each Subadviser is, and each future Subadviser will be, an ''investment adviser,'' as defined in section 2(a)(20) of the Act, and is registered, or will register, as an investment adviser under the Advisers Act, or not subject to such registration.

The Adviser may compensate each Subadviser out of the advisory fees paid to the Adviser under the Investment Advisory Agreement, or Subadvised Funds may compensate the Subadvisers directly.

4. Applicants request an order to permit the Adviser, subject to Board approval, to select Subadvisers to manage all or a portion of the assets of a Subadvised Fund pursuant to a Subadvisory Agreement and materially amend Subadvisory Agreements without obtaining shareholder approval. The requested relief will not extend to any Subadviser that is an ''affiliated person,'' as defined in section 2(a)(3) of the Act, of the Trust or a Subadvised Fund or the Adviser, other than by reason of solely serving as a Subadviser to a Subadvised Fund or as an investment adviser or subadviser to any series of the Trust other than the series of the Trust advised by the Adviser (''Affiliated Subadviser'').

5. The Funds will inform shareholders of the hiring of a new Subadviser pursuant to the following procedures (''Modified Notice and Access Procedures''): (a) Within 90 days after a new Subadviser is hired for any Subadvised Fund, that Subadvised Fund will send its shareholders either a Multi-manager Notice or a Multi-manager Notice and Multi-manager Information Statement;[5] and (b) the

[1] Applicants request relief with respect to all existing and future series of the Trust and any other existing or future registered open-end management investment company or series thereof, in each case, that (a) is advised by North Peak or its successors or any entity controlling, controlled by, or under common control with North Peak or its successors (any such entity, the ''Adviser''); (b) uses the multi-manager structure described in the application (''Manager of Managers Structure''); and (c) complies with the terms and conditions of the application (each a ''Subadvised Fund'' and collectively, the ''Subadvised Funds''). The only existing registered open-end management investment company that currently intends to rely on the requested order is named as an applicant. For purposes of the requested order, ''successor'' is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization. If the name of any Subadvised Fund contains the name of a Subadviser (as defined below), the name of the Adviser that serves as the primary adviser to such Subadvised Fund, or a trademark or trade name that is owned by the Adviser, will precede the name of the Subadviser.

[2] Each other Subadvised Fund will enter into an investment advisory agreement with its Adviser (included in the term ''Investment Advisory Agreement'').

[3] The term ''Board'' also includes the board of trustees or directors of a future Subadvised Fund, if different.

[4] All existing Subadvisory Agreements comply with sections 15(a) and (c) of the Act and rule 18f-2 thereunder.

[5] A ''Multi-manager Notice'' will be modeled on a Notice of Internet Availability as defined in rule 14a-16 under the Securities Exchange Act of 1934 (''Exchange Act''), and specifically will, among other things: (a) Summarize the relevant

Subadvised Fund will make the Multi-manager Information Statement available on the Web site identified in the Multi-manager Notice no later than when the Multi-manager Notice (or Multi-manager Notice and Multi-manager Information Statement) is first sent to shareholders, and will maintain it on that Web site for at least 90 days.

6. Applicants also request an order exempting each Subadvised Fund from certain disclosure provisions described below that may require the Subadvised Funds to disclose fees paid to each Subadviser by the Adviser or a Subadvised Fund. Applicants seek an order to permit each Subadvised Fund to disclose (as a dollar amount and a percentage of each Subadvised Fund's net assets) only: (a) The aggregate fees paid to the Adviser and any Affiliated Subadviser; and (b) the aggregate fees paid to Subadvisers other than Affiliated Subadvisers (collectively, the ''Aggregate Fee Disclosure''). A Subadvised Fund that employs an Affiliated Subadviser will provide separate disclosure of any fees paid to the Affiliated Subadviser.

Applicants' Legal Analysis

1. Section 15(a) of the Act provides, in relevant part, that it is unlawful for any person to act as an investment adviser to a registered investment company except pursuant to a written contract that has been approved by the vote of a majority of the company's outstanding voting securities. Rule 18f–2 under the Act provides that each series or class of stock in a series investment company affected by a matter must approve that matter if the Act requires shareholder approval.

2. Form N–1A is the registration statement used by open-end investment companies. Item 19(a)(3) of Form N–1A requires disclosure of the method and amount of the investment adviser's compensation.

3. Rule 20a–1 under the Act requires proxies solicited with respect to a registered investment company to comply with Schedule 14A under the Exchange Act. Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8) and 22(c)(9) of Schedule 14A, taken together, require a proxy statement for a shareholder meeting at which the advisory contract will be voted upon to include the ''rate of compensation of the investment adviser,'' the ''aggregate amount of the investment adviser's fees,'' a description of the ''terms of the contract to be acted upon,'' and, if a change in the advisory fee is proposed, the existing and proposed fees and the difference between the two fees.

4. Regulation S–X sets forth the requirements for financial statements required to be included as part of a registered investment company's registration statement and shareholder reports filed with the Commission. Sections 6–07(2)(a), (b) and (c) of Regulation S–X require a registered investment company to include in its financial statement information about the investment advisory fees.

5. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision of the Act, or from any rule thereunder, if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants state that the requested relief meets this standard for the reasons discussed below.

6. Applicants assert that the shareholders expect the Adviser, subject to the review and approval of the Board, to select the Subadvisers who are best suited to achieve the Subadvised Fund's investment objective. Applicants assert that, from the perspective of the shareholder, the role of the Subadviser is substantially equivalent to the role of the individual portfolio managers employed by an investment adviser to a traditional investment company. Applicants state that requiring shareholder approval of each Subadvisory Agreement would impose unnecessary delays and expenses on the Subadvised Funds and may preclude the Subadvised Funds from acting promptly when the Board and the Adviser believe that a change would benefit a Fund and its shareholders. Applicants note that the Investment Advisory Agreements and any subadvisory agreement with an Affiliated Subadviser (if any) will continue to be subject to the shareholder approval requirements of section 15(a) of the Act and rule 18f–2 under the Act.

7. Applicants assert that the requested disclosure relief would benefit shareholders of the Subadvised Funds because it would improve the Adviser's ability to negotiate the fees paid to Subadvisers. Applicants state that the Adviser may be able to negotiate rates that are below a Subadviser's ''posted'' amounts if the Adviser is not required to disclose the Subadvisers' fees to the public. Applicants submit that the requested relief will encourage Subadvisers to negotiate lower subadvisory fees with the Adviser if the lower fees are not required to be made public.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:[6]

1. Before a Subadvised Fund may rely on the order, the operation of the Subadvised Fund in the manner described in the application will be approved by a majority of the Subadvised Fund's outstanding voting securities as defined in the Act or, in the case of a Subadvised Fund whose public shareholders purchase shares on the basis of a prospectus containing the disclosure contemplated by condition 2 below, by the initial shareholder before such Subadvised Fund's shares are offered to the public.

2. The prospectus for each Subadvised Fund will disclose the existence, substance, and effect of any order granted pursuant to the application. In addition, each Subadvised Fund will hold itself out to the public as employing a Manager of Managers Structure. The prospectus will prominently disclose that the Adviser has the ultimate responsibility, subject to oversight by the Board, to oversee the Subadvisers and recommend their hiring, termination, and replacement.

3. A Subadvised Fund will inform shareholders of the hiring of a new Subadvisor within 90 days after the hiring of the new Subadviser pursuant to the Modified Notice and Access Procedures.

4. The Adviser will not enter into a Subadvisory Agreement with any Affiliated Subadviser without that agreement, including the compensation to be paid thereunder, being approved by the shareholders of the applicable Subadvised Fund.

5. At all times, at least a majority of the Board will be Independent Trustees, and the selection and nomination of new or additional Independent Trustees

information regarding the new Subadviser; (b) inform shareholders that the Multi-manager Information Statement is available on a Web site; (c) provide the Web site address; (d) state the time period during which the Multi-manager Information Statement will remain available on that Web site; (e) provide instructions for accessing and printing the Multi-manager Information Statement; and (f) instruct the shareholder that a paper or email copy of the Multi-manager Information Statement may be obtained, without charge, by contacting the Subadvised Funds. A ''Multi-manager Information Statement'' will meet the requirements of Regulation 14C, Schedule 14C and Item 22 of Schedule 14A under the Exchange Act for an information statement, except as modified by the requested order to permit Aggregate Fee Disclosure. Multi-manager Information Statements will be filed electronically with the Commission via the EDGAR system.

[6] Applicants will comply with conditions 6, 8, 11 and 13 only if they rely on the relief that would allow them to provide Aggregate Fee Disclosure.

will be placed within the discretion of the then-existing Independent Trustees.

6. Independent legal counsel, as defined in rule 0–1(a)(6) under the Act, has been and will continue to be engaged to represent the Independent Trustees. The selection of such counsel will be within the discretion of the then-existing Independent Trustees.

7. Whenever a Subadviser change is proposed for a Subadvised Fund with an Affiliated Subadviser, the Board, including a majority of the Independent Trustees, will make a separate finding, reflected in the Board minutes, that the change is in the best interests of the Subadvised Fund and its shareholders, and does not involve a conflict of interest from which the Adviser or the Affiliated Subadviser derives an inappropriate advantage.

8. Whenever a Subadviser is hired or terminated, the Adviser will provide the Board with information showing the expected impact on the profitability of the Adviser.

9. The Adviser will provide general management services to each Subadvised Fund, including overall supervisory responsibility for the general management and investment of the Subadvised Fund's assets and, subject to review and approval of the Board, will: (i) Set the Subadvised Fund's overall investment strategies; (ii) evaluate, select, and recommend Subadvisers to manage all or a portion of the Subadvised Fund's assets; (iii) allocate and, when appropriate, reallocate the Subadvised Fund's assets among Subadvisers; (iv) monitor and evaluate the Subadvisers' performance; and (v) implement procedures reasonably designed to ensure that Subadvisers comply with the Subadvised Fund's investment objective, policies and restrictions.

10. No Trustee or officer of the Trust or of a Subadvised Fund or director or officer of the Adviser will own directly or indirectly (other than through a pooled investment vehicle that is not controlled by such person) any interest in a Subadviser except for (i) ownership of interests in the Adviser or any entity that controls, is controlled by or is under common control with the Adviser; or (ii) ownership of less than 1% of the outstanding securities of any class of equity or debt of any publicly traded company that is either a Subadviser or an entity that controls, is controlled by or is under common control with a Subadviser.

11. Each Subadvised Fund will disclose in its registration statement the Aggregate Fee Disclosure.

12. In the event the Commission adopts a rule under the Act providing substantially similar relief to that in the order requested in the Application, the requested order will expire on the effective date of that rule.

13. The Adviser will provide the Board, no less frequently than quarterly, with information about the profitability of the Adviser on a per Subadvised Fund basis. The information will reflect the impact on profitability of the hiring or termination of any Subadviser during the applicable quarter.

14. Any new Subadvisory Agreement or any amendment to a Fund's existing Investment Advisory Agreement or Subadvisory Agreement that directly or indirectly results in an increase in the aggregate advisory fee rate payable by the Fund will be submitted to the Fund shareholders for approval.

For the Commission, by the Division of Investment Management, under delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–20704 Filed 8–29–14; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72917; File No. TP 14–14]

Order Granting a Limited Exemption From Rule 102(a) of Regulation M to Jones Lang LaSalle Income Property Trust Pursuant to Rule 102(e) of Regulation M

August 26, 2014.

By letter dated August 26, 2014 (''Letter''), as supplemented by conversations with the staff of the Division of Trading and Markets (''Staff''), counsel for Jones Lang LaSalle Income Property Trust (the ''Company''), a publicly registered non-listed, daily valued perpetual-life real estate investment trust, requested on behalf of the Company that the Securities and Exchange Commission (''Commission'') grant an exemption from Rule 102(a) of Regulation M in connection with the tender offer by the Company (the ''Tender Offer'').[1] Specifically, the Letter requests that the Commission exempt the Company from the requirements of Rule 102(a) so that the Company may conduct the Tender Offer for its Class M shares (the ''Shares'' or ''Share'') during the course of the continuous offering of the Shares of the Company.

Rule 102(a) of Regulation M specifically prohibits issuers, selling security holders, and any of their affiliated purchasers from directly or indirectly bidding for, purchasing, or attempting to induce another person to bid for or purchase, a covered security until the applicable restricted period has ended. As a consequence of the continuous offering of the Shares, the Company will be engaged in a distribution of the Shares for purposes of Rule 102 of Regulation M. As a result, bids for or purchases of Shares or any reference security by the Company or any affiliated purchaser of the Company, including engaging in the Tender Offer, are prohibited during the restricted period under Rule 102 of Regulation M, unless specifically excepted by or exempted from Rule 102 of Regulation M.

The Company represents that they operate a share repurchase plan (the ''Repurchase Plan'') which serves as the primary source of liquidity for the Company's stockholders.[2] According to the Company, a large number of Shares will become eligible for the Repurchase Plan on October 1, 2014. The Company is concerned that once the Shares become eligible for the Repurchase Plan there will potentially be excess repurchase demand that the Company would be unable to meet under current program limits.[3]

In order to address the potential excess repurchase demand by holders of the Shares, the Company plans to conduct the Tender Offer in lieu of the Repurchase Plan in order to provide a limited source of liquidity to the holders of Shares who may desire to exit all or a portion of their investment in the Company in advance of October 1, 2014. Shares will be purchased in the Tender Offer at a price equal to the NAV per Share as calculated at the close of business on the day prior to the launch of the Tender Offer, which price will be disclosed in compliance with Rule 13e–4. However, for any day during the Tender Offer period that the purchase price may exceed the NAV, the Company will adjust the purchase price for Shares purchased in the Tender

[1] 17 CFR 242.102(a).

[2] The Company represents that the Repurchase Plan meets the conditions for a class exemption from Rule 102(a) of Regulation M. *See* Letter from James A. Brigagliano, Associate Director, to Dennis O. Garris, Alston & Bird LLP regarding Class Relief for REIT Share Redemption Programs (October 22, 2007) (the ''Class Relief'').

[3] As explained by the Company, the Repurchase Plan limits repurchases during any calendar quarter to shares with an aggregate value (based on the repurchase price per share on the day the repurchase is effected) of 5% of the combined NAV of all classes of shares (including classes of Company shares other than the Shares) as of the last day of the previous calendar quarter, which means that in any 12-month period, the Company limits its repurchase to approximately 20% of its total NAV.

Offer and disclose any such adjustments in accordance with Rule 13e–4 so that the purchase price is not greater than the NAV per Share on that day.

The request is similar to the Class Relief for unlisted REITs.[4] In particular, the Company represents that the Tender Offer is designed to provide a limited source of liquidity for the Company's shareholders as there is no trading market for the Shares.[5] Furthermore, according to the Company, the terms of the Tender Offer will be fully disclosed because the Tender Offer will be conducted pursuant to the substantive, procedural, and disclosure requirement of Rule 13e–4, thus minimizing potential manipulative effects. Additionally, the Tender Offer price will not be greater than the NAV per Share for any day during the Tender Offer period. Because the price at which the Shares are sold and the price at which the Shares will be purchased in the tender offer are both based on the NAV per Share and the Tender Offer will be adjusted as described above, which will result in the Tender Offer price never being higher than the price at which the Company sells Shares during the Tender Offer, the opportunity to manipulate the price at which the Shares are being offered or repurchased is minimized.

As a condition of the relief, the Company must terminate the Tender Offer should a secondary trading market for the Shares develop. As a result, the exemptive relief granted to the Company for the Tender Offer should not have a manipulative effect on the applicable distribution. Additionally, this exemptive relief is further conditioned on the Tender Offer price not being greater than the NAV per Share for any day during the Tender Offer period. This should help reduce the potential for the Tender Offer having a manipulative effect on the price of such distributions as the purchases should not improve the offering price. Accordingly, we find that it is appropriate in the public interest and is consistent with the protection of investors to grant a conditional exemption from Rule 102(a) to permit the Company to engage in the Tender Offer for the Shares during the applicable restricted period.

Conclusion

It is hereby ordered, pursuant to Rule 102(e), that the Company is exempt from Rule 102(a) for the limited purpose of engaging in the Tender Offer for the Shares during the applicable restricted period, subject to the following conditions:

- The Company shall terminate the Tender Offer if a secondary market for the Shares being tendered develops;
- The Tender Offer price will not be greater than the NAV per Share for any day during the Tender Offer period; and
- The Company will be in compliance with Rule 13e–4 at all times during the Tender Offer period.

This exemption is subject to modification or revocation at any time the Commission determines that such action is necessary or appropriate in furtherance of the purposes of the Securities Exchange Act of 1934, as amended (''Exchange Act''). Furthermore, the exemption is strictly limited to the application of Rule 102 to the Tender Offer as described above. The Tender Offer should be discontinued, pending presentation of the facts for our consideration, in the event that any material change occurs with respect to any of the facts or representations. In addition, persons relying on this exemption are directed to the antifraud and anti-manipulation provisions of the federal securities laws, particularly Section 10(b) of the Exchange Act, and Rule 10b–5 thereunder. Responsibility for compliance with these and any other applicable provisions of the federal securities laws must rest with the persons relying on this exemption. This order should not be considered a view with respect to any other question that the transactions may raise, including, but not limited to the adequacy of the disclosure concerning, and the applicability of other federal or state laws to, such transactions.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–20699 Filed 8–29–14; 8:45 am]

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[4] Class Relief, *supra* note 2.

[5] The Company represents that it has no intention to list its shares of common stock for trading on a national securities exchange or other over-the-counter trading market.

[6] 17 CFR 200.30–3(a)(6).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72915; File No. SR–NYSEArca–2014–87]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending NYSE Arca Equities Rule 7.31 To Delete Functionality Permitting Primary Only Orders and Primary Sweep Orders To Be Designated With Intermarket Sweep Order Modifiers

August 26, 2014.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on August 13, 2014, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the 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 NYSE Arca Equities Rule 7.31 to delete functionality permitting Primary Only Orders (''PO Order'') and Primary Sweep Orders (''PSO'') to be designated with Intermarket Sweep Order (''ISO'') modifiers. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 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 to amend Rules 7.31(x) and (kk) to eliminate the ability of Users to enter PO Orders and PSOs with ISO modifiers. A PO Order is a market or limit order that is routed to the primary market by the Exchange. Currently, Rule 7.31(x)(4) permits a PO Order to be entered with an ISO Modifier and places the responsibility of Regulation NMS compliance on the broker-dealer that designates the PO Order with an ISO Modifier. A PSO is a PO Order that first sweeps the Exchange book and then any unexecuted portion is routed to the primary market. Similar to Rule 7.31(x)(4), Rule 7.31(kk)(2) permits a PSO to be entered with an ISO Modifier and places the responsibility of Regulation NMS compliance on the broker-dealer that designates the PSO with an ISO Modifier.

The Exchange proposes to delete Rules 7.31(x)(4) and 7.31(kk)(2) to no longer permit PO Orders and PSOs to be entered with ISO Modifiers. Instead, if a User were to enter an ISO instruction on a PO Order or PSO, the Exchange will reject such order. To reflect this change, the Exchange proposes to amend Rules 7.31(x) and 7.31(kk) to provide that PO Orders and PSOs may not be designated as an ISO. The Exchange is not proposing any other changes to the use of ISOs.

The Exchange believes it is appropriate to no longer accept PO Orders and PSOs entered with ISO modifiers. While the Exchange has placed the responsibility of Regulation NMS compliance on the originating broker-dealer, the Exchange believes that the proposal would avoid the appearance of the Exchange's routing broker of violating Regulation NMS requirements should the originating broker-dealer not be appropriately marking orders as ISO, even though responsibility rests with the originating broker-dealer. The proposed change would more clearly delineate such Regulation NMS requirements with a single party—the originating broker-dealer. Either the originating broker-dealer will directly enter ISOs at the necessary trading centers to comply with Regulation NMS or submit a routable order to the Exchange and the Exchange will route the order as necessary to ensure compliance with Regulation NMS.

The Exchange will announce the implementation date of the systems functionality associated with the proposed rule change by Trader Update to be published no later than 30 days following the effective date. The implementation date will be no later than 30 days following the issuance of the Trader Update.

2. Statutory Basis

The Exchange believes that the proposal 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 promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that rejecting PO Orders and PSOs with ISO modifiers will protect investors and the public interest because the proposal will limit the number of ISO orders routed to other market centers for which, at the time of the route, the Exchange is unaware whether the originating broker-dealer has complied with its Regulation NMS obligations. The Exchange believes that the rule proposal might reduce the potential in which an ISO is routed by the Exchange to an away market without the originating broker-dealer complying with Regulation NMS. Additionally, the Exchange does not believe that eliminating the ability to enter PO Orders and PSOs with ISO modifiers will have a detrimental effect on the market because ETP Holders have the option either to enter ISOs directly to the necessary trading centers to comply with Regulation NMS or submit a routable order to the Exchange and the Exchange will route the order as necessary to ensure compliance with Regulation NMS.

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 Exchange believes the [sic] eliminating the ability to add an ISO modifier to PO Orders and PSOs will not impose any burden on competition because ETP Holders have the option either to enter ISOs directly to the necessary trading centers to comply with Regulation NMS or submit a routable order to the Exchange and the Exchange will route the order as necessary to ensure compliance with Regulation NMS.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

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[6] and Rule 19b–4(f)(6) thereunder.[7] 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) thereunder.[8]

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)[9] 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

[6] 15 U.S.C. 78s(b)(3)(A)(iii).

[7] 17 CFR 240.19b–4(f)(6).

[8] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[9] 15 U.S.C. 78s(b)(2)(B).

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2014–87 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–NYSEArca–2014–87. 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 NYSE's principal office and on its Internet Web site at *www.nyse.com.* 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–NYSEArca–2014–87 and should be submitted on or before September 23, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–20697 Filed 8–29–14; 8:45 am]

BILLING CODE 8011–01–P

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72923; File No. SR–NYSE–2014–43]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Its Fees for Non-Display Use of NYSE OpenBook, NYSE Trades, and NYSE BBO, and To Establish Fees for Non-Display Use of NYSE Order Imbalances

August 26, 2014.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on August 13, 2014, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') 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 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 its fees for non-display use of NYSE OpenBook, NYSE Trades, and NYSE BBO, and to establish fees for non-display use of NYSE Order Imbalances, operative on September 1, 2014. 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, on the Commission's Web site at *www.sec.gov,* and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its non-display fees for NYSE OpenBook, NYSE Trades, and NYSE BBO, to establish such fees for NYSE Order Imbalances, and to establish managed non-display services fees for NYSE BBO, operative on September 1, 2014.

The Exchange established the current non-display and managed non-display services fees for NYSE OpenBook, NYSE Trades, and NYSE BBO in April 2013.[4] The Exchange now proposes to change those fees and to establish similar fees for NYSE Order Imbalances.

Under the proposal, non-display use would continue to mean accessing, processing, or consuming an NYSE data product delivered via direct and/or Redistributor[5] data feeds for a purpose other than in support of a data recipient's display or further internal or external redistribution (''Non-Display Use''). As is the case today, non-display and managed non-display services fees would apply to the Non-Display Use of the data product as part of automated calculations or algorithms to support trading decision-making processes or the operation of trading platforms.

The Exchange is proposing to expand the types of uses considered Non-Display Use to also include non-trading uses. In addition, the proposal would specify that Non-Display Use would include any trading use, rather than only certain types of trading, such as high frequency or algorithmic trading, as under the current fee structure. Under the proposal, examples of Non-Display Use would include any trading in any asset class, automated order or quote generation and/or order pegging, price referencing for algorithmic trading or smart order routing, operations control programs, investment analysis, order verification, surveillance programs, risk management, compliance, and portfolio management. The Exchange believes that non-trading uses benefit data recipients by allowing users to automate functions, achieving greater speed and accuracy, and in turn, for example, reducing costs of labor to perform the functions manually. This approach would address the difficulties

[4] *See* Securities Exchange Act Release No. 69278 (April 2, 2013), 78 FR 20973 (April 8, 2013) (SR–NYSE–2013–25) (''2013 Release'').

[5] ''Redistributor'' means a vendor or any person that provides a real-time NYSE data product to a data recipient or to any system that a data recipient uses, irrespective of the means of transmission or access.

of monitoring and auditing different types of trading versus non-trading uses of the data and the burden of counting devices used for non-trading purposes under the current fees.

Proposed Changes to Non-Display Fees

The Exchange proposes to amend the fee structure applicable to Non-Display Use of NYSE OpenBook, NYSE BBO, and NYSE Trades and to establish such fees for NYSE Order Imbalance. Specifically, the Exchange proposes certain changes to the three categories of, and fees applicable to, data recipients.

Under the proposal, Category 1 Fees would apply when a data recipient's Non-Display Use of real-time market data is on its own behalf as opposed to use on behalf of its clients. This proposal represents an expansion of the application of Category 1 Fees, which currently apply solely to the Non-Display Use of real time market data for the purpose of principal trading, to usage of such data for non-trading purposes.

Under the proposal, Category 2 Fees would apply to data recipients' Non-Display Use of real-time market data is [sic] on behalf of its clients as opposed to use on its own behalf. This proposal also represents an expansion of the application of Category 2 Fees, which currently apply solely to trading activities to facilitate a customer business, to usage of such data for non-trading purposes. As under the current fee, if a data recipient's use of NYSE market data is covered by Category 1 and Category 2, then the data recipient must pay both categories of fees.[6]

The Exchange believes its proposal to apply Category 1 Fees and Category 2 Fees to Non-Display Use of market data for non-trading purposes would address the difficulties of monitoring and auditing trading versus non-trading uses of the data and the burden of counting devices used for purposes of applying the per-device fees. As discussed in more detail in the 2013 Release,[7] the ability to accurately count devices and audit such counts creates administrative challenges for vendors, data recipients, and the Exchange.

Under the proposal, Category 3 Fees would apply to data recipients' Non-Display Use of real-time market data for the purpose of internally matching buy and sell orders within an organization, including matching customer orders for data recipient's own behalf and/or on behalf of its clients. This category would apply to Non-Display Use in trading platform(s), such as, but not restricted to, alternative trading systems (''ATSs''), broker crossing networks, broker crossing systems not filed as ATSs, dark pools, multilateral trading facilities, exchanges and systematic internalization systems. Currently, Category 3 Fees apply where a data recipient's non-display use of market data is, in whole or in part, for the purpose of providing reference prices in the operation of one or more trading platforms. The Exchange believes its proposed revision to its description of the data recipients to whom Category 3 Fees apply is more precise because it focuses on the functions of internally matching orders.

In addition, the Exchange is proposing to change the application of Category 3 Fees to data recipients that also use data for purposes that give rise to Category 1 and/or Category 2 Fees. Currently, a data recipient is not liable for Category 3 Fees for those market data products for which it is also paying Category 1 and/or Category 2 Fees.[8] Under the proposal, a data recipient's Non-Display Use of real-time market data for Category 3 purposes would require such data recipient to pay Category 3 Fees in addition to any Category 1 Fees or Category 2 Fees it is required to pay for Non-Display Use of market data.

There will continue to be no monthly or other reporting requirements for data recipients' Non-Display Use. However, the Exchange continues to reserve the right to audit data recipients' Non-Display Use of NYSE market data products in accordance with NYSE's vendor and subscriber agreements.

Data recipient that receive real-time NYSE market data for Non-Display Use would be required to complete and submit a Non-Display Use Declaration before September 1, 2014. The Non-Display Use Declaration would replace the current declaration on NYSE Euronext Non-Display Usage Declaration.[9] A firm subject to Category 3 Fees would be required to identify each platform that uses data on a Non-Display Use basis, such as ATSs and broker crossing systems not registered as ATSs, as part of the Non-Display Use Declaration. Beginning in 2016, data recipients would be required to submit, by January 31 of each year, a Non-Display Use Declaration. In addition, if a data recipient's use of real-time NYSE market data changes at any time after the data recipient submits a Non-Display Use Declaration, the data recipient would be required to update it at the time of the change to reflect the change of use.

Proposed Changes to Fees for Managed Non-Display Services

The Exchange also proposes to change the fees for managed non-display services for NYSE OpenBook and NYSE Trades and establish managed non-display service fees for NYSE BBO and NYSE Order Imbalances. Managed non-display services fees would apply, as they do currently, where data recipients' non-display applications are hosted by an approved third party.[10] To be an approved third party, the third party must manage and control the access to real-time NYSE market data for the data recipients' non-display applications and not allow for further internal distribution or external redistribution of the information.

The managed non-display services fee would only apply if a data recipient is receiving real-time NYSE market data for Non-Display Use from a third party Redistributor[11] that is approved by the Exchange. As for the current managed non-display services fees, this Redistributor must manage and control the access to NYSE OpenBook, NYSE Trades, NYSE BBO, and NYSE Order Imbalances for these applications and may not allow for further internal distribution or external redistribution of these market data products. The Redistributor of the managed non-display services and the data recipient must be approved under the NYSE Global Data Products Unit-of-Count Policy.[12] If a data recipient receives NYSE OpenBook, NYSE Trades, NYSE BBO, and NYSE Order Imbalances from a Redistributor that is not approved by the Exchange, then the non-display fees would apply, and data recipients would not be liable for managed non-display fees for those market data products for which they pay non-display fees.

A data recipient of real-time NYSE market data through an approved Redistributor would continue to have no reporting requirements. However, a Redistributor would be required to report to NYSE on a monthly basis the data recipients that are receiving real-

[6] *See* 2013 Release, *supra* note 4, at 20976.

[7] *See* 2013 Release, *supra* note 4, at 20975.

[8] *See* 2013 Release, *supra* note 4, at 20976.

[9] As described in more detail in the Statutory Basis section, in order to modulate the overall fee increase that could apply, if a firm subject to Category 3 Fees has more than three platforms, it would only be required to declare three platforms. If a data recipient only subscribes to products for which there are no non-display usage fees, e.g., NYSE Realtime Reference Prices, then no declaration is required.

[10] *See* 2013 Release, *supra* note 4, at 20976.

[11] *See supra* note 5.

[12] The Unit-of-Count Policy is described in the 2013 Release, *supra* note 4, at note 10 and accompanying text.

time NYSE market data through the Redistributor's managed non-display service and the real-time NYSE market data that such data recipients are receiving through such service. This monthly reporting requirement would be new, though the Exchange currently has the right to audit data recipients' non-display use of NYSE market data products in accordance with NYSE's vendor and subscriber agreements.

Comparison of Current Fees to Proposed Fees

The chart below compares the proposed changes to current monthly fees:

Data feed	Current fee	Proposed fee
NYSE OpenBook Non-Display Category 1	$5,000	$6,000.
NYSE OpenBook Non-Display Category 2	$5,000	$6,000.
NYSE OpenBook Non-Display Category 3	$5,000, or $0 if Category 1 or 2 fees paid	$6,000, capped at $18,000.
NYSE OpenBook Managed Non-Display	$2,000	$2,400.
NYSE BBO Non-Display Category 3	$1,500, or $0 if Category 1 or 2 fees paid	$1,500, capped at $4,500.
NYSE BBO Managed Non-Display	n/a	$300.
NYSE Trades Non-Display Category 1	$2,000	$3,000.
NYSE Trades Non-Display Category 2	$2,000	$3,000.
NYSE Trades Non-Display Category 3	$2,000, or $0 if Category 1 or 2 fees paid	$3,000, capped at $9,000.
NYSE Trades Managed Non-Display	$700	$1,000.
NYSE Order Imbalances Category 1	n/a	$2,000.
NYSE Order Imbalances Category 2	n/a	$2,000.
NYSE Order Imbalances Category 3	n/a	$2,000, capped at $6,000.
NYSE Order Imbalances Managed Non-Display	n/a	$200.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[13] in general, and Sections 6(b)(4) and 6(b)(5) of the Act,[14] in particular, in that it provides an equitable allocation of reasonable fees among users and recipients of the data and is not designed to permit unfair discrimination among customers, issuers, and brokers.

The Exchange believes that charging for non-trading uses is reasonable because data recipients can derive substantial value from such uses, for example, by automating tasks so that they can be performed more quickly and accurately and less expensively than if they were performed manually. The Exchange also notes that The NASDAQ Stock Market (''NASDAQ'') and NASDAQ OMX PHLX (''Phlx'') do not make any distinction in their non-display use fees between trading or non-trading uses, and as such, the proposed change will harmonize the Exchange's approach with those exchanges. Finally, the Exchange notes that eliminating the trading versus non-trading distinction would substantially simplify fee calculations and ease administrative burdens for the Exchange.

After further experience, the Exchange also believes that it is more equitable and not unfairly discriminatory to eliminate the distinction for non-trading versus trading uses in light of the significant value of both types of uses. The Exchange notes that because non-display fees are flat fees, the expansion to cover non-trading uses could only result in a fee increase for a data recipient that is using the data solely for non-trading purposes and is only subject to per-device fees; at this time, the Exchange has not identified such a data recipient. Based on data available to the Exchange, all data recipients use the data for at least one trading purpose, and therefore the changes to the fees that they will pay under the proposal would not be due to the elimination of the distinction between trading and non-trading uses. The Exchange further notes that based on Proposed Declarations submitted to date, some users have declared no non-display use, and as such the proposed changes would have no impact on them.

The Exchange believes that it is reasonable to require annual submissions of the Proposed Declaration so that the Exchange will have current and accurate information about the use of its market data products and can correctly assess fees for the uses of those products. The annual submission requirement is equitable and not unfairly discriminatory because it will apply to all users.

The Exchange believes that requiring Redistributors to provide monthly reports of data recipients that are receiving the Managed Non-Display service is reasonable because as a matter of practice, the Exchange already has been requiring such reporting pursuant to the Exchange's right under the vendor and subscriber agreements to request such information, and there is no indication that this has been burdensome for Redistributors. The reporting requirement is equitable and not unfairly discriminatory because it will apply to all Redistributors and help to ensure that ultimate data recipients are receiving data in accordance with the Exchange's rules.

The Exchange believes that the proposed fee increases of $1,000 per month for each of Categories 1, 2, and 3 for NYSE OpenBook and NYSE Trades are reasonable. In establishing the non-display fees in April 2013, the Exchange set its fees substantially below comparable fees charged by certain of its competitors.[15] After gaining further experience with its new display/non-display fee structure, the Exchange believes that the proposed fees better reflect the significant value of the non-display data to data recipients, which purchase such data on an entirely voluntary basis. Non-display data can be used by data recipients for a wide variety of profit-generating purposes, including proprietary and agency trading and smart order routing, as well as by data recipients that operate order matching and execution platforms that compete directly with the Exchange for order flow. The data also can be used for a variety of non-trading purposes that indirectly support trading, such as risk management and compliance. While some of these non-trading uses do not directly generate revenues, they can nonetheless substantially reduce the recipient's costs by automating such functions so that they can be carried out in a more efficient and accurate manner and reduce errors and labor costs, thereby benefiting end users. The Exchange believes that the proposed fees directly and appropriately reflect the significant value of using non-display data in a wide range of computer-automated functions relating

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(4), (5).

[15] *See* 2013 Release, *supra* note 4, at 20977.

to both trading and non-trading activities and that the number and range of these functions continue to grow through innovation and technology developments.[16]

The fee increases are also reasonable in that they support the Exchange's efforts to regularly upgrade systems to support more modern data distribution formats and protocols as technology evolves. For example, the Exchange will begin to make its proprietary data products available over both its existing distribution channel as well as the XDP protocol later this year.

Charging a separate fee for Category 3 data recipients that already pay a fee under Category 1 or 2 is reasonable because it eliminates what is effectively a discount for such data recipients under the current Fee Schedule and results in a more equitable allocation of fees to users that derive a benefit from a Category 3 use, and as such is not unfairly discriminatory. The current fee can be viewed as having an effective non-display fee cap of $10,000 for NYSE OpenBook, $4,000 for NYSE Trades, and $3,000 for NYSE BBO while the proposed fee would have an effective non-display fee cap of $30,000 for NYSE OpenBook, $15,000 for NYSE Trades, and $7,500 for NYSE BBO. The Exchange believes that the proposed fees (and their associated caps) more closely correspond to the value that Category 3 recipients derive from the various uses of the data, some of which are operating various types of alternative trading venues that directly compete for order flow with the Exchange. Limiting the fees in Category 3 to no more than three trading platforms is reasonable because it modulates the size of the fee increase for certain recipients as compared to what they pay under the current fee structure, in much the same manner as the current fee does by limiting the non-display fees to a maximum of two categories. The Exchange does not believe that it will be burdensome for Category 3 recipients to determine, or the Exchange to audit, whether a recipient has one, two, or three or more separate platforms.

The proposed non-display fees for NYSE Order Imbalance are reasonable because they reflect the valuable non-display uses of this data feed for recipients and will be easier for the Exchange to administer than counting devices, as is required under the current Fee Schedule. The fees are equitable and not unfairly discriminatory because they will apply to all data recipients that choose to subscribe to the NYSE Order Imbalances feed.

The proposed monthly fees of $300 for NYSE BBO Managed Non-Display data and $200 for NYSE Order Imbalances Managed Non-Display data are reasonable because they are less than other managed non-display fees charged by the Exchange for other managed non-display products as well as by other exchanges for comparable products.[17] The fees are also equitable and not unfairly discriminatory because they will apply to all data recipients that choose to subscribe to the feeds.

The proposed increase in the NYSE Trades Managed Non-Display fee from $700 to $1,000 per month is reasonable because it remains less than the comparable fee for other exchanges' similar products.[18] The fee also is equitable and not unfairly discriminatory because it will apply to all data recipients that choose to subscribe to the feed.

The fees are also competitive with offerings by other exchanges, which structure and set their fees in a variety of ways. For example, NASDAQ professional subscribers pay monthly fees for non-display usage based upon direct access to NASDAQ Level 2, NASDAQ TotalView,[19] or NASDAQ OpenView, which range from $300 per month for customers with one to 10 subscribers to $75,000 for customers with 250 or more subscribers.[20] NASDAQ also offers an enterprise license for its last sale data at $50,000 per month.[21] In addition, Phlx offers an alternative $10,000 per month ''Non-Display Enterprise License'' fee that permits distribution to an unlimited number of internal non-display subscribers without incurring additional fees for each internal subscriber.[22] The Non-Display Enterprise License covers non-display subscriber fees for all Phlx proprietary direct data feed products and is in addition to any other associated distributor fees for Phlx proprietary direct data feed products. NASDAQ OMX BX, Inc. (''BX'') also offers an alternative non-display usage fee of $16,000 per month for its BX TotalView data feed.[23] NASDAQ and Phlx also both offer managed non-display data solutions at higher overall fees than the Exchange proposes to charge.[24]

The Exchange also notes that all of the products described herein are entirely optional. The Exchange is not required to make these proprietary data products available or to offer any specific pricing alternatives to any customers, nor is any firm required to purchase any of the products. Firms that do purchase non-display products do so for the primary goals of using them to increase revenues, reduce expenses, and in some instances compete directly with the Exchange for order flow; those firms are able to determine for themselves whether any specific product such as these are attractively priced or not.

Firms that do not wish to purchase the data at the new prices have a wide variety of alternative market data products from which to choose,[25] or if the non-display data products do not provide sufficient value to firms as offered based on the uses those firms have or planned to make of them, such firms may simply choose to conduct their business operations in ways that do not require those data products. The Exchange notes that broker-dealers are not required to purchase proprietary market data to comply with their best execution obligations.[26] Similarly, there is no requirement in Regulation NMS or any other rule that proprietary data be utilized for order routing decisions, and

[16] *See also* Exchange Act Release No. 69157, March 18, 2013, 78 FR 17946, 17949 (March 25, 2013) (SR–CTA/CQ–2013–01) (''[D]ata feeds have become more valuable, as recipients now use them to perform a far larger array of non-display functions. Some firms even base their business models on the incorporation of data feeds into black boxes and application programming interfaces that apply trading algorithms to the data, but that do not require widespread data access by the firm's employees. As a result, these firms pay little for data usage beyond access fees, yet their data access and usage is critical to their businesses.'').

[17] NASDAQ offers a Managed Data Solution that assesses a monthly Managed Data Solution Administration fee of $1,500 and monthly Subscriber fees of $60 for non-professionals to $300 for professionals. *See* NASDAQ Rule 7026(b). Phlx charges a monthly Managed Data Solution Administration fee of $2,000 and a monthly Subscriber fee of $500. The monthly License fee is in addition to the monthly Distributor fee of $3,500 (for external usage), and the $500 monthly Subscriber fee is assessed for each Subscriber of a Managed Data Solution. *See* Securities Exchange Act Release No. 70748 (October 23, 2013), 78 FR 64569 (October 29, 2013) (SR–Phlx–2013–105).

[18] *See id.*

[19] NASDAQ disseminates its Net Order Imbalance Indicator for the NASDAQ Opening and Closing Crosses and NASDAQ IPO/Halt Cross as part of the TotalView product.

[20] *See* NASDAQ Rule 7023(b)(4).

[21] *See* NASDAQ Rule 7039(b).

[22] Alternatively, Phlx charges each professional subscriber $40 per month. *See* Section IX of the Phlx Pricing Schedule.

[23] *See* NASDAQ OMX BX Rule 7023(a)(2). Alternatively, BX charges each professional subscriber $40 per month.

[24] *See supra* note 18.

[25] *See supra* notes 18–24. Because NYSE BBO and NYSE Trades are subsets of the consolidated core data offered by the CTA and CQS, customers may choose to purchase those consolidated data products or free delayed data instead.

[26] *See* In the Matter of the Application of Securities Industry And Financial Markets Association For Review of Actions Taken by Self-Regulatory Organizations, Release Nos. 34–72182; AP–3–15350; AP–3–15351 (May 16, 2014).

some broker-dealers and ATSs have chosen not to do so.[27]

The decision of the United States Court of Appeals for the District of Columbia Circuit in *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010), upheld reliance by the Securities and Exchange Commission (''Commission'') upon the existence of competitive market mechanisms to set reasonable and equitably allocated fees for proprietary market data:

> In fact, the legislative history indicates that the Congress intended that the market system 'evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed' and that the SEC wield its regulatory power 'in those situations where competition may not be sufficient,' such as in the creation of a 'consolidated transactional reporting system.'

Id. at 535 (quoting H.R. Rep. No. 94–229 at 92 (1975), *as reprinted in* 1975 U.S.C.C.A.N. 323). The court agreed with the Commission's conclusion that ''Congress intended that 'competitive forces should dictate the services and practices that constitute the U.S. national market system for trading equity securities.' '' [28]

As explained below in the Exchange's Statement on Burden on Competition, the Exchange believes that there is substantial evidence of competition in the marketplace for proprietary market data and that the Commission can rely upon such evidence in concluding that the fees established in this filing are the product of competition and therefore satisfy the relevant statutory standards. In addition, the existence of alternatives to these data products, such as consolidated data and proprietary data from other sources, as described below, further ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can select such alternatives.

As the *NetCoalition* decision noted, the Commission is not required to undertake a cost-of-service or ratemaking approach. The Exchange believes that, even if it were possible as a matter of economic theory, cost-based pricing for non-core market data would be so complicated that it could not be done practically or offer any significant benefits.[29]

For these reasons, the Exchange believes that the proposed fees are reasonable, equitable, and not unfairly discriminatory.

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. An exchange's ability to price its proprietary market data feed products is constrained by actual competition for the sale of proprietary market data products, the joint product nature of exchange platforms, and the existence of alternatives to the Exchange's proprietary data.

The Existence of Actual Competition.

The market for proprietary data products is currently competitive and inherently contestable because there is fierce competition for the inputs necessary for the creation of proprietary data and strict pricing discipline for the proprietary products themselves. Numerous exchanges compete with one another for listings and order flow and sales of market data itself, providing ample opportunities for entrepreneurs who wish to compete in any or all of those areas, including producing and distributing their own market data. Proprietary data products are produced and distributed by each individual exchange, as well as other entities, in a vigorously competitive market. Indeed, the U.S. Department of Justice (''DOJ'') (the primary antitrust regulator) has expressly acknowledged the aggressive actual competition among exchanges, including for the sale of proprietary market data. In 2011, the DOJ stated that exchanges ''compete head to head to offer real-time equity data products. These data products include the best bid and offer of every exchange and information on each equity trade, including the last sale.'' [30]

Moreover, competitive markets for listings, order flow, executions, and transaction reports provide pricing discipline for the inputs of proprietary data products and therefore constrain markets from overpricing proprietary market data. Broker-dealers send their order flow and transaction reports to multiple venues, rather than providing them all to a single venue, which in turn reinforces this competitive constraint. As a 2010 Commission Concept Release noted, the ''current market structure can be described as dispersed and complex'' with ''trading volume . . . dispersed among many highly automated trading centers that compete for order flow in the same stocks'' and ''trading centers offer[ing] a wide range of services that are designed to attract different types of market participants with varying trading needs.'' [31] More recently, SEC Chair Mary Jo White has noted that competition for order flow in exchange-listed equities is ''intense'' and divided among many trading venues, including exchanges, more than 40 alternative trading systems, and more than 250 broker-dealers.[32]

If an exchange succeeds in its competition for quotations, order flow, and trade executions, then it earns

[27] For example, Goldman Sachs Execution and Clearing, L.P. has disclosed that it does not use proprietary market data in connection with Sigma X, its ATS. *See* response to Question E3, available at *http://www.goldmansachs.com/media-relations/in-the-news/current/pdf-media/gsec-order-handling-practices-ats-specific.pdf.* By way of comparison, IEX has disclosed that it uses proprietary market data feeds from all registered stock exchanges and LavaFlow ECN. *See http://www.iextrading.com/about/.*

[28] *NetCoalition,* 615 F.3d at 535.

[29] The Exchange believes that cost-based pricing would be impractical because it would create enormous administrative burdens for all parties, including the Commission, to cost-regulate a large number of participants and standardize and analyze extraordinary amounts of information, accounts, and reports. In addition, and as described below, it is impossible to regulate market data prices in isolation from prices charged by markets for other services that are joint products. Cost-based rate regulation would also lead to litigation and may distort incentives, including those to minimize costs and to innovate, leading to further waste. Under cost-based pricing, the Commission would be burdened with determining a fair rate of return, and the industry could experience frequent rate increases based on escalating expense levels. Even in industries historically subject to utility regulation, cost-based ratemaking has been discredited. As such, the Exchange believes that cost-based ratemaking would be inappropriate for proprietary market data and inconsistent with Congress's direction that the Commission use its authority to foster the development of the national market system, and that market forces will continue to provide appropriate pricing discipline. *See* Appendix C to NYSE's comments to the Commission's 2000 Concept Release on the Regulation of Market Information Fees and Revenues, which can be found on the Commission's Web site at *http://www.sec.gov/rules/concept/s72899/buck1.htm.*

[30] Press Release, U.S. Department of Justice, Assistant Attorney General Christine Varney Holds Conference Call Regarding NASDAQ OMX Group Inc. and IntercontinentalExchange Inc. Abandoning Their Bid for NYSE Euronext (May 16, 2011), *available at http://www.justice.gov/iso/opa/atr/speeches/2011/at-speech-110516.html.*

[31] Concept Release on Equity Market Structure, Securities Exchange Act Release No. 61358 (Jan. 14, 2010), 75 FR 3594 (Jan. 21, 2010) (File No. S7–02–10). This Concept Release included data from the third quarter of 2009 showing that no market center traded more than 20% of the volume of listed stocks, further evidencing the dispersal of and competition for trading activity. *Id.* at 3598. Data available on ArcaVision show that from June 30, 2013 to June 30, 2014, no exchange traded more than 12% of the volume of listed stocks by either trade or dollar volume, further evidencing the continued dispersal of and fierce competition for trading activity. *See https://www.arcavision.com/Arcavision/arcalogin.jsp.*

[32] Mary Jo White, Enhancing Our Equity Market Structure, Sandler O'Neill & Partners, L.P. Global Exchange and Brokerage Conference (June 5, 2014) (available on the Commission Web site), citing Tuttle, Laura, 2014, ''OTC Trading: Description of Non-ATS OTC Trading in National Market System Stocks,'' at 7–8.

trading revenues and increases the value of its proprietary market data products because they will contain greater quote and trade information. Conversely, if an exchange is less successful in attracting quotes, order flow, and trade executions, then its market data products may be less desirable to customers using them in support of order routing and trading decisions in light of the diminished content; data products offered by competing venues may become correspondingly more attractive. Thus, competition for quotations, order flow, and trade executions puts significant pressure on an exchange to maintain both execution and data fees at reasonable levels.

In addition, in the case of products that are distributed through market data vendors, such as Bloomberg and Thompson Reuters, the vendors themselves provide additional price discipline for proprietary data products because they control the primary means of access to certain end users. These vendors impose price discipline based upon their business models. For example, vendors that assess a surcharge on data they sell are able to refuse to offer proprietary products that their end users do not or will not purchase in sufficient numbers. Vendors will not elect to make available the NYSE products described herein unless their customers request them, and customers will not elect to pay the proposed increased fees for non-display uses unless the non-display uses of these data products can provide value by sufficiently increasing revenues or reducing costs in the customer's business in a manner that will offset the fees. All of these factors operate as constraints on pricing proprietary data products.

Joint Product Nature of Exchange Platform.

Transaction execution and proprietary data products are complementary in that market data is both an input and a byproduct of the execution service. In fact, proprietary market data and trade executions are a paradigmatic example of joint products with joint costs. The decision of whether and on which platform to post an order will depend on the attributes of the platforms where the order can be posted, including the execution fees, data availability and quality, and price and distribution of their data products. Without a platform to post quotations, receive orders, and execute trades, exchange data products would not exist.

The costs of producing market data include not only the costs of the data distribution infrastructure, but also the costs of designing, maintaining, and operating the exchange's platform for posting quotes, accepting orders, and executing transactions and the cost of regulating the exchange to ensure its fair operation and maintain investor confidence. The total return that a trading platform earns reflects the revenues it receives from both products and the joint costs it incurs.

Moreover, an exchange's broker-dealer customers generally view the costs of transaction executions and market data as a unified cost of doing business with the exchange. A broker-dealer will only choose to direct orders to an exchange if the revenue from the transaction exceeds its cost, including the cost of any market data that the broker-dealer chooses to buy in support of its order routing and trading decisions. If the costs of the transaction are not offset by its value, then the broker-dealer may choose instead not to purchase the product and trade away from that exchange. There is substantial evidence of the strong correlation between order flow and market data purchases. For example, in May 2014 more than 80% of the transaction volume on each of NYSE, NYSE Arca, and NYSE MKT was executed by market participants that purchased one or more proprietary market data products (the 20 firms were not the same for each market). A super-competitive increase in the fees for either executions or market data would create a risk of reducing an exchange's revenues from both products.

Other market participants have noted that proprietary market data and trade executions are joint products of a joint platform and have common costs.[33] The Exchange agrees with and adopts those discussions and the arguments therein. The Exchange also notes that the economics literature confirms that there is no way to allocate common costs between joint products that would shed any light on competitive or efficient pricing.[34]

Analyzing the cost of market data product production and distribution in isolation from the cost of all of the inputs supporting the creation of market data and market data products will inevitably underestimate the cost of the data and data products because it is impossible to obtain the data inputs to create market data products without a fast, technologically robust, and well-regulated execution system, and system and regulatory costs affect the price of both obtaining the market data itself and creating and distributing market data products. It would be equally misleading, however, to attribute all of an exchange's costs to the market data portion of an exchange's joint products. Rather, all of an exchange's costs are incurred for the unified purposes of attracting order flow, executing and/or routing orders, and generating and selling data about market activity. The total return that an exchange earns reflects the revenues it receives from the joint products and the total costs of the joint products.

As noted above, the level of competition and contestability in the market is evident in the numerous alternative venues that compete for order flow, including 12 equities self-regulatory organization (''SRO'') markets, as well as various forms of ATSs, including dark pools and electronic communication networks (''ECNs''), and internalizing broker-dealers. SRO markets compete to attract order flow and produce transaction reports via trade executions, and two FINRA-regulated Trade Reporting Facilities compete to attract transaction reports from the non-SRO venues.[35]

Competition among trading platforms can be expected to constrain the aggregate return that each platform earns from the sale of its joint products, but different trading platforms may choose from a range of possible, and equally reasonable, pricing strategies as

[33] *See* Securities Exchange Act Release No. 72153 (May 12, 2014), 79 FR 28575, 28578 n.15 (May 16, 2014) (SR–NASDAQ–2014–045) (''[A]ll of the exchange's costs are incurred for the unified purposes of attracting order flow, executing and/or routing orders, and generating and selling data about market activity. The total return that an exchange earns reflects the revenues it receives from the joint products and the total costs of the joint products.''). *See also* Securities Exchange Act Release No. 62907 (Sept. 14, 2010), 75 FR 57314, 57317 (Sept. 20, 2010) (SR–NASDAQ–2010–110), and Securities Exchange Act Release No. 62908 (Sept. 14, 2010), 75 FR 57321, 57324 (Sept. 20, 2010) (SR–NASDAQ–2010–111).

[34] *See generally* Mark Hirschey, Fundamentals of Managerial Economics, at 600 (2009) (''It is important to note, however, that although it is possible to determine the separate marginal costs of goods produced in variable proportions, it is impossible to determine their individual average costs. This is because common costs are expenses necessary for manufacture of a joint product. Common costs of production—raw material and equipment costs, management expenses, and other overhead—cannot be allocated to each individual by-product on any economically sound basis. . . . Any allocation of common costs is wrong and arbitrary.''). This is not new economic theory. *See, e.g.,* F. W. Taussig, ''A Contribution to the Theory of Railway Rates,'' *Quarterly Journal of Economics* V(4) 438, 465 (July 1891) (''Yet, surely, the division is purely arbitrary. These items of cost, in fact, are jointly incurred for both sorts of traffic; and I cannot share the hope entertained by the statistician of the Commission, Professor Henry C. Adams, that we shall ever reach a mode of apportionment that will lead to trustworthy results.'').

[35] FINRA's Alternative Display Facility also receives over-the-counter trade reports that it sends to CTA.

the means of recovering total costs. For example, some platforms may choose to pay rebates to attract orders, charge relatively low prices for market data products (or provide market data products free of charge), and charge relatively high prices for accessing posted liquidity. Other platforms may choose a strategy of paying lower rebates (or no rebates) to attract orders, setting relatively high prices for market data products, and setting relatively low prices for accessing posted liquidity. For example, BATS and Direct Edge, which previously operated as ATSs and obtained exchange status in 2008 and 2010, respectively, have provided certain market data at no charge on their Web sites in order to attract more order flow, and use revenue rebates from resulting additional executions to maintain low execution charges for their users.[36] Similarly, LavaFlow ECN provides market data to its subscribers at no charge.[37] In this environment, there is no economic basis for regulating maximum prices for one of the joint products in an industry in which suppliers face competitive constraints with regard to the joint offering.[38]

Existence of Alternatives

The large number of SROs, ATSs, and internalizing broker-dealers that currently produce proprietary data or are currently capable of producing it provides further pricing discipline for proprietary data products. Each SRO, ATS, and broker-dealer is currently permitted to produce and sell proprietary data products, and many currently do or have announced plans to do so, including but not limited to the Exchange, NYSE MKT, NYSE Arca, NASDAQ OMX, BATS, and Direct Edge.

The fact that proprietary data from ATSs, internalizing broker-dealers, and vendors can bypass SROs is significant in two respects. First, non-SROs can compete directly with SROs for the production and sale of proprietary data products. By way of example, BATS and NYSE Arca both published proprietary data on the Internet before registering as exchanges. Second, because a single order or transaction report can appear in an SRO proprietary product, a non-SRO proprietary product, or both, the amount of data available via proprietary products is greater in size than the actual number of orders and transaction reports that exist in the marketplace. For example, with respect to NYSE Trades and NYSE BBO, the data appears in both the real-time core data offered by the SIPs for a fee and free SIP data that is offered on a 15-minute time delay. With respect to NYSE Trades, NYSE BBO, NYSE OpenBook, and NYSE Order Imbalances, a close substitute product is offered by several competitors.[39] Because market data users can find suitable substitutes for most proprietary market data products, a market that overprices its market data products stands a high risk that users may substitute another source of market data information for its own.

Those competitive pressures imposed by available alternatives are evident in the Exchange's proposed pricing. As noted above, the proposed non-display fees are generally lower than the maximum non-display fees charged by other exchanges such as NASDAQ, Phlx, and BX for comparable products.[40]

In addition to the competition and price discipline described above, the market for proprietary data products is also highly contestable because market entry is rapid and inexpensive. The history of electronic trading is replete with examples of entrants that swiftly grew into some of the largest electronic trading platforms and proprietary data producers: Archipelago, Bloomberg Tradebook, Island, RediBook, Attain, TrackECN, BATS Trading and Direct Edge. As noted above, BATS launched as an ATS in 2006 and became an exchange in 2008, while Direct Edge began operations in 2007 and obtained exchange status in 2010. As noted above, LavaFlow ECN provides market data to its subscribers at no charge.[41]

In establishing the proposed fees, the Exchange considered the competitiveness of the market for proprietary data and all of the implications of that competition. The Exchange believes that it has considered all relevant factors and has not considered irrelevant factors in order to establish fair, reasonable, and not unreasonably discriminatory fees and an equitable allocation of fees among all users. The existence of numerous alternatives to the Exchange's products, including proprietary data from other sources, ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can elect these alternatives or choose not to purchase a specific proprietary data product if the attendant fees are not justified by the returns that any particular vendor or data recipient would achieve through the purchase.

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 foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[42] of the Act and subparagraph (f)(2) of Rule 19b–4[43] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

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)[44] 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:

[36] This is simply a securities market-specific example of the well-established principle that in certain circumstances more sales at lower margins can be more profitable than fewer sales at higher margins; this example is additional evidence that market data is an inherent part of a market's joint platform.

[37] See ''LavaFlow—ADF Migration,'' available at *https://www.lavatrading.com/news/pdf/LavaFlow_ADF_Migration.pdf.*

[38] The Exchange notes that a small number Category 3 non-display data recipients could be using the market data strictly for competitive purposes (e.g., other exchanges and ATSs) or for business purposes unrelated to trading or investment (e.g., Internet portals that wish to attract ''eyeballs'' to their pages primarily generate advertising revenue for themselves). The Exchange does not believe that the proposed fees will impose any unnecessary burden on these competitors or other businesses.

[39] *See supra* notes 18–24. With respect to order imbalances, the Exchange further notes that other venues trade NYSE listed securities before the Exchange's opening cross at 9:30 a.m., and therefore indicative price information is available through these venues.

[40] Id.

[41] *See supra* note 38.

[42] 15 U.S.C. 78s(b)(3)(A).

[43] 17 CFR 240.19b–4(f)(2).

[44] 15 U.S.C. 78s(b)(2)(B).

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–NYSE–2014–43 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–NYSE–2014–43. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–NYSE–2014–43 and should be submitted on or before September 23, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority. [45]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–20703 Filed 8–29–14; 8:45 am]

BILLING CODE 8011–01–P

[45] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72920; File No. SR–NASDAQ–2014–084]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to NOM Market Maker Requirements

August 26, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 21, 2014, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASDAQ. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASDAQ proposes to amend Chapter VII (Market Participants) at Section 6 (Market Maker Quotations) on The NASDAQ Options Market (''NOM''), NASDAQ's facility for executing and routing standardized equity and index options.

The text of the proposed rule change is set forth below. Proposed new language is italicized; proposed deletions are in brackets.

* * * * *

Chapter VII Market Participants

* * * * *

Sec. 6 Market Maker Quotations

(a)–(c) No change.

(d) *Continuous Quotes.* A Market Maker must enter continuous bids and offers for the options to which it is registered, as follows:

i. On a daily basis, a Market Maker must during regular market hours make markets consistent with the applicable quoting requirements specified in these rules, on a continuous basis [in at least sixty percent (60%) of the series] in options in which the Market Maker is registered.

(1) To satisfy this requirement [with respect to quoting a series], a Market Maker must quote [such series 90]*60%* of the trading day (as a percentage of the total number of minutes in such trading day) or such higher percentage as Nasdaq may announce in advance. Nasdaq Regulation may consider exceptions to the requirement to quote [90]*60%* (or higher) of the trading day based on demonstrated legal or regulatory requirements or other mitigating circumstances. *This obligation will apply to all of a Market Maker's registered options collectively to all appointed issues, rather than on an option-by-option basis. Compliance with this obligation will be determined on a monthly basis. However, determining compliance with the continuous quoting requirement on a monthly basis does not relieve a Market Maker of the obligation to provide continuous two-sided quotes on a daily basis, nor will it prohibit the Exchange from taking disciplinary action against a Market Maker for failing to meet the continuous quoting obligation each trading day.*

(2) and (3) No change.

ii.–iii. No change.

(e) No change.

* * * * *

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 purpose of the proposed rule change is to amend quoting obligations applicable to NOM Market Makers. Currently, Chapter VII, Section 6(d) provides that on a daily basis, a Market Maker must during regular market hours make markets consistent with the applicable quoting requirements specified in these rules, on a continuous basis in at least sixty percent (60%) of the series in options in which the Market Maker is registered. It further provides that, to satisfy this requirement with respect to quoting a series, a Market Maker must quote such series 90% of the trading day (as a percentage of the total number of minutes in such trading day) or such higher percentage

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

as the Exchange may announce in advance. Nasdaq Regulation may consider exceptions to the requirement to quote 90% (or higher) of the trading day based on demonstrated legal or regulatory requirements or other mitigating circumstances.

The Exchange proposes to better align its Market Maker quoting requirement with that of NASDAQ OMX BX, Inc. (''BX''). BX recently amended its market maker quoting requirements in a similar manner.[3] Specifically, the Exchange proposes to reduce the quoting requirement for NOM Market Makers as follows: A Market Maker must quote such options 60% of the trading day (as a percentage of the total number of minutes in such trading day) or such higher percentage as NOM may announce in advance. Nasdaq Regulation may consider exceptions to the requirement to quote 60% (or higher) of the trading day based on demonstrated legal or regulatory requirements or other mitigating circumstances. This obligation will apply to all of a Market Maker's registered options collectively, rather than on an option-by-option basis. Compliance with this obligation will be determined on a monthly basis. This is the same requirement as on BX.[4]

The Exchange believes that this is appropriate for two reasons. First, the Exchange's current Market Maker quoting requirement is much more stringent than BX.[5] Quoting *each series* 90% of the trading day is much more stringent than looking at all options in which a Market Maker is registered, because it allows for some number of series not to be quoted at all, as long as the overall standard is met. This better accommodates the occasional issues that may arise in a particular series, whether technical or manual. The existing requirement may at times discourage liquidity in particular options series because a Market Maker is forced to focus on a momentary lapse rather than using the appropriate resources to focus on the options series that need and consume additional liquidity. The Exchange believes that it can better attract Market Makers to NOM and grow its market if its quoting obligation is more in line with that of other exchanges.

The Exchange believes that the amendments to Section 6(d)(i)(1) of Chapter VII, which would allow applying the quoting requirements for Market Makers collectively across all options classes, is a fair and more efficient way for the Exchange and market participants to evaluate compliance with the continuous quoting requirements. Applying the continuous quoting requirement collectively across all option classes rather than on an issue-by-issue basis is beneficial to Market Makers by providing some flexibility to choose which series in their appointed classes they will continuously quote—increasing the continuous quoting obligation in the series of one class to allow for a decrease in the continuous quoting obligation in the series of another class. This flexibility does not, however, diminish the Market Maker's obligation to continuously quote a significant part of the trading day in a significant percentage of series. Flexibility is important for classes that have relatively few series and may prevent the Market Maker, in particular, from breaching the continuous quoting requirement when failing to meet the specified quote amount during the trading day (as proposed) in more than one series in an appointed class. Nasdaq Regulation may consider exceptions to the requirement to quote 60% (or higher) of the trading day based on demonstrated legal or regulatory requirements or other mitigating circumstances. This quoting obligation will apply to all of a Market Maker's registered options collectively on a daily basis, rather than on an option-by-option basis. This quoting obligation will be reviewed on a monthly basis, and allows the Exchange to review the Market Makers' daily compliance in the aggregate and determine the appropriate disciplinary action for single or multiple failures to comply with the continuous quoting requirement during the month period. However, determining compliance with the continuous quoting requirement on a monthly basis does not relieve a Market Maker of the obligation to provide continuous two-sided quotes on a daily basis, nor will it prohibit the Exchange from taking disciplinary action against a Market Maker for failing to meet the continuous quoting obligation each trading day. This is the same requirement as on other options exchanges.[6]

The Exchange believes that the proposal will not diminish, and in fact may increase, market making activity on the Exchange, by establishing quoting compliance standards that are reasonable and are already in place on other options exchanges. By amending Section 6 of Chapter VII to state that quoting obligations apply to a Market Maker's appointed issues collectively, this proposal is similar to that of other options markets and puts the Exchange on an equal competitive footing.[7] Moreover, as discussed the Exchange believes that the proposal may increase market making activity on the Exchange by establishing quoting compliance standards that are reasonable and already in place on other options exchanges.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[8] in general, and furthers the objectives of Section 6(b)(5) of the Act[9] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. NOM operates in an intensely competitive environment and seeks to offer the same services that its competitors offer and in which its customers find value.

The Exchange believes that requiring NOM Market Makers to provide continuous two-sided quotations 60% of the trading day (as a percentage of the total number of minutes in such trading day) or such higher percentage as the Exchange may announce in advance continues to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities. Further, the Exchange would apply the propose rule change to all of a Market Maker's registered options collectively to all appointed issues, rather than on an option-by-option basis and compliance with this obligation will be determined on a monthly basis.

The proposal supports the quality of the Exchange's market by helping to ensure that Market Makers will continue to be obligated to quote in series when necessary. Ultimately, the benefit the proposed rule change confers upon Market Makers is offset by the continued responsibilities to provide significant liquidity to the market to the benefit of market participants. While under the proposal there are quoting requirements changes, the Exchange

[3] *See* BX Rules at Chapter VII, Section 6.

[4] *See* BX Rules at Chapter VII, Section 6.

[5] *Id.*

[6] *See* NYSE Arca Rule 6.37B(c) and NYSE MKT Rule 925.1NY(c).

[7] The proposed rule text is, as noted, similar in all material respects to BX Rules at Chapter VII, Section 6.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

does not believe that these changes reduce the overall obligations applicable to Market Makers.[10] Moreover, the Exchange believes that the proposal may increase market making activity on the Exchange and the quality of the Exchange's market by establishing quoting compliance standards that are reasonable and already in place on other options exchanges.[11]

The proposed rule change also protects investors and the public interest by creating more uniformity and consistency among the Exchange's rules related to NOM Market Maker quoting obligations. Providing Market Makers with flexibility by providing the continuous quoting obligation collectively across all option classes will not diminish the Market Makers' obligation to continuously quote a significant part of the trading day in a significant percentage of series. Additionally, with respect to compliance standards, the Exchange believes that adopting the proposed standards will enhance compliance efforts by Market Makers and the Exchange, and are consistent with requirements currently in place on BX.[12] The proposal ensures that compliance standards for continuous quoting, in particular regarding quoting obligations applying to all of a Market Maker's appointed issues collectively, will be the same on the Exchange as on other options exchanges. The Exchange believes that the proposal will not diminish and in fact may increase, market making activity on the Exchange by establishing quoting compliance standards that are reasonable and already in place on other options exchanges.

BX's recent rule proposal lowered the BX Market Maker's obligations in the same manner as proposed herein. BX also heightened its requirements[13] with respect to Lead Market Makers (''LMM'') because LMM's were also being offered certain participation entitlements[14] that are not offered BX Market Markers that were not LMMs. In that filing, BX reasoned, ''[t]he Exchange believes that offering LMMs participation entitlements promotes just and equitable principles of trade because LMMs will be held to a higher standard as compared to other market participants including Market Makers. A Market Maker would be required, pursuant to this proposal, to quote 60% of the trading day. LMMs are being held to a higher obligation and therefore are being rewarded with participation entitlements. Similar to Market Makers, LMMs add value through continuous quoting and the commitment of capital.''[15] Further, ''[a]ccordingly, the proposed rule change supports the quality of the Exchange's trading markets by helping to ensure that LMMs will be required to meet a higher quoting standard in order to reap the benefits of the participation entitlements.''[16] The Exchange is not offering NOM Market Makers such participation entitlements as BX offers its LMMs.

Finally, the Exchange believes that subjecting NOM Market Makers to the same requirements as those offered on other exchanges removes impediments to and allows for a free and open market. NOM Market Makers would have the same requirements as BX Options Market Makers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Market Makers will be subject to quoting obligations which are similar to those at BX.[17] The Exchange would apply to all of a Market Maker's registered options collectively to all appointed issues, rather than on an option-by-option basis and compliance with this obligation will be determined on a monthly basis. Further, the Exchange believes that because this proposal establishes quoting compliance standards that are already in place on other options exchanges, the proposal will not diminish, and in fact may increase, market making activity on the Exchange and thereby enhance intermarket competition. Moreover, the proposed rule change will not impose any burden on intramarket competition because it will affect all Market Makers the same.

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

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[18] and subparagraph (f)(6) of Rule 19b–4 thereunder.[19]

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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) 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. The Exchange has 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

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:

[10] In this respect, the Exchange notes that such Market Makers are subject to many obligations aside from quoting, including, for example, the obligation to maintain a fair and orderly market in their appointed classes, and the obligation to conduct the opening and enter continuous quotations in all of the series of their appointed options classes within maximum spread requirements.

[11] *See* BX Rules at Chapter VII, Section 6.

[12] *Id.*

[13] A BX LMM must provide continuous two-sided quotations throughout the trading day in its appointed issues for 90% of the time the Exchange is open for trading in each issue. Such quotations must meet the legal quote width requirements. These obligations will apply to all of the LMMs appointed issues collectively, rather than on an option-by-option basis. Compliance with this obligation will be determined on a monthly basis. BX Regulation may consider exceptions to the requirement to quote 90% (or higher) of the trading day based on demonstrated legal or regulatory requirements or other mitigating circumstances. However, determining compliance with the continuous quoting requirement on a monthly basis does not relieve an LMM of the obligation to provide continuous two-sided quotes on a daily basis, nor will it prohibit the Exchange from taking disciplinary action against an LMM for failing to meet the continuous quoting obligation each trading day.

[14] *See* BX Rules at Chapter VI, Section 10 for LMM participation entitlements.

[15] *See* Securities Exchange Act Release No. 72883 (August 20, 2014), 79 FR 50971 (August 26, 2014) (SR–BX–2014–035).

[16] *Id.*

[17] *See* BX Rules at Chapter VII, Section 6.

[18] 15 U.S.C. 78s(b)(3)(A).

[19] 17 CFR 240.19b–4(f)(6).

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2014–084 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2014–084. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*).

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–NASDAQ–2014–084 and should be submitted on or before September 23, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–20702 Filed 8–29–14; 8:45 am]

BILLING CODE 8011–01–P

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72914; File No. SR–NSX–2014–16]

Self-Regulatory Organizations; National Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 15.5 To Provide Additional Clarity and Precision, Correct Certain Citations, and Align the Rule With the Rules of Other Exchanges With Respect to the Original and Continued Listing Standards for Issuers' Compensation Committees

August 26, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Exchange Act'' or ''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 12, 2014, National Stock Exchange, Inc. (''NSX®'' 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 comment on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is proposing to amend Rule 15.5 to conform with the provisions of Section 957 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (the ''Dodd-Frank Act''),[3] Section 10C of the Exchange Act,[4] and Rule 10C–1 promulgated pursuant thereto.[5]

The text of the proposed rule change is available on the Exchange's Web site at *http://www.nsx.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.[6]

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 amend Chapter XV, ''Listed Securities and Other Exchange Products,'' and specifically Rule 15.5, entitled ''Other Listing Standards'' to conform with Section 10C of the Exchange Act, as added by Section 952 of the Dodd-Frank Act. Section 10C requires the Commission to direct national securities exchanges and national securities associations to prohibit, with certain exceptions, the listing of any equity security of an issuer that does not comply with the Compensation Committee and compensation adviser requirements of Section 10C.[7] Specifically, Section 10C(a)(1) of the Act requires the Commission to adopt rules directing exchanges to prohibit the listing of any equity security of an issuer, with certain exceptions, that does not comply with the requirements of Section 10C with respect to Compensation Committees and compensation adviser requirements.[8]

The Exchange adopted rules to align with the requirements of Section 10C of the Act and Rule 10C–1 thereunder in October 2012.[9] The proposed amendments in the instant filing operate to provide further clarity and precision and correct certain citations, and align with the rules of other exchanges, with respect to the provisions of Rule 15.5(d)(5) that govern a listed issuer's Compensation Committee. The rule proposal also adds new text to the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Public Law 111–203, 124 Stat. 1900 (2010).

[4] 15 U.S.C. 78j–3.

[5] 17 CFR 229.407 and 17 CFR 240.10C–1.

[6] The Exchange notes that, as of the close of business on May 30, 2014, it ceased trading operations on its trading system. *See* Exchange Act Release No. 72107 (May 6, 2014), 79 FR 27017 (May 12, 2014) (SR–NSX–2014–14). The Exchange continues to be registered as a national securities exchange under Section 6 of the Exchange Act, and continues to retain its status as a self-regulatory organization. Prior to NSX ceasing trading operations, there were no NSX-listed securities and all securities traded on NSX on the basis of Unlisted Trading Privileges.

[7] *See* Exchange Act Sections 10C(a) and (f).

[8] Five categories of issuers are excluded from this requirement: Controlled companies, limited partnerships, companies in bankruptcy proceedings, open-end management investment companies registered under the Investment Company Act of 1940 (the ''Investment Company Act''), and foreign private issuers that disclose in their annual reports the reasons why they do not have an independent compensation committee.

[9] *See* Exchange Act Release No. 68039 (October 11, 2012), 77 FR 63914 (October 17, 2012) (SR–NSX–2012–15).

Interpretations and Policies of Rule 15.5(d)(5).

Listed Company Corporate Governance Requirements

The Exchange proposes to amend Rule 15.5(d)(5)(a) to clarify the Listed Company Corporate Governance Requirements for purposes of determining the independence of a member of the Compensation Committee. Specifically, the proposed amendment adds text stating that, in addition to determining whether the director meets the independence requirements of Rule 15.5(d)(2)(a) and (b),[10] the listed company must consider those factors contained in Rule 15.5(d)(5)(a)(i) and (ii).[11] The Exchange submits that this amendment will reinforce the elements that must inform a listed company's determination of the independence of a member of the Compensation Committee.

Written Charter of the Compensation Committee

The amendments proposed by the Exchange to Rule 15.5(d)(5)(b)(i) with regard to the requirements for the written charter of the Compensation Committee are also primarily intended to conform the text of the rule with the provisions of Section 10C of the Act. First, the Exchange proposes in the introductory text of Paragraph (d)(5)(b)(i) to amplify the general requirements for the written charter by stating that the charter must address the Compensation Committee's purpose, responsibilities and authority, which at minimum must be to have direct responsibility and authority to engage in the tasks described in Rule 15.5(d)(5)(b)(i)(A) through (F). The proposed amendment will better define the scope of the Compensation Committee's authority to engage in the tasks described in the rule.

The Exchange is next proposing amendments to Rule 15.5(d)(5)(b)(i)(A) through (F) to remove the word ''independent'' contained in the pre-amendment rule text in reference to legal counsel. The proposed changes to paragraph (b)(i)(A) through (F) recognize that, while Section 10C(d)(1) of the Act provides that the Compensation Committees of listed issuers shall have the express authority to hire ''independent legal counsel,'' it does not require that they do so, nor does it preclude a Compensation Committee from retaining non-independent legal counsel or obtaining advice from in-house counsel or outside counsel retained by the issuer or management. The proposed deletion will operate to remove any ambiguity in that regard.

Consistent with Section 10C of the Act, the proposed change to the rule text will enhance the pre-amendment requirements for the written charter of the Compensation Committee by expressly stating that the Compensation Committee, at a minimum, has the authority to retain or obtain the advice of compensation consultants, legal counsel and other compensation advisers as determined in the sole discretion of the Compensation Committee and to appoint, compensate and oversee the work of any such compensation consultants, legal counsel or other adviser. The amended rule text will also list the factors that the Compensation Committee must use in selecting a compensation consultant, legal counsel or other adviser.[12]

Compensation Committee Funding

The Exchange proposes to amend Rule 15.5(d)(5)(c) regarding the funding that a listed company must provide for the Compensation Committee to discharge its functions. As amended, subparagraph (5)(c) will provide that listed companies must provide for appropriate funding, as determined by the Compensation Committee, for payment of reasonable compensation to a compensation consultant, legal counsel or any other adviser retained by the Compensation Committee. As amended, the text of such subparagraph will delete the word ''independent'' with reference to legal counsel, a change which mirrors the similar change to the requirement for the written charter of the Compensation Committee, and specifies that the funding must be sufficient to pay reasonable compensation to any other adviser '' . . . retained by the Compensation Committee.''

The Exchange submits that the proposed change will align subparagraph (5)(c) with Section 10C of the Act and Rule 10C–1(b)(3) pursuant thereto[13] with regard to listing standards that must be adopted by exchanges regarding requirements for compensation committees and any compensation consultant, legal counsel or other adviser used by such committees.[14] The proposed amendments are intended to enhance the clarity and precision of the Rule by providing that a listed issuer must provide for appropriate funding for reasonable compensation for compensation consultants, legal counsel, or any other adviser retained by the Compensation Committee.

Requirements for a Smaller Reporting Company

The Exchange is further proposing clarifying amendments to Rule 15.5(d)(5)(e) with respect to the requirements for a Smaller Reporting Company as defined in Rule 12b–2 under the Act.[15] Specifically, the amendments provide that a Smaller Reporting Company with a public float of $75 million or more as of the last business day of its second fiscal quarter will cease to be a Smaller Reporting Company as of the beginning of the fiscal year following the Smaller Reporting Company Determination Date. In that instance, the company shall be required to comply with Rule 15.5(d)(5)(b)(i)(F) with respect to the criteria for selecting a compensation consultant, legal counsel, or other adviser to the Compensation Committee, as of six months from the date it ceases to be a Smaller Reporting Company.

Additionally, the amended rule specifies that the company must: (i) Provide for one member of its Compensation Committee meeting the independence standard of Rule15.5(d)(5)(a)(i)–(ii) within six months of the date that it ceases to be a Smaller Reporting Company; (ii) provide for a majority of directors on its Compensation Committee meeting those requirements within nine months of that date; and (iii) provide that a Compensation Committee comprised solely of members that meet those requirements is in place within twelve months of that date.

These amendments are intended to provide a degree of flexibility to companies that cease to be Smaller Reporting Companies to fully implement the provisions of Rule

[10] Paragraph (d)(2)(a) provides that no director may qualify as ''independent'' unless the board of directors affirmatively determines that the director has no material relationship with the listed company (either directly or as a partner, shareholder, or officer of an organization that has a relationship with the company) and that companies must disclose these determinations. Paragraph (d)(2)(b) lists five additional bright line tests that a director must meet to be considered independent, including that a director who is an employee of the company, or whose immediate family member is an executive officer of the company, is not independent until three years after the end of such employment relationship.

[11] Paragraph (d)(5)(a) requires that, when determining the independence of directors the listed company must consider (i) the source of compensation of the director, including any consulting, advisory or other compensatory fee paid by the listed company to the director; and (ii) whether the director is affiliated with the listed company, a subsidiary of the listed company, or an affiliate of a subsidiary of the listed company.

[12] *See* proposed Rule 15.5(d)(5)(b)(i)(D).

[13] 17 CFR 240.10C–1(b)(3).

[14] *Id.*

[15] 17 CFR 240.12b–2.

15.5(d) on a workable basis, giving due regard to the steps necessary for a company to fully implement the provisions of the Rule.

Revised Interpretations and Policies of Rule 15.5(d)(5): Compensation Committee Assessment of Adviser Independence and Adoption of Adviser's Recommendations

The Exchange is also proposing amendments to the *Interpretations and Policies* of Rule 15.5(a)(1)(d) that will serve to: (i) Provide additional clarity as to the responsibility of a listed issuer's Compensation Committee to conduct an independence assessment before retaining or obtaining the advice of a compensation consultant, legal counsel, or any other adviser; and (ii) provide guidance as to the implementation of a consultant's or adviser's recommendations and the exercise of the Compensation Committee's judgment in that regard.

First, the revised text of the *Interpretations and Policies* reinforces that the Compensation Committee is required to conduct the independence assessment outlined in Rule 15.5(5)(b)(i)(F) [16] with respect to any compensation consultant, legal counsel or other adviser, other than in-house legal counsel and any other in-house adviser whose role is limited to certain identified activities, for which no disclosure would be required under Item 407(e)(3)(iii) of Regulation S–K.[17] Such activities are consulting on any broad-based plan that does not discriminate in scope, terms or operation, in favor of executive officers or directors of the listed company, and that is available generally to all salaried employees; or providing information that either is not customized for a particular company or that is customized based on parameters that are not developed by the compensation consultant, and about which the compensation consultant does not provide advice. The revised text in the *Interpretations and Policies* incorporates in the Exchange's guidance to issuers the amendments to Item 407 that were adopted by the Commission along with Section 10C of the Act.[18]

In addition, the revised *Interpretations and Policies* makes clear that Rule 15.5(d)(5) does not, in fact, require that a compensation consultant, legal counsel or other compensation adviser be independent, but only that the Compensation Committee consider the enumerated independence factors before selecting or receiving advice from a compensation adviser. The Compensation Committee may select or receive advice from any compensation adviser they prefer including ones that are not independent, after considering the six independence factors outlined in Rule 15.5(d)(5)(b)(i)(F)(1)–(6).

Finally, the Exchange proposes to include a new provision that nothing in Rule 15.5(d)(5)(b) shall be construed to require the Compensation Committee to implement or act consistently with the advice or recommendations of the compensation consultant, legal counsel or other adviser to the Compensation Committee; or to affect the ability or obligation of the Compensation Committee to exercise its own judgment in fulfillment of the duties of the Compensation Committee. The proposed new text tracks the provisions of Rule 10C–1.[19]

2. Statutory Basis

The Exchange believes the proposed rule amendments are consistent with the Exchange Act and the rules and regulations thereunder applicable to national securities exchanges. Specifically, the Exchange believes that the proposed amendments are consistent with Section 6 of the Exchange Act [20] in general, and Section 6(b)(5) in particular. Section 6(b)(5) requires that the rules of an exchange be designed to, among other things, promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange submits that the proposed amendments are consistent with Section 6(b)(5) in that they are designed to protect investors and the public interest by providing additional clarity and precision and correct citations with regard to the Exchange's requirements for Compensation Committees under the listed issuer corporate governance requirements. The proposed revisions will also align the Exchange's rules with the rules of other national securities exchanges, The Exchange further believes that the proposed rule changes will further the implementation of the requirements of Section 10C of the Act and Rule 10C–1 pursuant thereto and are therefore consistent with the Exchange Act.

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 Exchange submits that these changes will have no competitive impact, in that they are intended to better align the Exchange's corporate governance rules for listed companies with the statutory requirements. Similar rules have been enacted by other national securities exchanges with rules governing the initial or continued listing of the equity securities of listed companies and the proposed changes work to align Exchange Rule 15.5(d)(5) with the rules of other exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. Significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) [21] of the Exchange Act and Rule 19b–4(f)(6) thereunder.[22] 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

[16] Under Rule 15.5(b)(i)(F)(1)–(6), the independence determination must take into account the following required factors: Other services provided to the issuer by the person that employs the compensation consultant, legal counsel or adviser; the amount of fees received by the adviser's employer from the issuer, as expressed by a percentage of total revenue of that employer; the conflicts of interests policies and procedures of the adviser's employer; any business or personal relationship between the compensation consultant, legal counsel or adviser with a member of the Compensation Committee; any stock of the issuer owned by the compensation consultant, legal counsel or adviser; and any business or personal relationship between the compensation consultant, legal counsel or adviser and any executive officers of the issuer.

[17] 17 CFR 229.407.

[18] 17 CFR 229.407(e)(iv).

[19] *See* CFR 240.10C–1(b)(2)(iii)(A) and (B).

[20] 15 U.S.C. § 78f(b)(5).

[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description of the text of the proposed rule change, at least five business days prior to the date of the filing of the proposed rule change, or such other time as designated by the Commission. This requirement has been met.

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–NSX–2014–16 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–NSX–2014–16. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NSX–2014–16, and should be submitted on or before September 23, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–20696 Filed 8–29–14; 8:45 am]

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[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72918; File No. SR–BX–2014–042]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to BX Options Lead Market Maker Rules

August 26, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 21, 2014, NASDAQ OMX BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by 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 certain rule text related to an options rule at Chapter VI, Section 10, pertaining to system order executions on BX.

The text of the proposed rule change is 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 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 purpose of the proposed rule change is to amend rule text in the BX Options Rules at Chapter VI, Section 10 to clarify certain language. A proposed rule change amending Chapter VI, Section 10 was recently approved by the Commission.[3] As part of that rule change, Chapter VI, Section 10, entitled ''Book Processing'' was amended to afford a Lead Market Maker (''LMM'') a participation entitlement if the LMM's bid/offer is at the Exchange's disseminated price and all Public Customer[4] orders have been fully executed.[5] In that proposal the Exchange explained the manner in which orders will be allocated in both a Size Pro-Rata and Price/Time scenario and provided examples. The text of the rule change specified that prior to remaining interest being allocated, an LMM would receive an allocation based on the allocation methods noted in Chapter VI, Section 10.

While the Exchange believes that the rule text is clear on the allocations that the LMM shall be afforded, the Exchange is seeking to further amend Chapter VI, Section 10(1)(C)(1)(b)(2) to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 72883 (August 20, 2014), 79 FR 50971 (August 26, 2014) (SR–BX–2014–035).

[4] *See* Chapter I, Section 1(50). The term ''Public Customer'' means a person that is not a broker or dealer in securities.

[5] The LMM participation entitlement is as follows with respect to Size Pro Rata executions: A BX Options LMM shall receive the greater of: The LMM's Size Pro-Rata share pursuant to proposed rule BX Options Rule at Chapter VI, Section 10(1)(C)(2)(iii); 50% of remaining interest if there is one or no other Market Maker at that price; 40% of remaining interest if there are two other Market Makers at that price; or 30% of remaining interest if there are more than two other Market Makers at that price; or if rounding would result in an allocation of less than one contract, a BX Options LMM shall receive one contract. The LMM participation entitlement is as follows is as follows with respect to Price/Time executions: A BX Options LMM shall receive the greater of: (a) Contracts the LMM would receive if the allocation was based on time priority with Public Customer priority pursuant to proposed BX Options Rule at Chapter VI, Section 10(1)(a); (b) 50% of remaining interest if there is one or no other Market Maker at that price; (c) 40% of remaining interest if there are two other Market Makers at that price; or (d) 30% of remaining interest if there are more than two other Market Makers at that price or if rounding would result in an allocation of less than one contract, a BX Options LMM shall receive one contract.

amend the sentence that currently states, ''If there are contracts remaining after all LMM interest has been fully executed, such contracts shall be executed based on the Price/Time execution algorithm.'' The Exchange proposes to amend the sentence to state, ''If there are contracts remaining, such contracts shall be executed based on the Price/Time execution algorithm.'' The Exchange believes that removing the words ''after all LMM interest has been fully executed'' will avoid any confusion such as that an LMM would not be entitled to a portion of the remainder. The Exchange intended those words to apply to the remaining contracts, which would be allocated after the LMM was afforded their allocation. The Exchange believes the proposed text would avoid any confusion as to its interpretation. The Exchange's proposed change would also be added to Chapter VI, Section 10(2)(ii)(2). The Exchange would add the corresponding sentence to the Size Pro-Rata allocation as follows, ''If there are contracts remaining, such contracts shall be executed based on the Size Pro-Rata execution algorithm.'' The Exchange believes that adding the aforementioned sentence to Chapter VI, Section 10(2)(ii)(2) clarifies that the remaining contracts would be treated in a similar manner within the Size Pro-Rata allocation method.

The amendments proposed herein are in accordance with the text of the proposed rule change and the examples provided in the prior filing.[6] The Exchange does not believe that the amendments are substantive, but rather are clarifying because the text adds specificity to allocation of remainder contracts. The allocation of remainder contracts is not impacted by this rule change. The amendments provide consistency to BX Rules to clarify that remainder contracts are treated in the same general manner under both allocation models.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[7] in general, and furthers the objectives of Section 6(b)(5) of the Act[8] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the 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 non-substantive amendments to the rule text of Chapter VI, Section 10 will conform the wording in the rule text and add clarity. The Exchange believes that while the rule text does reflect the current allocation method, which will remain in place unaffected by this filing, by adding clarifying language the Exchange's text will be clear and concise.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change 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 seeks to correct an error in rule text and make other clarifying changes to conform rule text to avoid confusion.

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

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and subparagraph (f)(6) of Rule 19b–4 thereunder.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) 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. The Exchange has 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.

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–BX–2014–042 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–2014–042. 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–BX–2014–042 and should be submitted on or before September 23, 2014.

[6] *See* note 3.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 200.30–3(a)(12).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–20700 Filed 8–29–14; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72916; File No. SR–NYSE–2014–44]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To (i) Delete Obsolete Rules Relating to Exchange-Listed Options Trading and Related References (NYSE Rules 700–794); (ii) Delete Obsolete Rules Related to the Defunct Exchange Stock Portfolio Service and Related References (NYSE Rules 800–817); and (iii) Amend NYSE Rules 15A and 123D To Remove Outdated References to the Terminated Intermarket Trading System Plan

August 26, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 15, 2014, New York Stock Exchange LLC (''NYSE'' 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 (i) delete obsolete rules relating to Exchange-listed options trading (Rules 700–794) and related references; (ii) delete obsolete rules related to the defunct Exchange Stock Portfolio Service (Rules 800–817) and related references; and (iii) amend Rules 15A and 123D to remove outdated references to the terminated Intermarket Trading System (''ITS'') Plan. 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.

[1] 15 U.S.C.78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, 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 (i) delete obsolete rules governing Exchange-listed options trading (Rules 700–794) and related references; (ii) delete obsolete rules governing the defunct Exchange Stock Portfolio Service (Rules 800–817) and related references; and (iii) amend Rules 15A and 123D to remove references to the terminated ITS Plan.

First, the Exchange proposes to delete the 700 rule series (Rules 700–794), which apply to the trading of option contracts issued by The Options Clearing Corporation on the Exchange. The NYSE sold its listed options business in 1997 and does not currently trade Exchange-listed options.[3] It is no longer necessary to maintain options trading rules for a business the Exchange no longer conducts. The Exchange also proposes to amend Rule 345, relating to registration of employees, to remove references to Rule 700(b)(4). Similarly, the Exchange proposes to remove 700 series rules from the minor rule violation plan and amend Rules 9217 and 476A accordingly.[4]

[3] The business was sold to the Chicago Board Options Exchange, Inc. *See* Securities Exchange Act Release No. 38542 (April 23, 1997), 62 FR 23521 (April 30, 1997).

[4] In 2013, the NYSE adopted a new set of procedural rules modeled on the rules of the Financial Industry Regulatory Authority (''FINRA'') that included aspects of FINRA's process and fine levels for minor rule violations. The Exchange maintained the specific list of rules set forth in NYSE Rule 476A, which were moved to new Rule 9217. *See* Securities Exchange Act Release Nos. 68678 (Jan. 16, 2013), 78 FR 5213 (Jan. 24, 2013), and 69045 (Mar. 5, 2013), 78 FR 15394 (Mar. 11, 2013) (SR–NYSE–2013–02). Rule 476A continues to apply to disciplinary proceedings filed prior to July 1, 2013. The Exchange also proposes to remove references to the terminated ITS Plan in Rule 476A. *See* note 12, *infra.*

Second, the Exchange proposes to delete the 800 rule series (Rules 800–817), which governs the NYSE's Exchange Stock Portfolio Service (''ESP Service''). The ESP Service was initiated in 1989 to enable the trading of standardized baskets of stocks at an aggregate price in a single execution on the Exchange's trading Floor.[5] The ESP Service allowed trades in the component stocks of an index basket to be effected in a single execution, as opposed to separate executions for each of the component stocks. The program was suspended in 1991.[6] Because the Exchange no longer conducts the ESP Service, the rules associated with it are also obsolete.

The Exchange also proposes to amend the following rules to remove references to rules in the 800 series:

- Rule 111, governing reports of executions;
- Rule 96, governing limitations on members' trading based on existing options positions;
- Rule 104T, governing dealings by Exchange Designated Market Makers; and,
- Rule 36, governing communications between Exchange and Members' Offices.

Finally, the Exchange proposes to amend Rule 15A, the order protection rule, and Rule 123D, which governs openings and halts in trading, to remove references to the ITS Plan.[7]

Rule 15A was amended in 2007 to describe how the Exchange would automatically route orders to other market centers to prevent trade-throughs on the Exchange in conformance with SEC Rule 611 (the ''Order Protection Rule'') of Regulation National Market System (''Reg. NMS'') beginning on March 5, 2007.[8] However, since the ITS Plan was still in effect, the Exchange retained those portions of Rule 15A describing the circumstances under which the Exchange routed orders to

[5] *See* SEC No-Action Letter, 1989 WL 246468 (Oct. 26, 1989).

[6] *See, e.g.,* SEC No-Action Letter, 2009 WL 1758909 (June 11, 2009).

[7] Between 1978 and 2007, ITS was the principal means of electronically transmitting orders between market centers to avoid trading through superior quotes in those markets. When the Commission adopted Reg. NMS, the ITS Plan participants terminated the governing agreement, the ITS Plan, and replaced it with the NMS Linkage Plan. *See* Securities Exchange Act Release No. 34–54551 (September 29, 2006), 71 FR 194 (October 6, 2006). The purpose of the NMS Linkage Plan was to enable the plan participants to act jointly in planning, developing, operating and regulating the NMS Linkage System that would electronically link the participant markets to one another.

[8] *See* Securities Exchange Act Release No. 34–55387 (March 2, 2007), 72 FR 10808 (March 9, 2007) (SR–NYSE–2007–2[sic]).

other market centers to avoid trade throughs according to parameters established by the ITS Plan. ITS was eliminated on June 30, 2007.[9] The Exchange proposes to retain that portion of Rule 15A added in 2007 that describes compliance with the order protection rule of Reg. NMS and delete the remainder of the obsolete rule text relating to the ITS Plan.

Similarly, Rule 123D contains the obsolete requirement that the relevant ''ITS Pre-Opening Applications'' must be followed when necessary based upon the anticipated opening price. This language refers to the ITS Plan requirement, codified in an earlier version of Rule 15, that each market center have procedures governing the dissemination of pre-opening price information.[10] Rule 15 was amended in 2007 following the termination of the ITS Plan to, among other things, remove the requirement to disseminate ITS pre-opening indications, which the Commission acknowledged were no longer required following the elimination of the ITS Plan and the NMS Linkage Plan.[11] It bears noting that deletion of this rule text in Rule 123D in no way diminishes the obligation of DMMs to issue pre-opening indications under appropriate circumstances as set forth in the current version of Rule 15.[12]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Section 6(b)(5) of the Act,[14] in particular, in that it in that it [sic] is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, help to protect investors and the public interest. Specifically, the Exchange believes that deleting rule text relating to businesses the NYSE no longer engages in and routing arrangements that have been superseded by Reg. NMS removes impediments to and perfects the mechanism of a free and open market by simplifying its rulebook and removing confusion that may result from having obsolete rules in the Exchange's rulebook. The Exchange further believes that the proposal removes impediments to and perfects the mechanism of a free and open market by ensuring that persons subject to the Exchange's jurisdiction, regulators, and the investing public can more easily navigate and understand the Exchange's rulebook. The Exchange also believes that eliminating obsolete rules would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from increased transparency as to which rules are operable, thereby reducing potential confusion. Similarly, the Exchange believes that removing cross-references to obsolete rules would remove impediments to and perfect the mechanism of a free and open market because it would reduce potential confusion that may result from having such cross references in the Exchange's rulebook. Removing such obsolete cross references will also further the goal of transparency and add clarity to the Exchange's rules.

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 proposed change is not designed to address any competitive issue but rather to delete obsolete rules and cross-references to obsolete rules, thereby increasing transparency, reducing confusion, and making the Exchange's rules easier to understand and navigate.

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[15] and Rule 19b–4(f)(6) thereunder.[16] 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.

A proposed rule change filed under Rule 19b–4(f)(6)[17] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[18] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing.

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)[19] 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

[9] The NMS Linkage Plan ran concurrently with the ITS Plan until March 5, 2007, at which time the ITS Plan terminated and the Order Protection Rule became operative. The NMS Linkage Plan terminated on June 30, 2007.

[10] *See* Securities Exchange Act Release No. 34–57003 (December 20, 2007), 72 FR 73949 (December 28, 2007) (SR–NYSE–2007–112). Prior to its amendment in 2007, Rule 15 defined an ''Pre-Opening Application'' as ''the application of the System that permits a market-maker in one Participant market who wishes to open his market in an Eligible Listed Security to obtain from other market-makers registered in that security in other Participant markets any pre-opening interests such other market-makers might decide to disclose as set forth in the ITS Plan.''

[11] *See* Securities Exchange Act Release No. 34–57003 (December 20, 2007), 72 FR 73949 (December 28, 2007) (SR–NYSE–2007–112).

[12] The Exchange also proposes to remove outdated references to ITS in Rule 476A.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78s(b)(3)(A)(iii).

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6)(iii).

[19] 15 U.S.C. 78s(b)(2)(B).

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2014–44 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–NYSE–2014–44. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2014–44 and should be submitted on or before September 23, 2014

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–20698 Filed 8–29–14; 8:45 am]

BILLING CODE 8011–01–P

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72919; File No. SR–ISE Gemini-2014–22]

Self-Regulatory Organizations; ISE Gemini Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change on Sweep Orders

August 26, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 19, 2014, ISE Gemini, LLC (the ''Exchange'' or ''ISE Gemini'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

ISE Gemini proposes to amend its rules to adopt a definition of ''Sweep Order,'' an order type that will be introduced in rules incorporated by reference to rules of the Exchange's affiliate, International Securities Exchange, LLC (''ISE''), and to allow market makers to enter Sweep Orders in their appointed options classes. The text of the proposed rule change is available on the Exchange's Internet Web site at *http://www.ise.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On July 31, 2014, the ISE filed a proposed rule change that introduced a new order type: The ''Sweep Order.''[3] Pursuant to the rules adopted in the ISE filing, which will become effective on September 1, 2014, a ''Sweep Order'' is a limit order that is executed against any available interest in the order book at the NBBO or better and immediately sent to the Linkage Handler for away market routing, without being exposed to members first under Supplementary Material .02 to ISE Rule 1901. Furthermore, a Sweep Order that is not marketable when it is submitted is cancelled, as is any portion of a marketable Sweep Order that is not immediately executed by an eligible exchange. New Supplementary Material .05 to ISE Rule 1901, which describes order handling for Sweep Orders, is incorporated by reference into Chapter 19 of ISE Gemini rules. The purpose of this proposed rule change is to amend ISE Gemini Rule 715 to include a definition of ''Sweep Order,'' as described above. In conjunction with this change, the Exchange also proposes to amend ISE Gemini Rule 805(a) to allow market makers to submit Sweep Orders in their appointed options classes,[4] consistent with treatment on the ISE.

2. Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act,[5] and the rules and regulations thereunder that are applicable to a national securities exchange, including the requirements of Section 6(b) of the Act.[6] In particular, the proposal is consistent with Section 6(b)(5) of the Act,[7] because 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.

[3] *See* Securities Exchange Act Release No. 72816 (August 12, 2014), 79 FR 48811 (August 18, 2014) (SR–ISE–2014–37).

[4] Market makers are currently permitted to submit the following order types in their appointed options classes: Opening only orders, immediate-or-cancel (''IOC'') orders, market orders, fill-or-kill orders, and certain block orders and non-displayed penny orders. See ISE Gemini Rule 805(a).

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

ISE Gemini's affiliated exchange, ISE, recently adopted Sweep Orders in a filing that will become effective on September 1, 2014, and order handling for this order type is provided for in rules that will be incorporated by reference into ISE Gemini rules. The introduction of Sweep Orders on ISE Gemini will facilitate the routing of Public Customer and Non-Customer Orders, and will allow Members to quickly access available liquidity on ISE Gemini and away markets. The proposed rule change removes impediments to and perfects the mechanism of a free and open market and a national market system because it clarifies ISE Gemini rules, which as stated above will incorporate order handing for Sweep Orders, by adopting a definition for this order type. Furthermore, ISE Gemini believes that it is in the public interest to allow market makers to enter Sweep Orders in their appointed options classes so that they can use this order type to access liquidity on ISE Gemini and other options exchanges. Under ISE Gemini Rules, Market Makers are permitted to provide resting liquidity in their appointed classes through the use of quotes entered in compliance with Rule 804. In order to access liquidity provided by other firms, however, Market Makers use IOC and other order types that do not rest on the regular order book.[8] Because any portion of a Sweep Order that is not executed is cancelled, the proposed addition of Sweep Orders to the list of order types that market makers may use in their appointed classes is generally consistent with Rule 805(a), which was intended to prevent market makers from having both standing limit orders and quotes in the same options class.

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 as it merely defines an order type that will be available on the Exchange, and allows market makers to enter this order type, consistent with treatment on the ISE. With the introduction of Sweep Orders, both Public Customer and Non-Customer Orders will be able to use this order type to quickly access better-priced liquidity on ISE Gemini and other competing markets.

[8] *See* supra note 4.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[9] and subparagraph (f)(6) of Rule 19b–4 thereunder.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ISEGemini–2014–22 on the subject line.

[9] 15 U.S.C. 78s(b)(3)(A)(ii).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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–ISEGemini–2014–22. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISEGemini-2014–22 and should be submitted on or before September 23, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–20701 Filed 8–29–14; 8:45 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of QSGI Inc.; Order of Suspension of Trading

August 28, 2014.

It appears to the Securities and Exchange Commission (''Commission'') that there is a lack of current and accurate information concerning the

securities of QSGI Inc. (''QSGI'') because QSGI has not filed any periodic reports for any reporting period subsequent to June 30, 2011. QSGI is a Florida corporation with its principal place of business listed as West Palm Beach, Florida. Its stock is quoted on OTC Link, operated by OTC Markets Group Inc., under the ticker: QSGI. The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of QSGI.

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 company is suspended for the period from 9:30 a.m. EDT, August 28, 2014, through 11:59 p.m. EDT, on September 11, 2014.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–20889 Filed 8–28–14; 4:15 pm]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14064 and #14065]

Minnesota Disaster Number MN–00056

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 3.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Minnesota (FEMA–4182–DR), dated 07/21/2014.

Incident: Severe Storms, Straight-line Winds, Flooding, Landslides, and Mudslides.

Incident Period: 06/11/2014 through 07/11/2014.

Effective Date: 08/21/2014.

Physical Loan Application Deadline Date: 09/19/2014.

Economic Injury (Eidl) Loan Application Deadline Date: 04/21/2015.

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: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of MINNESOTA, dated 07/21/2014, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Hennepin, Ramsey.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Joseph P. Loddo,

Acting Associate Administrator, for Disaster Assistance.

[FR Doc. 2014–20656 Filed 8–29–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14094 and #14095]

North Dakota Disaster #ND–00042

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 North Dakota (FEMA–4190–DR), dated 08/19/2014.

Incident: Severe storms and flooding.

Incident Period: 06/25/2014 through 07/01/2014.

Effective Date: 08/19/2014.

Physical Loan Application Deadline Date: 10/20/2014.

Economic Injury (EIDL) Loan Application Deadline Date: 05/19/2015.

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 08/19/2014, 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: Benson, Bottineau, Divide, Eddy, Mchenry, Mountrail, Pierce, Renville, Ward, and the Standing Rock Indian Reservation.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere ...	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14094B and for economic injury is 14095B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008).

James E. Rivera,

Associate Administrator, for Disaster Assistance.

[FR Doc. 2014–20658 Filed 8–29–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14084 and #14085]

Iowa Disaster Number IA–00062

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Iowa (FEMA–4187–DR), dated 08/05/2014.

Incident: Severe Storms, Tornadoes, Straight-line Winds, and Flooding.

Incident Period: 06/26/2014 through 07/07/2014.

Effective Date: 08/19/2014.

Physical Loan Application Deadline Date: 10/06/2014.

Economic Injury (EIDL) Loan Application Deadline Date: 05/05/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Iowa, dated 08/05/2014, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Crawford; Shelby.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008).

James E. Rivera,

Associate Administrator, for Disaster Assistance.

[FR Doc. 2014–20662 Filed 8–29–14; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 8857]

Renewal of the Charter of the International Telecommunication Advisory Committee on (ITAC)

SUMMARY: This notice announces the renewal of the charter for the International Telecommunication Advisory Committees (ITAC). In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. Appendix) and the general authority of the Secretary of State and the Department of State set forth in Title 22 of the United States Code, in particular Sections 2656 and 2707, the charter of the International Telecommunication Advisory Committee has been extended until August 8, 2016.

The ITAC consists of members of the telecommunications industry, ranging from network operators and service providers to equipment vendors, members of academia, members of civil society, and officials of interested government agencies. The ITAC provides views and advice to the Department of State on positions on international telecommunications and information policy matters. This advice has been a major factor in ensuring that the United States was well prepared to participate effectively in the international telecommunications and information policy arena.

FOR FURTHER INFORMATION CONTACT: Please contact Franz Zichy at 202–647–5778, *zichyfj@msn.com*.

Dated: August 27, 2014.

Franz J.G. Zichy,

Electronic Engineer, Office of International Communications and Information Policy, Department of State.

[FR Doc. 2014–20799 Filed 8–29–14; 8:45 am]

BILLING CODE 4710–07–P

DEPARTMENT OF STATE

[Public Notice 8856]

Meeting of the United States-Jordan Joint Forum on Environmental Technical Cooperation and Request for Comments on the Meeting Agenda and the 2014–2017 Work Program

AGENCY: Department of State.

ACTION: Announcement of meeting; solicitation of comments; invitation to public session.

SUMMARY: The Department of State is providing notice that the governments of the United States and the Hashemite Kingdom of Jordan (the governments) intend to hold the Joint Forum on Environmental Technical Cooperation (Joint Forum) and a public session in Amman, Jordan, on September 8, 2014, at the Royal Scientific Society, Hashemite Auditorium.

The governments created the Joint Forum pursuant to the United States-Jordan Joint Statement on Environmental Technical Cooperation (Joint Statement) in support of the United States-Jordan Free Trade Agreement (FTA), both signed on October 24, 2000. During the Joint Forum, the governments will discuss how the United States and Jordan can cooperate to protect the environment, review past bilateral environmental cooperation, and commit to a 2014–2017 Work Program on Environmental Technical Cooperation (Work Program). The Department of State invites members of the public to submit written comments on items to include on the meeting agenda or in the 2014–2017 Work Program.

The Department of State also invites interested persons to attend a public session to learn more about the work of the Joint Forum and the new Work Program and provide advice or comments on its implementation.

DATES: The public session will be held on September 8, 2014, in Amman, Jordan at the Royal Scientific Society, Hashemite Auditorium. Comments on the Joint Forum meeting agenda and/or the 2014–2017 Work Program should be provided no later than September 4, 2014, to facilitate consideration.

ADDRESSES: Those interested in attending the public session should email Geoff Finger at *FingerGT@state.gov.* Comments on the Joint Forum meeting agenda and/or the 2014–2017 Work Program should be emailed to *FingerGT@state.gov* or faxed to Geoff Finger at (202) 647–5947, with the subject line ''United States-Jordan Environmental Cooperation.'' Those with access to the internet can view and comment on this notice by going to: *http://www.regulations.gov/#!home* and searching on docket number DOS–2014–0021.

FOR FURTHER INFORMATION CONTACT: Geoff Finger, (202) 647–4828.

SUPPLEMENTARY INFORMATION: The United States and Jordan announced the establishment of the Joint Forum when they signed the Joint Statement on October 24, 2000, along with the FTA. The Joint Forum meets regularly and advances environmental protection in Jordan by developing environmental technical cooperation initiatives, which take into account environmental priorities, and which are agreed to by the governments. In paragraph 4 of the Joint Statement, the countries identified an initial focus of technical cooperation on Jordanian environmental quality issues and the development and effective implementation of Jordanian environmental laws, as defined in Articles 5.4 and 18.2(a) of the FTA.

The Joint Forum has met three times since 2000: In 2004, 2009, and 2012, and issued three documents to implement the Joint Statement. The United States anticipates the 2014–2017 Work Program will build upon this prior cooperation. The September 2004 Plan of Action focused on implementing the strategic vision of Jordan's Ministry of Environment, established in 2002, to promote sustainable economic growth and development. The plan outlined activities to, among other things, strengthen the Ministry's capacity for setting, implementing, and ensuring compliance with environmental standards; harness market forces to protect the environment while bringing economic benefits; undertake industrial wastewater treatment and hazardous waste management for a target region; seek out economic benefits of ecotourism; and promote the development of a regional network of environmental lawmakers and enforcement officials. During the second Joint Forum in March 2009, the governments agreed on the 2008–2011 Work Program, which largely continued the previous areas for cooperation. In March 2012, the governments issued the most recent Work Program for 2012–2013 with the following priority areas of cooperation: (1) Institutional and policy strengthening for effective implementation and enforcement of environmental laws, including natural resource-related laws; (2) biodiversity conservation and improved management of protected areas and other ecologically important ecosystems; (3) improved private sector

environmental performance; and (4) environmental education, transparency, and public participation in environmental decision-making and enforcement.

Members of the public, including non-governmental organizations, educational institutions, private sector enterprises, and all other interested persons, are invited to submit written comments regarding items for inclusion in the meeting agenda or in the new Work Program. Please include your full name and identify any organization or group you represent. We encourage submitters to refer to:

- United States-Jordan Joint Statement on Environmental Technical Cooperation;
- United States-Jordan 2012–2013 Work Program on Environmental Technical Cooperation;
- United States-Jordan 2008–2011 Work Program on Environmental Technical Cooperation;
- Article 5 of the United States-Jordan Free Trade Agreement; and
- Environmental Review of the United States-Jordan Free Trade Agreement.

These documents are available at: *http://www.state.gov/e/oes/eqt/trade/jordan/index.htm.*

Dated: August 27, 2014.

Deborah Klepp,

Director, Office of Environmental Quality and Transboundary Issues, U.S. Department of State.

[FR Doc. 2014–20805 Filed 8–29–14; 8:45 am]

BILLING CODE 4710–09–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Comments and Notice of Public Hearing Concerning Russia's Implementation of Its WTO Obligations

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments and notice of public hearing concerning Russia's implementation of Its obligations as a Member of the World Trade Organization (WTO).

SUMMARY: The interagency Trade Policy Staff Committee (TPSC) will convene a public hearing and seek public comment to assist the Office of the United States Trade Representative (USTR) in the preparation of its annual report to Congress on Russia's implementation of its obligations as a Member of the WTO.

DATES: Written comments are due by 11:59 p.m., Friday, September 26, 2014. Persons wishing to testify orally at the hearing must provide written notification of their intention, as well as a summary of their testimony, by 11:59 p.m., Friday, September 26, 2014. The hearing will be held on Friday, October 10, 2014, beginning at 9:30 a.m. in Rooms 1 & 2, 1724 F Street NW., Washington, DC 20508.

ADDRESSES: Written comments and notifications of intent to testify should be submitted electronically via the Internet at *www.regulations.gov.* If you are unable to provide submissions at *www.regulations.gov,* please contact Yvonne Jamison, TPSC, at (202) 395–3475, to arrange for an alternative method of transmission.

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning written comments, please contact Yvonne Jamison at (202) 395–3475. All other questions regarding this notice should be directed to Betsy Hafner, Deputy Assistant United States Trade Representative for Russia and Eurasia, at (202) 395–9124.

SUPPLEMENTARY INFORMATION:

1. Background

Russia became a Member of the WTO on August 22, 2012, and on December 21, 2012, following the termination of the application of the Jackson-Vanik amendment to Russia and the extension of permanent normal trade relations to the products of Russia, the United States and Russia both filed letters with the WTO withdrawing their notices of non-application and consenting to have the WTO Agreement apply between them. In accordance with section 201(a) of the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitskiy Rule of Law Accountability Act of 2012 (Pub. L. 112–208), USTR is required to submit, by December 21 of each year, a report to Congress on the extent to which Russia is implementing the WTO Agreement, including the Agreement on the Application of Sanitary and Phytosanitary Measures and the Agreement on Trade Related Aspects of Intellectual Property Rights. The Report must also assess Russia's progress on acceding to the Information Technology Agreement (ITA) and the Government Procurement Agreement (GPA). In addition, to the extent that USTR finds that Russia is not implementing fully the WTO Agreement or is not making adequate progress in acceding to the ITA or the GPA, USTR must describe in the report the actions it plans to take to encourage Russia to improve its implementation and/or increase its accession efforts. In accordance with section 201(a), and to assist it in preparing this year's report, the TPSC is hereby soliciting public comment.

The terms of Russia's accession to the WTO are contained in the Marrakesh Agreement Establishing the World Trade Organization and the Protocol on the Accession of the Russian Federation to the WTO (including its annexes) (Protocol). The Report of the Working Party on the Accession of the Russian Federation (Working Party Report) provides detail and context to the commitments listed in the Protocol. The Protocol and Working Party Report can be found on USTR's Web page, *http://www.ustr.gov/webfm__send/3224* or on the WTO Web site, *http://docsonline.wto.org* (document symbols: WT/ACC/RUS/70, WT/MIN(11)/2, WT/MIN(11)/24, WT/L/839, and WT/ACC/RUS/70/Add.1, WT/ACC/RUS/70/Add.2.

2. Public Comment and Hearing

USTR invites written comments and/or oral testimony of interested persons on Russia's implementation of the commitments made in connection with its accession to the WTO, including, but not limited to, commitments in the following areas: (a) Import regulation (e.g., tariffs, tariff-rate quotas, quotas, import licenses); (b) export regulation; (c) subsidies; (d) standards and technical regulations; (e) sanitary and phytosanitary measures; (f) trade-related investment measures; (g) taxes and charges levied on imports and exports; (h) other internal policies affecting trade; (i) intellectual property rights (including intellectual property rights enforcement); (j) services; (k) rule of law issues (e.g., transparency, judicial review, uniform administration of laws and regulations); and (l) other WTO commitments.

Written comments must be received no later than 11:59 p.m., Friday, September 26, 2014.

A hearing will be held on Friday, October 10, 2014, in Rooms 1 & 2, 1724 F Street NW., Washington, DC 20508. Persons wishing to testify at the hearing must provide written notification of their intention by 11:59 p.m., September 26, 2014. The intent to testify notification must be made in the ''Type Comment'' field under docket number USTR–2014–0016 on the *www.regulations.gov* Web site and should include the name, address and telephone number of the person presenting the testimony. A summary of the testimony should be attached by using the ''Upload File'' field. The name of the file should also include who will be presenting the testimony. Remarks at the hearing should be limited to no

more than five minutes to allow for possible questions from the TPSC.

3. Requirements for Submissions

Persons submitting a notification of intent to testify and/or written comments must do so in English and must identify (on the first page of the submission) ''Russia's WTO Implementation.'' In order to be assured of consideration, comments should be submitted by 11:59 p.m., September 26, 2014.

In order to ensure the timely receipt and consideration of comments, USTR strongly encourages commenters to make on-line submissions, using the *www.regulations.gov* Web site. To submit comments via *www.regulations.gov,* enter docket number USTR–2014–0016 on the home page and click ''search.'' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice and click on the link entitled ''Comment Now!'' (For further information on using the *www.regulations.gov* Web site, please consult the resources provided on the Web site by clicking on ''How to Use This Site'' on the left side of the home page).

The *www.regulations.gov* Web site allows users to provide comments by filling in a ''Type Comment'' field, or by attaching a document using an ''Upload File'' field. USTR prefers that comments be provided in an attached document. If a document is attached, it is sufficient to type ''See attached'' in the ''Type Comment'' field. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission is in an application other than those two, please indicate the name of the application in the ''Type Comment'' field.

For any comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters ''BC''. Any page containing business confidential information must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page. Filers of submissions containing business confidential information must also submit a public version of their comments. The file name of the public version should begin with the character ''P''. The ''BC'' and ''P'' should be followed by the name of the person or entity submitting the comments or reply comments. Filers submitting comments containing no business confidential information should name their file using the name of the person or entity submitting the comments.

Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the submission itself, not as separate files.

As noted, USTR strongly urges submitters to file comments through *www.regulations.gov,* if at all possible. Any alternative arrangements must be made with Yvonne Jamison in advance of transmitting a comment. Ms. Jamison should be contacted at (202) 395–3475. General information concerning USTR is available at *www.ustr.gov.* Comments will be placed in the docket and open to public inspection, except business confidential information. Comments may be viewed on the *www.regulations.gov* Web site by entering the relevant docket number in the search field on the home page.

Douglas M. Bell,

Chair, Trade Policy Staff Committee.

[FR Doc. 2014–20774 Filed 8–29–14; 8:45 am]

BILLING CODE 3290–F4–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Twelfth Meeting: RTCA NextGen Advisory Committee (NAC)

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

ACTION: Thirteenth Meeting Notice of RTCA NextGen Advisory Committee.

SUMMARY: The FAA is issuing this notice to advise the public of the thirteenth meeting of the RTCA NextGen Advisory Committee.

DATES: The meeting will be held October 8, 2014 from 9:00 a.m.–3:00 p.m.

ADDRESSES: The meeting will be held at RTCA Headquarters, 1150 18th Street NW., Suite 910, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.* Andy Cebula, NAC Secretary can also be contacted at *acebula@rtca.org* or 202–330–0652.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 224. The agenda will include the following:

October 8

- Opening of Meeting/Introduction of NAC Members—Chairman Bill Ayer, Airlines for America
- Official Statement of Designated Federal Official—The Honorable Mike Whitaker, FAA Deputy Administrator
- Review and Approval of June 3, 2014 Meeting Summary
- Chairman's Report—Chairman Ayer
- FAA Report—Mr. Whitaker
- Review and Approve Recommendation for Submission to FAA
  - PBN Blue Print Task Group Report
  - Presentation of recommendation: The Blue Print for Performance-Based Navigation Procedures Implementation
- FAA PBN Video
  - PBN initiatives, highlighting the Houston Metroplex
- NextGen Integration Working Group (NIWG) FAA and Industry Leaders Overview
  - Discussion of NextGen Integration WG and Future Actions
- Review and Approve Recommendation for Submission to FAA
  - NIWG Individual Team Report-Outs: PBN, Data Comm, Multiple Runway Operations and Surface
- Interactive Discussion of Relevant Issues Facing the Aviation Community
- Summary of meeting and next steps
- Other business
- Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

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

Mohannad Dawoud,

Management Analyst, NextGen, Business Operations Group Federal Aviation Administration.

[FR Doc. 2014–20821 Filed 8–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Meeting: RTCA Program Management Committee

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

ACTION: Notice of RTCA Program Management Committee Meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Program Management Committee.

DATES: The meeting will be held September 23, from 8:30 a.m.–1:30 p.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1150 18th Street NW., Suite 910, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a Program Management Committee meeting. The agenda will include the following:

September 23

- WELCOME AND INTRODUCTIONS
- REVIEW/APPROVE Meeting Summary
  - June 17, 2014, RTCA Paper No.167–14/PMC–1231
- PUBLICATION CONSIDERATION/APPROVAL
  - Final Draft, Revised Document, DO–252—*Minimum Interoperability Standards (MIS) for Automated Meteorological Transmission (AUTOMET),* RTCA Paper No. 150–14/PMC–1228, prepared by SC–206.
  - Final Draft, Change 1 to DO–236C, *Minimum Aviation System Performance Standards: Required Navigation Performance for Area Navigation,* RTCA Paper No. 149–14/PMC–1227, prepared by SC–227.
  - Final Draft, New Document, *Airworthiness Security Methods and Considerations,* RTCA Paper No.181–14/PMC–1239, prepared by SC–216.
- INTEGRATION and COORDINATION COMMITTEE (ICC)
  - Activity Report—ATC Wind Study—Status
- ACTION ITEM REVIEW
  - PMC Ad Hoc—Standards Overlap and Alignment—Discussion—Workshop Status.
  - PMC Ad Hoc—Part 23 ARC Report—Areas/Recommendations for RTCA Support—Discussion—Status.
  - RTCA Policy on Proprietary Information—Discussion
  - FAA Letter—GPS—Discussion.
- DISCUSSION
  - Human Factor Considerations in the Design and Evaluation of Flight Deck Displays and Controls—Discussion—Possible New Special Committee.
  - SC–216—Aeronautical Systems Security—Discussion—Revised Terms of Reference.
  - SC–213—Enhanced Flight Vision Systems & Synthetic Vision Systems—Discussion—Revised Terms of Reference.
  - SC–224—Airport Security Access Control Systems—Discussion—Revised Terms of Reference.
  - SC–229—Emergency Locator Transmitters (ELTs)—Discussion—Revised Terms of Reference.
  - SC–227—Standards of Navigation Performance—Discussion—Revised Terms of Reference.
  - SC–214—Standards for Air Traffic Data Communication Services—Discussion—Revised Terms of Reference.
  - SC–217—Aeronautical Data Bases—Discussion—DO–200B potential 3 month delay and new task on D–TAXI.
  - Design Assurance Guidance for Airborne Electronic Hardware—Discussion—Possible Update to DO–254.
  - Aeronautical Software Forum—Discussion—Status Update.
  - NAC—Status Update
  - FAA Actions Taken on Previously Published Documents—Report
  - Special Committees—Chairmen's Reports and Active Inter-Special Committee Requirements Agreements (ISRA)—Review
  - European/EUROCAE Coordination—Status Update
- OTHER BUSINESS
- SCHEDULE for COMMITTEE DELIVERABLES and NEXT MEETING DATE

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

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

Mohannad Dawoud,

Management Analyst, NextGen, Business Operations Group Federal Aviation Administration.

[FR Doc. 2014–20822 Filed 8–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Second Meeting: RTCA Special Committee 231, Special Committee 231, TAWS–GPWS

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

ACTION: Meeting Notice of RTCA Special Committee 231, TAWS–GPWS.

SUMMARY: The FAA is issuing this notice to advise the public of the second meeting of the RTCA Special Committee 231, TAWS–GPWS.

DATES: The meeting will be held September 30–October 2, 2014 from 9:00 a.m.–5:00 p.m.

ADDRESSES: The meeting will be held at RTCA Headquarters, RTCA, Inc., 1150 18th Street NW., Suite 910, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 330–0652/(202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 213. The agenda will include the following:

September 30th—9:00 a.m.–5:00 p.m.

- Welcome/Introduction
- Administrative Remarks
- Agenda Review
- Review of Revised Terms of Reference
- Summary of Working Group activities
- Other Business
- Date and Place of Next Meeting

October 1st—9:00 a.m.–5:00 p.m.

- Continuation of Plenary or Working Group Session

October 2nd—9:00 a.m.–3:00 p.m.

- Continuation of Plenary or Working Group Session

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral

statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

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

Mohannad Dawoud,

Management Analyst, NextGen, Business Operations Group, Federal Aviation Administration.

[FR Doc. 2014–20819 Filed 8–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Government/Industry Aeronautical Charting Forum Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces the bi-annual meeting of the Federal Aviation Administration (FAA) Aeronautical Charting Forum (ACF) to discuss informational content and design of aeronautical charts and related products, as well as instrument flight procedures development policy and design criteria.

DATES: The ACF is separated into two distinct groups. The Instrument Procedures Group (IPG) will meet October 28, 2014 from 8:30 a.m. to 5:00 p.m. The Charting Group will meet October 29 and 30, 2014 from 8:30 a.m. to 5:00 p.m.

ADDRESSES: The meeting will be hosted by Innovative Solutions International, a Pragmatics, Inc. Company at 1761 Business Center Drive, Reston, VA 20190.

FOR FURTHER INFORMATION CONTACT: For information relating to the Instrument Procedures Group, contact Thomas E. Schneider, FAA, Flight Procedures Standards Branch, AFS–420, 6500 South MacArthur Blvd., P.O. Box 25082, Oklahoma City, OK 73125; telephone: (405) 954–5852.

For information relating to the Charting Group, contact Valerie S. Watson, FAA, National Aeronautical Navigation Products (AeroNav Products), Quality Assurance & Regulatory Support, AJV–3, 1305 East-West Highway, SSMC4, Station 3409, Silver Spring, MD 20910; telephone: (301) 427–5155.

SUPPLEMENTARY INFORMATION: Pursuant to § 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II), notice is hereby given of a meeting of the FAA Aeronautical Charting Forum to be held from October 28 through October 30, 2014, from 8:30 a.m. to 5:00 p.m. at Innovative Solutions International (ISI), a Pragmatics Inc. Company, at their offices at 1761 Business Center Drive, Reston, VA 20190.

The Instrument Procedures Group agenda will include briefings and discussions on recommendations regarding pilot procedures for instrument flight, as well as criteria, design, and developmental policy for instrument approach and departure procedures.

The Charting Group agenda will include briefings and discussions on recommendations regarding aeronautical charting specifications, flight information products, and new aeronautical charting and air traffic control initiatives. Attendance is open to the interested public, but will be limited to the space available.

Please note the following special security requirements for access to the Pragmatics, Inc. Corporation Headquarters. A picture I.D. is required of all US citizens. All foreign national participants are required to have a passport. Additionally, not later than October 3, 2014, foreign national attendees must provide their name, country of citizenship, company/organization representing, and country of the company/organization. Send the information to: Steve VanCamp, Pragmatics Inc., FAA, Aviation Safety—Flight Standards Service, AFS–420, 6500 South MacArthur Blvd., P.O. Box 25082, Oklahoma City, OK, 73125 or via Email (preferred) to: *steve.ctr.vancamp@faa.gov.* Foreign nationals who do not provide the required information will not be allowed entrance—NO EXCEPTIONS.

The public must make arrangements by October 7, 2014, to present oral statements at the meeting. The public may present written statements and/or new agenda items to the committee by providing a copy to the person listed in the **FOR FURTHER INFORMATION CONTACT** section not later than October 7, 2014. Public statements will only be considered if time permits.

Issued in Washington, DC, on August 25, 2014.

Valerie S. Watson,

Co-Chair, Aeronautical Charting Forum.

[FR Doc. 2014–20871 Filed 8–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Aviation Rulemaking Advisory Committee (ARAC) meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the ARAC.

DATES: The meeting will be held on September 18, 2014, starting at 1:00 p.m. Eastern Standard Time. Arrange oral presentations by September 11, 2014.

ADDRESSES: The meeting will take place at the Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 10th floor, MacCracken Room.

FOR FURTHER INFORMATION CONTACT: Renee Pocius, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267–5093; fax (202) 267–5075; email *Renee.Pocius@faa.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), we are giving notice of a meeting of the ARAC taking place on September 18, 2014, at the Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

The Agenda includes:

1. Recommendation Report
   a. Avionics Systems Harmonization Working Group (TAE)—Phase 2 Low Speed Alerting
2. Status Reports From Active Working Groups
   a. AC 120–17A Maintenance Control by Reliability Methods (ARAC)
   b. Airman Certification System Working Group (ARAC)
   c. Airworthiness Assurance Working Group (TAE)
   d. Engine Harmonization Working Group (TAE)
   i. Engine Bird Ingestion
   ii. Engine Endurance Testing Requirements—Revision of Section 33.87
   e. Flight Test Harmonization Working Group (TAE)—Phase 2 Tasking
3. New Tasks
4. Status Report From the FAA
5. Charter Renewal
6. ARAC Bylaws

Attendance is open to the interested public but limited to the space available. Please confirm your attendance with the person listed in the

FOR FURTHER INFORMATION CONTACT section no later than September 11, 2014. Please provide the following information: full legal name, country of citizenship, and name of your industry association, or applicable affiliation. If you are attending as a public citizen, please indicate so.

For persons participating by telephone, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section by email or phone for the teleconference call-in number and passcode. Callers outside the Washington metropolitan area are responsible for paying long-distance charges.

The public must arrange by September 11, 2014 to present oral statements at the meeting. The public may present written statements to the Aviation Rulemaking Advisory Committee by providing 25 copies to the Designated Federal Officer, or by bringing the copies to the meeting.

If you are in need of assistance or require a reasonable accommodation for this meeting, please contact the person listed under the heading **FOR FURTHER INFORMATION CONTACT.** Sign and oral interpretation, as well as a listening device, can be made available if requested 10 calendar days before the meeting.

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

Lirio Liu,

Designated Federal Officer, Aviation Rulemaking Advisory Committee.

[FR Doc. 2014–20720 Filed 8–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–68]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before September 12, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0609 using any of the following methods:

- Government-wide rulemaking Web site: Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- Mail: Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- Fax: Fax comments to the Docket Management Facility at 202–493–2251.
- Hand Delivery: Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Tara Fitzgerald, Federal Aviation Administration, Engine and Propeller Directorate, Standards Staff, ANE–111, 12 New England Executive Park, Burlington, Massachusetts 01803–5229; phone: (781) 238–7130; facsimile: (781) 238–7199; email: *tara.fitzgerald@faa.gov.*

This notice is published pursuant to 14 CFR 11.85.

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

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0609.

Petitioner: Rolls-Royce plc.

Section of 14 CFR Affected: 14 CFR 33.27 (f)(6).

Description of Relief Sought: Rolls-Royce plc is requesting relief for the Trent XWB–84, XWB–79B, XWB–79, and XWB–75 engine models to exclude the entire high-pressure shaft system from consideration when determining the highest overspeed that would result from a complete loss of load on a turbine rotor.

[FR Doc. 2014–20722 Filed 8–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–62]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of the FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before September 22, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2013–0508 using any of the following methods:

- Government-wide rulemaking Web site: Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- Mail: Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- Fax: Fax comments to the Docket Management Facility at 202–493–2251.
- Hand Delivery: Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://*

www.regulations.gov, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Alphonso Pendergrass, ARM–207, Federal Aviation Administration, Office of Rulemaking, 800 Independence Ave. SW., Washington, DC 20591; email *alphonso.pendergrass@faa.gov;* (202) 267–4713.

This notice is published pursuant to 14 CFR 11.85.

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

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2013–0508.

Petitioner: Pitman Air, LLC.

Section of 14 CFR Affected: 14 CFR 91.309(a)(2) and (3).

Description of Relief Sought: Pitman Air requests relief to utilize the Bailey Tow & Release System on the Dragonfly Light Sport Aircraft and approval of the proven configuration, maintenance and inspection procedures to ensure the maximum level of safety.

[FR Doc. 2014–20724 Filed 8–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–64]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before September 22, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0613 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jake Troutman, (202) 267–9521, 800 Independence Avenue SW., Washington, DC, 20951.

This notice is published pursuant to 14 CFR 11.85.

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

Lirio Liu,

Director, Office of Rulemaking.

Petition For Exemption

Docket No.: FAA–2014–0613

Petitioner: Wilbur-Ellis Co.

Section of 14 CFR: parts 21 Subpart H, 45.23(b), 45.27(a), 61.113(a) and (b), 91.7(a), 91.9(b)(2) and (c), 91.103, 91.109(a), 91.119, 91.121, 91.151(a), 91.203(a) and (b), 91.405(a), 91.407(a)(1), 91.409(a)(2), and 91.417(a) and (b).

Description of Relief Sought: The petitioner is seeking an exemption to commercially operate small unmanned aircraft systems (sUAS) in the agricultural aerial survey and inspection industry.

[FR Doc. 2014–20723 Filed 8–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–48]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before September 22, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0387 using any of the following methods:

- Government-wide rulemaking Web site: Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- Mail: Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- Fax: Fax comments to the Docket Management Facility at 202–493–2251.

• Hand Delivery: Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Alphonso Pendergrass (202) 267–4713

This notice is published pursuant to 14 CFR 11.85.

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

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0387.

Petitioner: U.S. Aviation Group LLC, dba U.S. Aviation Academy.

Section of 14 CFR Affected: §§ 61.35(a)(2) and 61.156(b).

Description of Relief Sought: The petitioner requests relief to enable Chinese national citizens enrolled in its approved part 141 pilot school program to apply for the FAA Airline Transport Pilot (ATP) certificate with an airplane category, multiengine class rating knowledge test, without completing the flight simulation training device (FSTD) requirements prescribed in § 61.156(b).

[FR Doc. 2014–20725 Filed 8–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–65]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before September 22, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0610 using any of the following methods:

• *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.

• *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.

• *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.

• *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jake Troutman, (202) 267–9521, 800 Independence Avenue SW., Washington, DC, 20951.

This notice is published pursuant to 14 CFR 11.85.

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

Lirio Liu,

Director, Office of Rulemaking.

Petition For Exemption

Docket No.: FAA–2014–0610.

Petitioner: Total Safety U.S., Inc.

Section of 14 CFR: Parts 21 Subpart H, 27, 45.23(b), 45.27(a), 61.113(a) and (b), 91.7(a), 91.9(b)(2), 91.103, 91.109(a), 91.119, 91.121, 91.151(a), 91.203(a) and (b), 91.405(a), 91.407(a)(1), 91.409(a)(2), and 91.417(a) and (b).

Description of Relief Sought: The petitioner is seeking an exemption to commercially operate small unmanned aircraft systems (sUAS) to conduct flare stack inspections.

[FR Doc. 2014–20721 Filed 8–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2014–0099; Notice No. 14–11]

Hazardous Materials: Revisions of the Emergency Response Guidebook

AGENCY: Pipeline and Hazardous Materials Safety Administration, DOT.

ACTION: Notice; request for input.

SUMMARY: This notice advises interested persons that the Pipeline and Hazardous Materials Safety Administration (PHMSA) is accepting input on ways to improve the Emergency Response Guidebook (ERG) as it develops the 2016 version (ERG2016), particularly from those who have experience using the ERG. The ERG is for use by emergency services personnel to provide guidance for initial response to hazardous materials incidents. The development of the ERG2016 is a joint effort involving the transportation agencies of the United States, Canada, and Mexico.

ADDRESSES: An email address has been established for interested persons to

submit their input: ''*ERGComments@dot.gov*''.

FOR FURTHER INFORMATION CONTACT: Suzette Paes, Outreach, Training and Grants Division (PHH–50), Pipeline and Hazardous Materials Safety Administration (PHMSA), 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Telephone number: (202) 366–4900, email: *suzette.paes@dot.gov*.

SUPPLEMENTARY INFORMATION:

A. Background and Purpose

The Federal hazardous materials transportation law, 49 U.S.C. 5101 *et seq.,* authorizes the Secretary of Transportation (Secretary) to issue and enforce regulations deemed necessary to ensure the safe transportation of hazardous materials in commerce. In addition, the law directs the Secretary to provide law enforcement and fire-fighting personnel with technical information and advice for responding to emergencies involving the transportation of hazardous materials.

PHMSA developed the United States version of the ERG for use by emergency services personnel to provide guidance for initial response to hazardous materials incidents. Since 1980, it has been the goal of PHMSA that all public emergency response vehicles (e.g., fire-fighting, police, and rescue squads) have immediate access to the ERG. To date and without charge, PHMSA has distributed more than 13 million copies of the ERG to emergency service agencies, and developed free online and mobile apps to make the ERG more accessible. Since 1996, PHMSA, Transport Canada, and the Secretariat of Communication and Transport of Mexico have developed the ERG as a joint effort, with assistance of interested parties from government and industry including the collaboration of CIQUIME of Argentina. The ERG2016 will be published in English, French, and Spanish.

Publication of the ERG2016 will increase public safety by providing consistent emergency response procedures for hazardous materials incidents in North America. To continually improve the ERG, PHMSA is publishing this notice to alert interested parties of an open-ended method to relate their experiences using the ERG and on ways the ERG could be modified or improved.

In addition to this notice, PHMSA will publicize its interest in receiving input on the ERG2016 through future announcements to emergency responder associations, during training and education seminars, and during activities with State and local government agencies. PHMSA has established an email address for interested persons to submit their input: ''*ERGComments@dot.gov*''.

William S. Schoonover,

Deputy Associate Administrator.

[FR Doc. 2014–20683 Filed 8–29–14; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

August 26, 2014.

The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before October 2, 2014 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by emailing *PRA@treasury.gov,* calling (202) 927–5331, or viewing the entire information collection request at *www.reginfo.gov.*

Financial Crimes Enforcement Network (FinCEN)

OMB Number: 1506–0043.

Type of Review: Extension without change of a currently approved collection.

Title: Correspondent Accounts for Foreign Shell Banks; Recordkeeping and Termination of Correspondent Accounts.

Abstract: These rules prohibit domestic financial institutions from maintaining correspondent accounts with foreign shell banks and require such institutions to maintain records of the owners, and agents, for service of legal process of foreign banks.

Affected Public: Private Sector: Businesses or other for-profits; Not-for-profit institutions.

Estimated Annual Burden Hours: 306,000.

OMB Number: 1506–0050.

Type of Review: Extension without change of a currently approved collection.

Title: Administrative Rulings.

Abstract: These sections address administrative rulings under the Bank Secrecy Act. They explain how to submit a ruling request (31 CFR 1010.711), how nonconforming requests are handled (1010.712), how oral communications are treated (1010.713), how rulings are issued (1010.715), how rulings are modified or rescinded (1010.716), and how information may be disclosed (1010.717).

Affected Public: Private Sector: Businesses or other for-profits; Not-for-profit institutions.

Estimated Annual Burden Hours: 60.

OMB Number: 1506–0051.

Type of Review: Extension without change of a currently approved collection.

Title: Special Rules for Casinos (31 CFR 1021.210, 1021.410(b)(10), and 1010.430).

Abstract: This section provides special rules for casinos, including the requirement that casinos maintain a written anti-money laundering compliance program.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 92,500.

OMB Number: 1506–0052.

Type of Review: Extension without change of a currently approved collection.

Title: Additional Records to be Made and Retained by Currency Dealers or Exchangers (31 CFR 1022.410 & 1010.430).

Abstract: A currency dealer or exchanger must make and maintain a record of the taxpayer identification number of certain persons for whom a transaction account is opened or a line of credit is extended, and must maintain a list containing the names, addresses, and account or credit line numbers of those persons from whom it has been unable to secure such information. A currency dealer or exchanger must retain the original or a copy of certain documents, as specified in section 1022.410. The required records must be maintained for five years (31 CFR 1010.430).

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 36,800.

OMB Number: 1506–0053.

Type of Review: Extension without change of a currently approved collection.

Title: Additional Records to be Made and Retained by Brokers or Dealers in Securities (31 CFR 1023.410 & 1010.430).

Abstract: A broker or dealer in securities must retain an original or copy of certain documents, as specified in section 1023.410. The required records must be maintained for five years (31 CFR 1010.430).

Affected Public: Private Sector: Businesses or other for-profits; Not-for-profit Institutions.

Estimated Annual Burden Hours: 830,000.

OMB Number: 1506–0054.

Type of Review: Extension without change of a currently approved collection.

Title: Additional Records to be Made and Retained by Casinos (31 CFR 1021.410 and 1010.430).

Abstract: Casinos (and card clubs) must make and retain a record of the name, permanent address, and taxpayer identification number each person who deposits funds with the casino, opens an account at the casino, or to whom the casino extends a line of credit (and maintain a list, available to the Secretary upon request, of the names and addresses of persons who do not furnish a taxpayer identification number), and must retain the original or a copy of certain documents, as specified in 31 CFR 1021.410(a)&(b)(1)–(8). Casinos must also maintain a list of transactions with customers involving certain instruments (31 CFR 1021.410(b)(9)). Card clubs must maintain records of currency transactions by customers and records of activity at cages (31 CFR 1021.410(b)(11)). Casinos that input, store, or retain required records on computer disk, tape or other machine-readable media must maintain the records on such media (31 CFR 1021.410(c)). Required records must be maintained for five years (31 CFR 1010.430).

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 121,056.

OMB Number: 1506–0055.

Type of Review: Extension without change of a currently approved collection.

Title: Reports of Transactions with Foreign Financial Agencies (31 CFR 1010.360).

Abstract: Treasury may, by regulation, require specified financial institutions to report transactions by persons with designated foreign financial agencies.

Affected Public: Private Sector: Businesses or other for-profits; Not-for-profit institutions.

Estimated Annual Burden Hours: 1.

OMB Number: 1506–0056.

Type of Review: Extension without change of a currently approved collection.

Title: Reports of Certain Domestic Coin and Currency Transactions (31 CFR 1010.370 and 1010.410(d)).

Abstract: Upon a finding that additional reporting or recordkeeping is necessary to carry out the purposes, or prevent the evasion, of the Bank Secrecy Act, Treasury may issue an order requiring financial institutions or groups of financial institutions in certain geographic locations to report certain transactions in prescribed amounts for a limited period of time (31 CFR 1010.360). Financial institutions subject to a geographic targeting order must maintain records for such period of time as the order requires but not more than 5 years (31 CFR 1010.410(d)). Although the burden is stated as an annual burden in accordance with the Paperwork Reduction Act, the estimated annual burden is not intended to indicate that there is a geographic targeting order in effect throughout a year or in each year.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 6,800.

OMB Number: 1506–0057.

Type of Review: Extension without change of a currently approved collection.

Title: Purchases of Bank Checks and Drafts, Cashier's Checks, Money Orders and Traveler's Checks (31 CFR 1010.415 & 31 CFR 1010.430).

Abstract: Financial institutions must maintain records of certain information related to the sale of bank checks and drafts, cashier's checks, money orders, or traveler's checks when the sale involves currency between $3,000–$10,000. The records must be maintained for a period of five years and be made available to Treasury upon request.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 456,750.

OMB Number: 1506–0058.

Type of Review: Extension without change of a currently approved collection.

Title: Records to be Made and Retained by Financial Institutions (31 CFR 1010.410, 1022.420 and 1010.430).

Abstract: Each financial institution must retain an original or copy of records related to extensions of credit in excess of $10,000 (other than those secured by real property), and records related to transfers of funds, currency, other monetary instruments, checks, investment securities, or credit of more than $10,000 to or from the United States (31 CFR 1010.410(a)–(d)). Banks and non-bank financial institutions must also maintain records related to, and include certain information as part of, funds transfers or transmittals of funds involving more than $3,000 (31 CFR 1010.410(e)–(g). The required records must be maintained for five years (31 CFR 1010.430).

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 2,150,200.

OMB Number: 1506–0059.

Type of Review: Extension without change of a currently approved collection.

Title: Additional Records to be Made and Retained by Banks (31 CFR 1020.410 and 1010.430).

Abstract: A bank must retain an original or copy of certain documents, as specified in section 1020.410. The required records must be maintained for five years (31 CFR 1010.430).

Affected Public: Private Sector: Businesses or other for-profits; Not-for-profit institutions.

Estimated Annual Burden Hours: 2,290,000.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2014–20705 Filed 8–29–14; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

Proposed Agency Information Collection Activities: Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

ACTION: Joint notice and request for comment.

SUMMARY: In accordance with the requirements of the Paperwork

Reduction Act (PRA) of 1995 (44 U.S.C. chapter 35), the OCC, the Board, and the FDIC (the agencies) may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The agencies, under the auspices of the Federal Financial Institutions Examination Council (FFIEC), have approved the publication for public comment of the proposed Market Risk Regulatory Report for Institutions Subject to the Market Risk Capital Rule (FFIEC 102). The proposed reporting requirements reflect the revised regulatory capital rules adopted by the agencies in July 2013 (revised regulatory capital rules) and would collect key information from respondents on how they measure and calculate market risk under the agencies' revised regulatory capital rules. The proposed FFIEC 102 reporting requirements would take effect as of March 31, 2015, for institutions subject to the market risk capital rule as incorporated into Subpart F of the revised regulatory capital rules (market risk capital rule).

DATES: Comments must be submitted on or before November 3, 2014.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments will be shared among the agencies.

OCC: Commenters are encouraged to submit comments by email to *regs.comments@occ.treas.gov*. Alternately, comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: FFIEC 102, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.

You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Board: You may submit comments, which should refer to ''FFIEC 102'' by any of the following methods:

Agency Web site: http://www.federalreserve.gov. Follow the instructions for submitting comments at: *http://www.federalreserve.gov/apps/foia/proposedregs.aspx*.

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

Email: regs.comments@federalreserve.gov. Include reporting form number in the subject line of the message.

FAX: (202) 452–3819 or (202) 452–3102.

Mail: Robert DeV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room MP–500 of the Board's Martin Building (20th and C Streets NW.) between 9:00 a.m. and 5:00 p.m. on weekdays.

FDIC: You may submit comments, which should refer to ''FFIEC 102,'' by any of the following methods:

- *Agency Web site: http://www.fdic.gov/regulations/laws/federal/*. Follow the instructions for submitting comments on the FDIC Web site.
- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Email: comments@FDIC.gov*. Include ''FFIEC 102'' in the subject line of the message.
- *Mail:* Gary A. Kuiper, Counsel, Attn: Comments, Room NYA–5046, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7:00 a.m. and 5:00 p.m.

Public Inspection: All comments received will be posted without change to *http://www.fdic.gov/regulations/laws/federal/* including any personal information provided. Comments may be inspected at the FDIC Public Information Center, Room E–1002, 3501 Fairfax Drive, Arlington, VA 22226, between 9:00 a.m. and 5:00 p.m. on business days.

Additionally, commenters may send a copy of their comments to the OMB desk officer for the agencies by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503; by fax to (202) 395–6974; or by email to *oira_submission@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: For further information about the proposed market risk regulatory reporting requirements discussed in this notice, please contact any of the agency clearance officers whose names appear below. In addition, copies of the proposed FFIEC 102 reporting forms and instructions are available on the FFIEC's Web site (*http://www.ffiec.gov/ffiec_report_forms.htm*).

OCC: Mary H. Gottlieb and Johnny Vilela, OCC Clearance Officers, (202) 649–5490, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

Board: Cynthia Ayouch, Federal Reserve Board Clearance Officer, (202) 452–3829, Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may call (202) 263–4869.

FDIC: Gary A. Kuiper, Counsel, (202) 898–3877, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: The agencies are proposing to implement the following new information collections.

Report Title: Market Risk Regulatory Report for Institutions Subject to the Market Risk Capital Rule.

Form Number: FFIEC 102.

Frequency of Response: Quarterly.

Affected Public: Business or other for-profit.

OCC

OMB Number: 1557—NEW.

Estimated Number of Respondents: 13 national banks and federal savings associations.

Estimated Time per Response: 12 burden hours per quarter to file.

Estimated Total Annual Burden: 624 burden hours to file.

Board

OMB Number: 7100—NEW.

Estimated Number of Respondents: 29 state member banks, bank holding companies, and savings and loan holding companies.

Estimated Time per Response: 12 burden hours per quarter to file.

Estimated Total Annual Burden: 1,392 burden hours to file.

FDIC

OMB Number: 3064—NEW.

Estimated Number of Respondents: 1 insured state nonmember bank and state savings association.

Estimated Time per Response: 12 burden hours per quarter to file.

Estimated Total Annual Burden: 48 burden hours to file.

General Description of Reports

The information collections would be mandatory for market risk institutions, defined for this purpose as those institutions that are subject to the market risk capital rule as incorporated into Subpart F of the revised regulatory capital rules (market risk institutions).[1] All data reported in the FFIEC 102 would be available to the public.

Abstract

Each market risk institution would be required to file the FFIEC 102 for the agencies' use in assessing the reasonableness and accuracy of the institution's calculation of its minimum capital requirements under the market risk capital rule and in evaluating the institution's capital in relation to its risks. Additionally, the market risk information collected in the FFIEC 102 would: (a) Permit the agencies to monitor the market risk profile of and evaluate the impact and competitive implications of the market risk capital rule on individual market risk institutions and the industry as a whole; (b) provide the most current statistical data available to identify areas of market risk on which to focus for onsite and offsite examinations; (c) allow the agencies to assess and monitor the levels and components of each reporting institution's risk-based capital requirements for market risk and the adequacy of the institution's capital under the market risk capital rule; and (d) assist market risk institutions to implement and validate the market risk framework.

Current Actions

I. Summary: Risk-Based Capital Standards—The Market Risk Framework and Regulatory Reporting Requirements

In July 2013, the agencies adopted amendments to their capital rules, including the market risk capital rule.[2] The revised market risk capital rule takes effect on January 1, 2015, and contains requirements for the public disclosure of certain information at the consolidated banking organization level as well as certain additional regulatory reporting by insured depository institutions (IDIs), BHCs, and SLHCs (BHCs and SLHCs are collectively referred to as ''holding companies'' (HCs)).

At present, those IDIs and HCs that are subject to the agencies' current market risk capital rule[3] provide the amount of their market risk equivalent assets in reports, such as the Consolidated Reports of Condition and Income (Call Report) (FFIEC 031 or FFIEC 041)[4] or the Consolidated Financial Statements for Holding Companies (FR Y–9C),[5] as applicable. The current regulatory reporting requirements reveal the end result of the market risk calculations but do not include the key components of the measurement of market risk. The agencies are proposing the expanded uniform regulatory reporting requirements described in this notice in order to assess the reasonableness and accuracy of a market risk institution's calculation of its minimum capital requirements under the market risk capital rule and to evaluate a market risk institution's capital in relation to its risks. Importantly, the FFIEC 102 would allow the agencies to better track growth in more credit-risk related, less liquid, and less actively traded products subject to the market risk rule. Historically, the risks of these products have been difficult to capture and measure. These reports should help the agencies in ensuring that these risks are adequately identified and their impact appropriately reflected in assessments of the safety and soundness of market risk institutions.

In this regard, the reported data would improve the agencies' ability to monitor the levels of, and trends in, the components that comprise the market risk measure under the market risk capital rule within and across market risk institutions. Such component reporting would allow supervisors to better understand on an ongoing basis model-implied diversification benefits for individual market risk institutions. The data would also enhance the agencies' ability to perform institution-to-institution comparisons of the drivers underlying market risk institutions' measures for market risk, identify potential outliers through market risk institution-to-peer comparisons, track these drivers over time relative to trends in other risk indicators at market risk institutions, and focus onsite examination efforts.

II. Scope and Frequency of Regulatory Reporting

The proposed FFIEC 102 regulatory reporting requirements would apply on a consolidated basis to each HC and each IDI that is required to calculate its risk-based capital using the market risk capital rule. Reporting HCs and IDIs would submit reports quarterly in line with efforts to monitor market risk institutions' progress toward, and actions under, the market risk capital rule, which requires regular and consistent reports from all market risk institutions.

The data would be collected on a quarterly basis as of the last calendar day of March, June, September, and December. The report due dates would coincide with the report due dates currently required of IDIs and HCs when filing their respective Call Reports or FR Y–9C reports, as applicable. Market risk institutions would begin reporting effective with the March 31, 2015, report date.

III. Overview of the Proposed Information Collections

The proposed FFIEC 102 shows the data elements within the market risk exposure class that would be reported under the market risk capital rule. The data submitted in the FFIEC 102 would be shared among the three agencies and made available to the public.

The proposed FFIEC 102 is subdivided into several sections and memoranda. The sum of the data reported in each of the sections would be used to calculate a market risk institution's risk-weighted assets (RWAs) for market risk. The first section contains data elements relating to a

[1] *See* 12 CFR 3.201 (OCC); 12 CFR 217.201 (Board); and 12 CFR 324.201 (FDIC). The market risk capital rule generally applies to any banking institution with aggregate trading assets and trading liabilities equal to (a) 10 percent or more of quarter-end total assets or (b) $1 billion or more. The statutory provisions that grant the agencies the authority to impose capital requirements are 12 U.S.C. 161 (national banks), 12 U.S.C. 324 (state member banks), 12 U.S.C. 1844(c) (bank holding companies (BHCs)), 12 U.S.C. 1467a(b) (savings and loan holding companies (SLHCs)), 12 U.S.C. 1817 (insured state nonmember commercial and savings banks), and 12 U.S.C. 1464 (savings associations).

[2] The agencies approved and issued the revised regulatory capital rules in July 2013. The Board and the OCC published the revised regulatory capital rules in the **Federal Register** on October 11, 2013. *See* 78 FR 62018. The FDIC published a revised regulatory capital interim final rule and a final rule with no substantive changes in the **Federal Register** on September 10, 2013, and April 14, 2014, respectively. *See* 78 FR 55340 and 79 FR 20754.

[3] *See* the agencies' market risk capital rule at 12 CFR part 3, subpart F (OCC); 12 CFR parts 208 and 225, appendix E (Board); and 12 CFR part 325, appendix C (FDIC).

[4] OMB Numbers: OCC, 1557–0081; Board, 7100–0036; and FDIC, 3064–0052.

[5] OMB Number: Board, 7100–0128.

market risk institution's approved regulatory market risk models, including details of value-at-risk (VaR)-based measures (as of the reporting date and averaged over 60 days). The second section is similar in structure to the first section except that it includes information on a market risk institution's stressed VaR-based measures. The third section contains data elements relating to specific risk add-ons based on a market risk institution's debt, equity and non-modeled securitization positions. Securitization positions would be broken out for all market risk institutions and for advanced approaches institutions [6] that are also market risk institutions, resulting in the separate reporting of a standardized measure and an advanced measure for specific risk. The fourth section sets forth the data for the incremental risk capital requirement. The fifth section contains data on the comprehensive risk capital measurement including the specific risk add-ons for net long and net short correlation trading positions used in determining a market risk institution's standardized comprehensive risk measure, and as applicable, its advanced comprehensive risk measure. The remaining section contains data elements for *de minimis* positions. Data elements from these sections combine to produce standardized market RWAs, and as applicable, advanced approaches market RWAs.

The proposed reporting form also has a Memoranda section that is comprised of 22 line items. Because these line items do not directly contribute to the determination of market RWAs, they would be reported in the separate Memoranda section. The agencies believe that these items will provide additional insight into the risk profile of a market risk institution's trading activity. For example, the first twelve lines of the Memoranda section will contribute to the agencies' understanding of the degree to which diversification effects across the principal market risk drivers are material.

In developing this proposal, the agencies considered several tradeoffs between the reporting burden on market risk institutions and the information needs of bank supervisors. One issue that the agencies identified was that market risk institutions have exposures in certain products that might fit into more than one of the specified risk categories (*e.g.,* interest rate, equity, foreign exchange, commodities, and credit). For example, convertible securities will mostly be subject to interest rate risk unless their value converges with that of the underlying equity. Similarly, foreign exchange swaps are primarily interest rate positions, but it is possible that a market risk institution might classify some as subject to foreign exchange risk. Accordingly, for purposes of reporting the VaR- or stressed VaR-based measures on the FFIEC 102, market risk institutions may classify their exposures in the same risk categories in which they are reported internally. Similarly, for purposes of reporting on the proposed FFIEC 102, the agencies have proposed to define diversification benefit as any adjustment to VaR- or stressed VaR-based measures that a market risk institution makes to reflect the absence of a perfect statistical correlation between the values of the underlying positions. The agencies also recognize that some market risk institutions may not adjust for diversification benefits in their VaR- or stressed VaR-based estimates, and in that case a market risk institution would not be required to estimate such benefits for purposes of reporting on the FFIEC 102.

IV. Electronic Submission of Reports

Consistent with the requirements for the agencies' reports that collect data under the current regulatory capital reporting requirements,[7] market risk institutions subject to the proposed reporting requirements would be required to submit the FFIEC 102 in an electronic format using file specifications and formats to be determined by the agencies.

V. Request for Comment

Public comment is requested on all aspects of this joint notice. In particular, do market risk institutions expect that making any specific line items on the proposed FFIEC 102 public would cause them competitive or other harm? If so, please identify the specific line items and describe in detail the nature of the harm.

Additionally, comments are invited on:

(a) Whether the collections of information that are the subject of this notice are necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

(b) The accuracy of the agencies' estimates of the burden of the information collections as they are proposed to be revised, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of information collections 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 the information.

Comments submitted in response to this joint notice will be shared among the agencies. All comments will become a matter of public record.

Dated: August 26, 2014.

Stuart Feldstein,

Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

Board of Governors of the Federal Reserve System, August 26, 2014.

Robert deV. Frierson,

Secretary of the Board.

Dated at Washington, DC, this 21st day of August, 2014.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–20798 Filed 8–29–14; 8:45 am]

BILLING CODE 6210–01–P; 4810–33–P; 6714–10–P

[6] Advanced approaches institutions are institutions subject to the advanced measurement approaches as incorporated into Subpart E of the revised regulatory capital rules.

[7] Consolidated Reports of Condition and Income for a Bank with Domestic and Foreign Offices (FFIEC 031), Consolidated Reports of Condition and Income for a Bank with Domestic Offices Only (FFIEC 041), Consolidated Financial Statements for Holding Companies (FR Y–9C), and Regulatory Capital Reporting for Institutions Subject to the Advanced Capital Adequacy Framework (FFIEC 101) (OMB Numbers: OCC, 1557–0239; Board, 7100–0319; and FDIC, 3064–0159).

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Designation of 2 Individuals Pursuant to Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism''

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is publishing the names of 2 individuals whose property and interests in property are blocked pursuant to Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With

Persons Who Commit, Threaten To Commit, or Support Terrorism.''

DATES: The designations by the Director of OFAC of the 2 individuals in this notice, pursuant to Executive Order 13224, are effective on August 22, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treas.gov/ofac*) or via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Background

On September 23, 2001, the President issued Executive Order 13224 (the ''Order'') pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701–1706, and the United Nations Participation Act of 1945, 22 U.S.C. 287c. In the Order, the President declared a national emergency to address grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the September 11, 2001 terrorist attacks in New York, Pennsylvania, and at the Pentagon. The Order imposes economic sanctions on persons who have committed, pose a significant risk of committing, or support acts of terrorism. The President identified in the Annex to the Order, as amended by Executive Order 13268 of July 2, 2002, 13 individuals and 16 entities as subject to the economic sanctions. The Order was further amended by Executive Order 13284 of January 23, 2003, to reflect the creation of the Department of Homeland Security.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in or hereafter come within the United States or the possession or control of United States persons, of: (1) Foreign persons listed in the Annex to the Order; (2) foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of the Department of Homeland Security and the Attorney General, to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States; (3) persons determined by the Director of OFAC, in consultation with the Departments of State, Homeland Security and Justice, to be owned or controlled by, or to act for or on behalf of those persons listed in the Annex to the Order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of the Order; and (4) except as provided in section 5 of the Order and after such consultation, if any, with foreign authorities as the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of the Department of Homeland Security and the Attorney General, deems appropriate in the exercise of his discretion, persons determined by the Director of OFAC, in consultation with the Departments of State, Homeland Security and Justice, to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to the Order or determined to be subject to the Order or to be otherwise associated with those persons listed in the Annex to the Order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of the Order.

On August 22, 2014 the Director of OFAC, in consultation with the Departments of State, Homeland Security, Justice and other relevant agencies, designated, pursuant to one or more of the criteria set forth in subsections 1(b), 1(c) or 1(d) of the Order, 2 individuals whose property and interests in property are blocked pursuant to Executive Order 13224.

The listings for these individuals on OFAC's list of Specially Designated Nationals and Blocked Persons appear as follows:

Individual(s)

1. AL-'ALI, Hamid Hamad Hamid (a.k.a. AL-'ALI, Hamad Hamid; a.k.a. AL-'ALI, Hamid Hamad; a.k.a. ''ABU SULTAN''); DOB 17 Nov 1960; POB Qatar; nationality Kuwait; Passport 001714467 (Kuwait); alt. Passport 101505554 (individual) [SDGT].

2. AL-SHARIKH, Abdul Mohsen Abdullah Ibrahim (a.k.a. AL CHAREKH, Abdul Mohsen Abdallah Ibrahim; a.k.a. AL-NAJDI, Abd-al-Latif; a.k.a. AL-NASR, Sanafi; a.k.a. ALSHAREKH, Abdul Mohsen Abdullah Ibrahim; a.k.a. AL-SHARIKH, Abd-al-Muhsin Abdallah; a.k.a. ''KARIMI, Ali''); DOB 12 Jul 1985; alt. DOB 13 Jul 1985; alt. DOB 07 Dec 1985; POB Shagraa, Saudi Arabia; nationality Saudi Arabia; Passport G895402; National ID No. 1050433349 (Saudi Arabia) (individual) [SDGT].

Dated: August 22, 2014.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2014–20785 Filed 8–29–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Designation of 2 Individuals and 1 Entity Pursuant to Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism''

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is publishing the names of 2 individuals and 1 entity whose property and interests in property are blocked pursuant to Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism.''

DATES: The designations by the Director of OFAC of the 2 individuals and 1 entity in this notice, pursuant to Executive Order 13224, are effective on August 21, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treas.gov/ofac*) or via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Background

On September 23, 2001, the President issued Executive Order 13224 (the ''Order'') pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701–1706, and the United Nations Participation Act of 1945, 22 U.S.C. 287c. In the Order, the President declared a national emergency to address grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the September 11, 2001 terrorist attacks in New York, Pennsylvania, and at the

Pentagon. The Order imposes economic sanctions on persons who have committed, pose a significant risk of committing, or support acts of terrorism. The President identified in the Annex to the Order, as amended by Executive Order 13268 of July 2, 2002, 13 individuals and 16 entities as subject to the economic sanctions. The Order was further amended by Executive Order 13284 of January 23, 2003, to reflect the creation of the Department of Homeland Security.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in or hereafter come within the United States or the possession or control of United States persons, of: (1) Foreign persons listed in the Annex to the Order; (2) foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of the Department of Homeland Security and the Attorney General, to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States; (3) persons determined by the Director of OFAC, in consultation with the Departments of State, Homeland Security and Justice, to be owned or controlled by, or to act for or on behalf of those persons listed in the Annex to the Order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of the Order; and (4) except as provided in section 5 of the Order and after such consultation, if any, with foreign authorities as the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of the Department of Homeland Security and the Attorney General, deems appropriate in the exercise of his discretion, persons determined by the Director of OFAC, in consultation with the Departments of State, Homeland Security and Justice, to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to the Order or determined to be subject to the Order or to be otherwise associated with those persons listed in the Annex to the Order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of the Order.

On August 21, 2014 the Director of OFAC, in consultation with the Departments of State, Homeland Security, Justice and other relevant agencies, designated, pursuant to one or more of the criteria set forth in subsections 1(b), 1(c) or 1(d) of the Order, 2 individuals and 1 entity whose property and interests in property are blocked pursuant to Executive Order 13224.

The listings for these individuals and entity on OFAC's list of Specially Designated Nationals and Blocked Persons appear as follows:

Individuals

1. RAHMAT, Qari (a.k.a. RAHMAT, Kari), Kamkai Village, Achin District, Nangarhar Province, Afghanistan; Nangarhar Province, Afghanistan; DOB 1981; alt. DOB 1982; POB Shadal (variant Shadaal) Bazaar, Achin District, Nangarhar Province, Afghanistan (individual) [SDGT].

2. BASIR, Haji Abdul (a.k.a. 'ABD AL-BASIR, Haji; a.k.a. BASEER, Abdul; a.k.a. BASIR, Abdal; a.k.a. NOORZAI, Haji Basir), Chaman, Pakistan; DOB 1965; alt. DOB 1963; alt. DOB 1960; POB Balochistan Province, Pakistan; nationality Afghanistan; Passport AA3829182 (Pakistan); National ID No. 5420124679187 (Pakistan) (individual) [SDGT].

Entity

1. HAJI BASIR AND ZARJMIL COMPANY HAWALA (a.k.a. HAJI ABDUL BASIR AND ZAR JAMEEL HAWALA; a.k.a. HAJI ABDUL BASIR EXCHANGE SHOP; a.k.a. HAJI BASEER HAWALA; a.k.a. HAJI BASHIR AND ZARJMIL HAWALA COMPANY; a.k.a. HAJI BASIR AND ZARJAMIL CURRENCY EXCHANGE; a.k.a. HAJI BASIR HAWALA; a.k.a. HAJI ZAR JAMIL, HAJI ABDUL BASEER MONEY CHANGER), Sanatan (variant Sanatin) Bazaar, Sanatan Bazaar Street, near Trench (variant Tranch) Road, Chaman, Balochistan Province, Pakistan; Quetta, Pakistan; Lahore, Pakistan; Peshawar, Pakistan; Karachi, Pakistan; Islamabad, Pakistan; Qandahar Province, Afghanistan; Herat Province, Afghanistan; Helmand Province, Afghanistan; Dubai, United Arab Emirates; Iran [SDGT].

Dated: August 21, 2014.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2014–20784 Filed 8–29–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning adjustments to basis of stock and indebtedness to shareholders of S corporations and treatment of distributions by S corporations to shareholders.

DATES: Written comments should be received on or before November 3, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 317–5746, or through the Internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Adjustments to Basis of Stock and Indebtedness to Shareholders of S Corporations and Treatment of Distributions by S Corporations to Shareholders.

OMB Number: 1545–1139.

Regulation Project Number: TD 8852.

Abstract: This document contains final regulations relating to the passthrough of items of an S corporation to its shareholders, the adjustments to the basis of stock of the shareholders, and the treatment of distributions by an S corporation. Changes to the applicable law were made by the Subchapter S Revision Act of 1982, the Tax Reform Act of 1984, the Tax Reform Act of 1986, the Technical and Miscellaneous Revenue Act of 1988, and the Small Business Job Protection Act of 1996. These regulations provide the public with guidance needed to comply with the applicable law and will affect S corporations and their shareholders.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of currently approved collection.

Affected Public: Business or other for-profit organizations and individuals.

Estimated Number of Responses: 2,250.

Estimated Time Per Respondent: 12 minutes.

Estimated Total Annual Burden Hours: 450.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 26, 2014.

R. Joseph Durbala,

IRS, Reports Clearance Officer.

[FR Doc. 2014–20830 Filed 8–29–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form CT–1 and CT–1 X

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form CT–1, Employer's Annual Railroad Retirement Tax Return and Form CT–1 X, Adjusted Employer's Annual Railroad Retirement Tax Return or Claim for Refund.

DATES: Written comments should be received on or before November 3, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, (202) 317–5746, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Employer's Annual Railroad Retirement Tax Return; Adjusted Employer's Annual Railroad Retirement Tax Return or Claim for Refund.

OMB Number: 1545–0001.

Form Number: Form CT–1 and Form CT–1 X.

Abstract: Railroad employers are required to file an annual return to report employer and employee Railroad Retirement Tax Act (RRTA) taxes. Form CT–1 is used for this purpose. The IRS uses the information to insure that the employer has paid the correct tax. Form CT–1X is used to correct previously filed Forms CT–1.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations, not-for-profit institutions, and state, local or tribal governments.

Estimated Number of Respondents: 2,400.

Estimated Time Per Respondent: 16 hours, 26 minutes.

Estimated Total Annual Burden Hours: 39,455.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 26, 2014.

R. Joseph Durbala,

IRS, Reports Clearance Officer.

[FR Doc. 2014–20823 Filed 8–29–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 1042, 1042–S, and 1042–T

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1042, Annual Withholding Tax Return for U.S. Source Income of Foreign Persons, Form 1042–S, Foreign Person's U.S. Source Income Subject to Withholding, and Form 1042–T, Annual Summary and Transmittal of Forms 1042–S.

DATES: Written comments should be received on or before November 3, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, at (202) 317–5746, or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Form 1042, Annual Withholding Tax Return for U.S. Source Income of Foreign Persons, Form 1042–S, Foreign Person's U.S. Source Income Subject to Withholding, and Form 1042–T, Annual Summary and Transmittal of Forms 1042–T.

OMB Number: 1545–0096.

Form Numbers: 1042, 1042–S, and 1042–T.

Abstract: Form 1042 is used by withholding agents to report tax withheld at source on payment of certain income paid to nonresident alien individuals, foreign partnerships, or foreign corporations. The IRS uses this information to verify that the correct amount of tax has been withheld and paid to the United States. Form 1042–S is used to report certain income and tax withheld information to nonresident alien payees and beneficial owners. Form 1042–T is used by withholding agents to transmit Forms 1042–S to the IRS.

Current Actions: There are no changes to the burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for profit organizations and individuals or households.

Estimated Number of Respondents: 22,000.

Estimated Time per Respondent: 61 hours, 52 minutes.

Estimated Total Annual Burden Hours: 1,360,940.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 26, 2014.

R. Joseph Durbala,

IRS, Reports Clearance Officer.

[FR Doc. 2014–20824 Filed 8–29–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning when amounts deferred under or paid from a nonqualified deferred compensation plan are taken into account as wages for purposes of the employment taxes imposed by the Federal Insurance Contributions Act (FICA).

DATES: Written comments should be received on or before November 3, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Sara Covington, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Sara.L.Covington@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Federal Insurance Contributions Act (FICA) Taxation of Amounts Under Employee Benefits Plan.

OMB Number: 1545–1643.

Regulation Project Number: REG–209484–87 (TD 8814–final).

Abstract: This document contains final regulations under section 3121(v)(2) of the Internal Revenue Code (Code) that provide guidance as to when amounts deferred under or paid from a nonqualified deferred compensation plan are taken into account as wages for purposes of the employment taxes imposed by the Federal Insurance Contributions Act (FICA). Section 3121(v)(2), relating to treatment of certain nonqualified deferred compensation, was added to the Code by section 324 of the Social Security Amendments of 1983. These regulations provide guidance to employers who maintain nonqualified deferred compensation plans and to participants in those plans.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of currently approved collection.

Affected Public: Business or other for-profit organizations and not-for-profit institutions.

Estimated Number of Respondents: 2,500.

Estimated Time per Respondent: 5 hours.

Estimated Total Annual Burden Hours: 12,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All

comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 20, 2014.

R. Joseph Durbala,

IRS Supervisory Tax Analyst.

[FR Doc. 2014–20831 Filed 8–29–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activity; Proposed Collection

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning limitations on corporate net operating loss carryforwards.

DATES: Written comments should be received on or before November 3, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to R. Joseph Durbala, (202) 317–5746, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Limitations on Corporate Net Operating Loss Carryforwards.

OMB Number: 1545–1275.

Regulation Project Number: TD 8529.

Abstract: Sections 1.382–9(d)(2)(iii) and (d)(4)(iv) of the regulation allow a loss corporation to rely on a statement by beneficial owners of indebtedness in determining whether the loss corporation qualifies for the benefits of Internal Revenue Code section 382(1)(5). Regulation section 1.382–9(d)(6)(ii) requires a loss corporation to file an election if it wants to apply the regulation retroactively, or revoke a prior Code section 382(1)(6) election.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 650.

Estimated Time per Respondent: The estimated annual time per respondent with respect to the §§ 1.382–9(d)(2)(iii) and (d)(4)(iv) statements is 15 minutes. The estimated annual time per respondent with respect to the § 1.382–9(d)(6)(ii) election is 1 hour.

Estimated Total Annual Burden Hours: 200 hours.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 26, 2014.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. 2014–20826 Filed 8–29–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning certain elections under the Omnibus Budget Reconciliation Act of 1993.

DATES: Written comments should be received on or before November 3, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 317–5746, or through the Internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Certain Elections Under the Omnibus Budget Reconciliation Act of 1993.

OMB Number: 1545–1421.

Regulation Project Number: TD 8688.

Abstract: These regulations established various elections enacted by the Omnibus Budget Reconciliation Act of 1993 (OBRA) and provided immediate interim guidance of the time and manner of making the elections. These regulations enable taxpayers to take advantage of various benefits provided by OBRA and the Internal Revenue Code.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households and business or other for-profit organizations, and farms.

Estimated Number of Respondents: 410,000.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 202,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 26, 2014.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. 2014–20829 Filed 8–29–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Information Collection; Comment Request

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1094–C, Transmittal of Employer-Provided Health Insurance Offer and Coverage Information Returns, and 1095–C, Employer-Provided Health Insurance Offer and Coverage.

DATES: Written comments should be received on or before November 3, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to Stacey Becker, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Christie Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Christie.A.Preston@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Form 1094–C, Transmittal of Employer-Provided Health Insurance Offer and Coverage Information Returns, and 1095–C, Employer-Provided Health Insurance Offer and Coverage.

OMB Number: 1545–2251.

Form Numbers: 1094–C and 1095–C.

Abstract: The IRS developed Forms 1094–C and 1095–C under the authority of IRC section 6056, added by P.L. 111–148, Patient Protection and Affordable Care Act (ACA), section 1514(a), as amended by section 10108(j). Section 6056 requires large employers, within the meaning of IRC section 4980H(c)(2), to file with the IRS returns reporting certain information about the health care coverage the employer offered with respect to each full-time employee, and to furnish to each full-time employee a related statement. Form 1094–C serves as a transmittal for Form 1095–C, Employer-Provided Health Insurance Offer and Coverage.

Current Actions: Seeking OMB approval to add Forms 1094–C and 1095–C under this current approval number.

Type of Review: Revision to a currently approved collection.

Affected Public: Business or other for-profit organizations, not for profit institutions, federal government, and state, local, or tribal governments.

Note about Estimates: Filing Forms 1094–C and 1095–C is voluntary for tax year 2014 and the number of voluntary filers is highly uncertain. Accordingly, comments are requested on the estimated number of responses and the estimated total annual burden hours. Filing is mandatory for tax year 2015. Accordingly these burden estimates will be updated as appropriate.

1094–C:

Estimated Number of Responses: TBD.

Estimated Time Per Response: 240 minutes.

Estimated Total Annual Burden Hours: TBD.

1095–C:

Estimated Number of Responses: TBD.

Estimated Time Per Response: 12 minutes.

Estimated Total Annual Burden Hours: TBD.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Estimated number of responses and estimated total annual burden hours; (b) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (c) the accuracy of the agency's estimate of the burden of the collection of information; (d) ways to enhance the quality, utility, and clarity of the information to be collected; (e) 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 (f) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 27, 2014.

Stacey Becker,

Director, Tax Forms and Publications Division.

[FR Doc. 2014–20802 Filed 8–28–14; 4:15 pm]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Information Collection; Comment Request

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1095–A, Health Insurance Marketplace Statement.

DATES: Written comments should be received on or before November 3, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to Stacey Becker, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information, or copies of the information collection and instructions should be addressed to Christie Preston, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet, at *Christie.A.Preston@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Form 1095–A, Health Insurance Marketplace Statement.

OMB Number: 1545–2232.

Form Numbers: 1095–A.

Abstract: The IRS developed Form 1095–A under the authority of ICR section 36B(f)(3) for individuals to compute the amount of premium tax credit to which they are entitled under the Patient Protection and Affordable Care Act, Public Law 111–148, as amended, and file an accurate tax return. Marketplaces also must report certain information monthly to the IRS about individuals who receive from the Marketplace a certificate of exemption from the individual shared responsibility provision.

Current Actions: Requesting OMB approval to add Form 1095–A under this currently approved OMB number.

Type of Review: Revision to a currently approved collection.

Affected Public: State, local, or tribal government.

Estimated Number of Responses: 2,000,000.

Estimated Time Per Response: .3 minutes.

Estimated Total Annual Burden Hours: 11,250.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information, unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including 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.

Approved: August 27, 2014.

Stacey Becker,

Director, Tax Forms and Publications Division.

[FR Doc. 2014–20804 Filed 8–28–14; 4:15 pm]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Information Collection; Comment Request

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1094–B, Transmittal of Health Coverage Information Returns and Form 1095–B, Health Coverage.

DATES: Written comments should be received on or before November 3, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to Stacey Becker, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information, or copies of the information collection and instructions should be addressed to Christie A. Preston, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet, at *Christie.A.Preston@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Form 1094–B, Transmittal of Health Coverage Information Returns and Form 1095–B, Health Coverage.

Form OMB Number: 1545–2252.

Form Numbers: 1094–B and 1095–B.

Abstract: The IRS developed Form 1094–B and Form 1095–B under the authority of IRC section 6055, added by P.L. 111–148, Patient Protection and Affordable Care Act (ACA), section 1502(a). Section 6055(a) requires every health insurance issuer, sponsor of a self-insured health plan, government agency that administers government-sponsored health insurance programs and other entity that provides minimum essential coverage to file annual returns reporting information for each individual for whom minimum essential coverage is provided. Form 1094–B, serves as a transmittal for Form 1095–B, Health Coverage.

Current Actions: Requesting OMB approval to add Form 1094–B and 1095–B under this currently approved OMB number.

Type of Review: Revision to a currently approved collection.

Affected Public: Business or other for-profit organizations, not-for-profit institutions, federal government state, local, or tribal government.

Note about Estimates: Filing Forms 1094–B and 1095–B is voluntary for tax

year 2014 and the number of voluntary filers is highly uncertain. Accordingly, comments are requested on the estimated number of responses and the estimated total annual burden hours. Filing is mandatory for tax year 2015. Accordingly these burden estimates will be updated as appropriate.

1094–B:

Estimated Number of Responses: TBD.

Estimated Time Per Response: 10 minutes.

Estimated Total Annual Burden Hours: TBD.

1095–B:

Estimated Number of Responses: TBD.

Estimated Time Per Response: 1 minute.

Estimated Total Annual Burden Hours: TBD.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information, unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Estimated number of responses and estimated total annual burden hours; (b) whether the collection of information is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (c) the accuracy of the agency's estimate of the burden of the collection of information; (d) ways to enhance the quality, utility, and clarity of the information to be collected; (e) 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; and (f) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 27, 2014.

Stacey Becker,

Director, Tax Forms and Publications Division.

[FR Doc. 2014–20808 Filed 8–28–14; 4:15 pm]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Women Veterans; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2., that the Advisory Committee on Women Veterans will meet on September 23–25, 2014, in the G.V. ''Sonny'' Montgomery Conference Center, Room 230 and Room C–7 (Wednesday only), at VA Central Office, 810 Vermont Avenue NW., Washington, DC, from 8:30 until 4:00 p.m. each day. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs regarding the needs of women Veterans with respect to health care, rehabilitation, compensation, outreach, and other programs and activities administered by VA designed to meet such needs. The Committee makes recommendations to the Secretary regarding such programs and activities.

The agenda will include updates from the Veterans Health Administration, the Veterans Benefits Administration, and Staff Offices, as well as updates on recommendations from the 2012 and 2014 Reports of the Advisory Committee on Women Veterans.

No time will be allocated at this meeting for receiving oral presentations from the public. Interested parties should provide written comments for review by the Committee to Ms. Shannon L. Middleton, VA, Center for Women Veterans (00W), 810 Vermont Avenue NW., Washington, DC 20420, or email at *00W@mail.va.gov,* or fax to (202) 273–7092. Any member of the public who wishes to attend the meeting or wants additional information should contact Ms. Middleton at (202) 461–6193. Because the meeting will be in a Government building, anyone attending must be prepared to show a valid photo ID. Please allow 15 minutes before the meeting begins for this process.

Dated: August 27, 2014.

Jelessa Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2014–20739 Filed 8–29–14; 8:45 am]

BILLING CODE 8320–01–P

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Part II

Department of Commerce

National Oceanic and Atmospheric Administration

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to a Marine Geophysical Survey in the Atlantic Ocean Off the Eastern Seaboard, August to September 2014 and April to August 2015; Notices

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD214

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to a Marine Geophysical Survey in the Atlantic Ocean Off the Eastern Seaboard, August to September 2014 and April to August 2015

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

ACTION: Notice; issuance of an Incidental Harassment Authorization (IHA).

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), notification is hereby given that NMFS has issued an IHA to the United States (U.S.) Geological Survey (USGS), Lamont-Doherty Earth Observatory of Columbia University (L–DEO), and National Science Foundation (NSF) to take marine mammals, by Level B harassment, incidental to conducting a marine geophysical (seismic) survey in the Atlantic Ocean off the Eastern Seaboard, August to September 2014 and April to August 2015.

DATES: Effective August 21, 2014 to August 20, 2015.

ADDRESSES: A copy of the IHA and the application are available by writing to Jolie Harrison, Supervisor, Incidental Take Program, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910 or by telephoning the contacts listed below (see **FOR FURTHER INFORMATION CONTACT**).

An electronic copy of the IHA application containing a list of the references used in this document may be obtained by writing to the address specified above, telephoning the contact listed below (see **FOR FURTHER INFORMATION CONTACT**) or visiting the Internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications*. Documents cited in this notice, including the IHA application, may also be viewed, by appointment, during regular business hours at the aforementioned address.

An ''Environmental Assessment for Seismic Reflection Scientific Research Surveys during 2014 and 2015 in Support of Mapping the U.S. Atlantic Seaboard Extended Continental Margin and Investigating Tsunami Hazards'' (EA), was prepared by RPS Evan-Hamilton, Inc., an RPS Group Company, in association with YOLO Environmental, Inc., GeoSpatial Strategy Group, and Ecology and Environment, Inc., on behalf of USGS. The USGS's EA and Finding of No Significant Impact are available online at: *http://woodshole.er.usgs.gov/project-pages/environmental_compliance/reports/FONSI%20SIGNED%20&%20Attachment1.pdf*. NMFS also issued a Biological Opinion under Section 7 of the Endangered Species Act (ESA) to evaluate the effects of the seismic survey and IHA on marine species listed as threatened and endangered. The NMFS Biological Opinion is available online at: *http://www.nmfs.noaa.gov/pr/consultations/opinions.htm*.

FOR FURTHER INFORMATION CONTACT: Howard Goldstein or Jolie Harrison, Office of Protected Resources, NMFS, 301–427–8401.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*), directs the Secretary of Commerce (Secretary) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals, by United States citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for the incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''. . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment]. Level B (behavioral) harassment occurs at the level of the individual(s) and does not assume any resulting population-level consequences.

Summary of Request

On March 27, 2014, NMFS received an application from the USGS, L–DEO, and NSF (hereafter referred to as USGS) requesting that NMFS issue an IHA for the take, by Level B harassment only, of small numbers of marine mammals incidental to conducting a marine seismic survey within the Exclusive Economic Zone (EEZ) and on the high seas (i.e., International Waters) to map the U.S. Atlantic Eastern Seaboard Extended Continental Shelf (ECS) region and investigate tsunami hazards during August to September 2014 and April to August 2015. USGS plan to use one source vessel, the R/V *Marcus G. Langseth* (*Langseth*) and a seismic airgun array and a hydrophone streamer to collect seismic data as part of the seismic survey in the Atlantic Ocean off the Eastern Seaboard. In addition to the planned operation of the seismic airgun array and hydrophone streamer, USGS intends to operate a multi-beam echosounder and a sub-bottom profiler continuously during the seismic operations in order to map the ocean floor. The multi-beam echosounder and sub-bottom profiler would not be operated during transits at the beginning and end of the seismic survey. NMFS determined that the IHA application was adequate and complete on May 14, 2014. NMFS published a notice making preliminary determinations and proposing to issue an IHA on June 23, 2014 (79 FR 35642). The notice initiated a 30-day public comment period.

Acoustic stimuli (i.e., increased underwater sound) generated during the operation of the seismic airgun array are likely to result in the take of marine mammals. Take, by Level B harassment only, of individuals of 34 species of marine mammals is anticipated to result from the specified activity. Take is not expected to result from the use of the multi-beam echosounder or sub-bottom profiler, for reasons discussed in this notice; nor is take expected to result from collision with the source vessel because it is a single vessel moving at a relatively slow speed (4.5 knots [kts]; 8.5 kilometers per hour [km/hr]; 5.3 miles per hour [mph]) during seismic acquisition within the survey, for a relatively short period of time

(approximately two 17 to 18 day legs), and it is likely that any marine mammal will be able to avoid the vessel.

Description of the Specified Activity

Overview

USGS plans to conduct a marine seismic survey within the EEZ and on the high seas to map the U.S. Atlantic Eastern Seaboard ECS region and investigate tsunami hazards during August to September 2014 and April to August 2015. USGS plans to use one source vessel, the *Langseth,* and a 36-airgun array and one 8 kilometer (km) (4.3 nautical mile [nmi]) hydrophone streamer to conduct the conventional seismic survey. In addition to the operations of airguns, the USGS intends to operate a multi-beam echosounder and a sub-bottom profiler on the *Langseth* during the seismic survey to map the ocean floor.

Dates and Duration

The *Langseth* will depart from Newark, New Jersey on August 21, 2014. The seismic survey is expected to take approximately 21 days to complete. At-sea time is planned to be approximately 21 days, with 18 days planned for airgun operations and 3 days planned for transiting, deployment and recovery of equipment. Approximately a one day transit will be required at the beginning and end of the program. When the 2014 survey is completed, the *Langseth* will then transit to Norfolk, Virginia. The survey schedule is inclusive of weather and other contingency (e.g., equipment failure) time. The planned activities for 2015 will be virtually identical to the planned activities for 2014 as geographic area, duration, and trackline coverage are similar. The exact dates for the planned activities in 2015 are uncertain, but are scheduled to occur within the April to August timeframe. The exact dates of the planned activities depend on logistics and weather conditions.

Specified Geographic Region

The planned survey will be bounded by the following geographic coordinates:
40.5694° North, −66.5324° West;
38.5808° North, −61.7105° West;
29.2456° North, −72.6766° West;
33.1752° North, −75.8697° West;
39.1583° North, −72.8697° West;

The planned activities for 2014 will generally occur towards the periphery of the planned study area (see Figures 1 and 2 of the IHA application). The planned activities for 2015 would survey more of the central portions of the study area. The tracklines planned for both 2014 and 2015 would be in International Waters (approximately 80% in 2014 and 90% in 2015) and in the U.S. EEZ. Water depths range from approximately 1,450 to 5,400 meters (m) (4,593.2 to 17,716.5 feet [ft]) (see Figure 1 and 2 of the IHA application); no survey lines will extend to water depths less than 1,000 m.

Detailed Description of the Specified Activity

USGS, Coastal and Marine Geology Program, (Primary Investigator [PI], Dr. Deborah Hutchinson) plans to conduct a regional high-energy, two-dimensional (2D) seismic survey in the northwest Atlantic Ocean within the U.S. EEZ and extending into International Waters (i.e., high seas) as far as 648.2 km (350 nmi) from the U.S. coast (see Figure 1 of the IHA application). Water depths in the survey area range from approximately 1,400 to greater than 5,400 meters (m) (4,593.2 to 17,716.5 feet [ft]). The seismic survey will be scheduled to occur in two phases; the first phase during August to September 2014 (for approximately 17 to 18 days of airgun operations), and the second phase between April and August 2015 (for approximately 17 to 18 days of airgun operations, specific dates to be determined). The planned activities for both Phase 1 and Phase 2 are included in this IHA application (see Figure 2 of the IHA application). Some minor deviation from these dates is possible, depending on logistics and weather.

USGS plans to use conventional seismic methodology to: (1) Identify the outer limits of the U.S. continental shelf, also referred to as the ECS as defined by Article 76 of the Convention of the Law of the Sea; and (2) study the sudden mass transport of sediments down the continental shelf as submarine landslides that may pose significant tsunamigenic (i.e., tsunami-related) hazards to the Atlantic and Caribbean coastal communities.

The seismic survey will involve one source vessel, the *Langseth*. The *Langseth* will deploy an array of 36 airguns as an energy source with a total volume of approximately 6,600 in^3. The receiving system will consist of one 8,000 m (26,246.7 ft) hydrophone streamer. As the airgun array is towed along the survey lines, the hydrophone streamer will receive the returning acoustic signals from the towed airgun array and transfer the data to the on-board processing system. The data will be processed on-board the *Langseth* as the seismic survey occurs.

Each planned leg of the survey (2014 and 2015) will be 17 to 18 days in duration (exclusive of transit and equipment deployment and recovery) and will comprise of approximately 3,165 km (1,709 nmi) of tracklines of 2D seismic reflection coverage. The airgun array will operate continuously during the seismic survey (except for equipment testing, repairs, implemented mitigation measures, etc.). Data will continue to be acquired between line changes, as the successive track segments can be surveyed as almost one continuous line. Line turns of 90 and no greater than 120 degrees will be required to move from one line segment to the next. The 2014 seismic survey design consists primarily of the tracklines that run along the periphery of the overall study area, including several internal tracklines (see Figure 2 of the IHA application). The 2015 seismic survey design consists of additional dip and tie lines (i.e., dip lines are lines that are perpendicular to the north-south trend of the continental margin; strike lines are parallel to the margin; and tie lines are any line that connects other lines). The 2015 seismic survey design may be modified based on the 2014 results.

In addition to the operations of the airgun array, a Kongsberg EM 122 multi-beam echosounder and a Knudsen Model 3260 Chirp sub-bottom profiler will also be operated from the *Langseth* continuously during airgun operations throughout the survey to map the ocean floor. The multi-beam and sub-bottom profiler will not operate during transits at the beginning and end of the survey. All planned geophysical data acquisition activities will be conducted by USGS with on-board assistance by the scientists who have planned the study. The vessel will be self-contained, and the crew will live aboard the vessel for the entire cruise.

NMFS provided a detailed description of the planned activities in a previous notice for the proposed IHA (79 FR 35642, June 23, 2014). The activities to be conducted have not changed between the proposed IHA notice and this final notice announcing the issuance of the IHA. For a more detailed description of the authorized action, including vessel and acoustic source specifications, the reader should refer to the notice for the proposed IHA (79 FR 35642, June 23, 2014), the IHA application, EA, and associated documents referenced above this section.

Comments and Responses

A notice of preliminary determinations and proposed IHA for the USGS's seismic survey was published in the **Federal Register** on June 23, 2014 (79 FR 35642). During the 30-day public comment period, NMFS received comments from one private

citizen, Clean Ocean Action (COA); combined comments from Natural Resources Defense Council (NRDC), Humane Society of the United States (HSUS), Oceana, and Center for Biological Diversity (CBD) (hereafter referred to as NRDC *et al.*); and the Marine Mammal Commission (Commission). The comments are posted online at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm*. Following are the substantive comments and NMFS's responses:

Effects Analyses

Comment 1: The Commission is concerned that L–DEO's modeling to estimate mitigation zones and take estimates does not indicate or consider site-specific environmental conditions, including bathymetry and sound speed profiles. The reflective/refractive arrivals are the very measurements that should be accounted for in site-specific modeling and ultimately determine underwater sound propagation. The Commission states that ignoring those factors is a serious flaw of L–DEO's model.

The Commission recommends that NMFS (1) require USGS, L–DEO, and NSF to re-estimate the proposed exclusion and buffer zones and associated takes of marine mammals using site-specific operational parameters (e.g., tow depth, source level, number/spacing of active airguns) and site-specific environmental parameters (e.g., sound speed profiles, refraction in the water column, bathymetry/water depth, sediment properties/bottom loss, and wind speed) in the action area for the proposed IHA and (2) impose the same requirement for all future IHAs submitted by USGS, L–DEO, NSF, SIO, ASC, or any other related entity. The Commission encourages L–DEO to make comparisons at various sites, if it intends to continue using a model that does not incorporate site-specific parameters. The Commission disagrees with the conclusion that NMFS has indicated that NSF, L–DEO, and other relevant entities (USGS, SIO, etc.) are providing sufficient justification for their take estimates, given that the estimates are based on L–DEO's model or empirical measurements in the Gulf of Mexico and other recent activities have been dispersed throughout the world. The Commission states that in a recent sound exposure modeling workshop that was attended by numerous entities (including NMFS, NSF, L–DEO, USGS, and the Commission), experts confirmed that sound speed profiles and bathymetry/sediment characteristics were the most important factors affecting underwater sound propagation and should be included in related modeling. L–DEO's modeling presentation at indicated that the model was fast, inexpensive, and simple to use, and indicated that the model is more closely related to a source model that compares airgun arrays and that it is not representative of modeling in the actual environment. Therefore, the Commission remains concerned that the L–DEO model, which may not be applicable or accurate to the action area, is not based on the best available science and does not support its continued use.

Response: At present, L–DEO cannot adjust their modeling methodology to add the environmental and site-specific parameters as requested by the Commission. NMFS is working with USGS, NSF, and L–DEO to explore ways to better consider site-specific information to inform the take estimates and development of mitigation measures in coastal areas for future seismic surveys with L–DEO and NSF, and NSF has been exploring different approaches in collaboration with L–DEO and other academic institutions with whom they collaborate. When available, NMFS will review and consider the final results from the L–DEO's expected publications (Crone *et al.,* in prep.), in which the results of a calibration off the coast of Washington will be reported, and how they reflect on L–DEO's model.

For this seismic survey, L–DEO developed the exclusion and buffer zones based on the conservative deep-water calibration results from Diebold *et al.* (2010). L–DEO's current modeling approach represents the best available information to reach NMFS's determinations for the IHA. The comparisons of L–DEO's model results and the field data collected in the Gulf of Mexico and Washington illustrate a degree of conservativeness built into L–DEO's model for deep water.

NMFS acknowledges the Commission's concerns about L–DEO's current modeling approach for estimating exclusion and buffer zones and also acknowledge that L–DEO did not incorporate site-specific sound speed profiles, bathymetry, and sediment characteristics of the research area within the current approach to estimate those zones for this IHA. However, as described below, empirical data collected at two different sites and compared against model predictions indicate that other facets of the model (besides the site-specific factors cited above) do result in a conservative estimate of exposures in the cases tested.

The USGS IHA application and EA describe the approach to establishing mitigation exclusion and buffer zones. In summary, L–DEO acquired field measurements for several array configurations at shallow- and deep-water depths during acoustic verification studies conducted in the northern Gulf of Mexico in 2003 (Tolstoy *et al.,* 2004) and in 2007 and 2008 (Tolstoy *et al.,* 2009). Based on the empirical data from those studies, L–DEO developed a sound propagation modeling approach that conservatively predicts received sound levels as a function of distance from a particular airgun array configuration in deep water. In 2010, L–DEO assessed their accuracy of their modeling approach by comparing the sound levels of the field measurements in the Gulf of Mexico study to their model predictions (Diebold et al., 2010). They reported that the observed sound levels from the field measurements fell almost entirely below the predicted mitigation radii curve for deep water (Diebold et al., 2010). Based on this information, L–DEO has shown that their model can reliably estimate the mitigation radii in deep water.

L–DEO's model is most directly applicable to deep water. Reflected and refracted arrivals were considered in verifying L–DEO's model. Given the planned seismic survey is entirely in deep water, and the model has been demonstrated to be conservative in deep water, NMFS concludes that the L–DEO model is an effective means to aid in determining potential impacts to marine mammals from the planned seismic survey and estimating take numbers, as well as establishing buffer and exclusion zones for mitigation.

During a March 2013 meeting, L–DEO discussed the L–DEO model with the Commission, NMFS, and NSF. L–DEO compared the Gulf of Mexico (GOM) calibration measurements (Tolstoy *et al.,* 2004; Tolstoy *et al.,* 2009; Diebold *et al.,* 2010) comparison with L–DEO model results. L–DEO showed that at the calibration sites the model overestimated the size of the exclusion zones and, therefore, is likely precautionary in most cases. Based on the best available information that the current model overestimates mitigation zones, we will not require L–DEO to re-estimate the proposed buffer and exclusion zones and associated number of marine mammal takes using operational and site-specific environmental parameters for this IHA.

However, we continue to work with the USGS, NSF and L–DEO on verifying the accuracy of their model. L–DEO is

currently analyzing whether received levels can be measured in real-time using the ship's hydrophone streamer to estimate the sound field around the ship and determine actual distances to the buffer and exclusion zones. Crone *et al.* (2013) are analyzing *Langseth* streamer data collected in 2012 off the Washington coast shelf and slope to measure received levels in situ up to 8 km (4.3 nmi) away from the ship. While results confirm the role that bathymetry plays in propagation, it also confirmed that empirical measurements from the GOM survey used to inform buffer and exclusion zones in shallow water and model results adapted for intermediate water depths also over-estimated the size of the zones for the Washington survey. Preliminary results were presented in a poster session at the American Geophysical Union fall meeting in December 2013 (Crone *et al.,* 2013; available at: *http://berna.ldeo.columbia.edu/agu2013/agu2013.pdf*) and a peer-reviewed journal publication is anticipated in 2014. When available, NMFS will review and consider the final results and how they reflect on the L–DEO model.

L–DEO has conveyed to NMFS that additional modeling efforts to refine the process and conduct comparative analysis may be possible with the availability of research fund and other resources. Obtaining research funds is typically through a competitive process, including those submitted to federal agencies. The use of models for calculating buffer and exclusion zone radii and developing take estimates are not a requirement of the MMPA ITA process. Furthermore, NMFS does not provide specific guidance on model parameters nor prescribes a specific model for applicants as part of the MMPA ITA process. There is a level of variability not only with parameters in models, but the uncertainty associated with data used in models and therefore the quality of the model results submitted by applicants. NMFS, however, takes all of this variability into consideration when evaluating applications. Applicants use models as a tool to evaluate potential impacts, estimate the number of takes of marine mammals, and for mitigation purposes. NMFS takes into consideration the model used and its results in determining the potential impacts to marine mammals; however, it is just a component of NMFS's analysis during the MMPA consultation process as NMFS also takes into consideration other factors associated with the proposed action, such as geographic location, duration of activities, context, intensity, etc. Takes generated by modeling are used as estimates, not absolutes, and are factored into NMFS's analysis accordingly. Of broader note, NMFS is currently pursuing methods that include site-specific components to allow us to better cross-check isopleth and propagation predictions submitted by applicants. Using this information, NMFS could potentially recommend modifications to take estimates and/or mitigation zones, as appropriate.

Comment 2: The Commission is unaware of changes to L–DEO's model that would explain why the estimated exclusion zones for the seismic survey (36-airgun array towed at 9 m depth) are smaller than previously authorized and the buffer zones are larger than previously authorized (75 FR 44770; 76 FR 49737; 76 FR 75525; 77 FR 25693; 77 FR 41755).

Response: NMFS recognizes the Commission's statement that the estimated exclusion zones are smaller and buffer zones are larger than under previous IHAs. The table below compares the estimated 160, 180, and 190 dB buffer and exclusion zones for the current USGS IHA and previous IHAs for seismic surveys conducted by L–DEO or USGS on the *Langseth*.

TABLE 1—COMPARISON OF THE ESTIMATED 160, 180, AND 190 dB BUFFER AND EXCLUSION ZONES FOR THE CURRENT USGS IHA AND PREVIOUS IHAS FOR SEISMIC SURVEYS CONDUCTED BY L–DEO OR USGS ON THE LANGSETH

Seismic survey	Source and volume (in^3)	Tow depth (m)	Water depth (m)	Predicted RMS distances (m)		
				160 dB	180 dB	190 dB
USGS ECS Atlantic 2014	Single Bolt Airgun (40)	9	Deep (>1,000)	388	100	100
	36 Airgun Array (6,600)	9	Deep (>1,000)	5,780	927	286
L–DEO Northeastern Pacific 2012.	Single Bolt Airgun (40)	6 to 15	Deep (>1,000)	385	40	12
			Intermediate (100 to 1,000).	578	60	18
			Shallow (<100)	1,050	296	150
	36 Airgun Array (6,600)	9	Deep (>1,000)	3,850	940	400
			Intermediate (100 to 1,000).	12,200	1,540	550
			Shallow (<100)	20,550	2,140	680
	36 Airgun Array (6,600)	12	Deep (>1,000)	4,400	1,100	460
			Intermediate (100 to 1,000).	13,935	1,810	615
			Shallow (<100)	23,470	2,250	770
	36 Airgun Array (6,600)	15	Deep (>1,000)	4,490	1,200	520
			Intermediate (100 to 1,000).	15,650	1,975	690
			Shallow (<100)	26,350	2,750	865
L–DEO Northwest Pacific 2012.	Single Bolt Airgun (40)	9	Deep (>1,000)	385	40	12
	36 Airgun Array (6,600)	9	Deep (>1,000)	3,850	940	400
L–DEO Line Islands 2012	Two GI Airgun Array (105).	3	Deep (>1,000)	670	70	20
L–DEO Line Islands 2011	Single Bolt Airgun (40)	9	Deep (>1,000)	385	40	12
	36 Airgun Array (6,600)	9	Deep (>1,000)	3,850	940	400
USGS Bering 2011	Single Bolt Airgun (40)	9	Deep (>1,000)	385	40	12
	36 Airgun Array (6,600)	9	Deep (>1,000)	3,850	940	400

The previous IHA applications and EAs provided by L–DEO or USGS for this airgun array were based on the empirical results of Tolstoy *et al.* (2009) and adjusted for tow depth. During the *Langseth* calibration, a hydrophone was used at a depth of 350 to 500 m (1,148.3 to 1,640.4 ft) at a deep-water site. However, since the hydrophone wasn't necessarily sampling the maximum in the water column down to 2,000 m (6,561.7 ft), the distances to the 160, 180, and 190 dB threshold contours cannot be used directly as buffer and exclusion zones. The previous documents use 160 dB (rms) from Tolstoy *et al.* (2009) and adjust for tow depth, and in recent documents use the 150 dB SEL contour from Diebold *et al.* (2010) model, which accounts for the large difference in the 160 dB buffer zone (3,850 vs 5,780 m). For the 190 dB exclusion zone, the rms vs SEL metrics are a significant factor. In Figures 7 and 8 of Tolstoy *et al.* (2009), there is not an exact 10 dB difference between SEL and 90% rms in the empirical data at short distances (200 to 500 m). In recent documents, L–DEO or USGS has been using the L–DEO modeling; modeling results are given as SEL then converted to rms values using a fixed 10 dB difference. Using this approach, the distance to 190 dB rms (approximately 180 dB SEL) is less than what was obtained using rms values of the empirical measurements. However, the distance is not underestimated with respect to the trend of SEL values of the empirical measurements obtained at the closest ranges in Figure 8 of Tolstoy *et al.* (2009) and also demonstrated in Figure 10 of Diebold *et al.* (2010). The main reason for the significant fluctuations in modeling (dB discount with SEL value) is based on converting the values calculated as 90% rms and values obtained as SEL +10 dB. The table below compares L–DEO's previous (Tolstoy *et al.,* 2009) and current (Tolstoy *et al.,* 2009; Diebold et al., 2010) approach to acoustic propagation.

TABLE 2—COMPARISON OF L–DEO'S PREVIOUS AND CURRENT APPROACH TO ACOUSTIC PROPAGATION

Categories	Previous approach to acoustic propagation (Tolstoy *et al.,* 2009)	Current approach to acoustic propagation (Tolstoy *et al.,* 2009 and Diebold *et al.,* 2010)
Model Approach	Ray trace of direct arrivals and source ghosts (reflection at the air-water interface at the array) from the array to the receivers.	Ray trace of direct arrivals and source ghosts (reflection at the air-water interface at the array) from the array to the receivers.
Model Assumptions	Constant velocity, infinite homogenous ocean layer, seafloor unbounded. Cross-line model more conservative than in-line model.	Constant velocity, infinite homogenous ocean layer, seafloor unbounded. Cross-line model more conservative than in-line model.
Propagation Measurements Analyzed.	36 airguns (6,600 in^3), 6 m tow depth, 1,600 m (deep). 36 airguns (6,600 in^3), 6 m tow depth, 600 to 1,100 m (intermediate). 36 airguns (6,600 in^3), 6 m tow depth, 50 m (shallow).	36 airguns (6,600 in^3), 6 m tow depth, 50 m (shallow).
Receiver Specs	Calibration hydrophone buoy: Shallow—spar buoy anchored on the seafloor, hydrophone at 18 m. Intermediate—spar buoy not anchored, hydrophone at 18 m and 500 m. Deep—spar buoy not anchored, hydrophone at 18 m and 350 to 500 m.	Calibration hydrophone buoy and multi-channel seismic hydrophone array, both in shallow water.
Data Validation	Curve based on best fit line, 95% of received levels fall below curve.	NA.
Empirical Radii Appropriate for Sampling Maximum Received Level.	36 airguns (shallow)—Yes, appropriate for mitigation modeling. 36 airguns (intermediate)—No, does not sample maximum received levels > 500 m. 36 airguns (deep)—No does not sample maximum received levels > 500 m.	36 airguns (shallow)—Yes, appropriate for mitigation radii.
Received Level Metric Presented.	90% of cumulative energy rms levels and SEL Tolstoy et al. (2009) empirical data from Table 1	SEL contours (150, 170, and 180). Diebold *et al.* (2010) modeled data from Figure 2.
RMS vs. SEL Offsets	36 airguns in deep water—~14 dB offset, rms > SEL 36 airguns in shallow water—8 dB offset, rms > SEL.	NA.
Differences between the Previous and Current Approaches.	Because the deep-water calibration buoy only sampled received levels at a constant depth of 500 m, it is not appropriate to use the empirical deep-water data from Tolstoy et al. (2009) to derive mitigation radii. This is due to the buoy not capturing the intersect of all the SPL isopleths at their wildest point from the sea surface down to ~2,000 m. However, the received levels (i.e., direct arrivals and reflected and refracted arrivals) are in agreement with the current propagation model.	The current propagation model uses the maximum SPL values shown in Figure 2 in Diebold *et al.* (2010). These values along the diagonal maximum SPL line connect the points where the isopleths attain their maximum width (providing the maximum distance associated with each sound level). These distances will differ from values obtained along the Tolstoy *et al.* (2009) data shown in Table 1 which derives radii from the 500 m constant depth line.

Comment 3: The Commission states that in 2011, NSF and USGS modeled sound propagation under various environmental conditions in their PEIS. L–DEO and NSF (in cooperation with Pacific Gas and Electric Company [PG&E]) also used a similar modeling approach in the recent IHA application and associated EA for a seismic survey of Diablo Canyon in California (77 FR 58256). These recent examples indicate that L–DEO, NSF, and related entities are able to implement the recommended approach, if required to do so by NMFS. The Commission understands the constraints imposed by the current budgetary environment, but notes that other agencies that contend with similar funding constraints incorporate modeling based on site-specific parameters. USGS, L–DEO, NSF and

related entities should be held to that same standard. NMFS recently indicated that it does not, and does not believe it is appropriate to, prescribe the use of any particular modeling package (79 FR 38499). The Commission agrees that NMFS should not instruct applicants to use specific contractors or modeling packages, but it should hold applicants to the same standard, primarily one in which site- and operation-specific environmental parameters are incorporated into the models.

Response: PG&E submitted an IHA application to NMFS and the U.S. Fish and Wildlife Service for the Central Coastal California Seismic Imaging Project in 2012. The IHA application included a report of acoustic propagation modeling conducted by Greeneridge Sciences, Inc., sponsored by Padre Associated, Inc., to estimate received sound pressure level radii for airgun pulses operating off central California in the vicinity of the Diablo Canyon Nuclear Power Plant. A wave-theory model and precise waveguide parameters that describe sound reflections and refractions at the ocean surface, seafloor, and water column were used to accurately model sound transmission in the ocean. As the action proponent, PG&E funded the seismic survey and related environmental compliance documents (e.g., IHA application, Environmental Assessment, etc.). NSF, as the owner of the *Langseth,* served as the federal nexus for the ESA section 7 consultation and need for the preparation of the NEPA document. L–DEO is the operator of the *Langseth* and often applies for IHAs for NSF-funded seismic surveys conducted for scientific research purposes.

There are many different modeling products and services commercially available that applicants could potentially use in developing their take estimates and analyses for MMPA ITAs. These different models range widely in cost, complexity, and the number of specific factors that can be considered in any particular modeling run. NMFS does not, and does not believe that it is appropriate to, prescribe the use of any particular modeling package. Rather, each applicant's approach is evaluated independently in the context of their activity. In cases where simpler models are used and there is concern that a model might not capture the variability across a parameter(s) that is not represented in the model, conservative choices are often made a certain decision points in the model to help ensure that modeled estimates are buffered in a manner that would not result in the agency underestimating the number of takes or extend of effects. In this case, results have shown that the L–DEO's model reliably and conservatively estimates mitigation radii in deep water. The observed sound levels from the field measurements fell almost entirely below L–DEO's estimated mitigation radii for deep water (Diebold *et al.,* 2010). Based on the these empirical data, which illustrate the model's conservative exposure estimates across two sites, NMFS finds that L–DEO's model effectively estimates sound exposures.

NMFS encourages applicants to incorporate modeling based on site-specific and operation-specific parameters in their IHA applications, whenever possible, but it is unrealistic to hold applicants to this same standard in IHA applications and/or NEPA documents (EAs and EISs) as activities may vary in their scope and level of anticipated impacts, and applicants may have varying funding and resource constraints. However, it is still incumbent upon NMFS to take the uncertainty that comes along with varying models into consideration in both the analysis of effects and the consideration of mitigation measures. In this case, as described elsewhere in this section, we have considered the uncertainty associated with the applicant's model and have determined that it does not change either our findings regarding the anticipated level and severity of impacts on marine mammals or our conclusion that the mitigation measures required provide the means of effecting the least practicable impact on the affected species or stocks and their habitat.

Of broader note, NMFS is currently pursuing methods (that include site-specific components) to allow us to better cross-check isopleth and propagation predictions submitted by applicants. Using this information, we could potentially recommend modifications to take estimates and/or mitigation zones, as appropriate.

Comment 4: The Commission states that NMFS indicated that based on empirical data (which illustrate the L–DEO's model's conservative exposure estimates for the Gulf of Mexico and preliminarily off Washington), it found that L–DEO's model effectively estimates sound exposures or number of takes and represents the best available information for NMFS to reach its determinations for the IHA. However, for the survey off New Jersey, NMFS increased the exclusion zone radii by a factor of 50% (equivalent to approximately a 3 dB difference in received level at the zone edge) to be additionally precautionary (79 FR 38499). The Commission questions, if NMFS really believes the L–DEO model is based on best available science, why it then extended the exclusion zones to be precautionary and if NMFS felt the need to be precautionary and extend the exclusion zones, why it did not then also extend the buffer zones and thus the estimated numbers of takes of marine mammals.

Response: NMFS increased the exclusion zones for the L–DEO seismic survey off New Jersey due to site-specific considerations. Crone *et al.* (2013) confirmed that the shallow water zones in L–DEO's model were conservative in previous shallow water seismic surveys in the northeast Pacific Ocean. However, the model had limited ability to capture the variability resulting from site-specific factors present in the marine environment offshore New Jersey. In light of those limitations, and in consideration of the practicability of implementation in that particular case NMFS recommended a more conservative approach to mitigation specifically tailored to the New Jersey seismic survey that required L–DEO to enlarge the exclusion zones. As noted previously, though there are limitations with the L–DEO model, NMFS believed that L–DEO was able to adequately estimate take for the New Jersey seismic survey and had no reason to believe that potential variation in site-specific parameters would result in differences that would change our analysis of the general level or severity of effects or our necessary findings. However, in consideration of the practicability of doing so, we were able to precautionarily add a buffer to the mitigation zone.

The same site-specific considerations do not exist in this case. The current seismic survey will occur entirely in deep water depths (greater than 1,000 m). The L–DEO model reasonably predicts mitigation zones in deep water (verified by Crone *et al.,* 2013 and Diebold *et al.,* 2010). Diebold *et al.* reported that the observed sound levels from the field measurements during the 2007/2008 calibration studies in the Gulf of Mexico fell almost entirely below the predicted mitigation radii curve for deep water. L–DEO has shown that its model reasonably predicts mitigation zones in deep water (verified by Crone *et al.,* 2013 and Diebold *et al.,* 2010). Therefore, NMFS did not recommend expanding the exclusion zones for this seismic survey because the model conservatively predicts received sound levels as a function of distance from a particular airgun array configuration in deep water.

Comment 5: COA and NRDC *et al.* states that the potential impacts on marine species from sound-producing sources other than airguns were not meaningfully evaluated. The commenters state that a 12 kHz multi-beam echosounder operated by an ExxonMobil survey vessel off the coast of Madagascar was implicated by an independent scientific review panel in the mass stranding of melon-headed whales in 2008. Commenters state that a beaked whale stranding observed in the action area of a 2002 L–DEO seismic survey in the Gulf of California may have been linked to the use of this technology as well. COA states that based on the correlation between these previous stranding events and the use of multi-beam echosounder technology, it is imperative that NMFS fully assess the potential for this source to impact marine mammals both on its own and with the operation of the airgun array.

Response: NMFS disagrees with the commenter's assessment that the potential impacts on marine species from sound-producing sources other than airguns, was not meaningfully evaluated. NMFS assessed the potential for the operation of the multi-beam echosounder and sub-bottom profiler to impact marine mammals, both on their own and simultaneously with the operation of the airgun array. NMFS assumes that, during simultaneous operations of the airgun array and the other sources, any marine mammals close enough to be affected by the multi-beam echosounder and sub-bottom profiler will already be affected by the airguns. However, whether or not the airguns are operating simultaneously with the other sources, marine mammals are expected to exhibit no more than short-term and inconsequential responses to the multi-beam echosounder and sub-bottom profiler given their characteristics (e.g., narrow, downward-directed beam) and other considerations described previously in the notice of the proposed IHA (79 FR 35642, June 23, 2014). Such reactions are not considered to constitute ''taking'' (NMFS, 2001). Therefore, USGS provided no additional allowance for animals that could be affected by sound sources other than airguns and NMFS has not authorized take from these other sound sources. NMFS's notice of the proposed IHA (79 FR 35642, June 23, 2014) states that the multi-beam echosounder and sub-bottom profiler will not operate during transits at the beginning and end of the planned seismic survey; therefore, NMFS does not expect any potential impacts from these sound sources in shallow water or coastal areas.

Regarding the 2008 stranding of melon headed whales in Madagascar referenced by commenters, the use of a high-power (source level 236 to 242 dB) 12 kHz multi-beam echosounder was deemed the most plausible and likely behavioral trigger that caused a large group of melon-headed whales to leave their typical habitat and then ultimately strand as a result of secondary factors such as malnourishment and dehydration. In addition to the source level associated with that particular multi-beam echosounder, its movement pattern (i.e., directed manner down the shelf break within a channel) contributed to displacing this species, via an avoidance response, from its typical deep-water habitat to the shallow-water lagoon system where the stranding occurred. This USGS seismic survey is not being operated in this manner. This species was also identified as a particularly behaviorally sensitive species to anthropogenic sound (i.e., not all species expected to respond in the same manner as this species) and a ''confluence of factors'' may have caused this group of whales to orient in a manner relative to the multi-beam echosounder that caused an avoidance response leading to an out-of-habitat area (i.e., not every exposure situation where this type of source is used is expected to result in a similar behavioral response and/or outcome). Furthermore, behavioral responses can be quite complex and variable, depending on a multitude of factors, including context (Ellison *et al.,* 2011).

Regarding the 2002 stranding in the Gulf of California, the multi-beam echosounder system was on a different vessel, the R/V *Maurice Ewing* (*Ewing*), which is a vessel no longer operated by L–DEO. Although COA and NRDC *et al.* suggests that the multi-beam echosounder system or other acoustic sources on the *Ewing* may have been associated with the 2002 stranding of 2 beaked whales, as noted in Cox *et al.* (2006), ''whether or not this survey caused the beaked whales to strand has been a matter of debate because of the small number of animals involved and a lack of knowledge regarding the temporal and spatial correlation between the animals and the sound source.'' As noted by Yoder (2002), there was no scientific linkage to the event with the *Ewing's* activities and the acoustic sources being used.

As noted by Hildebrand (2006), ''the settings for these stranding (e.g., Canary Islands, Greece, Bahamas, etc.) are strikingly consistent: An island or archipelago with deep water nearby, appropriate for beaked whale foraging habitat. The conditions for mass stranding may be optimized when the sound source transits a deep channel between two islands, such as in the Bahamas, and apparently in the Madeira incident.'' The activities planned for the USGS seismic survey are in remote deep water, far from any land mass and islands, and do not relate at all to the environmental scenarios noted by Hildebrand (2006) as being consistent settings for other mass strandings of beaked whales.

MMPA Concerns

Comment 6: COA state that NMFS must ensure that the IHA complies with the MMPA and requests that NMFS deny the IHA based on their opinion that the potential impacts to marine mammals are incompatible with the prohibitions of the MMPA and that the take would be more than negligible.

Response: NMFS disagrees with the commenters' assessment. Section 101(a)(5)(D) of the MMPA directs NMFS to allow, upon request, the incidental taking by harassment of small numbers of marine mammals for periods of not more than one year by U.S. citizens who engage in a specified activity within a specific geographic region if certain findings are made and a notice of a proposed IHA is provided to the public for review. In order to grant an IHA under section 101(a)(5)(D) of the MMPA, NMFS must find that the taking by harassment of marine mammal species or stocks will have a negligible impact on such species or stocks and will not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence uses. Where applicable, the IHA must also prescribe the permissible methods of taking by harassment pursuant to the activity, and other means of effecting the least practicable impact on such species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance. NMFS followed all applicable legal standards and made all relevant findings before issuing an IHA to USGS under section 101(a)(5)(D) of the MMPA.

As described in the notice for the proposed IHA (79 FR 35642, June 23, 2014) and this document, USGS requested that NMFS issue an IHA to take small numbers of marine mammals by Level B harassment only incidental to conducting a seismic survey within a specific geographic area (see ''Summary of Request''). Based on the best scientific information available, NMFS expect that USGS's activities would result in take by Level B harassment

only in the form of behavioral modifications during the period of the USGS's active airgun operations. Due to the nature, degree, and context of Level B harassment anticipated and described in the notice of the proposed IHA (79 FR 35642, June 23, 2014) and this document, NMFS does not expect the activity to impact rates of annual recruitment or survival for any affected species or stock, particularly given the required mitigation and monitoring measures that would minimize impacts to marine mammals (see ''Negligible Impact'' section). NMFS has determined that the required mitigation and monitoring measures (described in the notice for the proposed IHA [79 FR 35642, June 23, 2014], and included within the final IHA), provide the means of effecting the least practicable impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance (see ''Mitigation'' section). There are not relevant subsistence uses of marine mammals implicated by this action.

Based on the analysis of the likely effects of the specified activity on marine mammals and their habitat contained within the notice of the proposed IHA (79 FR 35642, June 23, 2014) this document, and the USGS's EA, and taking into consideration the implementation of the required mitigation and monitoring measures, NMFS finds that the USGS seismic survey will have a negligible impact on such species or stocks and will not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence uses. NMFS has therefore issued an IHA to USGS to take small numbers of marine mammals by Level B harassment only for a period less than one year. NMFS has complied with the MMPA and disagrees with the commenter's assessment that the potential impacts to marine mammals from USGS's seismic survey are incompatible with the prohibitions of the MMPA and that the take would be more than negligible.

Comment 7: COA states that NMFS's take estimates for marine mammals which no population or stock data are available are speculative and may be significant underestimations. COA states that it is not clear how these takes were assigned and what, if any, measures would be taken during the seismic survey if it is determined that take numbers for these animals were significantly miscalculated.

Response: Although no known current regional population or stock abundance estimates for the northwest Atlantic Ocean are available for the Fraser's, spinner, and Clymene dolphins, or the Bryde's, melon-headed, pygmy killer, false killer, and killer whales, limited OBIS–SEAMAP sightings data exist for these species within or adjacent to the action area. Even where the limited number of sightings suggests that density is very low and encounters less likely, for any species with OBIS–SEAMAP sightings data within or adjacent to the action area, including both species of marine mammals that did not have density model outputs within the SERDP/NASA/NOAA and OBIS–SEAMAP database (i.e., humpback whale [summer], Bryde's whale, sei whale, blue whale, northern bottlenose whale, Atlantic white-sided dolphin, Fraser's dolphin, spinner dolphin, Clymene dolphin [summer], melon-headed whale, pygmy killer whale, false killer whale, and killer whale) and species with density outputs that did not extend into the planned study area at all (i.e., sei whale), NMFS believes it is wise to include coverage for potential takes. Generally, to quantify this coverage, NMFS assumed that USGS could potentially encounter one group for each species during each of the seismic survey legs (recognizing that interannual variation and the potential presence of ephemeral features could drive differing encounter possibilities in the two legs), and NMFS thinks it is reasonable to use the average (mean) groups size (weighted by effort and rounded up) to estimate the take from these potential encounters. The mean group size were determined based on data reported from the Cetacean and Turtle Assessment Program (CeTAP) surveys (CeTAP, 1982) and the Atlantic Marine Assessment Program for Protected Species (AMAPPS) surveys in 2010, 2011, 2012, and 2013. Because we believe it is unlikely, we do not think it is necessary to assume that the largest group size will be encountered. USGS proposed this same approach in their IHA application, and is aware that they will not be covered in the unlikely event that a larger group is ensonified above 160 dB.

PSOs based on the vessel will record data to estimate the numbers of marine mammals exposed to various received sound levels and to document apparent disturbance reactions or lack thereof. Data would be used to estimate numbers of animals potentially taken by harassment. If the estimated numbers of animals potentially taken by harassment approach or exceed the number of authorized takes, USGS will have to re-initiate consultation with NMFS under the MMPA and/or ESA.

Comment 8: The Commission states that in estimating the numbers of potential takes for the proposed IHA, USGS used density data from the Ocean Biogeographic Information System Spatial Ecological Analysis of Megavertebrate Populations (OBIS–SEAMAP), specifically data originating from Navy Operating Area Density Estimates (NODE). USGS considered those estimates to be the best available data. However, those data apply only to the U.S. EEZ, which comprises only 20 percent of the proposed action area in 2014 and 10 percent in 2015. It is unclear if USGS assumed the densities in areas outside the U.S. EEZ to be 0, if it applied the densities estimated for waters within the EEZ to those other areas, or if it did some permutation of those two methods. In any case, the densities could have been underestimated.

Although NMFS indicated in the notice of the proposed IHA (79 FR 35642, June 23, 2014) that the OBIS–SEAMAP data were determined to be the best available information for density data, the Commission understands that NMFS subsequently determined that the data from the Navy's Atlantic Fleet Training and Testing Navy Marine Species Density Database (AFTT NMSDD) are superior and are now considered the best available. Therefore, the Commission understands that NMFS intends to use the AFTT NMSDD data to re-estimate the numbers of marine mammals that could be taken during the seismic survey. The Commission agrees that the AFTT NMSDD data are preferable and should be used to re-estimate the numbers of takes for all marine mammal species and used for the analyses required under both the MMPA and the ESA. Furthermore, the Commission recommends that the same methods to be used to determine the densities for the analyses conducted under the MMPA and ESA.

Response: NMFS's Office of Protected Resources, Permits and Conservation Division, has carefully considered both the SERDP–SDSS and NMSDD data to determine which is more appropriate for calculating take estimates. NMFS considers the NMSDD dataset useful in predicting marine mammal density and distribution in the open ocean where better data are unavailable. However, for this study and for the reasons described below, NMFS's Office of Protected Resources, Permits and Conservation Division has determined that applying the SERDP–SDSS finer-scale density estimates from the immediately adjacent

and more similar areas is the more accurate approach. The survey study area extends from Georges Bank southward to Blake Ridge in the northwest Atlantic Ocean. The entire study area encompasses 543,601 km^2 (158,488.7 nmi^2) and covers portions of the continental slope, continental rise, and abyssal plain. Approximately 40% of the study area is within the U.S. EEZ (''study area'' means the polygon drawn around the two legs of the survey). For the 2014 leg, USGS planned a total of 3,165 km (1,709 nmi) of tracklines within the action area. Of those 442.6 km (239 nmi) (14%) are within the U.S. EEZ. For the 2015 leg, USGS planned a total of 3,115 km (1,682 nmi) of tracklines within the action area. Of those 558.2 km (301.4 nmi) (18%) are within the U.S. EEZ. There are no tracklines located within the continental shelf and approximately 99% of the tracklines are located outside the continental shelf. Less than 0.5% of the tracklines are within the continental slope. For both years 89% of the seismic survey's tracklines will occur within the abyssal plain, 11% within the continental rise, and less than 1% of the tracklines will occur within the continual shelf.

The USGS determined that they could obtain and analyze the best available information for density data from the SERDP–SDSS Marine Animal Mapper online system. The SERDP–SDSS model outputs provide color-coded maps of cetacean density as well as maps that depict the precision of the models. The NMFS, Office of Protected Resources, Permits and Conservation Division, considers the NODES models from the SERDP–SDSS used here at Tier 1 data. These models accurately predict density within the continental shelf, slope, and rise based on fine-scale spatially relevant (e.g., collected within the immediate vicinity) marine mammal survey data and environmental factors. NMFS, Office of Protected Resources, Permits and Conservation Division, considers it as a robust dataset to estimate densities with the least amount of uncertainty.

Generally, the NMSDD maps for the study area in question have shown much higher densities of marine mammals adjacent to the U.S. EEZ line compared to the SERDP–SDS prediction. The NMSDD predicts density information for species outside the U.S. EEZ using two additional sources of information based on habitat suitability models, the Sea Mammal Research Unit Limited (SMRU Ltd.), University of St. Andrews, Scotland Global Density Models (SMRU Ltd., 2012) and the Kaschner model (2006). The Navy applied the SMRU Ltd. model to areas or seasons where the NODE density spatial model data contained in SERDP–SDSS were not available. The Kaschner model (2006) predicts the average annual geographical ranges of marine mammal species on a global scale. The model uses a Relative Environmental Suitability (RES) model that synthesizes general, qualitative observations about the spatial and temporal relationships between four environmental factors (depth, sea surface temperature, distance to land, and mean annual distance to ice edge) and the worldwide distribution of a particular species. The Kaschner model is not as robust (and in some cases unsuccessful) in predicting spatially-relevant patterns of cetacean distribution at a finer scale because the model is parameterized for a broader region and scale. Thus, in many cases, predicted distributions may not correspond well with the known distribution of particular species (Calabrese *et al.,* 2014; Redfern *et al.,* 2006; Williams *et al.,* 2014), leading to inaccurate extrapolations (i.e., including areas that are not known to be habitat) that do not comport with the expected distribution of a particular species. The Navy considered this model as tertiary to the NODE density spatial model data contained in SERDP–SDSS and secondary to the SMRU Ltd. data. They only applied the Kaschner model data to areas where NODE or SMRU Ltd. data were available.

The SERDP–SDSS model outputs for density estimates do not extend beyond the U.S. EEZ. Thus data for 60% of the USGS's study area are not available in the online system. However, the USGS used the system to extract the mean density (animals per square kilometer) for marine mammals within 40% of the study area that is within the U.S. EEZ. Because the SERDP–SDSS provides fine-scale predictions with greater certainty over the continental shelf, slope, and rise, NMFS, Office of Protected Resources, Permits and Conservation Division, feels that is reasonable to extrapolate the density estimates from the coastal and shelf areas to areas further offshore (i.e., continental rise and abyssal plain zone). Generally, we would expect higher densities of marine mammal over the continental shelf, slope, and rise. Thus, extrapolating these densities to the offshore study area seems the most reasonable approach given the datasets available. In relying on basic ecological principles, NMFS, Office of Protected Resources, Permits and Conservation Division, would expect lower densities of marine mammals within the study area that extends beyond the U.S. EEZ over the continental rise and abyssal plain in contrast to the results shown in NMSDD.

Comment 9: NRDC *et al.* and the Commission state that NMFS made erroneous small numbers and negligible impact determinations. They state that the MMPA clearly prohibits agencies from taking marine mammals on the high seas, and since the take prohibition applies outside the EEZ as well as in U.S. waters, NMFS must make a negligible impact and small numbers determination to authorize take for the populations in both the U.S. EEZ and on the high seas outside the U.S. EEZ. NRDC et al. and the Commission also state that notice for the proposed IHA suggests that NMFS is authorizing the take of 43.44% of the pantropical spotted dolphin stock, which is not a small number.

Response: NMFS agrees that the MMPA applies outside of the U.S. EEZ on the high seas. NMFS considered takes outside of the U.S. EEZ both in our negligible impact and small numbers determinations. NMFS makes it small numbers determination based on the number of marine mammals that would be taken relative to the populations of the affected species or stocks. NMFS's take estimates for the current survey are based on a consideration of the number of marine mammals that could be harassed by seismic operations within the entire seismic survey area, both within and outside of the U.S. EEZ. Given that the take estimates were calculated for the entire survey area, NMFS concluded that a portion of the takes would take place within the U.S. EEZ and the remainder would take place outside of the U.S. EEZ. As explained previously in this document, approximately 80% of the survey tracklines in 2014 and approximately 90% of the survey tracklines in 2015 are outside of the U.S. EEZ. Therefore, as the small numbers determination section in the notice for the proposed IHA explained, NMFS apportioned 10 to 20% of the total authorized takes to the U.S. EEZ in order to make its small numbers determination for the affected U.S. EEZ stocks. Table 6 in this document has been updated to reflect this apportionment. All of the takes that NMFS expects to occur within the U.S. EEZ represent a small number relative the affected U.S. EEZ stocks.

For species for which regional abundance data exists (North Atlantic right whale, humpback whale, minke while, sei whale, fin whale, blue whale, sperm whale, Atlantic white-sided dolphin, short-finned pilot whale, long-

finned pilot whale, Northern bottlenose whale, and harbor porpoise), Table 4 of the notice for the proposed IHA clearly reflected that the estimated take for the entire survey area represented a small number relative to the regional populations. For species for which only stock abundance data exists (pygmy sperm whale, dwarf sperm whale, Cuvier's beaked whale, *Mesoplodon,* bottlenose dolphin, Atlantic spotted dolphin, pantropical spotted dolphin, striped dolphin, short-beaked common dolphin, rough-toothed dolphin, Risso's dolphin), NMFS concluded that if the authorized take represents a small number of the U.S. EEZ stock, it will also represent a small number of the greater regional population, based on the larger and wider ranging populations expected in the high seas. This conclusion is supported by the fact that, for the species with both regional and stock-specific abundance populations, the regional abundance is on the order of five to twenty times higher than the abundance of the stock. We have clarified the small numbers determination in this document accordingly.

With respect to the pantropical spotted dolphin, Table 4 in the notice for the proposed IHA indicated that 43% of the stock would be taken. However, this number represents the total authorized take for the entire survey area as compared to the population of the U.S. EEZ stock. The small numbers section explained that to determine whether the authorized take would be a small number of the affected U.S. EEZ stock, NMFS apportioned 10 to 20% of the authorized take to the U.S. EEZ, as described above, and determined that approximately 6.5% percent of the U.S. EEZ stock would be taken. The remainder of the takes would occur outside the U.S EEZ. Although no regional abundance estimate exists for the pantropical spotted dolphin, it is one of the most abundant cetaceans on the globe and occurs in all tropical to warm temperate waters between 40° North and South (Folkens, 2002). Therefore, we are confident that the authorized take represents a small number compared to the greater regional Atlantic pantropical spotted dolphin population that occurs outside of the U.S. EEZ.

Comment 10: The Commission states that under section 101(a)(5)(D)(iii) of the MMPA an IHA can be issued only after notice in the **Federal Register** and opportunity for public comment. However, that public review opportunity is meaningful only if the proposed IHA contains accurate information and the relevant analyses. If, subsequent to the publication, substantive changes are made to the underlying information or NMFS's analyses, re-publication with a new opportunity to comment is appropriate. In this instance, it appears that NMFS's published analyses were not based on the best available information and that it may have significantly underestimated the likely numbers of takes for at least some of the marine mammal species and stocks that occur in the proposed action area. The Commission recommends that NMFS publish a revised proposed IHA in the **Federal Register** with updated estimated numbers of takes and small numbers and negligible impact analyses to provide a more informed public comment opportunity. Further, the Commission recommends that, to the extent possible, NMFS strive to identify and incorporate any substantive changes that might be made in a proposed IHA prior to publication in the **Federal Register**.

Response: NMFS's analysis in this document is based on the best available information and NMFS does not believe that the estimated number of takes for the marine mammal species and stocks in the action area have been significantly underestimated. Please see the response to comment 8 for NMFS's rationale regarding the careful consideration of both the SERDP–SDSS and NMSDD to determine which is more appropriate for using density data and calculating take estimates. In the case of marine mammals species with OBIS–SEAMAP sightings within or adjacent to the action area and expected to be encountered, where density data was limited or unavailable, NMFS updated the mean group sizes that were determined based on data reported from the Cetacean and Turtle Assessment Program (CeTAP) surveys (CeTAP, 1982) as well as the reports from the Atlantic Marine Assessment Program for Protected Species (AMAPPS) surveys in 2010, 2011, 2012, and 2013. However, for most of the marine mammal species, the estimated number of takes did not change between the notice of the proposed IHA (79 FR35642, June 23, 2014) and the final IHA. The small numbers and negligible impact analyses and determinations made by NMFS still remain accurate. NMFS strives to identify and incorporate any substantive changes before publishing a notice of proposed IHA in the **Federal Register**, but may need to make substantive changes based on information and comments received during the 30-day public comment period. NMFS acknowledges the Commission's recommendation, but will not be publishing a notice of a revised proposed IHA in the **Federal Register**.

Mitigation

Comment 11: NRDC *et al.* states that time and area restrictions designed to protect high-value habitat are one of the most effective means to reduce the potential impacts of noise and disturbance. They also state that the proposed IHA does not consider any areas for closure, trackline avoidance or seasonal planning for any species of marine mammals.

Response: NMFS disagrees with NRDC *et al.'s* assessment. NMFS used the Navy's NODE model for determining the density data of marine mammal species (where it was available) and calculating estimated take numbers. USGS has indicated that they plan on avoiding banks, canyons, seamounts, and North Atlantic right whale critical habitat. NMFS was not able to identify any other important habitat areas of specific importance to marine mammals from this dataset that are appropriate for avoidance or time-area restrictions. Further, the seismic survey's planned tracklines, which are widespread over a large geographic area, combined with the transiting vessel and airgun array, make time-area restrictions and avoiding specific habitat areas impractical and likely would not provide significant reduction in potential impacts from underwater sound or sufficient conservation benefits for this specific project. NMFS notes that areas for closure, trackline avoidance, or seasonal planning were also considered in the USGS EA and not included in the proposed IHA as they were deemed unnecessary or not practicable. For responses to the specific time-area restrictions NRDC *et al.* suggest, see the responses below in this section.

Concerning the avoidance of marine mammals through the modification of tracklines, the IHA states that the *Langseth* should alter speed or course during seismic operation if a marine mammal, based on its position and relative motion, appears likely to enter the relevant exclusion zone. If speed or course alteration is not safe or practicable, or if after alteration the marine mammal still appears likely to enter the exclusion zone, further mitigation measures, such as a power-down or shut-down, shall be taken. The USGS EA, which NMFS adopted, also considers that slight track adjustments are possible to avoid fisheries conflicts: ''minimizing potential adverse effects on fisheries may be accomplished by adjusting tracklines and communicating

with fishermen about respective locations of vessels, equipment, and rate of travel or drift.'' Because of limited ship maneuverability, trackline adjustments must also be done to ''maintain safety and avoid entanglement.''

Concerning seasonal planning, seasonal (four seasons where available) distributions of marine animals are incorporated into the EA through the descriptions presented in chapter 3. A complete table of the seasonal distributions of potentially affected marine mammal species is given in the IHA application (Table 3). The EA also evaluated as an alternative conducting the seismic survey at a different time of year. Weather conditions in the Atlantic Ocean and ship schedules constrain the possible survey time window to May through September. In addition, scheduling the survey in mid-summer when daylight hours are maximized and sea states are generally minimal facilitates observations of marine wildlife.

Comment 12: NRDC *et al.* state that because of the incredibly rich diversity of species that congregate around Georges Bank throughout the year and, most heavily, during the summer months, the seismic survey should be prohibited from entering Georges Bank or the slope waters off Georges Bank, and the survey tracklines should be designed to ensure a buffer zone minimally sufficient to minimize potential behavioral impacts on naïve deep-diving whales and disruption of communication with baleen whales.

Response: Three lines of the combined 2014 and 2015 tracklines are near Georges Bank. The shallow ends of these three tracklines are in 2,500 to 2,600 m (8,202.1 to 8,530.2 ft) water depth, or deeper than the ''slope waters'' that NRDC *et al.* reference. These tracklines are on the upper rise of the continental margin. The distance from the landward (turning) ends of the tracklines in 2015 to the shelf-slope break on Georges Bank are approximately 50 km (27 nmi, eastern) and 70 km (37.8 nmi, western); thus, no survey tracklines are actually within Georges Bank. The trackline closest to the eastern end of Georges Bank and the New England seamounts will image the Munson-Nygren-Retriever submarine landslides and will provide a comparison to understand why one region fails and another does not. Both of the tracklines that come closest to Georges Bank will address the hazards objectives of the planned seismic survey. The portion of the seismic survey near Georges Bank represents a small part of the planned action area.

Comment 13: NRDC *et al.* states that to the extent that survey tracklines cut across the three identified canyons, Oceanographer, Gilbert, and Lydonia, USGS should redraw them to avoid overrunning these important foraging waters and to ensure a sufficient buffer between the trackline and the canyon.

Response: The seismic survey tracklines south of Georges Bank are intentionally planned by USGS to avoid Oceanographer, Gilbert, and Lydonia canyons. They have been located to address the submarine landslide and tsunami hazards objective of the project. An important part of understanding where and why landslides occur is to also understanding where and why they do not occur in the same area. The three lines closest to Georges Bank are located away from canyons and known landslides in order to understand why one part of the margin fails and another does not.

Oceanographer, Gilbert, and Lydonia canyons are in close proximity to each other on the south side of Georges Bank. The Gilbert channel merges with the Lydonia channel in approximately 2,800 m (9,186.4 ft) water depth. Oceanographer Canyon merges with the Lydonia/Gilber system in approximately 3,400 m (11,154.9 ft).

The distances of the three tracklines on the south side of Georges Bank from the Lydonia/Gilbert system are 75, 150, and 150 km (40.5, 81, and 81 nmi), respectively. The distances from Oceanographer are 100, 130, and 130 km (54, 70.2, and 70.2 nmi), respectively. The 160 dB buffer zone is 5.78 km (3.1 nmi) on either side of each trackline, leaving a generous distance of approximately (69 km [37.3 nmi]) to the nearest of Oceanographer, Gilbert, and Lydonia canyons.

In more general terms, the ensonification zone at the landward ends of the three tracklines extends to approximately 2,400 to 2,500 m (7,874 to 8,202.1 ft) water depth. The base of the canyon system on the upper rise of Georges Bank in this region is in approximately 3,500 m (11,842.9 ft) of water. The track distance from 2,500 to 3,500 m is approximately 45 km (24.3 nmi), or, for the three tracklines, represents approximately 135 km (72.9 nmi) (16 hours of surveying), or only two percent of the total planned tracklines. Hence the portion of the seismic survey near Georges Bank represents a small part of the planned action area. The tracklines have been designed to connect to or cross existing data to take advantage of existing data sources. Therefore, NMFS disagrees with the recommendation that USGS should redraw the tracklines to avoid Oceanographer, Gilbert, and Lydonia canyons because the tracklines are not close to these canyons and a sufficient buffer exists between these tracklines and the canyons.

Comment 14: NRDC *et al.* states that there are several major submarine canyons, including Norfolk, Washington, Baltimore, Hudson, and Veatch. Because of its established importance as a biologically rich foraging ground for numerous species of marine mammals and other marine life, NRDC *et al.* states that the survey line should be redrawn to avoid Hudson Canyon. To the extent that other survey tracklines cut across these additional identified canyons, NRDC *et al.* states that USGS should redraw them to avoid overrunning these important foraging waters and to ensure a sufficient buffer between the trackline and the canyon.

Response: USGS designed the tracklines to avoid Hudson Canyon. The trackline referred to by NRDC *et al.* does not cross the Hudson Canyon until well along the downslope channel extension in approximately 4,200 m (13,779.5 ft) water depth on the continental rise. At the landward end, the closest approach between the trackline and Hudson Canyon is 21 km (11.3 nmi). This is between three and four times the radius of the 160 dB ensonified area (5.78 km). This trackline was originally laid out to connect to an existing scientific borehole (ODP 1073), but was shortened to connect to existing seismic data that allow for an acceptable tie to the well. Hence the seismic survey was modified in an effort to avoid collecting new data over existing data. The scientific borehole represents an important location for correlating and dating units for understanding landslide occurrence.

Of the five remaining tracklines in the mid-Atlantic region, four are more than 300 km (162 nmi) from the shelf-slope break and associated canyons. The fifth and southernmost line is south of Cape Hatteras, where canyons are not well developed. USGS and NMFS estimate the closest canyon, Pamlico Canyon, to this fifth trackline is approximately 200 km (108 nmi) to the northeast. Therefore, NMFS disagrees with the recommendation that USGS should redraw the tracklines to avoid overrunning these foraging waters and to ensure a sufficient buffer between the trackline and the canyons.

Comment 15: NRDC *et al.* states that the survey tracklines currently run across or approach the Bear, Physalia, Mytilus, and Retriever seamounts (a seamount chain which may act as a dispersal corridor to help species to cross the Atlantic). NRDC *et al.* states that the seismic survey tracklines

should be modified and redesigned to avoid the four seamounts in order to ensure the least practicable impact on marine mammals and should include a buffer zone to minimize marine mammal take.

Response: Although the NRDC *et al.* comment only mentions the four seamounts within the U.S. 200 nmi limit, there are additional seamounts beyond 200 nmi, including Picket, Buell, Balanus, and Asterias seamounts. The planned tracklines do not run across any of these seamounts. Except for the small and deep seamount called Asterias seamount, at the seaward end of the tracklines, the closest approach of the trackline to any of the eight seamounts is 15 km (8.1 nmi), with ranges up to 58 km (31.3 nmi). For the four seamounts inside the U.S. 200 nmi limit, the distances between the tracks and the base of the seamount range from 16.3 to 47 km (8.8 to 25.4 nmi). Given that the exclusion zone along the tracklines is 5,780 m (18,963.3 ft), a buffer zone already exists between the tracklines and these seamounts.

NMFS notes that one of the seismic survey's tracklines is within 6.6 km (3.6 nmi) of Asterias seamount at the seaward end of the trackline, but this seamount only rises above the seafloor by 1,200 m (3,937 ft) and has a water depth at its top of 3,609 m (11,840.6 ft) (ETOPO1). This is much deeper than the four seamounts within the U.S. 200 nmi limit, which, at their tops, have water depths of 1,112, 2,366, 2,475, and 2,153 m (3,648.3, 7,762.5, 8,120.1, and 7,063.6 ft), respectively (read from digital map released by Andrews et al., 2014). Asterias seamount, due to its small size and large depth, is not considered a feature that would modify currents and circulation to the extent that the larger, shallower seamounts would.

Therefore, NMFS disagrees with the recommendation that the seismic survey tracklines should be modified and redesigned to avoid Bear, Physalia, Mytilus, and Retriever seamounts and should include a buffer zone to minimize marine mammal take because the tracklines do not cross these seamounts and a buffer zone already exists between the tracklines and these seamounts.

Comment 16: NRDC *et al.* states that in order to protect the North Atlantic right whale and comply with the ESA, NMFS must exclude all of the North Atlantic right whale's year-round feeding and mating habitat areas from the seismic survey and vessel activities. These areas include both designated critical habitat as well as areas that have not yet been designated as critical habitat, but are known to be important habitat.

Response: NMFS has not excluded the seismic survey from North Atlantic right whale designated critical habitat and other habitat known to be important to the North Atlantic right whale because the planned activities are not in close proximity to these areas. The trackline that has the closest approach to the northeast Atlantic Ocean designated critical habitat is approximately 190 km (102.6 nmi) from the area. The trackline that has the closest approach to the southeast Atlantic Ocean designated critical habitat is approximately 519 km (280.2 nmi) from the area. The North Atlantic right whale critical habitat in the northeast Atlantic Ocean can be found online at: *http://www.nmfs.noaa.gov/pr/pdfs/criticalhabitat/n_rightwhale_ne.pdf*. The North Atlantic right whale critical habitat in the southeast Atlantic Ocean can be found online at: *http://www.nmfs.noaa.gov/pr/pdfs/criticalhabitat/n_rightwhale_se.pdf*.

Furthermore, considering the conservation status for the North Atlantic right whale, the airguns will be shut-down immediately in the unlikely event that this species is observed, regardless of the distance from the *Langseth.* Ramp-up will only begin if the North Atlantic right whale has not been seen for 30 minutes.

Comment 17: NRDC *et al.* states that marine mammals densities are often correlated over medium to large scales with persistent oceanographic features, such as currents, productivity, and surface, temperature, as well as with concentrations in other marine species, such as other apex predators and fish. NMFS should use these other areas identifiable through habitat mapping for determining time-area restrictions.

Response: NMFS and USGS used SERDP SDSS model outputs to determine density data for marine mammals in the action area. The density data was used to estimate take numbers and potential impacts to marine mammals. The USGS EA considers current and other metocean information as part of the analysis. For example the EA states that ''the region is greatly influenced by a prominent ocean current system, the Gulf Stream. This is a powerful, warm, and swiftly flowing current that flows northward, generally along the shelf edge, carrying warm equatorial waters into the North Atlantic (Pickard and Emergy, 1990; Verity *et al.* 1993). Upwelling along the Atlantic coast is both wind-driven and a result of dynamic uplift (Shen *et al.,* 2000; Lentz *et al.,* 2003). In addition to the Gulf Stream, currents originating from the outflow of both the Chesapeake and Delaware Bays influence the surface circulation in the Mid-Atlantic bight. The Chesapeake Bay plume flows seaward from the mouth of the bay and then turns south to form a coastal jet that can extend as far as Cape Hatteras. Similarly, the Delaware Coastal Current begins in Delaware Bay and flows southward along the Delmarva Peninsula before entrained into the Chesapeake Bay plume.'' In addition, the maps of the seasonal distributions of the marine species shows the regions of higher productivity through the higher concentrations of animals. Correlating marine mammal densities with oceanographic features provides excellent insight into environmental analysis for the action area, but it did not lead to identifiable areas of concern that would lead NMFS to require and implement time-area restrictions in the IHA.

Comment 18: NRDC *et al.* state that NMFS should use these other areas identifiable through habitat mapping for determining time-area restrictions. Researchers have developed at least two predictive models to characterize densities of marine mammals in the area of interest: The NODE model produced by the Naval Facilities Engineering Command Atlantic, and the Duke Marine Lab model produced under contract with the Strategic Environmental Research and Development Program. Until Duke has produced its new cetacean density model, pursuant to NOAA's CetMap program, NRDC *et al.* state that NMFS should use these sources, which represent best available science to identify important marine mammal habitat and ensure the least practicable impact.

Response: NMFS used the Navy's NODE model for determining the density data of marine mammal species (where it was available) and calculating estimated take numbers. USGS has indicated that they plan on avoiding banks, canyons, seamounts, and North Atlantic right whale critical habitat. NMFS was not able to identify any other important habitat areas of specific importance to marine mammals from this dataset that are appropriate for avoidance or time-area restrictions. Further, the seismic survey's planned tracklines, which are widespread over a large geographic area and designed for the specific objectives of this survey, combined with the transiting vessel and airgun array, make time-area restrictions and avoiding specific habitat areas impractical and likely would not provide significant reduction in potential impacts from underwater

sound or sufficient conservation benefits for this specific project.

Comment 19: NRDC *et al.* states that the proposed IHA does not adequately consider, or fails to consider at all, a number of other reasonable measures that could significantly reduce take from the proposed activities.

Response: In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the ''permissible methods of taking by harassment pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.'' NMFS' duty under this ''least practicable impact'' standard is to prescribe mitigation reasonably designed to minimize, to the extent practicable, any adverse population level impacts, as well as habitat impacts. While population-level impacts can be minimized only by reducing impacts on individual marine mammals, not all takes translate to population-level impacts. NMFS' objective under the ''least practicable impact'' standard is to design mitigation targeting those impacts on individual marine mammals that are most likely to lead to adverse population-level effects. Based on NMFS' evaluation of the applicant's proposed measures, as well as other measures considered by NMFS or recommended by the public, NMFS has determined that the mitigation measures required by the IHA provide the means of effecting the least practicable impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance. NMFS provides responses to the mitigation measures suggested by NRDC *et al.*, including survey design standards and review, use of an alternative multi-beam echosounder, sound source validation, alternate safety zone distances, real-time monitoring, and technology-based mitigation, in the following responses.

Comment 20: NRDC *et al.* state that NMFS should require that the airgun survey vessel use the lowest practicable source level, minimize horizontal propagation of the sound signal, and minimize the density of tracklines consistent with the purposes of the survey. NRDC *et al.* state that while cursory consideration is given to the source level, little explanation of the conclusion that a 36-airgun array is required is offered. NRDC *et al.* would note that, in the past, the California Coastal Commission has required USGS to reduce the size of its array for seismic hazards work, and to use alternative seismic technologies to reduce acoustic intensities during earthquake hazard surveys to their lowest practicable level.

Response: NMFS encourages all seismic surveys using airguns as a sound source to use the lowest practicable source level to achieve the purposes of the action. In order to fulfill the purpose of the seismic survey to establish the outer limits of the U.S. ECS, USGS must establish sediment thickness along the continental margin, which can be in excess of 8 to 10 km (4.3 to 5.4 nmi) in the Atlantic. The seismic survey therefore requires the use of large sources and low frequencies. For the planned seismic survey, the multi-channel streamer, augmented by widely spaced free-floating sonobuoys (acquiring data up to 30 km [16.2 nmi] from the ship) provides the ability to acquire oblique angles to better resolve sedimentary velocities and determine accurate sediment thicknesses. In considering survey design, the guidelines regarding Article 76 of the Law of the Sea Convention state ''the low frequencies allow good penetration. The oblique angles allow the detection and measurement of velocity gradient zones as well as the more abrupt changes, which show up well on reflection profiles.'' The acquisition of refraction information from widely spaced sonobuoys provides an independent check on sediment thickness and the identification of basement which reduces uncertainty in determining the outer limit points of the ECS. The guidelines also state ''the survey must be designed to prove the continuity of the sediments from each selected fixed point to the foot of the slope.'' The *Langseth* source size is appropriate for imaging sediment thickness where the sediments are thickest (near the foot of the slope) and also have the resolution to determine the base of the sediments to between five and ten percent error.

Regarding the comment about minimizing horizontal propagation of the sound signal, the configuration of the airgun array, as four adjacent linear arrays, causes the signals to constructively interfere in the vertical direction and destructively interfere in horizontal direction. This is evident in the elliptical shape of the modeled received signals presented in the EA.

Regarding the comment about minimizing the density tracks consistent with the purposes of the seismic survey, the tracks are designed to fulfill the requirements of Article 76 of the Law of the Sea Convention. Trackline spacing and coverage is specified in the treaty to be no more than 111.1 km (60 nmi) apart. However, the 111.1 km maximum is impractical unless the points on the tracks are exactly orthogonal between tracks at 60 nmi spacing. Any deviation of points from orthogonal between adjacent tracks will result in a distance greater than 60 nmi between points, which will not satisfy the requirements of Article 76. Hence the tracks are generally planned to be 55.6 to 92.6 km (30 to 50 nmi) apart. The planned seismic survey is for two field seasons, the first (2014) as a reconnaissance in the area of interest and the second (2015) to finalize outer limit points after interpretation of the data from the first field program is completed. The guidelines also note that ''. . . it is evident that . . . minimum data coverage could miss some important details of the morphology of the outer limit of the continental margin, and the resulting 1% line could only be a rough approximation of the true geological limit. Coastal states that suspect that such an approximation will be to their disadvantage will benefit from executing more comprehensive and detailed surveys. In general, the data coverage should reflect the complexity of the outer margin.'' The Atlantic margin is inferred to have geological complexity in the form of fracture zones, where the sediments could be thicker than in the intra-fracture zone regions. These fracture zones are the result of juxtaposing oceanic crust of different ages across ridge offsets during the spreading process. The 2014 part of the seismic survey (with lines parallel to the margin) is intended to identify the possible existence of fracture zones that are sub-perpendicular to the margin. If these fracture zones can be identified, the 2015 component of the seismic survey is to then collect seismic data along tracks that follow where the sediment is thickest and therefore the size of the U.S. ECS can be established.

Comment 21: NRDC *et al.* states that NMFS should require use of an alternative multi-beam echosounder to the one presently proposed.

Response: NMFS disagrees with NRDC *et al.'s* recommendation as we do not have the authority to require the IHA applicant or action proponent to choose a different multi-beam echosounder system for the planned seismic survey. The multi-beam echosounder system that is currently installed on the *Langseth* is capable of mapping the seafloor in deep water and the characteristics of the system are well suited for meeting the research goals at the action area. It would not be practicable for the L–DEO and NSF to install a different multi-beam echosounder for the planned seismic

survey. Also, the multi-beam planned to be used on this seismic survey is not operating in the same way as it was in Madagascar, the seismic survey is in deep water and will be far off the coast. NRDC *et al.* did not recommend a specific multi-beam echosounder to use as an alternative to the one currently installed on the vessel and planned to be operated during the seismic survey. The multi-beam echosounder that is currently installed on the *Langseth* was evaluated in the NSF/USGS PEIS and in USGS's EA, and has been used on over 25 research seismic surveys since 2008 without association to any marine mammal strandings.

Regarding the 2002 stranding in the Gulf of California, the multi-beam echosounder system was on a different vessel, the R/V *Maurice Ewing* (*Ewing*), and is no longer operated by L–DEO. Although NRDC *et al.* suggests that the multi-beam echosounder system or other acoustic sources on the Ewing may have been associated with the 2002 stranding of 2 beaked whales, as noted in Cox *et al.* (2006), ''whether or not this survey caused the beaked whales to strand has been a matter of debate because of the small number of animals involved and a lack of knowledge regarding the temporal and spatial correlation between the animals and the sound source.'' As noted by Yoder (2002), there was no scientific linkage to the event with the *Ewing's* activities and the acoustic sources being used. Furthermore, Hildebrand (2006) has noted that ''the settings for these stranding are strikingly consistent: An island or archipelago with deep water nearby, appropriate for beaked whale foraging habitat. The conditions for mass stranding may be optimized when the sound source transits a deep channel between two islands, such as in the Bahamas, and apparently in the Madeira incident.'' The activities planned for the seismic survey are in remote deep water, far from any land mass and islands, and do not relate at all to the environmental scenarios noted by Hildebrand (2006).

Regarding the 2008 stranding event in Madagascar and the Final Report of the Independent Scientific Review Panel (ISRP) cited to by NRDC *et al.,* see the response to comment 5. As described in more detail in the response to comment 14, the tracklines for the current seismic survey are planned to occur in deep water and will not be conducted in a manner that is likely to result in the ''herding of sensitive species'' into canyons and other similar areas. Given these conditions, NMFS does not anticipate mass strandings from use of the planned multi-beam echosounder.

Comment 22: NRDC *et al.* states that the proposed IHA does not adequately consider, or fails to consider at all, sound source validation. NRDC *et al.* states that NMFS should require USGS to validate the assumptions about propagation distances used to establish exclusion and buffer zones and calculate take (i.e., at minimum, the 160 dB and 180 dB isopleths). Sound source validation has been required of Arctic operators for several years, as part of their IHA compliance requirements, and has proven useful for establishing more accurate, in situ measurements of exclusion zones and for acquiring information on noise propagation.

Response: NMFS disagrees with NRDC *et al.'s* assessment that a sound source validation was not adequately considered or required. Regarding concerns about validating the assumptions about propagation distances used to establish buffer and exclusion zones and calculated take, measuring sound source isopleths requires specialized sensors that are either self-contained buoys (such as those used by Tolstoy *et al.,* 2009), at the seafloor (such as those used by Thode *et al.,* 2010), or deployed from a second ship, such as those used by Mosher *et al.,* 2009). Experiments with these instruments are non-trivial experiments in deep water and generally take several days of ship time (or two vessels) in order to establish shooting patterns, appropriate gain settings, and deployment/recovery of the instruments. L–DEO has demonstrated that in deep water, the propagation paths are simple and that the sound propagation models are conservative, i.e., they overestimate the distances to the Level A and B harassment isopleths (as demonstrated in Figures 11, 12 and 16 in the NSF/USGS PEIS Appendix H). Consequently, using the model parameters is a precautionary approach that saves considerable time and expense in conducting the seismic survey.

Sound source validation has been required in the Arctic for several years, these validation experiments are routinely done in the Arctic because the seismic work is undertaken on the continental shelf and inner shelf (i.e., in shallow water where acoustic propagation paths are affected by factors such as bathymetry and seafloor lithology that are not accounted for in the modeling). The IHA requirements in the Arctic are also different from those of the Atlantic because of bowhead whales' (*Balaena mysticetus*) use for subsistence in the Native Community. The IHA requirements for the instruments document the vocalizations of the bowhead whale before, during, and after the seismic surveys, to understand their impact on subsistence hunting, as well as to document the migrations of this species (see *http://scripps.ucsd.edu/labs/athode/arctic-research/*). These same considerations do not exist in the deep, offshore Atlantic study area.

As described in the NSF/USGS PEIS and USGS EA, the *Langseth* sound source has been calibrated in deep water and it was proven that the L–DEO model is robust and conservative for establishing buffer and exclusion zones for mitigation purposes and calculating take. Given that the planned seismic survey occurs entirely in deep water, further sound source validation is not warranted.

Comment 23: NRDC *et al.* state that NMFS should reconsider the size (distance) of the safety zone. The proposed IHA proposes establishing a safety zone of 180 dB re 1 μPa (with a 500 m minimum around the airgun array). Gedamke *et al.* (2011) has put traditional means of estimating safety zones in doubt. NRDC *et al.* state that NMFS should consider establishing an exclusion zone for shut-downs for certain target species. Although time/area closures are a more effective means of reducing cumulative exposures of wildlife to disruptive and harmful sound, expanded exclusion zones have value minimizing disruptions, and potentially in reducing the risk of hearing loss and injury, outside the seasonal closure areas. Visual sighting of any individual North Atlantic right whale at any distance should trigger a shut-down; for other species, shut-downs should occur if aggregations are observed within the 160 dB isopleth around the sound source.

Response: NMFS disagrees with NRDC *et al.'s* recommendation that NMFS should reconsider the size (distance) of the exclusion zone. NMFS notes that the statement that the proposed IHA proposes establishing a safety zone of 180 dB re 1 μPa (with a 500 m minimum around the airgun array) is incorrect. NRDC *et al.* may be referring to BOEM/BSEE Joint NTL No. 2012–G02 (available online at: *http://www.boem.gov/Regulations/Notices-To-Lessees/2012/2012-JOINT-G02-pdf.aspx*), which requires an immediate shut-down of the airgun operations ''within an estimated 500 m of the sound source array.'' The 180 dB exclusion zone for USGS's planned survey is 927 m for the 36-airgun array and 100 m for the single airgun. See the response to comment 31 for further information about the exclusion zone.

NNMFS also notes that the required mitigation measures already require shut-downs and/or power-downs for species of special concern. Considering the rarity and conservation status for the North Atlantic right whale, the airguns will be shut-down immediately in the unlikely event that this species is observed, regardless of the distance from the *Langseth.* The airgun array shall not resume firing (with ramp-up) until 30 minutes after the last documented North Atlantic right whale visual sighting. Additionally, the mitigation measures state that concentrations of humpback, sei, fin, blue, and/or sperm whales will be avoided if possible (i.e., exposing concentrations of animals to 160 dB), and the array will be powered-down if necessary. For purposes of this planned survey, a concentration or group of whales will consist of six or more individuals visually sighted that do not appear to be traveling (e.g., feeding, socializing, etc.).

Comment 24: NRDC *et al.* state that real-time monitoring effort in the proposed IHA is inadequate. NRDC *et al.* states that supplemental methods that have been used on certain other projects include hydrophone buoys and other platforms for acoustic monitoring, aerial surveys, shore-based monitoring, and the use of additional small vessels.

Response: NMFS has not included hydrophone buoys for acoustic monitoring, aerial surveys, shore-based monitoring, or the use of additional small/support vessels in the IHA as they are not considered practicable for USGS's seismic survey. Given that the seismic survey will be occurring in deep water and transiting long distances, it is not logistically practicable at this time to use moored platforms or moored hydrophones to assist in detecting the presence of marine mammals and potential impacts from the sound sources during the seismic survey. The planned seismic survey is generally taking place more than 200 km (108 nmi) from the U.S. coastline. This large distance renders shore-based monitoring ineffective and precludes aerial surveys by small airplanes or helicopters because of range limitations and safety issues. Also, the *Langseth* does not have a landing pad that would allow for helicopter monitoring from the vessel. In certain situations, NMFS has recommended the use of additional support vessels to enhance PSO monitoring effort during seismic surveys. For this seismic survey, however, NMFS has not deemed it necessary to employ additional support vessels to monitor the buffer and exclusion zones due to the relatively small distances of the exclusion zones. An additional vessel would unnecessarily increase noise and emissions in the action area as well. The use of an additional contract vessel to supplement visual and acoustic monitoring is not necessary and will not be practicable as it would need to be capable of operating for the entire duration of the seismic survey without returning to shore which would add 10 to 30% to the cost of the project. Finally, the *Langseth* has limited maneuverability during airgun operations and cannot deploy or recover small vessels for activities such as hydrophone acoustic monitoring.

Comment 25: NRDC *et al.* states that the requirements with respect to PSOs are inconsistent with survey conventions and with prior studies of observer effectiveness. NRDC *et al.* state four hour work cycles are not appropriate and comment that NMFS offers no details about the training requirements of its vessel-based observers.

Response: The general duties of PSOs required for seismic surveys is to visually observe the immediate environment for protected species whose detection (relative to a sound source) triggers the implementation of mitigation requirements, monitoring compliance with mitigation requirements, collecting data by defined protocols, preparing daily reports, and submitting reports to NMFS. During seismic operations, at least five PSOs (four Protected Species Visual Observers [PSVOs] and one Protected Species Acoustic Observer [PSAO]) will be based aboard the *Langseth.* USGS will appoint the PSOs with NMFS's concurrence. The PSOs aboard the *Langseth* are professional and experienced observers provided to USGS under contract to RPS and have been in place during seismic surveys since 2008. RPS's PSOs and PAM operators complete in-house training. PSO candidates must pass a protected species identification test and a mitigation and monitoring practices exam with a minimum grade of 80%. The RPS training program includes, but is not limited to: background on protected species laws in the U.S. and worldwide, an introduction to seismic surveys (purpose, types, and equipment), potential impacts of underwater sound on protected species, protected species in the Gulf of Mexico and other regions, visual monitoring methods, acoustic monitoring methods, protected species detection in the field, implementation of mitigation measures (exclusion and buffer zones, ramp-ups, power-downs, shut-downs, delays, etc.), and data collection and report preparation. In November 2013, NMFS prepared and published, with input from BOEM and BSEE, a technical memorandum (tech memo) titled ''National Standards for a Protected Species Observer and Data Management Program: A Model Using Geological and Geophysical Surveys'' (Baker *et al.,* 2013) that makes recommendations on establishing a training program, PSO eligibility and qualifications, as well as PSO evaluation during permit/authorization approval. The tech memo is available online at: *http://www.nmfs.noaa.gov/pr/publications/techmemo/observers_nmfsopr49.pdf.* NMFS's current practice is to deem PSO candidates as NMFS-approved or qualified on a case-by-case or project-by-project basis after review of their resume and/or curriculum vitae. USGS's PSOs have the necessary education and/or experience requirements and their training generally follows the standard components recommended in NMFS's tech memo.

Observations will take place during ongoing daytime operations and nighttime ramp-ups of the airguns. During the majority of seismic operations, two PSVOs will be on duty from the observation tower (i.e., the best available vantage point on the source vessel) to monitor marine mammals near the seismic vessel. Use of two simultaneous PSVOs will increase the effectiveness of detecting animals near the source vessel. However, during meal times and bathroom breaks, it is sometimes difficult to have two PSVOs on effort, but at least one PSVO will be on duty. Regarding the comment about four-hour work shifts, the IHA states that PSVO shifts shall not exceed four hours, allowing shifts to be shorter. PSOs will rotate through visual watch and the PAM station (see next response) with breaks in between to avoid fatigue and increase the detection of marine mammals present in the area.

Comment 26: NRDC *et al.* states that NMFS only requires PAM as practicable with no further guidance on when monitoring is or isn't practicable. NRDC *et al.* state that it is unrealistic for one bioacoustician to monitor the PAM system 24 hours a day.

Response: The NSF/USGS PEIS identifies PAM as an important tool to augment visual observations (section 2.4.2). As described in the USGS EA, PAM would be monitored continuously during seismic operations. During the survey, at least four PSVOs and one expert biacoustician (i.e., PSAO) will be based aboard the *Langseth.* The IHA requires that an expert biacoustician design and set up the PAM system, be

present to oversee the PAM, and available when technical issues occur during the survey. The PAM system will be monitored at all times, in shifts no longer than six hours, with the PSOs sharing the workload. Hence, PSOs will rotate through visual watch and the PAM station with breaks in between to avoid fatigue and increase the detection of marine mammals present in the area.

Comment 27: NRDC *et al.* state that the proposed IHA makes no consideration of limiting activities in low-visibility conditions or at night.

Response: NMFS disagrees with the commenters' assessment. The IHA does consider and address airgun operations during low-visibility and nighttime conditions. No initiation of airgun array operations is permitted from a shut-down position at night or during low-light hours (such as in dense fog or heavy rain) when the entire relevant exclusion zone cannot be effectively monitored by the PSVO(s) on duty. However, survey operations may continue into night and low-light hours if the segment(s) of the survey is initiated when the entire relevant exclusion zones are visible and can be effectively monitored. Limiting or suspending the seismic survey in low visibility conditions or at night would significantly extend the duration of the seismic survey.

Comment 28: NRDC *et al.* states that NMFS should consider technology-based mitigation.

Response: While NMFS encourages the development of new or alternative technologies to reduce potential impacts to marine mammals from underwater sound, NMFS did not include a requirement in the IHA to use or test the use of new technologies during the USGS seismic survey as none are currently available or proposed to be used by USGS. As discussed in the NSF/USGS PEIS (Section 2.6), alternative technologies to airguns were considered but eliminated from further analysis as those technologies were not commercially viable. USGS, NSF, and L–DEO continue to closely monitor the development and progress of these types of systems; however, at this point and time, these systems are still not commercially available. Geo-Kinetics, mentioned by NRDC as a potentially viable option for marine vibroseis does not have a viable towable array and its current testing is limited to transition zone settings. Other possible vibroseis developments lack even prototypes to test. Similarly, engineering enhancements to airguns to reduce high frequencies are currently being developed by industry, however, at present, these airguns are still not commercially available. L–DEO has maintained contact and is in communication with a number of developers and companies to express a willingness to serve as a test-bed for any such new technologies. As noted in the NSF/USGS PEIS, should new technologies to conduct marine seismic surveys become available, USGS and NSF would consider whether they would be effective tools to meet research goals (and assess any potential environmental impacts).

Of the various technologies cited in the 2009 Okeanos workshop report, few if any have reached operational viability. While the marine vibrator technology has been long discussed and evaluated, the technology is still unrealized commercially. According to Pramik (2013), the leading development effort by the Joint Industry Programme ''has the goal of developing three competing designs within the next few years.'' Geo-Kinetics has recently announced a commercial product called AquaVib, but that product produces relatively low-power, and is intended for use in very shallow water depths in sensitive environments and the vicinity of pipelines or other infrastructure. The instrument is entirely unsuited to deep-water, long-offset reflection profiling. The BP North America staggered burst technique would have to be developed well beyond the patent stage to be remotely practicable and would require extensive modification and testing of the *Langseth* sound source and recording systems. None of the other technologies considered (i.e., gravity, electromagnetic, Deep Towed Acoustics/Geophysics System developed by the U.S. Navy [DTAGS], etc.) can produce the resolution or sub-seafloor penetration required to resolve sediment thickness and geologic structure at the requisite scales. Improving the streamer signal to noise through improved telemetry (e.g., fiber optic cable) while desirable, would involve replacing the *Langseth* streamers and acquisition units, requiring a major capital expenditure.

The multi-channel seismic reflection technique (augmented with refraction information) is the de facto standard for determining sediment thickness for the purposes of the Law of the Sea Convention. Sediment thickness cannot be determined by any other known methodology and cannot be deduced from modeling alone. Sediment thickness is one of two formulae that can be used to establish the outer limits of the ECS. The guidelines developed related to Article 76 state ''the Commission (on the Limits of the Continental Shelf) will regard the data provided by seismic reflection and seismic refraction surveys as the primary source of evidence for mapping and determining sediment thickness.'' Further, ''[t]he Commission will regard multi-channel seismic data as the most authoritative source of evidence for the determination of sediment thickness.''

Some nations have resurveyed their ECS regions for sediment thickness with additional seismic reflection data because the initial data collection and delineation of the outer limits of the ECS were not considered adequate and convincing. These coastal States include Russia in the Arctic, Brazil off their southern coast, the joint submission of France, Ireland, Spain, and United Kingdom in the Bay of Biscay, and Indonesia in the area northwest of Sumatra. Hence, sufficient seismic reflection and refraction data to substantiate the outer limits is a requirement of the ECS Article 76 process. Acquiring sufficient data to delineate the continental shelf of the U.S. is part of the overall survey design off the Atlantic margin.

Monitoring and Reporting

Comment 29: The Commission believes that NMFS misinterpreted its implementing regulations, which require that applicants include ''the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species, the level of taking or impacts on populations of marine mammals that are expected to be present while conducting activities, and suggested means of minimizing burdens by coordinating such reporting requirements with other schemes already applicable to persons conducting such activity.'' The Commission believes that monitoring and reporting requirements need to be sufficient to provide accurate information on the numbers of marine mammals being taken and the manner in which they are taken, not merely better information on the qualitative nature of the impacts. The Commission continues to believe that appropriate g(0) and f(0) values are essential for making accurate estimates of the numbers of marine mammals taken during surveys. The Commission recommends that NMFS consult with the funding agency (e.g., USGS or NSF) and individual applicants (e.g., L–DEO, SIO, ASC and other related entities) to develop, validate, and implement a monitoring program that provides a scientifically sound, reasonably accurate assessment of the types of marine mammal takes and the actual numbers

of marine mammals taken, accounting for applicable g(0) and f(0) values.

Response: NMFS does not believe that we misinterpreted the MMPA implementing regulations in our previous response that the Commission references. In the sentence quoted by the Commission, if we assume that the phrase ''increased knowledge of'' does not modify ''the level of taking,'' that the phrase it would read: ''The suggested means of accomplishing the necessary monitoring and reporting that will result in . . . the level of taking or impacts on populations,'' which does not make sense. However, even putting the unclear grammatical issue aside, NMFS does not believe that an appropriate interpretation of the regulations suggests that the monitoring of an authorized entity must be able to quantify the exact number of takes that occurred during the action, but rather that the monitoring increase understanding of the level and effects of the action. In fact, the Commission's comment supports this interpretation. As noted by the Commission, section 101(a)(5)(D)(iv) requires that NMFS ''modify, suspend, or revoke an authorization'' if it finds, among other things, that the authorized taking is having more than a negligible impact or that more than small numbers of marine mammals are being taken. Both of these findings, negligible impact and small numbers, may be made using qualitative, or relative (to the stock abundance) information, and the sorts of qualitative, or more relative, information collected during the wide variety of monitoring that is conducted pursuant to MMPA authorizations can either be used to provide broad support for the findings underlying the issuance of an IHA or can highlight red flags that might necessitate either a reconsideration of an issued IHA or a change in analyses in future authorizations. NMFS's previous response is included below for reference.

NMFS's implementing regulations require that applicants include monitoring that will result in ''an increased knowledge of the species, the level of taking or impacts on populations of marine mammals that are expected to be present while conducting activities . . .'' This increased knowledge of the level of taking could be qualitative or relative in nature, or it could be more directly quantitative. Scientists use g(0) and f(0) values in systematic marine mammal surveys to account for the undetected animals indicated above, however, these values are not simply established and the g(0) value varies across every observer based on their sighting acumen. While we want to be clear that NMFS do not generally believe that post-activity take estimates using f(0) and g(0) are required to meet the monitoring requirement of the MMPA, in the context of the NSF and L–DEO's monitoring plan, NMFS agree that developing and incorporating a way to better interpret the results of their monitoring (perhaps a simplified or generalized version of g(0) and f(0)) is a good idea. NMFS is continuing to examine this issue with USGS and NSF to develop ways to improve their post-survey take estimates. NMFS will consult with the Commission and NMFS scientists prior to finalizing these recommendations.

NMFS note that current monitoring measures for past and current IHAs for research seismic surveys require the collection of visual observation data by PSOs prior to, during, and after airgun operations. This data collection may contribute to baseline data on marine mammals (presence/absence) and provide some generalized support for estimated take numbers (as well as providing data regarding behavioral responses to seismic operation that are observable at the surface). However, it is unlikely that the information gathered from these cruises along would result in any statistically robust conclusions for any particular species because of the small number of animals typically observed.

Acoustic Thresholds

Comment 30: NRDC *et al.* and COA state that the current NMFS 160 dB threshold for Level B harassment does not reflect the best available science and is not sufficiently conservative. NRDC *et al.* state that NMFS's use of a single, non-conservative, bright-line threshold for all species is contrary to recent science and is untenable. NRDC *et al.* state that in particular, the 160 dB threshold is non-conservative, since the scientific literature establishes that behavioral disruption can occur at substantially lower received levels for some species. NRDC *et al.* state that NMFS should employ a combination of specific thresholds for which sufficient species-specific data are available and generalized thresholds for all other species.

Response: NMFS's practice has been to apply the 160 dB received level threshold for underwater impulse sound levels to determine whether take by Level B harassment occurs. Specifically, NMFS derived the 160 dB threshold data from mother-calf pairs of migrating gray whales (Malme *et al.,* 1983, 1984) and bowhead whales (Richardson *et al.,* 1985, 1986) responding to airgun operations. NMFS acknowledge there is more recent information bearing on behavioral reactions to seismic airguns, but those data only illustrate how complex and context-dependent the relationship is between the two, and do not, as a whole, invalidate the current threshold. Accordingly, it is not a matter of merely replacing the existing threshold with a new one. NMFS discussed the science on this issue qualitatively in our analysis of potential effects to marine mammals in the **Federal Register** notice for the proposed IHA (79 FR 35642, June 23, 2014). NMFS is currently developing revised acoustic guidelines for assessing the effects of anthropogenic sound on marine mammals. Until NMFS finalizes these guidelines (a process that includes internal agency review, public notice and comment, and peer review), NMFS will continue to rely on the existing criteria for Level A and Level B harassment shown in Table 3 of the notice for the proposed IHA (79 FR 35642, June 23, 2014).

As mentioned in the **Federal Register** notice for the proposed IHA (79 FR 35642, June 23, 2014), NMFS expect that the onset for behavioral harassment is largely context dependent (e.g., behavioral state of the animals, distance from the sound source, etc.) when evaluating behavioral responses of marine mammals to acoustic sources. Although using a uniform sound pressure level of 160 dB for the onset of behavioral harassment for impulse noises may not capture all of the nuances of different marine mammal reactions to sound, it is an appropriate way to manage and regulate anthropogenic noise impacts on marine mammals until NMFS finalizes its acoustic guidelines.

Comment 31: COA and NRDC *et al.* assert that our preliminary determinations for Level A take and the likelihood of temporary and or permanent threshold shift do not consider the best available science. COA cites Lucke *et al.* (2009); Thompson *et al.* (1998); Kastak *et al.* (2008); Kujawa and Lieberman (2009); Wood *et al.* (2012); and Cox *et al.* (2006). NRDC *et al.* also cite Lucke *et al.* (2009).

Response: As explained in the notice of the proposed IHA (79 FR35642, June 23, 2014), USGS will be required to establish a 180 and 190 dB re 1 μPa exclusion zone for marine mammals before the two string airgun array or a single airgun array is in operation. NMFS expects that the required vessel-based visual monitoring of the exclusion zones is appropriate to implement mitigation measures to prevent Level A

harassment. First, if the PSOs observe marine mammals approaching the exclusion zone, USGS must shut-down or power-down seismic operations to ensure that the marine mammal does not approach the applicable exclusion radius. Second, if USGS detects a marine mammal outside the exclusion zone, and the animal, based on its position and the relative motion, is likely to enter the exclusion zone, USGS may alter the vessel's speed and/or course, when practical and safe, in combination with powering-down or shutting-down the airguns, to minimize the effects of the seismic survey. The avoidance behaviors discussed in the notice of the proposed IHA (79 FR35642, June 23, 2014) supports our expectations that individuals will avoid exposure at higher levels. Also, it is unlikely that animals would encounter repeated exposures at very close distances to the sound source because USGS would implement the required shut-down and power-down mitigation measures to ensure that marine mammals do not approach the applicable exclusion zones for Level A harassment.

NMFS' current Level A thresholds, which identify levels above which PTS could be incurred, were designed to be precautionary in that they were based on levels were animals had incurred TTS. NMFS is currently working on finalizing Acoustic Guidance that will identify revised TTS and PTS thresholds that references the studies identified by COA and NRDC *et al.* In order to ensure the best possible product, the process for developing the revised thresholds includes both peer and public review (both of which have already occurred) and NMFS will begin applying the new thresholds once the peer and public input have been addressed and the Acoustic Guidance is finalized.

Regarding the Lucke *et al.* (2009) study, the authors found a threshold shift (TS) of a harbor porpoise after exposing it to airgun noise (single pulse) with a received sound pressure level (SPL) at 200.2 dB (peak-to-peak) re 1 μPa, which corresponds to a sound exposure level of 164.5 dB re 1 $\mu Pa^2 s$ after integrating exposure. NMFS currently uses the root-mean-square (rms) of received SPL at 180 dB and 190 dB re 1 μPa as the threshold above which permanent threshold shift (PTS) could occur for cetaceans and pinnipeds, respectively. Because the airgun noise is a broadband impulse, one cannot directly extrapolate the equivalent of rms SPL from the reported peak-to-peak SPLs reported in Lucke *et al.* (2009). However, applying a conservative conversion factor of 16 dB for broadband signals from seismic surveys (Harris *et al.,* 2001; McCauley *et al.,* 2000) to correct for the difference between peak-to-peak levels reported in Lucke *et al.* (2009) and rms SPLs; the rms SPL for TTS would be approximately 184 dB re 1 μPa, and the received levels associated with PTS (Level A harassment) would be higher. This is still above the current 180 dB rms re 1 μPa threshold for injury. Yet, NMFS recognizes that the temporary threshold shift (TTS) of harbor porpoise is lower than other cetacean species empirically tested (Finneran *et al.,* 2002; Finneran and Schlundt, 2010; Kastelein *et al.,* 2012). NMFS considered this information in the notice of the proposed IHA (79 FR35642, June 23, 2014).

The Thompson *et al.* (1998) telemetry study on harbor (*Phoca vitulina*) and grey seals (*Halichoerus grypus*) suggested that avoidance and other behavioral reactions by individual seals to small airgun sources may at times be strong, but short-lived. The researchers conducted 1-hour controlled exposure experiments exposing individual seals fitted with telemetry devices to small airguns with a reported source level of 215–224 dB re 1 μPa (peak-to-peak) (Thompson *et al.,* 1998; Gordon *et al.,* 2003). The researchers measured dive behavior, swim speed heart rate and stomach temperature (indicator for feeding), but they did not measure hearing threshold shift in the animals. The researchers observed startle responses, decreases in heart rate, and temporary cessation of feeding. In six out of eight trials, harbor seals exhibited strong avoidance behaviors, and swam rapidly away from the source (Thompson *et al.,* 1998; Gordon *et al.,* 2003). One seal showed no detectable response to the airguns, approaching within 300 m (984 ft) of the source (Gordon *et al.,* 2003). However, they note that the behavioral responses were short-lived and the seals' behavior returned to normal after the trials (Thompson *et al.,* 1998; Gordon *et al.,* 2003). The study does not discuss temporary threshold shift or permanent threshold shift in harbor seals and the estimated rms SPL for this survey is approximately 200 dB re 1 μPa, well above NMFS's current 180 dB rms re: 1 μPa threshold for injury for cetaceans and NMFS' current 190 dB rms re 1 μPa threshold for injury for pinnipeds (accounting for the fact that the rms sound pressure level (in dB) is typically 16 dB less than the peak-to-peak level).

In a study on the effect of non-impulsive sound sources on marine mammal hearing, Kastak *et al.* (2008) exposed one harbor seal to an underwater 4.1 kHz pure tone fatiguing stimulus with a maximum received sound pressure of 184 dB re 1 μPa for 60 seconds (Kastak *et al.,* 2008; Finneran and Branstetter, 2013). A second 60-second exposure resulted in an estimated threshold shift of greater than 50 dB at a test frequency of 5.8 kHz (Kastak *et al.,* 2008). The seal recovered at a rate of −10 dB per log (min). However, 2 months post-exposure, the researchers observed incomplete recovery from the initial threshold shift resulting in an apparent permanent threshold shift of 7 to 10 dB in the seal (Kastak *et al.,* 2008). NMFS notes that seismic sound is an impulsive source, and the context of the study is related to the effect of non-impulsive sounds on marine mammals.

NMFS also considered two other Kastak *et al.* (1999, 2005) studies. Kastak *et al.* (1999) reported TTS of approximately 4–5 dB in three species of pinnipeds (harbor seal, California sea lion, and northern elephant seal) after underwater exposure for approximately 20 minutes to sound with frequencies ranging from 100 to 2,000 Hz at received levels 60 to 75 dB above hearing threshold. This approach allowed similar effective exposure conditions to each of the subjects, but resulted in variable absolute exposure values depending on subject and test frequency. Recovery to near baseline levels was reported within 24 hours of sound exposure. Kastak *et al.* (2005) followed up on their previous work, exposing the same test subjects to higher levels of sound for longer durations. The animals were exposed to octave-band sound for up to 50 minutes of net exposure. The study reported that the harbor seal experienced TTS of 6 dB after a 25-minute exposure to 2.5 kHz of octave-band sound at 152 dB (183 dB SEL). The California sea lion demonstrated onset of TTS after exposure to 174 dB (206 dB SEL).

NMFS acknowledges that PTS could occur if an animal experiences repeated exposures to TTS levels. However, an animal would need to stay very close to the sound source for an extended amount of time to incur a serious degree of PTS, which in this case, it would be highly unlikely due to the required mitigation measures in place to avoid Level A harassment and the expectation that a mobile marine mammal would generally avoid an area where received sound pulse levels exceed 160 dB re 1 μPa (rms) (review in Richardson *et al.,* 1995; Southall *et al.,* 2007).

NMFS also considered recent studies by Kujawa and Liberman (2009) and Lin *et al.* (2011). These studies found that

despite completely reversible threshold shifts that leave cochlear sensory cells intact, large threshold shifts (40 to 50 dB) could cause synaptic level changes and delayed cochlear nerve degeneration in mice and guinea pigs, respectively. NMFS notes that the high level of TTS that led to the synaptic changes shown in these studies is in the range of the high degree of TTS that Southall *et al.* (2007) used to calculate PTS levels. It is not known whether smaller levels of TTS would lead to similar changes. NMFS, however, acknowledges the complexity of noise exposure on the nervous system, and will re-examine this issue as more data become available.

In contrast, a recent study on bottlenose dolphins (Schlundt, *et al.,* 2013) measured hearing thresholds at multiple frequencies to determine the amount of TTS induced before and after exposure to a sequence of impulses produced by a seismic airgun. The airgun volume and operating pressure varied from 40 to 150 in^3 and 1,000 to 2,000 psi, respectively. After three years and 180 sessions, the authors observed no significant TTS at any test frequency, for any combinations of airgun volume, pressure, or proximity to the dolphin during behavioral tests (Schlundt, *et al.,* 2013). Schlundt *et al.* (2013) suggest that the potential for airguns to cause hearing loss in dolphins is lower than previously predicted, perhaps as a result of the low-frequency content of airgun impulses compared to the high-frequency hearing ability of dolphins.

Comment 32: COA requested that NMFS use a behavioral threshold below 160 dB for estimating take based on results reported in Clark and Gagnon (2006), MacLeod *et al.* (2006), Risch *et al.* (2012), McCauley *et al.* (1998), McDonald *et al.* (1995), Bain and Williams (2006), DeRuiter *et al.* (2013). They also cite comments submitted by Clark *et al.* (2012) on the Arctic Ocean Draft Environmental Impact Statement regarding NMFS's current acoustic thresholds.

Response: NMFS is constantly evaluating new science and how to best incorporate it into our decisions. This process involves careful consideration of new data and how it is best interpreted within the context of a given management framework. Each of these articles emphasizes the importance of context (e.g., behavioral state of the animals, distance from the sound source, etc.) in evaluating behavioral responses of marine mammals to acoustic sources.

These papers and the studies discussed in the notice of the proposed IHA (79 FR 35642, June 23, 2014) note that there is variability in the behavioral responses of marine mammals to noise exposure. However, it is important to consider the context in predicting and observing the level and type of behavioral response to anthropogenic signals (Ellison *et al.,* 2012). There are many studies showing that marine mammals do not show behavioral responses when exposed to multiple pulses at received levels at or above 160 dB re 1 μPa (e.g., Malme *et al.,* 1983; Malme *et al.,* 1984; Richardson *et al.,* 1986; Akamatsu *et al.,* 1993; Madsen and Mohl, 2000; Harris *et al.,* 2001; Miller *et al.,* 2005; and Weir, 2008). And other studies show that whales continue important behaviors in the presence of seismic pulses (e.g., Richardson *et al.,* 1986; McDonald *et al.,* 1995; Greene *et al.,* 1999a, 1999b; Nieukirk *et al.,* 2004; Smultea *et al.,* 2004; Holst *et al.,* 2005, 2006; Dunn and Hernandez, 2009).

In a passive acoustic research program that mapped the soundscape in the North Atlantic Clark and Gagnon (2006) reported that some fin whales (*Balaenoptera physalus*) stopped singing for an extended period starting soon after the onset of a seismic survey in the area. The study did not provide information on received levels or distance from the sound source. The authors could not determine whether or not the whales left the area ensonified by the survey, but the evidence suggests that most if not all singers remained in the area (Clark and Gagnon, 2006). Support for this statement comes from the fact that when the survey stopped temporarily, the whales resumed singing within a few hours and the number of singers increased with time (Clark and Gagnon, 2006). Also, they observed that one whale continued to sing while the seismic survey was actively operating (Figure 4; Clark and Gagnon, 2006).

The authors conclude that there is not enough scientific knowledge to adequately evaluate whether or not these effects on singing or mating behaviors are significant or would alter survivorship or reproductive success (Clark and Gagnon, 2006). Thus, to address COA's concerns related to the results of this study, it is important to note that USGS's study area is well away from any known breeding/calving grounds for low frequency cetaceans, thereby reducing further the likelihood of causing an effect on marine mammals.

MacLeod *et al.* (2006) discussed the possible displacement of fin and sei whales related to distribution patterns of the species during a large-scale seismic survey offshore the west coast of Scotland in 1998. The authors hypothesized about the relationship between the whale's absence and the concurrent seismic activity, but could not rule out other contributing factors (Macleod *et al.,* 2006; Parsons *et al.,* 2009). NMFS would expect that marine mammals may briefly respond to underwater sound produced by the seismic survey by slightly changing their behavior or relocating a short distance. Based on the best available information, NMFS expects short-term disturbance reactions that are confined to relatively small distances and durations (Thompson *et al.,* 1998; Thompson *et al.,* 2013), with no long-term effects on recruitment or survival.

Regarding the suggestion that blue whales ''noticeably'' changed course during the conduct of a seismic survey offshore Oregon, NMFS disagrees. NMFS considered the McDonald *et al.* (1995) paper in the notice for the proposed IHA (79 FR 35642, June 23, 2014). In brief, the study tracked three blue whales relative to a seismic survey with a 1,600 in^3 airgun array (smaller than the 6,600 in^3 airgun array USGS will be using). The whale started its call sequence within 15 km (8.1 nmi) from the source, then followed a pursuit track that decreased its distance to the vessel where it stopped calling at a range of 10 km (5.4 nmi) (estimated received level at 143 dB re 1 μPa (peak-to-peak) (McDonald *et al.,* 1995). After that point, the ship increased its distance from the whale which continued a new call sequence after approximately one hour (McDonald *et al.,* 1995) and 10 km from the ship. The authors suggested that the whale had taken a track paralleling the ship during the cessation phase but observed the whale moving diagonally away from the ship after approximately 30 minutes continuing to vocalize (McDonald *et al.,* 1995). The authors also suggest that the whale may have approached the ship intentionally or perhaps was unaffected by the airguns. They concluded that there was insufficient data to infer conclusions from their study related to blue whale responses (McDonald *et al.,* 1995).

Risch *et al.* (2012) documented reductions in humpback whale (*Megaptera novaeangliae*) vocalizations in the Stellwagen Bank National Marine Sanctuary concurrent with transmissions of the Ocean Acoustic Waveguide Remote Sensing (OAWRS) low-frequency fish sensor system at distances of 200 km (108 nmi) from the source. The recorded OAWRS produced series of frequency modulated pulses and the signal received levels ranged from 88 to 110 dB re 1 μPa (Risch *et al.,* 2012). The authors hypothesize that individuals did not leave the area but

instead ceased singing and noted that the duration and frequency range of the OAWRS signals (a novel sound to the whales) were similar to those of natural humpback whale song components used during mating (Risch *et al.,* 2012). Thus, the novelty of the sound to humpback whales in the study area provided a compelling contextual probability for the observed effects (Risch *et al.,* 2012). However, the authors did not state or imply that these changes had long-term effects on individual animals or populations (Risch *et al.,* 2012), nor did they necessarily rise to the level of an MMPA take. Thus, to address COA's concerns related to the results of this study, NMFS again notes that the USGS's study area is well away from any known breeding/calving grounds for low frequency cetaceans, thereby reducing further the likelihood of causing an effect on marine mammals.

NMFS considered the McCauley *et al.* (1998) paper (along with McCauley *et al.,* 2000) in the notice of the proposed IHA (79 FR 35642, June 23, 2014). Briefly, McCauley *et al.* (1998, 2000) studied the responses of migrating humpback whales off western Australia to a full-scale seismic survey with a 16-airgun array (2,678 in^3) and to playbacks using a single, 20-in^3 airgun. Both studies point to a contextual variability in the behavioral responses of marine mammals to sound exposure. The mean received level for initial avoidance of an approaching airgun was 140 dB re 1 μPa for resting humpback whale pods containing females. In contrast, some individual humpback whales, mainly males, approached within distances of 100 to 400 m (328 to 1,312 ft), where sound levels were 179 dB re 1 μPa (McCauley *et al.,* 2000). The authors hypothesized that the males gravitated towards the single operating airgun possibly due to its similarity to the sound produced by humpback whales breaching (McCauley *et al.,* 2000). Despite the evidence that some humpback whales exhibited localized avoidance reactions at received levels below 160 dB re 1 μPa, the authors found no evidence of any gross changes in migration routes, such as inshore/offshore displacement during seismic operations (McCauley *et al.,* 1998, 2000).

With repeated exposure to sound, many marine mammals may habituate to the sound at least partially (Richardson & Wursig, 1997). Bain and Williams (2006) examined the effects of a large airgun array (maximum total discharge volume of 1,100 in^3) on six species in shallow waters off British Columbia and Washington: Harbor seal, California sea lion (*Zalophus californianus*), Steller sea lion (*Eumetopias jubatus*), gray whale (*Eschrichtius robustus*), Dall's porpoise (*Phocoenoides dalli*), and the harbor porpoise. Harbor porpoises showed ''apparent avoidance response'' at received levels less than 145 dB re 1 μPa at a distance of greater than 70 km (37.8 nmi) from the seismic source (Bain and Williams, 2006). However, the tendency for greater responsiveness by harbor porpoise is consistent with their relative responsiveness to boat traffic and some other acoustic sources (Richardson *et al.* 1995; Southall *et al.,* 2007). In contrast, the authors reported that gray whales seemed to tolerate exposures to sound up to approximately 170 dB re 1 μPa (Bain and Williams, 2006) and Dall's porpoises occupied and tolerated areas receiving exposures of 170 to 180 dB re 1 μPa (Bain and Williams, 2006; Parsons *et al.,* 2009). The authors observed several gray whales that moved away from the airguns toward deeper water where sound levels were higher due to propagation effects resulting in higher noise exposures (Bain and Williams, 2006). However, it is unclear whether their movements reflected a response to the sounds (Bain and Williams, 2006). Thus, the authors surmised that the gray whale data (i.e., voluntarily moving to areas where they are exposed to higher sound levels) are ambiguous at best because one expects the species to be the most sensitive to the low-frequency sound emanating from the airguns (Bain and Williams, 2006).

DeRuiter *et al.* (2013) recently observed that beaked whales (considered a particularly sensitive species to sound) exposed to playbacks (i.e., simulated) of U.S. tactical mid-frequency sonar from 89 to 127 dB re 1 μPa at close distances responded notably by altering their dive patterns. In contrast, individuals showed no behavioral responses when exposed to similar received levels from *actual* U.S. tactical mid-frequency sonar operated at much further distances (DeRuiter *et al.,* 2013). As noted earlier, one must consider the importance of context (for example, the distance of a sound source from the animal) in predicting behavioral responses. Regarding the public comments submitted by Clark *et al.* (2012) in reference to NMFS's use of the current acoustic exposure criteria; please refer to our earlier response to COA.

None of these studies on the effects of airgun noise on marine mammals point to any associated mortalities, strandings, or permanent abandonment of habitat by marine mammals. Bain and Williams (2006) specifically conclude that ''. . . although behavioral changes were observed, the precautions utilized in the SHIPS survey did not result in any detectable marine mammal mortalities during the survey, nor were any reported subsequently by the regional marine mammal stranding network . . .'' McCauley *et al.* (2000) concluded that any risk factors associated with their seismic survey for migrating individuals ''. . . lasted for a comparatively short period and resulted in only small range displacement . . .'' Further, the total discharge volume of the airgun arrays cited in McCauley *et al.,* 1998, 2000; Bain and Williams, 2006 were generally smaller or slightly larger than the 6,600 in^3 array configurations planned for use during this survey (e.g., 2,768 in^3, McCauley *et al.,* 1998; 6,730 in^3, Bain and Williams, 2006). Thus, the USGS's 160-dB threshold radius may not reach the threshold distances reported in these studies.

Currently NMFS is in the process of revising its behavioral noise exposure criteria based on the best and most recent scientific information. NMFS will use these criteria to develop methodologies to predict behavioral responses of marine mammals exposed to sound associated with seismic surveys (primary source is airguns). Although using a uniform sound pressure level of 160-dB re 1 μPa for the onset of behavioral harassment for impulse noises may not capture all of the nuances of different marine mammal reactions to sound, it is an appropriate way to manage and regulate anthropogenic noise impacts on marine mammals until NMFS finalizes its acoustic guidelines.

Comment 33: NRDC *et al.* states that the use of a multi-pulse standard for behavior harassment is non-conservative, since it does not take into account the spreading of seismic pulses over time beyond a certain distance from the airgun array. NMFS's Open Water Panel for the Arctic, has twice characterized the airgun array as a mixed impulsive/continuous noise source and has stated that NMFS should evaluate its impacts on that basis. NMFS should not ignore the science and analysis in a number of papers showing that seismic exploration in the Arctic, the east Atlantic, off Greenland, and off Australia has raised ambient noise levels at significant distances from the airgun array.

Response: Propagation is complex and the physical property of sounds change as they travel through the environment making if often difficult to predict exactly when an impulsive source becomes more continuous (i.e., loses physical properties associated with impulsive sounds, such as fast rise and

high peak pressure). This is reason for classifying the behavioral thresholds based on characteristics at the source. However, it should be remembered that the 160 dB (rms) threshold for impulsive sounds was derived from data for mother-calf pairs of migrating gray whales (Malme *et al.* 1983, 1984) and bowhead whales (Richardson *et al.,* 1985; Richardson *et al.,* 1986) responding when specifically exposed to seismic airguns at distances farther from the source. Thus, the use of this threshold for behavioral response of marine mammals to seismic sources is appropriate (i.e., opposed to the 120 dB threshold which was based on responses to drilling and dredging activities). Furthermore, investigation of updated data since the derivation of the 160 dB threshold, indicates for the majority of behavioral responses associated with received levels below 160 dB are at distances fairly close to the source (less than 5 km) and have involved controlled playbacks to sources, which emphasizes that in addition to received level, other factors, like distance from the source or context of exposure are important considerations.

Comment 34: NRDC *et al.* states that NMFS must consider that even behavioral disturbance can amount to Level A take if it interferes with essential life functions through secondary effects (e.g., displacement from migration paths, risks of ship strike or predation). NRDC *et al.* state that NMFS must take into account the best available science and set lower thresholds for take by Level A harassment, which would lead to larger exclusion zones around the seismic survey.

Response: NMFS notes that Level B take has been defined previously in this document and specifically relates to behavioral disturbance, not the secondary effects the commenter notes. However, these secondary effects are very important and are considered in both the negligible impact analysis as well as qualitatively in the development of mitigation measures, via consideration of biologically important areas in the analysis and for time-area closures, or other important factors. Please see the response to comment 31 for a discussion of studies addressing PTS (Level A harassment).

Comment 35: NRDC *et al.* state that behavioral take thresholds for the impulsive component airgun noise should be based on peak pressure rather than on rms, or dual criteria based on both peak pressure and rms should be used. NRDC *et al.* state that alternatively, NMFS should use the most biologically conservative method for calculating rms, following Madsen (2005).

Response: NMFS disagrees that peak pressure is the appropriate metric associated with behavioral take. Peak pressure is more appropriate for injury associated with exposure at close distances to the source, not at distances where behavioral take is expected to occur (Southall *et al.,* 2007). Finally, NMFS does rely on Madsen (2005) for calculating rms sound pressure (i.e., duration window associated with 90% energy).

Comment 36: NRDC *et al.* states that NMFS has failed to analyze masking effects or set thresholds for masking.

Response: Exposure to seismic sources has been shown to have impacts on marine mammal vocalizations with sometimes animals vocalizing more (e.g., Di Iorio and Clark, 2009) in the presence of these sources and sometimes less (e.g., Blackwell *et al.,* 2013). Additionally, many species have short-term and long-term means of dealing with masking. However, the energetic consequences of these adaptations are unknown. Recent published models have allowed the ability to better quantify the effects of masking on baleen whales for certain underwater sound sources, like shipping (e.g., change in communication space; Clark *et al.,* 2009; Hatch *et al.,* 2012). However, models for other sources have not been published. NMFS's notice of the proposed IHA (79 FR 35642, June 23, 2014) described the potential effects of the seismic survey on marine mammals, including masking. In general, NMFS expects the masking effects of airgun pulses to be minor, given the normally intermittent nature of the pulses and the fact that the acoustic footprint of the survey is only expected to overlay a low number of low-frequency hearing specialists and is not in any specifically identified biologically important areas.

NEPA Concerns

Comment 37: NRDC *et al.* submitted comments on the first stated purpose of the study, which is to identify the outer limits of the U.S. continental shelf, also referred to as the ECS as defined by Article 76 of the Convention of the Law of the Sea. NRDC *et al.* comment that the first stated purpose is concerning because of its implications for expanded oil and gas exploration in the region. NRDC *et al.* state that any consideration of this study, and in particular the cumulative impact of the assessment, must include consideration of the fact that this study's underlying purpose may be to increase the area of the Mid-Atlantic that is open to oil and gas exploration and drilling and, therefore, must include an analysis of longer-term related effects on marine species and habitat of the various sources of increased disruption and harm caused by an influx of oil and gas exploration and drilling in the region.

Response: NMFS has fully considered the purposes of the seismic survey, the first of which is to identify the outer limits of the U.S. ECS. NMFS disagrees with the commenter's assessment of the underlying purpose of the study may be to increase the area of the Mid-Atlantic that is open to oil and gas exploration and drilling. The planned seismic survey is independent of oil and gas exploration, which is regulated by the Bureau of Ocean Energy Management. The EA prepared by USGS, which NMFS has adopted, provided detailed information about the first purpose of the study.

As explained in the previous notice for the proposed IHA (79 FR 35642, June 23, 2014), one purpose of the planned study is to define the seafloor and sub-seafloor that is part of the U.S. ECS. Only after the ECS is delineated can it be designated for conservation, management, resource exploitation, or other purposes. The planned project is part of an Interagency Task Force that has been in existence since 2007 to identify all the parts of the U.S. margins beyond 200 nmi where the U.S. can potentially exert its sovereign rights, whether that be for conservation, management, exploitation, or other purposes. Unless the ECS is delineated as part of the U.S., it could potentially be developed and utilized outside of the U.S. regulatory framework. The ultimate determination as to whether the outer limits of the ECS will be delineated as part of the continental shelf of the U.S. is partially dependent upon the data that would be collected on this seismic survey. The ECS program has investigated potential ECS in the Arctic, Atlantic, Gulf of Mexico, Bering Sea, Pacific West Coast, Gulf of Alaska, Central Pacific Line Islands, and Western Pacific (Marianas). Only the Arctic, Atlantic, Gulf of Mexico, and Bering Sea are likely to use the sediment thickness formula for defining the outer limits of the ECS.

The Atlantic margin is a priority for the U.S. ECS project. The Atlantic is probably the second largest region of ECS for the U.S. (second to the Arctic). The USGS participated in four field seasons of joint seismic-bathymetric work in the Arctic collaborative with the Geological Survey of Canada as the first priority between 2008 and 2011. An opportunity to collect data for the ECS

in the Pacific Ocean was possible in 2011, and at that time, data were collected in the Gulf of Alaska and the Bering Sea, two areas of potential U.S. ECS. Since 2011, the Atlantic has been the highest priority for gathering ECS-relevant seismic data, both for the ECS Interagency Task Force and the Coastal and Marine Geology Program of USGS.

The ECS project has teams that have been working in each region of the ECS for the U.S. since 2010. A preliminary assessment of existing data for the Atlantic margin was completed in 2012. Since that time, the final track line program has been proposed and modified per presentations to the ECS working group and the ECS seismic methodology team. This fiscal year (2014) is the first opportunity that both a ship and sufficient funding resources have been available for a field program in the Atlantic. Finishing data collection in 2015, would allow the Department of State sufficient time to complete the documentation of the outer limits of the ECS by the 2018 to 2019 deadline established in its 5-year program.

The planned activity is not related to oil and gas exploration and will not expand the area of the Mid-Atlantic that is open to oil and gas exploration and drilling. The BOEM Planning Areas examined in their final PEIS already extend to 350 nmi beyond the baselines of the U.S. (*http://www.boem.gov/Special-Information-Notice-February-2014/*). The tracklines for the USGS study do not extend beyond 350 nmi, which is the furthest outer limit distance that could be used to delineate the ECS. Hence the BOEM PEIS already includes any area would be potential ECS in the analysis, including in the cumulative effects analysis. It is therefore incorrect to assert that this seismic survey will expand the area of the Mid-Atlantic that is open to oil and gas exploration, and such, would be inappropriate to include any analysis to this effect in the cumulative effects assessment of the planned action.

Comment 38: NRDC *et al.* submitted comments on the second stated purpose of the study, which is to study the mass transport of sediments down the continental shelf as submarine landslides that may pose tsunamigenic (i.e., tsunami-related) hazards. NRDC *et al.* comment that there is little to substantiate the immediate need of the second stated purpose of the study. NRDC *et al.* comment that the draft EA offers no analysis of the ability to obtain information about sediment thickness and geologic structure by modeling or alternate means, no discussion of related survey data that may be available for extrapolation, nor any prediction of the actual risk to the Eastern Seaboard of a tsunami-related submarine landslide.

Response: NMFS first clarifies that the investigation of sediment thickness is related to the first purpose of the study, which is to establish the outer limits of the U.S. ECS. One of the criteria for defining the outer limits of the ECS under Article 76 involves measuring the thickness of the sediments beneath the seafloor but above the oceanic crust. The sediment thickness must be measured continuously from the foot of the continental slope seaward to a point where the outer limit point is identified. The established method for measuring sediment thickness is seismic reflection profiling (Kasuga *et al.,* 2000). Other scientific methods (such as measurements of marine gravity and magnetic anomalies) may be used to augment the geologic interpretation, but the internationally accepted method for measuring sediment thickness is seismic reflection profiling. An extensive review of the existing database (Hutchinson and other, 2004) demonstrated that existing seismic-reflection data are entirely insufficient to meet the line-spacing or velocity control requirements specified in Article 76. As part of the study, USGS plans to identify the locations of fracture zones, where the sediments could be thicker than in the intra-fracture zone regions. These fracture zones are the result of juxtaposing oceanic crust of different ages across ridge offsets during the spreading process. The 2014 part of the program (with lines parallel to the margin) is intended to identify the possible existence of fracture zones that are sub-perpendicular to the margin. If these fracture zones can be identified, the 2015 component of the seismic program is to then collect seismic data along tracks that follow where the sediment is thickest and therefore the size of the U.S. ECS can be established.

NMFS has fully considered the second purpose of the study, which is to study the sudden mass transport of sediments down the continental shelf as submarine landslides that may pose tsunamigenic (i.e., tsunami-related) hazards. The EA prepared by USGS, which NMFS adopted, provides detailed information about the second purpose of the study, including information about its immediate need, the availability and limitations of other data, and the risk to the Eastern Seaboard of a tsunami-related submarine landslide.

Since the 2004 Banda Aceh tsunami and the more recent 2010 Tohoku tsunami, the U.S. Nuclear Regulatory Agency has contracted with the USGS to evaluate tsunami hazards along the U.S. margins, because of the potential threat to, for example, nuclear power plants, coastal cities, industrial centers, and port facilities, including along the Atlantic. Other agencies such as FEMA offices in several coastal states and the City of Boston, Office of Emergency Management requested input and assessment from the USGS for their tsunami preparedness. Tsunamis on passive margins such as the Atlantic pose a challenge to regulators because these events are rare (i.e., low probability) but potentially devastating (i.e., high risk). The 1929 Grand Banks tsunami (Fine *et al.,* 2005), measured and modeled overpressures on the New Jersey margin that can cause slope failure (Dugan *et al.,* 2000), and evidence of enormous submarine landslides (such as the Cape Fear slide [Hornbach *et al.,* 2007]) demonstrate that the Atlantic margin is not immune to the potential tsunamigenic hazard. As part of its research into submarine landslides, the USGS has utilized a multi-pronged approach, for example, analytic and numerical models (Geist and Parsons, 2006; Geist *et al.,* 2009), geomorphologic analysis (Chaytor *et al.,* 2007; Twichell *et al.,* 2009; Locat *et al.,* 2010), regional assessments using existing data (ten Brink *et al.,* 2009; ten Brink *et al.,* 2014), geotechnical analysis (on-going), and laboratory studies (on-going). No single landslide, however, has been mapped from its origin (headwall on the continental slope) to its runout on the lower rise/abyssal plain, with supporting evidence to show the aggradational and structural relationships in the subsurface among the different parts of the composite landslide system. This lack of information prevents further modeling of the processes of these landslides and evaluating the potential tsunamigenic risks they have posed or could pose along the Atlantic margin. The proposed cruise offers the opportunity to study the vertical (depth) aspects of two major landslides on the U.S. margin, and therefore leverage federal resources across two scientific programs and projects (ECS and Natural Hazards). USGS is attempting to eliminate redundant seismic surveys by combing field work for two projects (ECS and Natural Hazards).

Comment 39: COA states that NMFS should prepare an Environmental Impact Statement (EIS), not an EA, to adequately consider the potentially significant impacts of the proposed action and full range of alternatives to the proposed action. COA also states that given that USGS's EA tiers to the NSF/USGS PEIS that was finalized in

2011, an updated EIS would provide information necessary to making an informed decision about the issuance of the IHA.

Response: In accordance with the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), USGS completed an EA titled, ''Environmental Assessment for Seismic Reflection Scientific Research Surveys during 2014 and 2015 in Support of Mapping the U.S. Atlantic Seaboard Extended Continental Margin and Investigating Tsunami Hazards.'' The EA was prepared by RPS Evan-Hamilton, Inc., in association with YOLO Environmental, Inc., GeoSpatial Strategy Group, and Ecology and Environment, Inc. on behalf of USGS. The EA analyzes the impacts on the human environment of conducting a seismic survey in the northwest Atlantic Ocean off the U.S. Eastern Seaboard (i.e., the action for which USGS applied to NMFS for an IHA). It includes an evaluation of three alternatives:

(1) The proposed seismic survey and issuance of an associated IHA,

(2) a no action alternative (i.e., do not issue an IHA and do not conduct the seismic survey), and

(3) a corresponding seismic survey at an alternative time, along with issuance of an associated IHA.

The EA tiers to the NSF and USGS's 2011 ''Programmatic Environmental Impact Statement/Overseas Environmental Impact Statement for Marine Seismic Research Funded by the National Science Foundation or Conducted by the U.S. Geological Survey'' (NSF/USGS PEIS). The EA also incorporates by reference the following documents per 40 CFR 1502.21 and NOAA Administrative Order (NAO) 216–6 § 5.09(d): The NSF's ''Environmental Analysis of a Marine Geophysical Survey by the R/V *Marcus G. Langseth* in the Northeast Atlantic Ocean, June–July 2013; the NSF's ''Draft Environmental Assessment of a Marine Geophysical Survey by the R/V Marcus G. Langseth in the Atlantic Ocean off Cape Hatteras, September–October 2014''; and the Bureau of Ocean Energy Management's 2014 ''Programmatic Environmental Impact Statement Atlantic Outer Continental Shelf (OCS) Proposed Geological and Geophysical Activities Mid-Atlantic and South Atlantic Planning Areas.''

NMFS independently reviewed USGS's EA, and concluded that the impacts evaluated by USGS are substantially the same as the impacts of the alternatives considered in issuing an IHA under the MMPA for USGS's marine seismic survey in the northwest Atlantic Ocean off the U.S. Eastern Seaboard during August to September 2014 and April to August 2015. In addition, NMFS evaluated USGS's EA and found that it includes all required components for adoption by NOAA, including sufficient evidence and analysis for determining whether to prepare an EIS or a Finding of No Significant Impact (FONSI), a brief discussion of need for the proposed action, a listing of the alternatives to the proposed action, a description of the affected environment, and a brief discussion of the environmental impacts of the proposed action and alternatives. Regarding the comment that the USGS EA tiers to the NSF/USGS PEIS that was finalized in 2011, NMFS notes that the USGS EA and the two NSF EAs incorporated by reference in the USGS EA incorporate site-specific and updated scientific information. As a result of this review, NMFS determined that it was not necessary to prepare a separate EA, Supplemental EA, or EIS to issue an IHA for USGS's proposed marine seismic survey, and adopted USGS's EA.

NOAA Administrative Order (NAO) 216–6 contains criteria for determining the significance of the impacts of a proposed action. In addition, the Council on Environmental Quality (CEQ) regulations at 40 CFR § 1508.27 state that the significance of an action should be analyzed both in terms of ''context'' and ''intensity.'' NMFS evaluated the significance of this action based on the NAO 216–6 criteria and CEQ's context and intensity criteria. Based on this evaluation, NMFS determined that issuance of this IHA to USGS would not significantly impact the quality of the human environment and issued a FONSI. Accordingly, preparation of an EIS is not necessary. NMFS's determination and evaluation of the NAO 216–6 criteria and CEQ's context and intensity criteria are contained within the FONSI issued for this action.

Comment 40: COA states that the NEPA document must be made available for public review and comment. COA states that the public was not offered an opportunity to comment on the proposed project until the issuance of the proposed IHA on June 23, 2014.

Response: NMFS notes that USGS's draft EA was posted on the USGS Web site for a 30-day public comment period from May 20 to June 20, 2014. The draft EA was also posted on the NSF Web site. USGS received no public comment or inquiries on the draft EA during that period. NMFS also made the draft EA available to the public on the NMFS permit Web site (*http://www.nfms.noaa.gov/per/permits/incidental.htm#applications*) concurrently with the release of the **Federal Register** notice for the proposed IHA (79 FR 35642, June 23, 2014). NMFS shared comments on the draft EA received during the 30-day IHA comment period with USGS and NSF. USGS considered the public comments received during the 30-day IHA comment period in preparing the final IHA. NMFS also considered all public comments received in evaluating the sufficiency of the USGS EA and in preparing the final IHA.

Comment 41: COA states that the EA does not devote sufficient discussion to alternatives including alternative times of year and additional monitoring activities.

Response: The NEPA and the implementing CEQ regulations (40 CFR parts 1500–1508) require consideration of alternatives to proposed major federal actions and NAO 216–6 provides agency policy and guidance on the consideration of alternatives to our proposed action. An EA must consider all reasonable alternatives, including the No Action alternative. This provides a baseline analysis against which we can compare the other alternatives.

The USGS EA addresses the potential environmental impacts of three choices available to us under section 101(a)(5)(D) of the MMPA, namely:

- The proposed seismic survey and the issuance of an associated IHA;
- A corresponding seismic survey at an alternative time, along with issuance of an associated IHA; or
- A no action alternative, with no issuance of an IHA and no seismic survey.

To warrant detailed evaluation as a reasonable alternative, an alternative must meet our purpose and need. In this case, an alternative meets the purpose and need if it satisfied the requirements under section 101(a)(5)(D) of the MMPA. Each alternative must also be feasible and reasonable in accordance with the President's Council on Environmental Quality regulations (40 CFR §§ 1500–1508). NMFS evaluated potential alternatives against these criteria.

NMFS disagrees with the commenter's assessment that the USGS EA did not sufficiently evaluate alternatives, including alternative times of year. The USGS EA considered, but rejected, conducting the seismic survey at a different time of the year, along with issuance of an associated IHA. Regarding seasonal distributions of marine mammals, the EA considers seasonal distributions through descriptions presented in Chapter 3.

The EA concludes that ''[m]ost marine mammal species are year-round residents in the North Atlantic, based on the number of OBIS sightings in the Study Area and adjacent waters, so altering the timing of the proposed project likely would result in no net benefits for those species'' (see USGS EA section 4.4).

With respect to scheduling the survey during winter, the EA states that weather conditions in the Atlantic Ocean and ship schedules also constrain the possible time window of the seismic survey to May through September. Because of generally higher sea states in winter, winter is an unsafe time for conducting experiments when ship maneuverability is limited, as it is towing an 8 km long streamer. Scheduling the seismic survey in mid-summer when daylight hours are maximized and sea states are generally minimal facilitates observations and identifications of marine wildlife.

The EA concludes that the proposed dates for the cruise under the Preferred Alternative (August to September 2014 and April to August 2015) are the most suitable, from a logistical perspective, for the *Langseth,* essential equipment and the participating scientists and personnel. The 2014 seismic survey is also scheduled so that the subsequent proposed seismic survey (GeoPRISMS/ENAM) on the *Langseth* scheduled from mid-September to early October does not interfere with North Atlantic right whale migrations. If the IHA is issued for another period, it could result in significant delay and disruption not only of the proposed seismic survey, but of subsequent studies that are planned on the *Langseth* for 2014, 2015, and beyond.

Regarding the mitigation and monitoring measures suggested by COA, NMFS determined that the measures were not feasible or already required. Pre-survey observations and post-survey monitoring are not feasible due to the length of the tracklines, the distance of the action area from shore, and the *Langseth's* schedule. With respect to aerial surveys, see the response to comment 23. With respect to exclusion zones and sound thresholds, see the responses to comments 31 to 36. With respect to activity during low light and nighttime conditions, see the response to comment 27. With respect to night vision technology, the IHA requires that PSVOs have access to night vision devices. For additional required mitigation measures, see the ''Mitigation'' section below. NMFS determined, based on the best available data, that the mitigation and monitoring measures required by the IHA are the most feasible and effective measures capable of implementation by USGS during the planned seismic survey.

Comment 42: COA states that in its discussion of the No Action alternative, the EA does not adequately qualify the benefits of the No Action alternative, in which the proposed action would not proceed and marine mammals would not be subject to harassment, in relation to the costs.

Response: Concerning the benefits of the No Action alternative, the EA addresses this concern in section 4.5, where it states that ''the No Action alternative would result in no disturbance to marine mammals or sea turtles attributable to the planned seismic survey.'' Concerning the costs of the No Action alternative, the EA states that the No Action alternative would not meet the purpose and need for the proposed activities. As stated in the EA, ''[t]he U.S. would not be able to define the ECS and therefore not be able to exercise its sovereign rights over the seafloor and sub-seafloor because it would lack the data to determine the extent of its sovereign rights. Nor would USGS have an important data set to contribute to its accurate assessment of submarine landslide and tsunami hazards along the east coast'' (USGS EA, section 4.5).

Comment 43: NRDC *et al.* state that USGS fails to adequately assess cumulative impacts of the activity. NRDC *et al.* state that NMFS and USGS must analyze both auditory and behavioral impacts of repeated exposure to noise pollution on a population that may alter behavior. NRDC et al. also state that the cumulative impact analysis must include a full evaluation of the cumulative impacts of oil and gas seismic surveys planned for and anticipated in the Atlantic; the L–DEO seismic survey off New Jersey and other NSF or USGS planned seismic surveys; and military and testing sonar activities.

Response: NMFS disagrees with commenters' assessment. The USGS EA and the documents it incorporates analyze the effects of the seismic survey in light of other human activities in the study area, including the activities the commenters reference. The NSF/USGS PEIS, which the USGS EA tiers to, also analyzes the cumulative impacts of NSF-funded and USGS-conducted seismic surveys. The USGS EA, which NMFS adopted, concludes that the impacts of USGS's proposed seismic survey in the Atlantic Ocean are expected to be more than minor and short-term with no potential to contribute to cumulatively significant impacts. NMFS independently reviewed USGS's EA and concluded that the impacts evaluated by USGS are substantially the same as the impacts of the alternatives considered in issuing an IHA, under the MMPA, for USGS's seismic survey. As explained in NMFS' FONSI, NMFS expect the following combination of activities to result in no more than minor and short-term impacts to marine mammals in the survey area in terms of overall disturbance effects: (1) NMFS's issuance of an IHA with prescribed mitigation and monitoring measures for the seismic survey; (2) past, present, and reasonably foreseeable future research in the northwest Atlantic Ocean off the Eastern Seaboard; (3) vessel traffic, noise, and collisions; (4) commercial and recreational fishing; (5) military activities; (6) oil and gas activities; and (7) submarine cable installation activities.

NMFS notes that section 4.1.2.3 of the NSF/USGS PEIS specifically addresses the cumulative impacts of repeated exposure to noise, including potential exposure to multiple NSF or USGS seismic surveys and potential exposure to NSF or USGS seismic surveys and other activities that produce underwater noise. It states that ''no impacts are anticipated at the regional population level. The few, relatively short, localized NSF or USGS seismic surveys in the context of the ocean-region basis would not have more than a negligible cumulative effect on marine mammals at the individual or population level. Possible exceptions are local non-migratory populations or populations highly concentrated in one area at one of year (e.g., for breeding). However, the latter scenario would be mitigated by timing and locating proposed seismic surveys to avoid sensitive seasons and/or locations important to marine mammals, especially those that are ESA-listed.'' It further states that ''there is no evidence that [short-term behavioral changes], whether considered alone or in succession, result in long-term adverse impacts to individuals or populations assuming important habitats or activities are not disturbed. Furthermore, long-migrating marine mammals in particular have undoubtedly been exposed to many anthropogenic underwater sound activities for decades in all ocean basins. Many of these populations continue to grow despite a preponderance of anthropogenic marine activities that may have been documented to disturb some individuals behaviorally (e.g., Hildebrand, 2004).''

General Concerns

Comment 44: COA states that NMFS must take best available science and the precautionary principle into account.

Response: NMFS's determinations, in order to meet the requirements of section 101(a)(5)(D) of the MMPA, use peer-reviewed data that are based on the best available science regarding the biology of animals affected and the propagation of underwater sounds from sources during the seismic survey. This information is supported by USGS's IHA application and EA.

Comment 45: NRDC *et al.* state that USGS and NMFS fail to adequately assess impacts on the North Atlantic right whale. NRDC *et al.* also state that the seismic survey does not include any time-area closures to reduce impacts on North Atlantic right whales, nor does it provide any quantitative or even detailed qualitative analysis of masking effects or other cumulative, sub-lethal impacts on North Atlantic right whales.

Response: NMFS disagrees with the NRDC *et al.'s* comments and has adequately assessed impacts to the North Atlantic right whale. The seismic survey's tracklines avoid the northeast Atlantic Ocean designated critical habitat by approximately 190 km (102.6 nmi) and avoid the southeast Atlantic Ocean designated critical habitat by approximately 519 km (280.2 nmi). The probability of vessel and marine mammal interactions (e.g., ship strike) is highly unlikely due to the low density of right whales and other mysticetes in the survey area, as well as the *Langseth's* slow operational speed, which is typically 4.5 kts (8.5 km/hr, 5.3 mph). Outside of airgun operations, the *Langseth's* cruising speed will be approximately 10 kts (18.5 km/hr, 11.5 mph), which is generally below the speed at which studies have noted reported increases of marine mammal injury or death (Laist *et al.,* 2001). Responses 5, 21, and 36 provide responses to concerns about masking effects and the use of the multi-beam echosounder.

Considering the rarity and conservation status for the North Atlantic right whale, the airguns will be shut-down immediately in the unlikely event that this species is observed, regardless of the distance from the *Langseth.* The airgun array shall not resume firing (with ramp-up) until 30 minutes after the last documented North Atlantic right whale visual sighting. This mitigation measure is a requirement in the IHA issued to USGS.

Comment 46: NRDC *et al.* states that NMFS fails to analyze impacts on fish and other species of concern. NRDC *et al.* state that the proposed IHA assumes without support that effects on both fish and fisheries would be localized and minor. NRDC *et al.* urges NMFS to improve its analysis.

Response: NMFS disagrees with NRDC *et al.'s* assessment. NMFS adopted the USGS EA, which describes marine fish in section 3.7, EFH in section 3.8.2, and considers the impacts of the survey on fish, EFH and fisheries in sections 4.2.5 and 4.2.7. The USGS EA tiers to the NSF/USGS PEIS, which also analyzes the impacts of seismic surveys on fish. All of the studies cited by NRDC *et al.* regarding fish are cited in the NSF/USGS PEIS (Appendix D) together with numerous additional studies that document the limited and sometimes conflicting knowledge about the acoustic capabilities of fish and the effects of airgun sound on fish. The EA's conclusion that ''the direct effects of the seismic survey and its noise may have minor effects on marine fisheries that are generally reversible, of limited duration, magnitude, and geographic extent when considering individual fish, and not measurable at the population level'' is well supported. NMFS also evaluated the impacts of the seismic survey on fish and invertebrates in the notice of the proposed IHA (79 FR 35642, June 23, 2014). NMFS included a detailed discussion of the potential effects of this action on marine mammal habitat, including physiological and behavioral effects on marine fish and invertebrates.

Comment 47: NRDC *et al.* states that USGS did not provide any meaningful analysis of the proposed action's impacts on essential fish habitat (EFH). NRDC *et al.* states that NMFS has a statutory obligation to consult on the impact of federal activities on EFH under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). NRDC *et al.* states that the EFH consultation for the action is inadequate.

Response: NMFS disagrees with the commenters' assessment. As discussed in the response to comment 46, the NSF/USGS PEIS, the USGS EA, and other environmental assessment that the USGS EA incorporates identify EFH within the project area and evaluate the impacts of the seismic survey on EFH. USGS EA (see section 3.8.2) and the NSF/USGS PEIS (see section 3.3.2.1) discuss the seismic survey's impacts on EFH. In the site-specific EA, USGS determined that the seismic survey is restricted to the surface waters and thus there would be no physical contact or disturbance with EFH. NMFS adopted the USGS EA after evaluating it for sufficiency.

USGS requested a determination from the NMFS, Habitat Conservation Divisions of the Southeast Regional and Greater Atlantic Regional Fisheries Offices, whether the seismic survey required a formal consultation. In a letter dated June 20, 2014, NMFS stated that in accordance with the MSA, EFH has been identified and described in the EEZ portions of the study area by the New England, Mid-Atlantic and South Atlantic Fishery Management Councils and NMFS. The letter acknowledged that USGS and NSF, as the federal action agency for this action, determined the proposed seismic survey may result in minor adverse impacts to water column habitats identified and described as EFH. NMFS stated that the Habitat Conservation Divisions in the Southeast Regional and Greater Atlantic Regional Fisheries Offices reviewed that analysis and the proposed mitigation measures contained in the NSF/USGS PEIS and the EA prepared for this action. Upon considering the design and nature of the seismic survey, NMFS had no EFH conservation recommendations to provide pursuant to section 305(b)(2) of the MSA. NMFS stated additional research and monitoring is needed to gain a better understanding of the potential effects these activities may have on EFH, federally managed species, their prey and other NOAA trust resources, and recommended that this type of research should be a component of future NSF-funded seismic surveys. USGS agree that this is an area of needed research.

The issuance of an IHA and the mitigation and monitoring measures required by the IHA would not affect ocean and coastal habitat or EFH. Therefore, NMFS, Office of Protected Resources, Permits and Conservation Division has determined that an EFH consultation is not required.

Comment 48: NRDC *et al.* states that NMFS must fully comply with the ESA and develop a robust Biological Opinion based on the best available science. They state that NMFS should evaluate the impact of the seismic survey on new sea turtle and potential right whale critical habitat. They further urge NMFS to establish more stringent mitigation measures to protect ESA-listed species than are currently proposed by the IHA.

Response: Section 7(a)(2) of the ESA requires that each federal agency insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat of such species. Of the species of marine mammals that may occur in the action

area, several are listed as endangered under the ESA, including the North Atlantic right, humpback, sei, fin, blue, and sperm whales. Designated critical habitat for the Northwest Atlantic Ocean Distinct Population Segment of loggerhead sea turtles (*Caretta caretta*) also occur in the action area.

Under section 7 of the ESA, USGS initiated formal consultation with the NMFS, Office of Protected Resources, Endangered Species Act Interagency Cooperation Division, on this seismic survey. NMFS's Office of Protected Resources, Permits and Conservation Division, also initiated and engaged in formal consultation under section 7 of the ESA with NMFS's Office of Protected Resources, Endangered Species Act Interagency Cooperation Division, on the issuance of an IHA under section 101(a)(5)(D) of the MMPA for this activity. These two consultations were consolidated and addressed in a single Biological Opinion addressing the effects of the proposed actions on threatened and endangered species as well as designated critical habitat. The Biological Opinion concluded that both actions (i.e., the USGS seismic survey and NMFS's issuance of an IHA) are not likely to jeopardize the existence of cetaceans and sea turtles and would have no effect on critical habitat. NMFS's Office of Protected Resources, Endangered Species Act Interagency Cooperation Division relied on the best scientific and commercial data available in conducting its analysis.

Although critical habitat is designated for the North Atlantic right whale, no critical habitat for North Atlantic right whales occurs in the action area. The North Atlantic right whale critical habitat in the northeast Atlantic Ocean can be found online at: *http://www.nmfs.noaa.gov/pr/pdfs/criticalhabitat/n_rightwhale_ne.pdf*. The North Atlantic right whale critical habitat in the southeast Atlantic Ocean can be found online at: *http://www.nmfs.noaa.gov/pr/pdfs/criticalhabitat/n_rightwhale_se.pdf*. The survey trackline that has the closest approach to the northeast Atlantic Ocean designated critical habitat is approximately 190 km (102.6 nmi) from the area. The trackline that has the closest approach to the southeast Atlantic Ocean designated critical habitat is approximately 519 km (280.2 nmi) from the area. The Biological Opinion considers the distribution, migration and movement, general habitat, and designated critical habitat of the North Atlantic right whale in its analysis.

NMFS's Office of Protected Resources, Permits and Conservation Division also considered the conservation status and habitat of ESA-listed marine mammals. Included in the IHA are special procedures for situations or species of concern (see ''Mitigation'' section below). If a North Atlantic right whale is visually sighted during the survey, the airgun array must be shut-down regardless of the distance of the animal(s) to the sound source. The array will not resume firing until 30 minutes after the last documented whale visual sighting. Concentrations of humpback, sei, fin, blue, and/or sperm whales will be avoided if possible (i.e., exposing concentrations of animals to 160 dB), and the array will be powered-down if necessary. For purposes of the survey, a concentration or group of whales will consist of six or more individuals visually sighted that do not appear to be traveling (e.g., feeding, socializing, etc.). NMFS's Office of Protected Resources, Endangered Species Act Interagency Cooperation Division issued an Incidental Take Statement (ITS) incorporating the requirements of the IHA as Terms and Conditions of the ITS. Compliance with the ITS is likewise a mandatory requirement of the IHA. NMFS's Office of Protected Resources, Permits and Conservation Division has determined that the mitigation measures required by the IHA provide the means of effecting the least practicable impact on species or stocks and their habitat, including ESA-listed species.

Comment 49: NRDC *et al.* states that the Coastal Zone Management Act (CZMA) requires that applicants for federal permits to conduct an activity affecting a natural resource of the coastal zone of a state ''shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the enforceable policies of the state's approved program and that such activity will be conducted in a manner consistent with the program.'' NRDC *et al.* states that the marine mammals and fish that will be affected by the seismic survey are all ''natural resources'' protected by the coastal states' coastal management program, and that states should be given the opportunity to review the IHA for consistency with their coastal management programs.

Response: As the lead federal agency for the planned seismic survey, USGS considered whether the action would have effects on the coastal resources of any state along the U.S. Eastern Seaboard. As concluded in the USGS EA, any potential impacts from the seismic survey would mainly be to marine species in close proximity to the vessel and would be of a short duration and temporary in nature. Because the planned seismic survey will occur in deep water and long distances from the U.S. East Coast, USGS concluded the seismic survey would have no effect on coastal zone resources. The seismic survey would occur in approximately 2,000 to 5,000 m water depth, and most of the tracklines would occur beyond 463 to 648.2 km (250 to greater than 350 nmi) offshore. The closest approach to land will be approximately 170 km (92 nmi). USGS reviewed the Federal Consistency Listings for the states along the East Coast and determined that the action is not listed. USGS did not receive a request from any state for a consistency review of the unlisted activity. Therefore, it was concluded that USGS met all of the responsibilities under the CZMA. USGS and NSF also discussed the proposed seismic survey with the NOAA Office of Ocean and Coastal Resource Management (OCRM) to confirm the agencies responsibilities under CZMA for the planned unlisted activity.

Comment 50: One private citizen opposed the issuance of an IHA by NMFS and the conduct of the seismic survey in the northwest Atlantic Ocean off the Eastern Seaboard, August to September 2014 and April to August 2015, by USGS. The commenter states that NMFS should protect marine life from harm.

Response: As described in detail in the notice for the proposed IHA (79 FR 35642, June 23, 2014), as well as in this document, NMFS does not believe that USGS's seismic survey would cause injury, serious injury, or mortality to marine mammals, and no take by injury, serious injury, or mortality is authorized. The required monitoring and mitigation measures that USGS will implement during the seismic survey will further reduce the potential impacts on marine mammals to the lowest levels practicable. NMFS anticipates only behavioral disturbance to occur during the conduct of the seismic survey.

Description of the Marine Mammals in the Specified Geographic Area of the Specified Activity

Forty-five species of marine mammal (37 cetaceans [whales, dolphins, and porpoises] including 30 odontocetes and 7 mysticetes, 7 pinnipeds [seals and sea lions], and 1 sirenian [manatees]) are known to occur in the western North Atlantic Ocean study area (Read *et al.,* 2009; Waring *et al.,* 2013). Of those 45 species of marine mammals, 34 cetaceans could be found or are likely to occur in the study area during the spring/summer/fall months. Several of

these species are listed as endangered under the U.S. Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*), including the North Atlantic right (*Eubalaena glacialis*), humpback (*Megaptera novaeangliae*), sei (*Balaenoptera borealis*), fin (*Balaenoptera physalus*), blue (*Balaenoptera musculus*), and sperm (*Physeter macrocephalus*) whales. The white-beaked dolphin (*Lagenorhynchus albirostris*) generally occurs north of the of the planned study area and no take has been authorized. The harbor porpoise (*Phocoena phocoena*) usually occur in shallow nearshore waters, but occasionally travel over deep offshore waters. The four pinniped species (harbor [*Phoca vitulina*], harp [*Phoca groenlandica*], gray [*Halichoerus grypus*], and hooded [*Cystophora cristata*] seals) are also considered coastal species (any sightings would be considered extralimital) and are not known to occur in the deep waters of the survey area. No pinnipeds are expected to be present in the planned study area, and not take has been authorized for pinnipeds. The West Indian manatee (*Trichechus manatus latirostris*) is listed as endangered under the ESA and is managed by the U.S. Fish and Wildlife Service and is not considered further in this IHA notice.

General information on the taxonomy, ecology, distribution, seasonality and movements, and acoustic capabilities of marine mammals are given in sections 3.6.1, 3.7.1, and 3.8.1 of the NSF/USGS PEIS. The general distribution of mysticetes, odontocetes, and pinnipeds in the North Atlantic Ocean is discussed in sections 3.6.3.4, 3.7.3.4, and 3.8.3.4 of the NSF/USGS PEIS, respectively. In addition, Section 3.1 of the ''Atlantic OCS Proposed Geological and Geophysical Activities Mid-Atlantic and South Atlantic Planning Areas Draft Programmatic Environmental Impact Statement'' (Bureau of Ocean Energy Management, 2012) reviews similar information for all marine mammals that may occur within the study area.

Various systematic surveys have been conducted throughout the western North Atlantic Ocean, including within sections of the study area. Records from the Ocean Biogeographic Information System (OBIS) database hosted by Rutgers University and Duke University (Read *et al.,* 2009) were used as the main source of information. The database includes survey data collected during the Cetaceans and Turtle Assessment Program (CeTAP) conducted between 1978 and 1982 that consists of both aerial and vessel-based surveys between Cape Hatteras, North Carolina, and the Gulf of Maine. The database also includes survey data collected during the NMFS Northeast Fisheries Science Center and Southeast Fisheries Science Center stock assessment surveys conducted in 2004 (surveys between Nova Scotia, Canada, and Florida).

No known current regional or stock abundance estimates are available in the study area of the northwest Atlantic Ocean for the Bryde's whale (*Balaenoptera edeni*), Fraser's (*Lagenodelphis hosei*), spinner (*Stenella longirostris*), and Clymene dolphin (*Stenella clymene*), and melon-headed (*Peponocephala electra*), pygmy killer (*Feresa attenuata*), false killer (*Pseudorca crassidens*), and killer whales (*Orcinus orca*). Although NMFS does not have current regional population or stock abundance estimates for these species in the northwest Atlantic Ocean, NMFS provides below general information about their global distribution and occurrence in the survey area.

Bryde's whales are distributed worldwide in tropical and sub-tropical waters. In the western North Atlantic Ocean, Bryde's whales are reported from off the southeastern U.S. and the southern West Indies to Cabo Frio, Brazil (Leatherwood and Reeves, 1983). No stock of Bryde's whales has been identified in U.S. waters of the Atlantic coast.

Fraser's dolphins are distributed worldwide in tropical waters and are assumed to be part of the cetacean fauna of the tropical western North Atlantic (Perrin *et al.,* 1994). There are no abundance estimates for either the western North Atlantic or the northern Gulf of Mexico stocks. The western North Atlantic population is provisionally being considered a separate stock for management purposes, although there is currently no information to differentiate this stock from the northern Gulf of Mexico stock. The numbers of Fraser's dolphins off the U.S. or Canadian Atlantic coast are unknown, and seasonal abundance estimates are not available for this stock, since it was rarely seen in any surveys. The population size for Fraser's dolphins is unknown; however, about 289,000 animals occur in the eastern tropical Pacific Ocean (Jefferson *et al.,* 2008).

Spinner dolphins are distributed in oceanic and coastal tropical waters (Leatherwood *et al.,* 1976). This is presumably an offshore, deep-water species, and its distribution in the Atlantic is poorly known (Schmidly, 1981; Perrin and Gilpatrick, 1994). The western North Atlantic population of spinner dolphins is provisionally being considered a separate stock for management purposes, although there is currently no information to differentiate this stock from the northern Gulf of Mexico stock. The numbers of spinner dolphins off the U.S. or Canadian Atlantic coast are unknown, and seasonal abundance estimates are not available for this stock since it was rarely seen in any of the surveys.

The Clymene dolphin is endemic to tropical and sub-tropical waters of the Atlantic (Jefferson and Curry, 2003). The western North Atlantic population of Clymene dolphins is provisionally considered a separate stock for management purposes, although there is currently no information to differentiate this stock from the northern Gulf of Mexico stock. The numbers of Clymene dolphins off the U.S. or Canadian Atlantic coast are unknown, and seasonal abundance estimates are not available for this species since it was rarely seen in any surveys. The best abundance estimate for the Clymene dolphin in the western North Atlantic was 6,086 in 2003 and represents the first and only estimate to date for this species in the U.S. Atlantic EEZ; however this estimate is older than eight years and is deemed unreliable (Wade and Angliss, 1997; Mullin and Fulling, 2003).

The melon-headed whale is distributed worldwide in tropical to sub-tropical waters (Jefferson *et al.,* 1994). The western North Atlantic population is provisionally being considered a separate stock from the northern Gulf of Mexico stock. The numbers of melon-headed whales off the U.S. or Canadian Atlantic coast are unknown, and seasonal abundance estimates are not available for this stock, since it was rarely seen in any surveys.

The pygmy killer whale is distributed worldwide in tropical to sub-tropical waters and is assumed to be part of the cetacean fauna of the tropical western North Atlantic (Jefferson *et al.,* 1994). The western North Atlantic population of pygmy killer whales is provisionally being considered one stock for management purposes. The numbers of pygmy killer whales off the U.S. or Canadian Atlantic coast are unknown, and seasonal abundance estimates are not available for this stock, since it was rarely seen in any surveys.

The false killer whale is distributed worldwide throughout warm temperate and tropical oceans (Leatherwood and Reeves, 1983). No stock has been identified for false killer whales in U.S. waters off the Atlantic coast.

Killer whales are characterized as uncommon or rare in waters of the U.S. Atlantic EEZ (Katona *et al.,* 1988). Their

distribution, however, extends from the Arctic ice-edge to the West Indies, often in offshore and mid-ocean areas. The size of the western North Atlantic stock population off the eastern U.S. coast is unknown. No information on stock differentiation for the Atlantic Ocean population exists, although an analysis of vocalizations of killer whales from Iceland and Norway indicated that whales from these areas may represent different stocks (Moore *et al.,* 1988). There are estimated to be at least approximately 92,500 killer whales worldwide (i.e., 80,000 south of Antarctic Convergence, 445 in Norway, 8,500 in eastern tropical Pacific Ocean, 1,500 in North America coastal waters, and 2,000 in Japanese waters) (Jefferson *et al.,* 2008).

Table 3 (below) presents information on the abundance, distribution, population status, and conservation status of the species of marine mammals that may occur in the planned study area during August to September 2014 and April to August 2015.

TABLE 3—THE HABITAT, OCCURRENCE, RANGE, ABUNDANCE, AND CONSERVATION STATUS OF MARINE MAMMALS THAT MAY OCCUR IN OR NEAR THE SEISMIC SURVEY AREA IN THE NORTHWEST ATLANTIC OCEAN

[Off the Eastern Seaboard]

[See text and Table 3 in USGS's IHA application for further details]

Species	Habitat	Occurrence	Range in Atlantic Ocean	Population estimate in the North Atlantic region/ stock/other [3]	ESA [1]	MMPA [2]
Mysticetes:						
North Atlantic right whale (*Eubalaena glacialis*).	Pelagic, shelf and coastal	Regular	Canada to Florida	455/455 (Western Atlantic stock).	EN	D.
Humpback whale (*Megaptera novaeangliae*).	Mainly nearshore, banks	Regular	Canada to Caribbean	11,600 [4]/823 (Gulf of Maine stock).	EN	D.
Minke whale (*Balaenoptera acutorostrata*).	Pelagic and coastal	Regular	Arctic to Caribbean	138,000 [5]/20,741 (Canadian East Coast stock).	NL	NC.
Bryde's whale (*Balaenoptera edeni*).	Coastal, offshore	Rare	40° North to 40° South	NA/NA/33 (Northern Gulf of Mexico stock)/20,000 to 30,000 [16] (North Pacific Ocean).	NL	NC.
Sei whale (*Balaenoptera borealis*).	Primarily offshore, pelagic	Rare	Canada to New Jersey	10,300 [6]/357 (Nova Scotia stock).	EN	D.
Fin whale (*Balaenoptera physalus*).	Continental slope, pelagic	Regular	Canada to North Carolina	26,500 [7]/3,522 (Western North Atlantic stock).	EN	D.
Blue whale (*Balaenoptera musculus*).	Pelagic, shelf, coastal	Rare	Arctic to Florida	855 [8]/NA (Western North Atlantic stock, 440 minimum).	EN	D.
Odontocetes:						
Sperm whale (*Physeter macrocephalus*).	Pelagic, slope, canyons, deep sea.	Regular	Canada to Caribbean	13,190 [9]/2,288 (North Atlantic stock).	EN	D.
Pygmy sperm whale (*Kogia breviceps*).	Deep waters off shelf	Rare	Massachusetts to Florida	NA/3,785 (Western North Atlantic stock).	NL	NC.
Dwarf sperm whale (*Kogia sima*).	Deep waters off shelf	Rare	Massachusetts to Florida		NL	NC.
Cuvier's beaked whale (*Ziphius cavirostris*).	Pelagic, slope, canyons	Rare	Canada to Caribbean	NA/6,532 (Western North Atlantic stock).	NL	NC.
Northern bottlenose whale (*Hyperoodon ampullatus*).	Pelagic	Rare	Arctic to New Jersey	40,000 [10]/NA (Western North Atlantic stock).	NL	NC.
True's beaked whale (*Mesoplodon mirus*).	Pelagic, slope, canyons	Rare	Canada to Bahamas	NA/7,092 (Western North Atlantic stock).	NL	NC.
	Pelagic, slope, canyons	Rare	Canada to Florida		NL	NC.
Gervais' beaked whale (*Mesoplodon europaeus*).	Pelagic, slope, canyons	Rare	Canada to Florida		NL	NC.
Sowerby's beaked whale (*Mesoplodon bidens*).						
Blainville's beaked whale (*Mesoplodon densirostris*).	Pelagic, slope, canyons	Rare	Canada to Florida		NL	NC.
Bottlenose dolphin (*Tursiops truncatus*).	Coastal, oceanic, shelf break	Regular	Canada to Florida	NA/77,532 (Western North Atlantic Offshore stock).	NL	NC.
Atlantic white-sided dolphin (*Lagenorhynchus acutus*).	Shelf and slope	Regular	Greenland to North Carolina	10,000 to 100,000s [11]/48,819 (Western North Atlantic stock).	NL	NC.
White-beaked dolphin (*Lagenorhynchus albirostris*).	Shelf, offshore	Rare	Cape Cod to Canada and Europe.	7,800 [16] (North Sea)/2,003 (Western North Atlantic stock).	NL	NC.
Fraser's dolphin (*Lagenodelphis hosei*).	Shelf and slope	Rare	North Carolina to Florida	NA/NA (Western North Atlantic stock)/289,000 [16] (eastern tropical Pacific Ocean).	NL	NC.
Atlantic spotted dolphin (*Stenella frontalis*).	Shelf, offshore	Regular	Massachusetts to Caribbean	NA/44,715 (Western North Atlantic stock).	NL	NC.
Pantropical spotted dolphin (*Stenella attenuata*).	Coastal, shelf, slope	Regular	Massachusetts to Florida	NA/3,333 (Western North Atlantic stock).	NL	NC.
Striped dolphin (*Stenella coeruleoalba*).	Off continental shelf, convergence zones, upwelling.	Regular	Canada to Caribbean	NA/54,807 (Western North Atlantic stock).	NL	NC.

TABLE 3—THE HABITAT, OCCURRENCE, RANGE, ABUNDANCE, AND CONSERVATION STATUS OF MARINE MAMMALS THAT MAY OCCUR IN OR NEAR THE SEISMIC SURVEY AREA IN THE NORTHWEST ATLANTIC OCEAN—Continued

[Off the Eastern Seaboard]

[See text and Table 3 in USGS's IHA application for further details]

Species	Habitat	Occurrence	Range in Atlantic Ocean	Population estimate in the North Atlantic region/stock/other [3]	ESA [1]	MMPA [2]
Spinner dolphin (*Stenella longirostris*).	Mainly nearshore	Rare	Maine to Caribbean	NA/NA (Western North Atlantic stock)/11,441 (Northern Gulf of Mexico stock)/1,250,000 [16] (eastern tropical Pacific Ocean).	NL	NC.
Clymene dolphin (*Stenella clymene*).	Coastal, shelf, slope	Rare	North Carolina to Florida	NA/NA (Western North Atlantic stock—6,086 in 2003)/129 (Northern Gulf of Mexico stock).	NL	NC.
Short-beaked common dolphin (*Delphinus delphis*).	Shelf, pelagic, seamounts	Regular	Canada to Georgia	NA/173,486 (Western North Atlantic stock).	NL	NC.
Rough-toothed dolphin (*Steno bredanensis*).	Pelagic	Rare	New Jersey to Florida	NA/271 (Western North Atlantic stock).	NL	NC.
Risso's dolphin (*Grampus griseus*).	Shelf, slope, seamounts	Regular	Canada to Florida	NA/18,250 (Western North Atlantic stock).	NL	NC.
Melon-headed whale (*Peponocephala electra*).	Deep waters off shelf	Rare	North Carolina to Florida	NA/NA (Western North Atlantic stock)/2,235 (Northern Gulf of Mexico stock)/45,000 [16] (eastern tropical Pacific Ocean).	NL	NC.
Pygmy killer whale (*Feresa attenuata*).	Pelagic	Rare	NA	NA/NA (Western North Atlantic stock)/152 (Northern Gulf of Mexico stock)/39,000 [16] (eastern tropical Pacific Ocean).	NL	NC.
False killer whale (*Pseudorca crassidens*).	Pelagic	Rare	NA	NA/NA/777 in 2003–2004 (Northern Gulf of Mexico stock).	NL	NC.
Killer whale (*Orcinus orca*).	Pelagic, shelf, coastal	Rare	Arctic to Caribbean	NA/NA (Western North Atlantic stock)/28 (Northern Gulf of Mexico stock)/At least ~92,500 [16] Worldwide.	NL	NC.
Short-finned pilot whale (*Globicephala macrorhynchus*).	Mostly pelagic, high relief	Regular	Massachusetts to Florida	780,000 [12]/21,515 short-finned pilot whale 26,535 long-finned pilot whale (Western North Atlantic stock).	NL	NC.
Long-finned pilot whale (*Globicephala melas*).	Mostly pelagic.	Regular.	Canada to South Carolina.		NL	NC.
Harbor porpoise (*Phocoena phocoena*).	Shelf, coastal, pelagic	Rare	Canada to North Carolina	~500,000 [13]/79,883 (Gulf of Maine/Bay of Fundy stock).	NL	NC.
Pinnipeds:						
Harbor seal (*Phoca vitulina concolor*).	Coastal	Rare	Canada to North Carolina	NA/70,142 (Western North Atlantic stock).	NL	NC.
Gray seal (*Halichoerus grypus*).	Coastal, pelagic	Rare	Canada to North Carolina	NA/NA (Western North Atlantic stock, 348,999 minimum in 2012).	NL	NC.
Harp seal (*Phoca groenlandica*).	Ice whelpers, pelagic	Rare	Canada to New Jersey	8.6 to 9.6 million [14]/NA (Western North Atlantic stock, 8.3 million in 2012).	NL	NC.
Hooded seal (*Cystophora cristata*).	Ice whelpers, pelagic	Rare	Canada to Caribbean	600,000/NA (Western North Atlantic stock, 592,100 in 2007).	NL	NC.

NA = Not available or not assessed.
[1] U.S. Endangered Species Act: EN = Endangered, T = Threatened, DL = Delisted, NL = Not listed.
[2] U.S. Marine Mammal Protection Act: D = Depleted, NC = Not Classified.
[3] NMFS Marine Mammal Stock Assessment Reports.
[4] Best estimate for western North Atlantic 1992 to 1993 (IWC, 2014).
[5] Best estimate for North Atlantic 2002 to 2007 (IWC, 2014).
[6] Estimate for the Northeast Atlantic in 1989 (Cattanach *et al.,* 1993).
[7] Best estimate for North Atlantic 2007 (IWC, 2014).
[8] Central and Northeast Atlantic 2001 (Pike *et al.,* 2009).
[9] North Atlantic (Whitehead, 2002).
[10] Eastern North Atlantic (NAMMCO, 1995).
[11] North Atlantic (Reeves *et al.,* 1999).
[12] *Globicephala* spp. combined, Central and Eastern North Atlantic (IWC, 2014).
[13] North Atlantic (Jefferson *et al.,* 2008).
[14] Northwest Atlantic (DFO, 2012).
[15] Northwest Atlantic (Andersen *et al.,* 2009).
[16] Jefferson *et al.* (2008).

Further detailed information regarding the biology, distribution, seasonality, life history, and occurrence of these marine mammal species in the study area can be found in sections 3 and 4 of USGS's IHA application. NMFS has reviewed these data and determined them to be the best available scientific information for the purposes of the IHA.

Potential Effects of the Specified Activity on Marine Mammals

This section includes a summary and discussion of the ways that the types of stressors associated with the specified activity (e.g., seismic airgun operation, vessel movement, gear deployment) have been observed to impact marine mammals. This discussion may also include reactions that we consider to rise to the level of a take and those that we do not consider to rise to the level of take (for example, with acoustics), we may include a discussion of studies that showed animals not reacting at all to sound or exhibiting barely measureable avoidance). This section is intended as a background of potential effects and does not consider either the specific manner in which this activity would be carried out or the mitigation that would be implemented, and how either of those would shape the anticipated impacts from this specific activity. The ''Estimated Take by Incidental Harassment'' section later in this document will include a quantitative analysis of the number of individuals that are expected to be taken by this activity. The ''Negligible Impact Analysis'' section will include the analysis of how this specific activity would impact marine mammals and will consider the content of this section, the ''Estimated Take by Incidental Harassment'' section, the ''Mitigation'' section, and the ''Anticipated Effects on Marine Mammal Habitat'' section to draw conclusions regarding the likely impacts of this activity on the reproductive success or survivorship of individuals and from that on the affected marine mammal populations or stocks.

When considering the influence of various kinds of sound on the marine environment, it is necessary to understand that different kinds of marine life are sensitive to different frequencies of sound. Based on available behavioral data, audiograms have been derived using auditory evoked potentials, anatomical modeling, and other data, Southall *et al.* (2007) designate ''functional hearing groups'' for marine mammals and estimate the lower and upper frequencies of functional hearing groups'' for marine mammals and estimate the lower and upper frequencies of functional hearing of the groups. The functional groups and the associated frequencies are indicated below (though animals are less sensitive to sounds at the outer edge of their functional range and most sensitive to sounds of frequencies within a smaller range somewhere in the middle of their functional hearing range):

- Low-frequency cetaceans (13 species of mysticetes): Functional hearing is estimated to occur between approximately 7 Hz and 30 kHz;
- Mid-frequency cetaceans (32 species of dolphins, six species of larger toothed whales, and 19 species of beaked and bottlenose whales): Functional hearing is estimated to occur between approximately 150 Hz and 160 kHz;
- High-frequency cetaceans (eight species of true porpoises, six species of river dolphins, *Kogia* spp., the franciscana [*Pontoporia blainvillei*], and four species of cephalorhynchids): Functional hearing is estimated to occur between approximately 200 Hz and 180 kHz; and
- Phocid pinnipeds in water: Functional hearing is estimated to occur between approximately 75 Hz and 100 kHz;
- Otariid pinnipeds in water: Functional hearing is estimated to occur between approximately 100 Hz and 40 kHz.

As mentioned previously in this document, 34 marine mammal species (34 cetacean) are likely to occur in the seismic survey area. Of the 34 cetacean species likely to occur in USGS's action area, 7 are classified as low-frequency cetaceans (i.e., North Atlantic right, humpback, minke, Bryde's, sei, fin, and blue whale), 24 are classified as mid-frequency cetaceans (i.e., sperm, Cuvier's, True's, Gervais', Sowerby's, Blainville's, Northern bottlenose, melon-headed, pygmy killer, false killer, killer, short-finned, and long-finned whale, bottlenose, Atlantic white-sided, Fraser's, Atlantic spotted, pantropical spotted, striped, spinner, Clymene, short-beaked common, rough-toothed, and Risso's dolphin), and 3 are classified as high-frequency cetaceans (i.e., pygmy sperm and dwarf sperm whale and harbor porpoise) (Southall *et al.,* 2007). A species' functional hearing group is a consideration when we analyze the effects of exposure to sound on marine mammals.

Acoustic stimuli generated by the operation of the airguns, which introduce sound into the marine environment, may have the potential to cause Level B harassment of marine mammals in the survey area. The effects of sounds from airgun operations might include one or more of the following: Tolerance, masking (of natural sounds including inter- and intra-specific calls), behavioral disturbance, temporary or permanent hearing impairment, or non-auditory physical or physiological effects (Richardson *et al.,* 1995; Gordon *et al.,* 2004; Nowacek *et al.,* 2007; Southall *et al.,* 2007; Wright *et al.,* 2007; Tyack, 2009). Permanent hearing impairment, in the unlikely event that it occurred, would constitute injury, but temporary threshold shift (TTS) is not an injury (Southall *et al.,* 2007). Although the possibility cannot be entirely excluded, it is unlikely that the planned project would result in any cases of temporary or permanent hearing impairment, or any significant non-auditory physical or physiological effects. Based on the available data and studies described here, some behavioral disturbance is expected, but NMFS expects the disturbance to be localized and short-term. NMFS described the range of potential effects from the specified activity in the notice of the proposed IHA (79 FR 35642, June 23, 2014). A more comprehensive review of these issues can be found in the NSF/USGS PEIS (2011), USGS's ''Environmental Assessment for Seismic Reflection Scientific Research Surveys during 2014 and 2014 in Support of Mapping the U.S. Atlantic Seaboard Extended Continental Margin and Investigating Tsunami Hazards'' and L–DEO's ''Draft Environmental Assessment of a Marine Geophysical Survey by the R/V *Marcus G. Langseth* in the Atlantic Ocean off Cape Hatteras, September to October 2014.''

The notice of the proposed IHA (79 FR 35642, June 23, 2014) included a discussion of the effects of sounds from airguns on mysticetes and odontocetes including tolerance, masking, behavioral disturbance, hearing impairment, and other non-auditory physical effects. NMFS refers the reader to USGS's IHA application and EA for additional information on the behavioral reactions (or lack thereof) by all types of marine mammals to seismic vessels.

Anticipated Effects on Marine Mammal Habitat

NMFS included a detailed discussion of the potential effects of this action on marine mammal habitat, including physiological and behavioral effects on marine fish and invertebrates in the notice of the proposed IHA (79 FR 35642, June 23, 2014). The seismic survey will not result in any permanent impacts on habitats used by the marine mammals in the study area, including the food sources they use (i.e., fish and invertebrates), and there will be no physical damage to any habitat. While NMFS anticipates that the specified activity may result in marine mammals avoiding certain areas due to temporary ensonification, this impact to habitat is temporary and reversible, which was

considered in further detail in the notice of the proposed IHA (79 FR 35642, June 23, 2014). The main impact associated with the activity will be temporarily elevated noise levels and the associated direct effects on marine mammals.

Mitigation

In order to issue an Incidental Take Authorization (ITA) under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such marine mammal species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and the availability of such species or stock for taking for certain subsistence uses (where relevant). NMFS's duty under this ''least practicable impact'' standard is to prescribe mitigation reasonably designed to minimize, to the extent practicable, any adverse population level impacts, as well as habitat impacts. While population-level impacts can be minimized only by reducing impacts on individual marine mammals, not all takes translate to population-level impacts. NMFS's objective under the ''least practicable impact'' standard is to design mitigation targeting those impacts on individual marine mammals that are most likely to lead to adverse population-level effects.

USGS has reviewed the following source documents and has incorporated a suite of appropriate mitigation measures into their project description.

(1) Protocols used during previous NSF and USGS-funded seismic research cruises as approved by NMFS and detailed in the NSF/USGS PEIS;

(2) Previous IHA applications and IHAs approved and authorized by NMFS; and

(3) Recommended best practices in Richardson *et al.* (1995), Pierson *et al.* (1998), and Weir and Dolman (2007).

To reduce the potential for disturbance from acoustic stimuli associated with the planned activities, USGS and/or its designees shall implement the following mitigation measures for marine mammals:

(1) Planning Phase;

(2) Exclusion zones around the airgun(s);

(3) Power-down procedures;

(4) Shut-down procedures;

(5) Ramp-up procedures; and

(6) Special procedures for situations or species of concern.

Planning Phase—Mitigation of potential impacts from the planned activities began during the planning phases of the planned activities. USGS considered whether the research objectives could be met with a smaller source than the full, 36-airgun array (6,600 in^3) used on the *Langseth,* and determined that the standard 36-airgun array with a total volume of approximately 6,600 in^3 was appropriate. USGS also worked with L-DEO and NSF to identify potential time periods to carry out the survey taking into consideration key factors such as environmental conditions (i.e., the seasonal presence of marine mammals and other protected species), weather conditions, equipment, and optimal timing for other seismic surveys using the *Langseth.* Most marine mammal species are expected to occur in the study area year-round, so altering the timing of the planned project from spring and summer months likely would result in no net benefits for those species.

Exclusion Zones—USGS use radii to designate exclusion and buffer zones and to estimate take for marine mammals. Table 4 (see below) shows the distances at which one would expect marine mammal exposures to received sound levels (160 and 180/190 dB) from the 36 airgun array and a single airgun. (The 180 dB and 190 dB level shut-down criteria are applicable to cetaceans and pinnipeds, respectively, as specified by NMFS [2000].) USGS used these levels to establish the exclusion and buffer zones.

TABLE 4—MEASURED (ARRAY) OR PREDICTED (SINGLE AIRGUN) DISTANCES TO WHICH SOUND LEVELS ≥190, 180, AND 160 dB RE 1 μPa (rms) COULD BE RECEIVED IN DEEP WATER DURING THE SEISMIC SURVEY IN THE NORTHWEST ATLANTIC OCEAN OFF THE EASTERN SEABOARD, AUGUST TO SEPTEMBER 2014 AND APRIL TO AUGUST 2015

Sound source and volume	Tow depth (m)	Water depth (m)	Predicted RMS radii distances (m)		
			190 dB	180 dB	160 dB
Single Bolt airgun (40 in^3)	9	>1,000 m	13 m (42.7 ft) *100 m will be used for pinnipeds as well as cetaceans*.	100 m (328.1 ft)	388 m (1,273 ft)
36 airguns (6,600 in^3)	9	>1,000 m	286 m (938.3 ft)	927 m (3,041.3 ft)	5,780 m (18,963.3 ft)

PSVO's will be based aboard the seismic source vessel and would watch for marine mammals near the vessel during daytime airgun operations and during any ramp-ups of the airguns at night (see the ''Vessel-Based Visual Monitoring'' section for a more detailed description of the PSVOs). If the PSVO detects marine mammal(s) within or about to enter the appropriate exclusion zone, the *Langseth* crew would immediately power-down the airgun array, or perform a shut-down if necessary (see ''Shut-down Procedures''). Table 4 (see above) summarizes the calculated distances at which sound levels (160, 180 and 190 dB [rms]) are expected to be received from the 36 airgun array and the single airgun operating in deep water depths. Received sound levels have been calculated by USGS, in relation to distance and direction from the airguns, for the 36 airgun array and for the single 1900LL 40 in^3 airgun, which would be used during power-downs.

Power-down Procedures—A power-down involves decreasing the number of airguns in use to one airgun, such that the radius of the 180 dB or 190 dB zone is decreased to the extent that the observed marine mammal(s) are no longer in or about to enter the exclusion zone for the full airgun array. During a power-down for mitigation, USGS would operate one small airgun. The continued operation of one airgun is intended to (a) alert marine mammals to the presence of the seismic vessel in the area; and (b) retain the option of initiating a ramp-up to full operations under poor visibility conditions. In contrast, a shut-down occurs when all airgun activity is suspended.

If the PSVO detects a marine mammal outside the exclusion zone that is likely to enter the exclusion zone, USGS will power-down the airguns to reduce the size of the 180 dB or 190 dB exclusion zone before the animal is within the exclusion zone. Likewise, if a mammal is already within the exclusion zone, when first detected USGS would power-down the airguns immediately. During a

power-down of the airgun array, USGS would operate the single 40 in^3 airgun, which has a smaller exclusion zone. If the PSVO detects a marine mammal within or near the smaller exclusion zone around that single airgun (see Table 4), USGS will shut-down the airgun (see ''Shut-Down Procedures'').

Resuming Airgun Operations After a Power-down—Following a power-down, the *Langseth* will not resume full airgun activity until the marine mammal has cleared the 180 or 190 dB exclusion zone (see Table 4). The PSVO will consider the animal to have cleared the exclusion zone if:

- The PSVO has visually observed the animal leave the exclusion zone, or
- A PSVO has not sighted the animal within the exclusion zone for 15 minutes for species with shorter dive durations (i.e., small odontocetes or pinnipeds), or 30 minutes for species with longer dive durations (i.e., mysticetes and large odontocetes, including sperm, pygmy sperm, dwarf sperm, and beaked whales); or
- The vessel has transited outside the original 180 dB or 190 dB exclusion zone after a 10 minute wait period.

The *Langseth* crew will resume operating the airguns at full power after 15 minutes of sighting any species with short dive durations (i.e., small odontocetes or pinnipeds). Likewise, the crew will resume airgun operations at full power after 30 minutes of sighting any species with longer dive durations (i.e., mysticetes and large odontocetes, including sperm, pygmy sperm, dwarf sperm, and beaked whales).

Because the vessel would have transited away from the vicinity of the original sighting during the 10 minute period, implementing ramp-up procedures for the full array after an extended power-down (i.e., transiting for an additional 35 minutes from the location of initial sighting) will not meaningfully increase the effectiveness of observing marine mammals approaching or entering the exclusion zone for the full source level and will not further minimize the potential for take. The *Langseth's* PSVOs will continually monitor the exclusion zone for the full source level while the mitigation airgun is firing. On average, PSVOs can observe to the horizon (10 km or 5.4 nmi) from the height of the *Langseth's* observation deck and should be able to state with a reasonable degree of confidence whether a marine mammal will be encountered within this distance before resuming airgun operations at full-power.

Shut-down Procedures—USGS will shut-down the operating airgun(s) if a marine mammal is seen within or approaching the exclusion zone for the single airgun. USGS will implement a shut-down:

(1) If an animal enters the exclusion zone of the single airgun after USGS has initiated a power-down; or

(2) If an animal is initially seen within the exclusion zone of the single airgun when more than one airgun (typically the full airgun array) is operating (and it is not practical or adequate to reduce exposure to less than 180 dB [rms] or 190 dB [rms]).

Considering the conservation status for the North Atlantic right whale, the airguns will be shut-down immediately in the unlikely event that this species is observed, regardless of the distance from the *Langseth.* Ramp-up will only begin if the North Atlantic right whale has not been seen for 30 minutes.

Resuming Airgun Operations After a Shut-down—Following a shut-down in excess of 10 minutes, the *Langseth* crew would initiate a ramp-up with the smallest airgun in the array (40 in^3). The crew will turn on additional airguns in a sequence such that the source level of the array would increase in steps not exceeding 6 dB per five-minute period over a total duration of approximately 30 minutes. During ramp-up, the PSVOs will monitor the exclusion zone, and if they sight a marine mammal, the *Langseth* crew will implement a power-down or shut-down as though the full airgun array were operational.

During periods of active seismic operations, there are occasions when the *Langseth* crew will need to temporarily shut-down the airguns due to equipment failure or for maintenance. In this case, if the airguns are inactive longer than eight minutes, the crew will follow ramp-up procedures for a shut-down described earlier and the PSVOs will monitor the full exclusion zone and will implement a power-down or shut-down if necessary.

If the full exclusion zone is not visible to the PSVO for at least 30 minutes prior to the start of operations in either daylight or nighttime, the *Langseth* crew will not commence ramp-up unless at least one airgun (40 in^3 or similar) has been operating during the interruption of seismic survey operations. Given these provisions, it is likely that the vessel's crew will not ramp-up the airgun array from a complete shut-down at night or during poor visibility conditions (i.e., in thick fog), because the outer part of the zone for that array will not be visible during those conditions.

If one airgun has operated during a power-down period, ramp-up to full power will be permissible at night or in poor visibility, on the assumption that marine mammals will be alerted to the approaching seismic vessel by the sounds from the single airgun and could move away. The vessel's crew will not initiate ramp-up of the airguns if a marine mammal is sighted within or near the applicable exclusion zones.

Ramp-up Procedures—Ramp-up of an airgun array provides a gradual increase in sound levels, and involves a step-wise increase in the number and total volume of airguns firing until the full volume of the airgun array is achieved. The purpose of a ramp-up is to ''warn'' marine mammals in the vicinity of the airguns, and to provide the time for them to leave the area and thus avoid any potential injury or impairment of their hearing abilities. USGS will follow a ramp-up procedure when the airgun array begins operating after a 10 minute period without airgun operations or when a power-down or shut-down has exceeded that period. USGS and L–DEO have used similar periods (approximately 8 to 10 minutes) during previous USGS and L–DEO seismic surveys.

Ramp-up will begin with the smallest airgun in the array (40 in^3). Airguns will be added in a sequence such that the source level of the array would increase in steps not exceeding six dB per five minute period over a total duration of approximately 30 to 35 minutes (i.e., the time it takes to achieve full operation of the airgun array). During ramp-up, the PSVOs will monitor the exclusion zone, and if marine mammals are sighted, USGS will implement a power-down or shut-down as though the full airgun array were operational.

If the complete exclusion zone has not been visible for at least 30 minutes prior to the start of operations in either daylight or nighttime, USGS will not commence the ramp-up unless at least one airgun (40 in^3 or similar) has been operating during the interruption of seismic survey operations. Given these provisions, it is likely that the airgun array will not be ramped-up from a complete shut-down at night or during poor visibility conditions (i.e., in thick fog), because the outer part of the exclusion zone for that array will not be visible during those conditions. If one airgun has operated during a power-down period, ramp-up to full power will be permissible at night or in poor visibility, on the assumption that marine mammals will be alerted to the approaching seismic vessel by the sounds from the single airgun and could move away. USGS will not initiate a ramp-up of the airguns if a marine mammal is sighted within or near the applicable exclusion zones.

Use of a Small-Volume Airgun During Turns and Maintenance

For short-duration equipment maintenance activities, USGS will employ the use of a small-volume airgun (i.e., 40 in^3 ''mitigation airgun'') to deter marine mammals from being within the immediate area of the seismic operations. The mitigation airgun will be operated at approximately one shot per minute and will not be operated for longer than three hours in duration. The seismic survey's tracklines are continuous around turns and no mitigation airgun would be necessary. For longer-duration equipment maintenance or repair activities (greater than three hours), USGS will shut-down the seismic equipment and not involve using the mitigation airgun.

During brief transits (e.g., less than three hours), one mitigation airgun will continue operating. The ramp-up procedure will still be followed when increasing the source levels from one airgun to the full airgun array. However, keeping one airgun firing will avoid the prohibition of a ''cold start'' during darkness or other periods of poor visibility. Through use of this approach, seismic operations may resume without the 30 minute observation period of the full exclusion zone required for a ''cold start,'' and without ramp-up if operating with the mitigation airgun for under 10 minutes, or with ramp-up if operating with the mitigation airgun over 10 minutes. PSOs will be on duty whenever the airguns are firing during daylight, during the 30 minute periods prior to ramp-ups.

Special Procedures for Situations or Species of Concern—It is unlikely that a North Atlantic right whale will be encountered during the seismic survey, but if so, the airguns will be shut-down immediately if one is visually sighted at any distance from the vessel because of its rarity and conservation status. The airgun array shall not resume firing (with ramp-up) until 30 minutes after the last documented North Atlantic right whale visual sighting. Concentrations of humpback, sei, fin, blue, and/or sperm whales will be avoided if possible (i.e., exposing concentrations of animals to 160 dB), and the array will be powered-down if necessary. For purposes of this planned survey, a concentration or group of whales will consist of six or more individuals visually sighted that do not appear to be traveling (e.g., feeding, socializing, etc.).

Mitigation Conclusions

NMFS has carefully evaluated the applicant's mitigation measures and has considered a range of other measures in the context of ensuring that NMFS prescribes the means of effecting the least practicable impact on the affected marine mammal species or stocks and their habitat. NMFS's evaluation of potential measures included consideration of the following factors in relation to one another:

(1) The manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals;

(2) The proven or likely efficacy of the specific measure to minimize adverse impacts as planned; and

(3) The practicability of the measure for applicant implementation including consideration of personnel safety, practicality of implementation, and impact on the effectiveness of the activity.

Any mitigation measure(s) prescribed by NMFS should be able to accomplish, have a reasonable likelihood of accomplishing (based on current science), or contribute to the accomplishment of one or more of the general goals listed below:

(1) Avoidance or minimization of injury or death of marine mammal wherever possible (goals 2, 3, and 4 may contribute to this goal).

(2) A reduction in the numbers of marine mammals (total number of number at biologically important time or location) exposed to received levels of airgun operations, or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

(3) A reduction in the number of times (total number or number at biologically important time or location) individuals would be exposed to received levels of airgun operations, or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

(4) A reduction in the intensity of exposures (either total number or number at biologically important time or location) to received levels of airgun operations, or other activities expected to result in the take of marine mammals (this goal may contribute to a, above, or to reducing the severity of harassment takes only).

(5) Avoidance of minimization of adverse effects to marine mammal habitat, paying special attention to the food base, activities that block or limit passage to or from biologically important areas, permanent destruction of habitat, or temporary destruction/disturbance of habitat during a biologically important time.

(6) For monitoring directly related to mitigation—an increase in the probability of detecting marine mammals, thus allowing for more effective implementation of the mitigation.

Based on NMFS's evaluation of the applicant's measures, as well as other measures considered by NMFS or recommended by the public, NMFS has determined that the required mitigation measures provide the means of effecting the least practicable impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an ITA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth ''requirements pertaining to the monitoring and reporting of such taking.'' The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for ITAs must include the suggested means of accomplishing the necessary monitoring and reporting that would result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the action area. USGS submitted a marine mammal monitoring plan as part of the IHA application. It can be found in Section 13 of the IHA application. The plan may be modified or supplemented based on comments or new information received from the public during the public comment period.

Monitoring measures prescribed by NMFS should accomplish one or more of the following general goals:

(1) An increase in the probability of detecting marine mammals, both within the mitigation zone (thus allowing for more effective implementation of the mitigation) and in general to generate more data to contribute to the analyses mentioned below;

(2) An increase in our understanding of how many marine mammals are likely to be exposed to levels of seismic airguns that we associate with specific adverse effects, such as behavioral harassment, TTS or PTS;

(3) An increase in our understanding of how marine mammals respond to stimuli expected to result in take and how anticipated adverse effects on individuals (in different ways and to varying degrees) may impact the

population, species, or stock (specifically through effects on annual rates of recruitment or survival) through any of the following methods:

• Behavioral observations in the presence of stimuli compared to observations in the absence of stimuli (need to be able to accurately predict received level, distance from source, and other pertinent information);

• Physiological measurements in the presence of stimuli compared to observations in the absence of stimuli (need to be able to accurately predict receive level, distance from the source, and other pertinent information);

• Distribution and/or abundance comparisons in times or areas with concentrated stimuli versus times or areas without stimuli;

(4) An increased knowledge of the affected species; and

(5) An increase in our understanding of the effectiveness of certain mitigation and monitoring measures.

Monitoring

USGS will conduct marine mammal monitoring during the seismic survey, in order to implement the mitigation measures that require real-time monitoring, and to satisfy the anticipated monitoring requirements of the IHA. USGS's ''Monitoring Plan'' is described below this section. The monitoring work described here has been planned as a self-contained project independent of any other related monitoring projects that may be occurring simultaneously in the same region. USGS is prepared to discuss coordination of its monitoring program with any related work that might be done by other groups insofar as this is practical and desirable.

Vessel-Based Visual Monitoring

USGS's PSVOs will be based aboard the seismic source vessel and will watch for marine mammals near the vessel during daytime airgun operations and during any ramp-ups of the airguns at night. PSVOs will also watch for marine mammals near the seismic vessel for at least 30 minutes prior to the start of airgun operations after an extended shut-down (i.e., greater than approximately 10 minutes for this cruise). When feasible, PSVOs will conduct observations during daytime periods when the seismic system is not operating (such as during transits) for comparison of sighting rates and behavior with and without airgun operations and between acquisition periods. Based on PSVO observations, the airguns will be powered-down or shut-down when marine mammals are observed within or about to enter a designated exclusion zone.

During seismic operations in the northwest Atlantic Ocean off the Eastern Seaboard, at least five PSOs (four PSVOs and one Protected Species Acoustic Observer [PSAO]) will be based aboard the *Langseth*. USGS will appoint the PSOs with NMFS's concurrence. Observations will take place during ongoing daytime operations and nighttime ramp-ups of the airguns. During the majority of seismic operations, two PSVOs will be on duty from the observation tower (i.e., the best available vantage point on the source vessel) to monitor marine mammals near the seismic vessel. Use of two simultaneous PSVOs will increase the effectiveness of detecting animals near the source vessel. However, during meal times and bathroom breaks, it is sometimes difficult to have two PSVOs on effort, but at least one PSVO will be on duty. PSVO(s) will be on duty in shifts no longer than 4 hours in duration.

Two PSVOs will be on visual watch during all daytime ramp-ups of the seismic airguns. A third PSAO will monitor the PAM equipment 24 hours a day to detect vocalizing marine mammals present in the action area. In summary, a typical daytime cruise will have scheduled two PSVOs on duty from the observation tower, and a third PSAO on PAM. Other ship's crew will also be instructed to assist in detecting marine mammals and implementing mitigation requirements (if practical). Before the start of the seismic survey, the crew will be given additional instruction on how to do so.

The *Langseth* is a suitable platform for marine mammal observations. When stationed on the observation platform, the eye level will be approximately 21.5 m (70.5 ft) above sea level, and the PSVOs will have a good view around the entire vessel. During daytime, the PSVO(s) will scan the area around the vessel systematically with reticle binoculars (e.g., 7 x 50 Fujinon), Big-eye binoculars (25 x 150), and with the naked eye. During darkness or low-light conditions, night vision devices (monoculars) and a forward looking infrared (FLIR) camera will be available, when required. Laser range-finding binoculars (Leica LRF 1200 laser rangefinder or equivalent) will be available to assist with distance estimation. Those are useful in training observers to estimate distances visually, but are generally not useful in measuring distances to animals directly; that is done primarily with the reticles in the binoculars.

When marine mammals are detected within or about to enter the designated exclusion zone, the airguns will immediately be powered-down or shut-down if necessary. The PSVO(s) will continue to maintain watch to determine when the animal(s) are outside the exclusion zone by visual confirmation. Airgun operations will not resume until the animal is confirmed to have left the exclusion zone, or if not observed after 15 minutes for species with shorter dive durations (small odontocetes and pinnipeds) or 30 minutes for species with longer dive durations (mysticetes and large odontocetes, including sperm, pygmy sperm, dwarf sperm, killer, and beaked whales).

Vessel-Based Passive Acoustic Monitoring

Vessel-based, towed PAM will complement the visual monitoring program, when practicable. Visual monitoring typically is not effective during periods of poor visibility or at night, and even with good visibility, is unable to detect marine mammals when they are below the surface or beyond visual range. PAM can be used in addition to visual observations to improve detection, identification, and localization of cetaceans. The PAM system will serve to alert visual observers (if on duty) when vocalizing cetaceans are detected. It is only useful when marine mammals call, but it does not depend on good visibility. It will be monitored in real-time so that the PSVOs can be advised when cetaceans are acoustically detected.

The PAM system consists of both hardware (i.e., hydrophones) and software (i.e., Pamguard). The ''wet end'' of the system consists of a towed hydrophone array that is connected to the vessel by a tow cable. The tow cable is 250 m (820.2 ft) long, and the hydrophones are fitted in the last 10 m (32.8 ft) of cable. A depth gauge is attached to the free end of the cable, and the cable is typically towed at depths 20 m (65.6 ft) or less. The array would be deployed from a winch located on the back deck. A deck cable will connect from the winch to the main computer laboratory where the acoustic station, signal conditioning, and processing system would be located. The acoustic signals received by the hydrophones are amplified, digitized, and then processed by the Pamguard software. The PAM system, which has a configuration of 4 hydrophones, can detect a frequency bandwidth of 10 Hz to 200 kHz.

One PSAO, an expert bioacoustician (in addition to the four PSVOs) with primary responsibility for PAM, would

be onboard the *Langseth.* The expert bioacoustician will design and set up the PAM system and be present to operate, oversee, and troubleshoot any technical problems with the PAM system during the planned survey. The towed hydrophones will ideally be monitored by a PSO 24 hours per day while within the seismic survey area during airgun operations, and during most periods when the *Langseth* is underway while the airguns are not operating. PSOs will take turns rotating on visual watch and on the PAM system. However, PAM may not be possible if damage occurs to the array or back-up systems during operations. The primary PAM streamer on the *Langseth* is a digital hydrophone streamer. Should the digital streamer fail, back-up systems should include an analog spare streamer and a hull-mounted hydrophone. One PSO will monitor the acoustic detection system by listening to the signals from two channels via headphones and/or speakers and watching the real-time spectrographic display for frequency ranges produced by cetaceans. The PSAO monitoring the acoustical data would be on shift for no greater than six hours at a time. All PSOs are expected to rotate through the PAM position, although the expert PSAO (most experienced) will be on PAM duty more frequently.

When a vocalization is detected while visual observations (during daylight) are in progress, the PSAO will contact the PSVO immediately, to alert him/her to the presence of cetaceans (if they have not already been seen), and to allow a power-down or shut-down to be initiated, if required. When bearings (primary and mirror-image) to calling cetacean(s) are determined, the bearings would be relayed to the PSVO(s) to help him/her sight the calling animal. During non-daylight hours, when a cetacean is detected by acoustic monitoring and may be close to the source vessel, the *Langseth* crew will be notified immediately so that the proper mitigation measure may be implemented.

The information regarding the call will be entered into a database. Data entry will include an acoustic encounter identification number, whether it was linked with a visual sighting, date, time when first and last heard and whenever any additional information was recorded, position and water depth when first detected, bearing if determinable, species or species group (e.g., unidentified dolphin, sperm whale), types and nature of sounds heard (e.g., clicks, continuous, sporadic, whistles, creaks, burst pulses, strength of signal, etc.), and any other notable information. The acoustic detection can also be recorded for further analysis.

PSO Data and Documentation

PSVOs will record data to estimate the numbers of marine mammals exposed to various received sound levels and to document apparent disturbance reactions or lack thereof. Data would be used to estimate numbers of animals potentially 'taken' by harassment. They will also provide information needed to order a power-down or shut-down of the airguns when a marine mammal is within or near the appropriate exclusion zone. Observations will also be made during daytime periods when the *Langseth* is underway without seismic operations. There will also be opportunities to collect baseline biological data during the transits to, from, and through the study area.

When a sighting is made, the following information about the sighting will be recorded:

1. Species, group size, age/size/sex categories (if determinable), behavior when first sighted and after initial sighting, heading (if consistent), bearing and distance from seismic vessel, sighting cue, apparent reaction to the airguns or vessel (e.g., none, avoidance, approach, paralleling, etc.), and behavioral pace.

2. Time, location, heading, speed, activity of the vessel, Beaufort sea state and wind force, visibility, and sun glare.

The data listed under (2) will also be recorded at the start and end of each observation watch, and during a watch whenever there is a change in one or more of the variables.

All observations and ramp-ups, power-downs, or shut-downs will be recorded in a standardized format. The PSVOs will record this information onto datasheets. During periods between watches and periods when operations are suspended, those data will be entered into a laptop computer running a custom electronic database. The accuracy of the data entry will be verified by computerized data validity checks as the data are entered and by subsequent manual checking of the database. These procedures will allow initial summaries of data to be prepared during and shortly after the field program, and will facilitate transfer of the data to statistical, graphical, and other programs for further processing and archiving.

Results from the vessel-based observations will provide:

1. The basis for real-time mitigation (airgun power-down or shut-down).

2. Information needed to estimate the number of marine mammals potentially taken by harassment, which must be reported to NMFS.

3. Data on the occurrence, distribution, and activities of marine mammals in the area where the seismic study is conducted.

4. Information to compare the distance and distribution of marine mammals relative to the source vessel at times with and without seismic activity.

5. Data on the behavior and movement patterns of marine mammals seen at times with and without seismic activity.

Reporting

USGS will submit a comprehensive report to NMFS and NSF within 90 days after the end of phase 1 in 2014 and another comprehensive report to NMFS and NSF within 90 days after the end of phase 2 in 2015 for the cruise. The report will describe the operations that were conducted and sightings of marine mammals within the vicinity of the operations. The report will provide full documentation of methods, results, and interpretation pertaining to all monitoring. The 90-day report will summarize the dates and locations of seismic operations, and all marine mammal sightings (i.e., dates, times, locations, activities, associated seismic survey activities, and associated PAM detections). The report will minimally include:

- Summaries of monitoring effort—total hours, total distances, and distribution of marine mammals through the study period accounting for Beaufort sea state and wind force, and other factors affecting visibility and detectability of marine mammals;
- Analyses of the effects of various factors influencing detectability of marine mammals including Beaufort sea state and wind force, number of PSOs, and fog/glare;
- Species composition, occurrence, and distribution of marine mammals sightings including date, water depth, numbers, age/size/gender, and group sizes; and analyses of the effects of seismic operations;
- Sighting rates of marine mammals during periods with and without airgun activities (and other variables that could affect detectability);
- Initial sighting distances versus airgun activity state;
- Closest point of approach versus airgun activity state;
- Observed behaviors and types of movements versus airgun activity state;
- Numbers of sightings/individuals seen versus airgun activity state; and
- Distribution around the source vessel versus airgun activity state.

The report will also include estimates of the number and nature of exposures that could result in ''takes'' of marine mammals by harassment or in other ways. After the report is considered final, it will be publicly available on the NMFS, USGS, and NSF Web sites at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm#iha, http://woodshole.er.usgs.gov/project-pages/environmental_compliance/index.html,* and *http://www.nsf.gov/geo/oce/encomp/index.jsp*.

Reporting Prohibited Take—In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner not permitted by the authorization (if issued), such as an injury, serious injury, or mortality (e.g., ship-strike, gear interaction, and/or entanglement), the USGS shall immediately cease the specified activities and immediately report the incident to the Incidental Take Program Supervisor, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401 and/or by email to *Jolie.Harrison@noaa.gov* and *Howard.Goldstein@noaa.gov,* the NMFS Greater Atlantic Region Marine Mammal Stranding Network at 866–755–6622 (*Mendy.Garron@noaa.gov*), and the NMFS Southeast Region Marine Mammal Stranding Network at 877–433–8299 (*Blair.Mase@noaa.gov* and *Erin.Fougeres@noaa.gov*). The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Name and type of vessel involved;
- Vessel's speed during and leading up to the incident;
- Description of the incident;
- Status of all sound source used in the 24 hours preceding the incident;
- Water depth;
- Environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Species identification or description of animal(s) involved;
- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available).

USGS shall not resume its activities until NMFS is able to review the circumstances of the prohibited take. NMFS shall work with USGS to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. The USGS may not resume their activities until notified by NMFS via letter, email, or telephone.

Reporting an Injured or Dead Marine Mammal with an Unknown Cause of Death—In the event that USGS discovers an injured or dead marine mammal, and the lead PSO determines that the cause of the injury or death is unknown and the death is relatively recent (i.e., in less than a moderate state of decomposition as NMFS describes in the next paragraph), the USGS would immediately report the incident to the Incidental Take Program Supervisor, Permits and Conservation Division, Office of Protected Resources, at 301–427–8401 and/or by email to *Jolie.Harrison@noaa.gov* and *Howard.Goldstein@noaa.gov*, the NMFS Greater Atlantic Region Marine Mammal Stranding Network (866–755–6622) and/or by email to the Greater Atlantic Regional Stranding Coordinator (*Mendy.Garron@noaa.gov*), and the NMFS Southeast Region Marine Mammal Stranding Network (877–433–8299) and/or by email to the Southeast Regional Stranding Coordinator (*Blair.Mase@noaa.gov*) and Southeast Regional Stranding Program Administrator (*Erin.Fougeres@noaa.gov*). The report must include the same information identified in the paragraph above this section. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with the USGS to determine whether modifications in the activities are appropriate.

Reporting an Injured or Dead Marine Mammal Not Related to the Activities—In the event that USGS discovers an injured or dead marine mammal, and the lead PSO determines that the injury or death is not associated with or related to the authorized activities (e.g., previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), the USGS will report the incident to the Incidental Take Program Supervisor, Permits and Conservation Division, Office or Protected Resources, at 301–427–8401 and/or by email to *Jolie.Harrison@noaa.gov* and *Howard.Goldstein@noaa.gov*, the NMFS Greater Atlantic Region Marine Mammal Stranding Network (866–755–6622), and/or by email to the Greater Atlantic Regional Stranding Coordinator (*Mendy.Garron@noaa.gov*), and the NMFS Southeast Region Marine Mammal Stranding Network (877–433–8299), and/or by email to the Southeast Regional Stranding Coordinator (*Blair.Mase@noaa.gov*) and Southeast Regional Stranding Program Administrator (*Erin.Fougeres@noaa.gov*), within 24 hours of the discovery. The USGS will provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS and the Marine Mammal Stranding Network. Activities may continue while NMFS reviews the circumstances of the incident.

Estimated Take by Incidental Harassment

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

TABLE 5—NMFS'S CURRENT UNDERWATER ACOUSTIC EXPOSURE CRITERIA

Impulsive (non-explosive) sound		
Criterion	Criterion definition	Threshold
Level A harassment (injury)	Permanent threshold shift (PTS) (Any level above that which is known to cause TTS).	180 dB re 1 μPa-m (root means square [rms]) (cetaceans). 190 dB re 1 μPa-m (rms) (pinnipeds).
Level B harassment	Behavioral disruption (for impulsive noise)	160 dB re 1 μPa-m (rms).
Level B harassment	Behavioral disruption (for continuous noise)	120 dB re 1 μPa-m (rms).

Level B harassment is anticipated and authorized as a result of the marine seismic survey in the northwest Atlantic Ocean off the Eastern Seaboard. Acoustic stimuli (i.e., increased underwater sound) generated during the operation of the seismic airgun array are expected to result in the behavioral disturbance of some marine mammals. There is no evidence that the planned activities for which USGS seeks the IHA could result in injury, serious injury, or mortality. The required mitigation and monitoring measures will minimize any potential risk for injury, serious injury, or mortality.

The following sections describe USGS's methods to estimate take by incidental harassment and present the applicant's and NMFS's estimates of the numbers of marine mammals that could be affected during the seismic project in the northwest Atlantic Ocean. The estimates are based on a consideration of the number of marine mammals that could be harassed by seismic operations with the 36 airgun array to be used. The length of the planned 2D seismic survey area in 2014 is approximately 3,165 km (1,704 nmi) and in 2015 is approximately 3,115 km (1,682 nmi) in the U.S. ECS region of the Eastern Seaboard in the Atlantic Ocean, as depicted in Figure 1 of the IHA application. For estimating take and other calculations, the 2015 tracklines are assumed to be identical in length to the 2014 tracklines (even though they are slightly shorter).

NMFS and USGS assumes that, during simultaneous operations of the airgun array and the other sources, any marine mammals close enough to be affected by the multi-beam echosounder and sub-bottom profiler will already be affected by the airguns. However, whether or not the airguns are operating simultaneously with the other sources, marine mammals are expected to exhibit no more than short-term and inconsequential responses to the multi-beam echosounder and sub-bottom profiler given their characteristics (e.g., narrow, downward-directed beam) and other considerations described previously in the notice of the proposed IHA (79 FR 35642, June 23, 2014). Such reactions are not considered to constitute ''taking'' (NMFS, 2001). Therefore, NMFS and USGS provided no additional allowance for animals that could be affected by sound sources other than airguns and NMFS has not authorized take from these other sound sources.

Density estimates for marine mammals within the vicinity of the planned study area are limited. Density data for species found along the East Coast of the U.S. generally extend slightly outside of the U.S. EEZ. The study area, however, is well beyond the U.S. EEZ, and is well off the continental shelf break. The planned survey lines for the 2014 survey are located in the far eastern portion of the study area, primarily within the area where little to no density data are currently available. It was determined that the best available information for density data (for those species where density data existed) of species located off the U.S. East Coast was housed at the Strategic Environmental and Development Program (SERDP)/National Aeronautics and Space Administration (NASA)/NOAA Marine Animal Model Mapper and OBIS–SEAMAP database. Within this database, the model outputs for all four seasons from the U.S. Department of the Navy Operating Area (OPAREA) Density Estimates (NODE) for the Northeast OPAREA and Southeast OPAREA (Department of the Navy 2007a, 2007b) were used to determine the mean density (animals per square kilometer) for 19 of the 34 marine mammals with the potential to occur in the study area. Those species include fin, minke, Atlantic spotted, bottlenose, long-finned and short-finned pilot, pantropical spotted, Risso's, short-beaked common, striped, sperm, rough-toothed, dwarf and pygmy sperm, Sowerby's, Blainville's, Gervais', True's, and Cuvier's beaked whales. Within the NODE document, the density calculations and models both took into account detection probability ($f[0]$) and availability ($g[0]$) biases. Model outputs for each season are available in the database. The data from the NODE summer density models, which include the months of June, July, and August, were used as the 2014 survey is planned to take place between late August and early September. Of the seasonal NODE density models available, it is expected that the summer models are the most accurate and robust as the survey data used to create all of the models were obtained during summer months. The models for the winter, spring, and fall are derived from the data collected during the summer surveys, and therefore are expected to be less representative of actual species density during those seasons.

For species for which densities were unavailable as described above, but for which there were Ocean Biogeographic Information System (OBIS) sightings within or adjacent to the planned study area, NMFS has included an authorized take for the mean group size for the species. Generally, to quantify this coverage, NMFS assumed that USGS could potentially encounter one group of each species during each of the seismic survey legs (recognizing that interannual variation and the potential presence of ephemeral features could drive differing encounter possibilities in the two legs), and NMFS thinks it is reasonable to use the average (mean) groups size (weighted by effort and rounded up) to estimate the take from these potential encounters. The mean group size were determined based on data reported from the Cetacean and Turtle Assessment Program (CeTAP) surveys (CeTAP, 1982) and the Atlantic Marine Assessment Program for Protected Species (AMAPPS) surveys in 2010, 2011, 2012, and 2013. Because we believe it is unlikely, we do not think it is necessary to assume that the largest group size will be encountered. PSOs based on the vessel will record data to estimate the numbers of marine mammals exposed to various received sound levels and to document apparent disturbance reactions or lack thereof. Data would be used to estimate numbers of animals potentially ''taken'' by harassment. If the estimated numbers of animals potentially ''taken'' by harassment approach or exceed the number of authorized takes, USGS will have to re-initiate consultation with NMFS under the MMPA and/or ESA.

The estimated numbers of individuals potentially exposed to sound during the planned 2014 to 2015 survey are presented below and are based on the 160 dB (rms) criterion currently used for all cetaceans and pinnipeds. It is assumed that marine mammals exposed to airgun sounds that strong could change their behavior sufficiently to be considered ''taken by harassment.'' Table 6 shows the density estimates calculated as described above and the estimates of the number of different individual marine mammals that potentially could be exposed to greater than or equal to 160 dB (rms) during the seismic survey if no animals moved away from the survey vessel. The authorized take is given in the middle (fourth from the left) column of Table 6.

With respect to the take authorized for North Atlantic right whales, NMFS's Office of Protected Resources, Permits and Conservation Division, formally consulted under section 7 of the ESA with NMFS's Office of Protected Resources, Endangered Species Act Interagency Cooperation Division, on the issuance of an IHA under section 101(a)(5)(D) of the MMPA for this activity. NMFS's Office of Protected Resources, Endangered Species Act Interagency Cooperation Division issued a Biological Opinion and ITS that included 3 takes of North Atlantic right

whales. To comply with the ITS, NMFS's Office of Protected Resources, Permits and Conservation Division has also authorized 3 takes of North Atlantic right whales incidental to USGS's seismic survey.

It should be noted that unlike previous USGS, NSF, and L–DEO seismic surveys aboard the *Langseth,* the planned survey would be conducted as almost one continuous line. Therefore, the ensonified area for the seismic survey does not include a contingency factor (typically increased 25% to accommodate turns, lines that may need to be repeated, equipment testing, etc.) in line-kilometers. As typical during offshore ship surveys, inclement weather and equipment malfunctions are likely to cause delays and may limit the number of useful line-kilometers of seismic operations that can be undertaken. Also, any marine mammal sightings within or near the designated exclusion zones will result in a power-down and/or shut-down of seismic operations as a mitigation measure. Thus, the following estimates of the numbers of marine mammals potentially exposed to 160 dB (rms) sounds are precautionary and probably overestimate the actual numbers of marine mammals that could be involved. These estimates assume that there will be no weather, equipment, or mitigation delays, which is highly unlikely.

The number of different individuals that could be exposed to airgun sounds with received levels greater than or equal to 160 dB (rms) on one or more occasions can be estimated by considering the total marine area that will be within the 160 dB (rms) radius around the operating seismic source on at least one occasion, along with the expected density of animals in the area. The number of possible exposures (including repeated exposures of the same individuals) can be estimated by considering the total marine area that will be within the 160 dB radius around the operating airguns. In many seismic surveys, this total marine area includes overlap, as seismic surveys are often conducted in parallel survey lines where the ensonified areas of each survey line would overlap. The planned tracklines in 2014 and 2015 will not have overlap as the individual line segments do not run parallel to each other. The entire survey could be considered one continual survey line with slight turns (no more than 120 degrees) between each line segment. During the planned seismic survey, the vessel would continue on the extensive survey line path, not staying within a smaller defined area as most seismic surveys often do. The numbers of different individuals potentially exposed to greater than or equal to 160 dB (rms) were calculated by multiplying the expected species density (for those marine mammal species that had density data available) times the total anticipated area to be ensonified to that level during airgun operations (3,165 km of survey lines). The total area expected to be ensonified was determined by multiplying the total trackline distance (3,165 km times the width of the swath of the 160 dB buffer zone (2 times 5.78 km). Using this approach, a total of 36,600 km² (10,671 nmi²) will fall within the 160 dB isopleth throughout the planned survey in 2014. The planned survey in 2015 is expected to ensonify an almost identical area (to within 2%); therefore, the same ensonified area of 36,600 km² (10,671 nmi²) was used for calculation purposes since the number of estimated takes would be very similar for each of the two years. The number of estimated takes for the planned survey in 2015 may need to be seasonally adjusted if the activity takes place in the late spring or early summer. Because it is uncertain at this time whether the 2015 survey will be scheduled in the spring (April and May) or summer (June, July, and August) months, estimated takes were calculated for both seasons. For purposes of conservatively estimating the number of takes, the higher density (for spring or summer) was used for each species since it is not known at this time which season the 2015 planned survey will take place in the April to August 2015 timeframe. If the 2015 survey occurred in the spring rather than summer, the density data suggests that takes will likely be higher for only the humpback whale, beaked whales, and bottlenose dolphin, and takes will likely be fewer for nine species (i.e., sperm whale, short-finned and long-finned pilot whales, Atlantic spotted, pantropical spotted, striped, Clymene, short-beaked common, and Risso's dolphin), and unchanged for the remaining species.

TABLE 6—ESTIMATED DENSITIES OF MARINE MAMMAL SPECIES AND ESTIMATES OF NUMBERS OF MARINE MAMMALS EXPOSED TO SOUND LEVELS ≥160 dB DURING USGS'S SEISMIC SURVEY IN THE NORTHWEST ATLANTIC OCEAN OFF THE EASTERN SEABOARD, AUGUST TO SEPTEMBER 2014 AND APRIL TO AUGUST 2015

Species	Density spring/summer (#/km²) [1] *mean group size*	Calculated take authorization 2014/2015 [i.e., estimated number of individuals exposed to sound levels ≥160 dB re 1 μPa] [2]	Authorized take for 2014/2015 (includes increase to average group size) [3]	Abundance (regional population/stock) [4]	Approximate percentage of estimated of regional population/stock 2014 to 2015 for authorized take (stock pro-rated for 80% outside EEZ in 2014 and 90% outside U.S. EEZ in 2015) [5]	Population trend [6]
Mysticetes:						
North Atlantic right whale.	NA *3*	0/0	3 + 3 = 6 *MMPA Proposed IHA* (1 or 2) + (1 or 2) = 3 *Authorized to Comply with ESA ITS*.	455/455	0.66/0.66 (0.44)	Increasing.
Humpback whale	0.0010170/0 *3*	0/38	3 + 38 = 41	11,600/823	0.35/4.98 (0.61)	Increasing.
Minke whale	0.0000350/0.0000360	2/2	2 + 2 = 4	138,000/20,741	0.0014/0.0096 (<0.01)	NA.
Bryde's whale	NA *3*	0/0	3 + 3 = 6	NA/NA	NA/NA (NA)	NA.
Sei whale	NA *3*	0/0	3 + 3 = 6	10,300/357	0.06/1.68 (0.56)	NA.
Fin whale	0.000060/0.000061	3/3	3 + 3 = 6	26,500/3,522	0.02/0.17 (0.06)	NA.
Blue whale	NA *1*	0/0	1 + 1 = 2	855/NA (440 minimum)	0.23/0.45 (0.45)	NA.
Odontocetes:						
Sperm whale	0.0019050/0.0022510	83/83	83 + 83 = 166	13,190/2,288	1.26/7.26 (1.14)	NA.

TABLE 6—ESTIMATED DENSITIES OF MARINE MAMMAL SPECIES AND ESTIMATES OF NUMBERS OF MARINE MAMMALS EXPOSED TO SOUND LEVELS ≥160 dB DURING USGS'S SEISMIC SURVEY IN THE NORTHWEST ATLANTIC OCEAN OFF THE EASTERN SEABOARD, AUGUST TO SEPTEMBER 2014 AND APRIL TO AUGUST 2015—Continued

Species	Density spring/summer (#/km²) [1] *mean group size*	Calculated take authorization 2014/2015 [i.e., estimated number of individuals exposed to sound levels ≥160 dB re 1 μPa] [2]	Authorized take for 2014/2015 (includes increase to average group size) [3]	Abundance (regional population/stock) [4]	Approximate percentage of estimated of regional population/stock 2014 to 2015 for authorized take (stock pro-rated for 80% outside EEZ in 2014 and 90% outside U.S. EEZ in 2015) [5]	Population trend [6]
Pygmy sperm whale	0.0008850/0.008970	33/33	33 + 33 = 66	NA/3,785	NA/1.74 (0.29)	NA.
Dwarf sperm whale	0.0008850/0.0008970	33/33	33 + 33 = 66	NA/3,785	NA/1.74 (0.29)	NA.
Northern bottlenose whale.	NA *2*	0/0	2 + 2 = 4	40,000/NA	0.01/NA (NA)	NA.
Cuvier's beaked whale	0.0021370/0.0022870	84/84	84 + 84 = 168	NA/6,532	NA/1.29 (0.4)	NA.
Mesoplodon spp. (i.e., True's, Gervais', Sowerby's, and Blainville's beaked whale.				NA/7,092	NA/2.37 (0.37)	NA.
Bottlenose dolphin	0.0069560/0.0066470	244/255	244 + 255 = 499	NA/77,532	NA/0.64 (0.1)	NA.
Atlantic white-sided dolphin.	NA *33*	0/0	33 + 33 = 66	10,000 to 100,000s/48,819	0.66/0.14 (0.02)	NA.
Fraser's dolphin	NA *100*	0/0	100 + 100 = 200	NA/NA	NA/NA (NA)	NA.
Atlantic spotted dolphin	0.0285700/0.0288400	1,056/1,056	1,056 + 1,056 = 2,112	NA/44,715	NA/4.72 (0.71)	NA.
Pantropical spotted dolphin.	0.0194900/0.0197600	724/724	724 + 724 = 1,448	NA/3,333	NA/43.44 (6.54)	NA.
Striped dolphin	0.1330000/0.1343000	4,916/4,916	4,916 + 4,916 = 9,832	NA/54,807	NA/17.94 (2.69)	NA.
Spinner dolphin	NA *65*	0/0	65 + 65 = 130	NA/NA	NA/NA (NA)	NA.
Clymene dolphin	0.0093110/0 *52*	0/341	52 + 341 = 393	NA/NA	NA/NA (NA)	NA.
Short-beaked common dolphin.	0.0053940/0.0055320	203/203	203 + 203 = 406	NA/173,486	NA/0.23 (0.04)	NA.
Rough-toothed dolphin	0.004200/0.0004260	16/16	16 + 16 = 32	NA/271	NA/11.81 (2.21)	NA.
Risso's dolphin	0.0092150/0.0093180	342/342	342 + 342 = 684	NA/18,250	NA/3.75 (0.57)	NA.
Melon-headed whale	NA *100*	0/0	100 + 100 = 200	NA/NA	NA/NA (NA)	NA.
Pygmy killer whale	NA *25*	0/0	25 + 25 = 50	NA/NA	NA/NA (NA)	NA.
False killer whale	NA *15*	0/0	15 + 15 = 30	NA/NA	NA/NA (NA)	NA.
Killer whale	NA *6*	0/0	6 + 6 = 12	NA/NA	NA/NA (NA)	NA.
Short-finned pilot whale.	0.0108000/0.0190400	697/697	697 + 697 = 1,394	780,000/21,515	0.18/6.48 (0.98)	NA.
Long-finned pilot whale	0.0108000/0.0190400	697/697	697 + 697 = 1,394	780,000/26,535	0.18/5.25 (0.79)	NA.
Harbor porpoise	NA *4*	0/0	4 + 4 = 8	500,000/79,883	0.002/0.01 (<0.01)	NA.
Pinnipeds:						
Harbor seal	NA	0/0	0 + 0 = 0	NA/70,142	NA/NA	NA.
Gray seal	NA	0/0	0 + 0 = 0	NA/NA (348,999 minimum 2012).	NA/NA	Increasing.
Harp seal	NA	0/0	0 + 0 = 0	8.6 to 9.6 million/NA (8.3 million in 2012).	NA/NA	NA.
Hooded seal	NA	0/0	0 + 0 = 0	600,000/NA (592,100 minimum in 2007).	NA/NA	NA.

NA = Not available or not assessed.
[1] OBIS–SERDP-Navy NODE 2007a and 2007b (for those species where density data is available).
[2] Calculated take is estimated density multiplied by the 160 dB ensonified area.
[3] Requested take authorization was increased to group size for species for which densities were not available but that have been sighted near the survey area (CeTAP, 1984).
[4] Stock sizes are best populations from NMFS Stock Assessment Reports where available (see Table 3 in above).
[5] Requested takes expressed as percentages of the larger regional population and NMFS Stock Assessment Reports, where available.
[6] Based on NMFS Stock Assessment Reports.

Applying the approach described above, approximately 36,600 km² will be within the 160 dB isopleth on one or more occasions during the planned survey in 2014. The planned survey in 2015 is expected to ensonify an almost identical area (to within 2%); therefore an ensonified area of 36,600 km² was used for the planned surveys in 2014 and 2015. Because this approach does not allow for turnover in the marine mammal populations in the area during the course of the survey, the actual number of individuals exposed may be underestimated, although the conservative (i.e., probably overestimated) line-kilometer distances used to calculate the area may offset this. Also, the approach assumes that no cetaceans will move away or toward the trackline as the *Langseth* approaches in

response to increasing sound levels before the levels reach 160 dB (rms). Another way of interpreting the estimates that follow is that they represent the number of individuals that are expected (in the absence of a seismic program) to occur in the waters that will be exposed to greater than or equal to 160 dB (rms).

Encouraging and Coordinating Research

USGS will coordinate the planned marine mammal monitoring program associated with the seismic survey with other parties that may have interest in this area and specified activity. USGS will coordinate with applicable U.S. agencies (e.g., NMFS), and will comply with their requirements.

Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses

Section 101(a)(5)(D) of the MMPA also requires NMFS to determine that the authorization will not have an unmitigable adverse effect on the availability of marine mammal species or stocks for subsistence use. There are no relevant subsistence uses of marine mammals implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks will not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Analyses and Determinations

Negligible Impact

Negligible impact is ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival'' (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (i.e., population-level effects). An estimate of the number of Level B harassment takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through behavioral harassment, NMFS must consider other factors, such as the likely nature of any responses (their intensity, duration, etc.), the context of any responses (critical reproductive time or location, migration, etc.), as well as the number and nature of estimated Level A harassment takes, the number of estimated mortalities, and effects on habitat.

In making a negligible impact determination, NMFS evaluated factors such as:

(1) The number of anticipated injuries, serious injuries, or mortalities;

(2) The number, nature, and intensity, and duration of Level B harassment (all relatively limited); and

(3) The context in which the takes occur (i.e., impacts to areas of significance, impacts to local populations, and cumulative impacts when taking into account successive/contemporaneous actions when added to baseline data);

(4) The status of stock or species of marine mammals (i.e., depleted, not depleted, decreasing, increasing, stable, impact relative to the size of the population);

(5) Impacts on habitat affecting rates of recruitment/survival; and

(6) The effectiveness of monitoring and mitigation measures.

As described above and based on the following factors, the specified activities associated with the marine seismic survey are not likely to cause PTS, or other non-auditory injury, serious injury, or death. The factors include:

(1) The likelihood that, given sufficient notice through relatively slow ship speed, marine mammals are expected to move away from a noise source that is annoying prior to its becoming potentially injurious;

(2) The availability of alternate areas of similar habitat value for marine mammals to temporarily vacate the survey area during the operation of the airgun(s) to avoid acoustic harassment;

(3) The potential for temporary or permanent hearing impairment is relatively low and will likely be avoided through the implementation of the required monitoring and mitigation measures (including power-down and shut-down measures); and

(4) The likelihood that marine mammal detection ability by trained PSOs is high at close proximity to the vessel.

Table 6 of this document outlines the number of authorized Level B harassment takes that are anticipated as a result of these activities. The type of Level B (behavioral) harassment that could result from the action are described in the ''Potential Effects of the Specified Activity on Marine Mammals'' section above, and include tolerance, masking, behavioral disturbance, TTS, PTS, and non-auditory or physiological effects. Level B (behavioral harassment occurs at the level of the individual(s) and does not assume any resulting population-level consequences. For the marine mammal species that may occur within the action area, there are no known designated or important feeding and/or reproductive areas. Many animals perform vital functions, such as feeding, resting, traveling, and socializing, on a diel cycle (i.e., 24 hr cycle). Behavioral reactions to noise exposure (such as disruption of critical life functions, displacement, or avoidance of important habitat) are more likely to be significant if they last more than one diel cycle or recur on subsequent days (Southall *et al.,* 2007). While seismic operations are anticipated to occur on consecutive days, the estimated duration of the survey will last no more than a total of 36 days (a 17 to 18 day leg in August to September 2014 and a 17 to 18 day leg in April to August 2015). Additionally, the seismic survey will be increasing sound levels in the marine environment in a relatively small area surrounding the vessel (compared to the range of the animals). The seismic surveys will not take place in areas of significance for marine mammal feeding, resting, breeding, or calving and will not adversely impact marine mammal habitat. Furthermore, the vessel will be constantly travelling over distances, and some animals may only be exposed to and harassed by sound for less than a day.

NMFS's practice has been to apply the 160 dB re 1 μPa (rms) received level threshold for underwater impulse sound levels to determine whether take by Level B harassment occurs. Southall *et al.* (2007) provide a severity scale for ranking observed behavioral responses of both free-ranging marine mammals and laboratory subjects to various types of anthropogenic sound (see Table 4 in Southall *et al.* [2007]). NMFS has determined, provided that the aforementioned mitigation and monitoring measures are implemented, the impact of conducting a marine seismic survey in the northwest Atlantic Ocean off of the Eastern Seaboard, August to September 2014 and April to August 2015, may result, at worst, in a modification in behavior and/or low-level physiological effects (Level B harassment) of certain species of marine mammals. No injuries, serious injuries, or mortalities are anticipated to occur as a result of USGS's planned marine seismic survey, and none are authorized by NMFS.

While behavioral modifications, including temporarily vacating the area during the operation of the airgun(s), may be made by these species to avoid the resultant acoustic disturbance, the availability of alternate areas within these areas for species and the short and sporadic duration of the research activities, have led NMFS to determine

that the taking by Level B harassment from the specified activity will have a negligible impact on the affected species in the specified geographic region. Due to the nature, degree, and context of Level B (behavioral) harassment anticipated and described (see ''Potential Effects on Marine Mammals'' section above) in this notice, the activity is not expected to impact rates of annual recruitment or survival for any affected species or stock, particularly given the NMFS and the applicant's plan to implement mitigation and monitoring measures that will minimize impacts to marine mammals. NMFS has issued IHAs for marine mammal take for similar types of research seismic surveys for over 10 years and required similar mitigation and monitoring measures. In no case have the submitted monitoring reports suggested that marine mammal impacts have exceeded those anticipated in our analysis under the MMPA.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the required monitoring and mitigation measures, NMFS finds that the total marine mammal take from USGS's marine seismic survey will have a negligible impact on the affected marine mammal species or stocks.

Small Numbers

As mentioned previously, NMFS estimates that 34 species of marine mammals under its jurisdiction could be potentially affected by Level B harassment over the course of the IHA. The population estimates for the marine mammal species or stocks that may be taken by Level B harassment are provided in Table 6 of this document. No takes of pinnipeds are expected due to a lack of species observations within the study area, the great distance offshore, and the deep water depths of the study area. It should be noted that the stock populations for each marine mammal species in the NMFS Stock Assessment Reports are generally for species populations in U.S. waters, which may underestimate actual population sizes for species that have ranges that will include waters outside the U.S. EEZ.

NMFS makes it small numbers determination based on the number of marine mammals that would be taken relative to the populations of the affected species or stocks. NMFS's take estimates for the current survey are based on a consideration of the number of marine mammals that could be harassed by seismic operations with the entire seismic survey area, both within and outside of the U.S. EEZ. Given that the take estimates were calculated for the entire survey area, NMFS concludes that a portion of the authorized takes would take place within the U.S. EEZ and the remainder would take place outside of the U.S. EEZ. To make our small numbers determination for U.S. EEZ stocks, we therefore apportioned 10 to 20% of the authorized take to the U.S. EEZ, given that approximately 80% of the survey tracklines in 2014 and approximately 90% of the survey tracklines in 2015 are outside of the U.S. EEZ. See Table 6 for the small number calculations of the U.S. EEZ stock with abundance data based on this apportionment. All of the takes that NMFS expects to occur within the U.S. EEZ represent a small number relative the affected U.S. EEZ stocks.

As described above, approximately 80% of the survey tracklines in 2014 and approximately 90% of the survey tracklines in 2015 are within International Waters (i.e., the high seas) and are outside of the U.S. EEZ; therefore, the regional population is more applicable for NMFS's small numbers determinations, as most of the ensonified area and estimated takes are further than 200 nmi from the U.S. coastline. Regional abundance data exists for 12 species that could be affected by the survey. See Table 6 for the small number calculations of the species with regional abundance data. The take authorized for these species represents a small number relative to the affected regional populations.

For the remaining species for which NMFS has U.S. EEZ stock abundance data but no regional abundance data, NMFS concludes that if the total authorized take represents a small number of the U.S. EEZ stock (also calculated in Table 6), it will also represent a small number of the greater regional population, based on the larger and wider ranging populations expected in the high seas. This conclusion is supported by the fact that, for the species with both regional and stock-specific abundance populations, the regional abundance is on the order of five to twenty times higher than the abundance of the stock. For the pantropical spotted dolphin, the total authorized take would represent more than 43% of the U.S. EEZ stock. However, as noted in Table 6, the take expected to occur in the U.S. EEZ represents approximately 6.5% of the affected U.S. EEZ stock. The remainder of the takes would occur outside the U.S EEZ. Although no regional abundance estimate exists for the pantropical spotted dolphin, it is one of the most abundant cetaceans on the globe and occurs in all tropical to warm temperate waters between 40° N and S (Folkens 2002). Therefore, we are confident that the authorized take represents a small number compared to the greater regional Atlantic pantropical spotted dolphin population that occurs outside of the U.S. EEZ. No known current regional population or stock abundance estimates for the northwest Atlantic Ocean are available for the eight remaining species under NMFS's jurisdiction that could potentially be affected by Level B harassment over the course of the IHA. These species include the Bryde's whale, Fraser's, spinner, and Clymene dolphins, and the melon-headed, pygmy killer, false killer, and killer whales. Bryde's whales are distributed worldwide in tropical and sub-tropical waters and their occurrence in the study area is rare. In the western North Atlantic Ocean, Bryde's whales are reported from off the southeastern U.S. and southern West Indies to Cabo Frio, Brazil (Leatherwood and Reeves, 1983). Fraser's dolphins are distributed worldwide in tropical waters and their occurrence in the study area is rare. Spinner dolphins are found in all tropical and sub-tropical oceans and their occurrence in the study area is rare. Melon-headed whales are distributed worldwide in tropical to sub-tropical waters and their occurrence in the study area is rare. The pygmy killer whale is distributed worldwide in tropical to sub-tropical waters and their occurrence in the study area is rare. The false killer whale is distributed worldwide throughout warm temperate and tropical oceans and their occurrence in the study area is rare. Killer whales are characterized as uncommon or rare in waters of the U.S. Atlantic EEZ (Katona *et al.,* 1988). Their distribution extends from the Arctic ice-edge to the West Indies, often in offshore and mid-ocean areas. There are estimated to be at least approximately 92,500 killer whales worldwide.

The Clymene dolphin is endemic to tropical and sub-tropical waters of the Atlantic, including the Caribbean Sea and Gulf of Mexico (Jefferson and Curry, 2003; Jefferson *et al.,* 2008). This species prefer warm waters and records extend from southern Brazil and Angola and north to Mauritania and New Jersey off the U.S. east coast (Jefferson *et al.,* 2008). Their occurrence in the study area is rare. The abundance estimate for the Clymene dolphin in the western North Atlantic was 6,086 in 2003; this estimate is older than eight years and is considered unreliable (Wade and Angliss, 1997; Mullin and Fulling,

2003). However, this abundance estimate is the first and only estimate to date for this species in the U.S. Atlantic EEZ and represents the best abundance estimate.

These eight species did not have density model outputs within the SERDP/NASA/NOAA and OBIS–SEAMAP database. However, limited OBIS–SEAMAP sightings data exist for these species within or adjacent to the action area. As explained above, even where the limited number of sightings suggests that density is very low and encounters are less likely, for any species with OBIS–SEAMAP sightings data within or adjacent to the action area, NMFS believes it is wise to include coverage for potential takes. Generally, to quantify this coverage, NMFS assumed that USGS could potentially encounter one group of each species during each of the seismic survey legs (recognizing that interannual variation and the potential presence of ephemeral features could drive differing encounter possibilities in the two legs), and NMFS thinks it is reasonable to use the average (mean) groups size (weighted by effort and rounded up) to estimate the take from these potential encounters. Therefore, even though we do not have abundance data for these species, because of the limited sightings and low probability of encountering them, we have predicted take of no more than two individual groups of each of these species of animals during the two legs of the survey. Qualitatively, given what is known about cetacean biology and the range of these species, two groups as a portion of the total population abundance within or without of the U.S. EEZ would be considered small for all eight species.

Endangered Species Act

Of the species of marine mammals that may occur in the survey area, several are listed as endangered under the ESA, including the North Atlantic right, humpback, sei, fin, blue, and sperm whales. Under section 7 of the ESA, USGS has initiated formal consultation with the NMFS, Office of Protected Resources, Endangered Species Act Interagency Cooperation Division, on this seismic survey. NMFS's Office of Protected Resources, Permits and Conservation Division, has initiated and engaged in formal consultation under section 7 of the ESA with NMFS's Office of Protected Resources, Endangered Species Act Interagency Cooperation Division, on the issuance of an IHA under section 101(a)(5)(D) of the MMPA for this activity. These two consultations were consolidated and addressed in a single Biological Opinion addressing the direct and indirect effects of these independent actions. In August 2014, NMFS's Office of Protected Resources, Endangered Species Act Interagency Cooperation Division issued a Biological Opinion and concluded that both actions (i.e., the USGS seismic survey and NMFS's issuance of an IHA) are not likely to jeopardize the existence of cetaceans and sea turtles and would have no effect on critical habitat. NMFS's Office of Protected Resources, Endangered Species Act Interagency Cooperation Division also issued an Incidental Take Statement (ITS) incorporating the requirements of the IHA as Terms and Conditions of the ITS.

National Environmental Policy Act

USGS provided NMFS with an ''Environmental Assessment for Seismic Reflection Scientific Research Surveys During 2014 and 2015 in Support of Mapping the U.S. Atlantic Seaboard Extended Continental Margin and Investigating Tsunami Hazards,'' (EA) prepared by RPS Evan-Hamilton, Inc., in association with YOLO Environmental, Inc., GeoSpatial Strategy Group, and Ecology and Environment, Inc., on behalf of USGS. The EA analyzes the direct, indirect, and cumulative environmental impacts of the specified activities on marine mammals including those listed as threatened or endangered under the ESA. NMFS, after review and evaluation of the USGS EA for consistency with the regulations published by the Council of Environmental Quality (CEQ) and NOAA Administrative Order 216–6, Environmental Review Procedures for Implementing the National Environmental Policy Act, adopted the EA. After considering the EA, the information in the IHA application, Biological Opinion, and the **Federal Register** notice, as well as public comments, NMFS has determined that the issuance of the IHA is not likely to result in significant impacts on the human environment and has prepared a Finding of No Significant Impact (FONSI). An Environmental Impact Statement is not required and will not be prepared for the action.

Authorization

NMFS has issued an IHA to the USGS for conducting a marine seismic survey in the northwest Atlantic Ocean off the Eastern Seaboard, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: August 22, 2014.

Perry F. Gayaldo,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

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At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

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When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

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