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Contents

Federal Register

Vol. 79, No. 201

Friday, October 17, 2014

Agriculture Department
See Forest Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
National Forest System Land Management Planning, 62412

Army Department
See Engineers Corps
NOTICES
Performance Review Board Membership, 62432–62433

Blind or Severely Disabled, Committee for Purchase From People Who Are
See Committee for Purchase From People Who Are Blind or Severely Disabled

Bureau of Consumer Financial Protection
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 62420–62421

Centers for Medicare & Medicaid Services
RULES
Medicare Program:
Waivers in Connection With the Shared Savings Program; Continuation of Effectiveness; Extensions, 62356–62358
NOTICES
Meetings:
Medicare Program; Advisory Panel on Hospital Outpatient Payment, 62445–62447

Coast Guard
RULES
Drawbridge Operations:
Atlantic Intracoastal Waterway (AICW), Newport River, Morehead City, NC, 62337–62338
Atlantic Intracoastal Waterway, Chesapeake, VA, 62338–62339
Offshore Supply Vessels of at Least 6,000 GT ITC; Correction, 62358
Regulated Navigation Areas:
Bridge 1 Structural Repairs, Portsmouth Naval Shipyard, Kittery, ME, 62339–62341
Safety Zones:
English Station Emergency Environmental Response, Mill River, New Haven, CT, 62341–62344
Pier 39 36th Anniversary Fireworks Display, San Francisco Bay, San Francisco, CA, 62344–62346

Commerce Department
See Foreign-Trade Zones Board
See National Oceanic and Atmospheric Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 62414–62415

Committee for Purchase From People Who Are Blind or Severely Disabled
NOTICES
Procurement List; Additions and Deletions, 62417–62418

Commodity Futures Trading Commission
NOTICES
Schedule of Fees:
Rule Enforcement Programs of Designated Contract Markets and Registered Futures Associations, 62418–62420

Defense Department
See Army Department
See Engineers Corps
NOTICES
Arms Sales, 62421–62430
Meetings:
Threat Reduction Advisory Committee, 62430–62431
Privacy Act; Systems of Records, 62431–62432

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Quick Response Information System 2015–2018 System Clearance, 62434

Energy Department
PROPOSED RULES
Energy Conservation Programs for Consumer Products:
Test Procedure for Ceiling Fans, 62522–62548

Engineers Corps
NOTICES
Environmental Impact Statements; Availability, etc.:
76-slip Mooring and Launching Facility with Associated Piers, etc.; Virginia Beach, VA, 62433

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
California; Air Resources Board—Consumer Products; Revisions, 62346–62350
Illinois; Gasoline Vapor Recovery Requirements; Ammendments, 62352–62356
Nevada; Clark County, Stationary Source Permits, 62350–62352
PROPOSED RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
California; California Air Resources Board—Consumer Products; Revisions, 62378–62379
Illinois; Gasoline Vapor Recovery Requirements; Amendments, 62378
Pennsylvania; Redesignation of the Harrisburg-Lebanon-Carlisle-York Nonattainment Areas, 62389–62408
Washington; Infrastructure Requirements for the 2008 Ozone and 2010 Nitrogen Dioxide National Ambient Air Quality Standards, 62379–62389
Washington; Infrastructure Requirements for the Fine Particulate Matter National Ambient Air Quality Standards, 62368–62378

NOTICES
Air Quality State Implementation Plans; Approvals and Promulgations:
Delaware; Philadelphia-Wilmington-New Jersey Nonattainment Areas; Adequacy Status of Maintenance Plans, 62434–62435
Clean Air Act Operating Permit Program:
Petition to Object to Title V Permits for Mettiki Coal, LLC, Maryland, 62435–62436
Environmental Impact Statements; Weekly Receipts, 62436
Meetings:
Human Studies Review Board, 62437–62439
Science Advisory Board, Chemical Assessment Advisory Committee Augmented for the Review of EPA's Draft Trimethylbenzenes Assessment, 62436–62437
Pesticide Registrations:
Requests for Amendments to Delete Uses, 62439–62441

Executive Office of the President
See Presidential Documents

Federal Aviation Administration
RULES
Establishment of Class E Airspace:
Thomas, OK, 62336–62337
PROPOSED RULES
Airworthiness Directives:
Bombardier, Inc. Airplanes, 62363–62366
Establishment of Class E Airspace:
Plainville, CT, 62366–62368
NOTICES
Meetings:
Aviation Rulemaking Advisory Committee; Transport Airplane and Engine Issues, 62507–62508
Petitions for Exemption; Summaries, 62508–62513

Federal Deposit Insurance Corporation
NOTICES
Terminations of Receivership:
Covenant Bank, Chicago, IL, 62441

Federal Election Commission
RULES
Aggregate Biennial Contribution Limits, 62335–62336
PROPOSED RULES
Aggregate Biennial Contribution Limits, 62361–62363

Federal Maritime Commission
NOTICES
Ocean Transportation Intermediary License Applicants, 62441–62442

Federal Railroad Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 62513–62517

Federal Reserve System
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 62442–62444
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 62444
Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies; Correction, 62444
Meetings; Sunshine Act, 62444–62445

Federal Transit Administration
NOTICES
National Transit Database Information Collection; Updates, 62517–62518

Fish and Wildlife Service
PROPOSED RULES
Endangered and Threatened Wildlife and Plants:
12-Month Finding on Petition to Downlist the Arroyo Toad; Reclassification as Threatened, 62408–62409
NOTICES
Endangered Species Permit Applications, 62453–62460

Food and Drug Administration
NOTICES
Food and Drug Administration Modernization Act:
Modifications to the List of Recognized Standards, Recognition List Number: 037, 62447–62449

Foreign–Trade Zones Board
NOTICES
Applications for Reorganization Under Alternative Site Frameworks:
Foreign-Trade Zone 207, Richmond, VA, 62415
Foreign-Trade Zone 288, Northwest Iowa, 62415

Forest Service
NOTICES
Environmental Impact Statements; Availability, etc.:
La Garita Hills Restoration Project, Saguache Ranger District, Rio Grande National Forest, CO, 62412–62414

Health and Human Services Department
See Centers for Medicare & Medicaid Services
See Food and Drug Administration
See Inspector General Office, Health and Human Services Department
See National Institutes of Health

Homeland Security Department
See Coast Guard
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Case Assistance Form, 62450–62452

Housing and Urban Development Department
NOTICES
Federal Property Suitable as Facilities to Assist the Homeless, 62452–62453

Inspector General Office, Health and Human Services Department
RULES
Medicare Program:
Waivers in Connection With the Shared Savings Program; Continuation of Effectiveness; Extensions, 62356–62358

Interior Department
See Fish and Wildlife Service
See National Park Service
See Ocean Energy Management Bureau

International Trade Commission
NOTICES
Complaints:
Certain Personal Transporters, Components Thereof, and Manuals Therefor, 62464
Investigations; Determinations, Modifications, and Rulings, etc.:
Boltless Steel Shelving Units Prepackaged for Sale from China, 62465
Certain Consumer Electronics with Display and Processing Capabilities, 62465–62466
Certain Multiple Mode Outdoor Grills and Parts Thereof, 62466–62467
Meetings; Sunshine Act, 62467

Labor Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Evaluation of the Youth CareerConnect Grant Program, 62467–62469

Millennium Challenge Corporation
NOTICES
Compact With the Republic of El Salvador, 62469–62472

National Institutes of Health
NOTICES
Meetings:
National Institute of Mental Health, 62450
National Institute on Alcohol Abuse and Alcoholism, 62449

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic:
Gulf King Mackerel in Western Zone; Coastal Migratory Pelagic Resources; Gulf of Mexico and South Atlantic; Accountability Measure and Closure, 62358–62359
PROPOSED RULES
Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic:
Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region; Amendment 20B, 62410–62411
NOTICES
Meetings:
New England Fishery Management Council, 62415–62417

National Park Service
NOTICES
Meetings:
Cape Cod National Seashore Advisory Commission, 62460–62461

National Science Foundation
NOTICES
Meetings:
Advisory Committee for Computer and Information Science and Engineering, 62472–62473
Federal-Commercial Spectrum Data; Workshop, 62472

Nuclear Regulatory Commission
RULES
Definition of a Utilization Facility, 62329–62335
PROPOSED RULES
Definition of a Utilization Facility, 62360–62361

Ocean Energy Management Bureau
NOTICES
Bid Adequacy Procedures:
Procedural Change and Clarification of Definitions, 62461–62463
Oil and Gas Lease Sales:
Central Gulf of Mexico Planning Area, Outer Continental Shelf, CPA Sale 235, 62463

Personnel Management Office
RULES
Federal Employees Health Benefits Program:
Modification of Eligibility to Certain Employees on Temporary Appointments and Certain Employees on Seasonal and Intermittent Schedules, 62325–62329

Postal Regulatory Commission
NOTICES
New Postal Products, 62473

Presidential Documents
PROCLAMATIONS
San Gabriel Mountains National Monument; Establishment (Proc. 9194), 62303–62322
Special Observances:
Blind Americans Equality Day (Proc. 9195), 62549–62552
Columbus Day (Proc. 9193), 62301–62302
General Pulaski Memorial Day (Proc. 9192), 62299–62300
International Day of the Girl (Proc. 9191), 62297–62298
National School Lunch Week (Proc. 9190), 62295–62296
EXECUTIVE ORDERS
Committees; Establishment, Renewal, Termination, etc.:
Southeastern Pennsylvania Transportation Authority Labor Dispute; Emergency Board To Investigate (EO 13679), 62323–62324

Securities and Exchange Commission
NOTICES
Applications:
Managed Portfolio Series, et al., 62482–62488
New Mountain Finance Corp., et al., 62481–62482
SunAmerica Series Trust, et al., 62473–62480
Self-Regulatory Organizations; Proposed Rule Changes:
Chicago Board Options Exchange, Inc., 62502–62504
Financial Industry Regulatory Authority, Inc., 62489–62492, 62500–62502
NYSE Arca, Inc., 62492–62500

Surface Transportation Board
NOTICES
Discontinuance of Service Exemptions:
Georgia Southwestern Railroad, Inc., and Central of Georgia Railroad Co., Schley and Sumpter Counties, GA, 62518–62519

Susquehanna River Basin Commission
NOTICES
Projects Approved for Consumptive Uses of Water, 62504–62506
Projects Rescinded for Consumptive Uses of Water, 62506–62507

Transportation Department
See Federal Aviation Administration
See Federal Railroad Administration
See Federal Transit Administration
See Surface Transportation Board

Treasury Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 62519
Appointment of Members:
Legal Division to the Performance Review Board, Internal Revenue Service, 62519

Veterans Affairs Department
NOTICES
Wait-Time Goals of the Department for the Veterans Choice Program, 62519–62520

Separate Parts In This Issue

Part II
Energy Department, 62522–62548

Part III
Presidential Documents, 62549–62552

Reader Aids

Consult the Reader Aids section at the end of this page for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Proclamations:

9190 62295
9191 62297
9192 62299
9193 62301
9194 62303
9195 62551

Executive Orders:

13679 62323

5 CFR

890 62325

10 CFR

50 62329

Proposed Rules:

50 62360
429 62522
430 62522

11 CFR

110 62335

Proposed Rules:

110 62361

14 CFR

71 62336

Proposed Rules:

39 62363
71 62366

33 CFR

117 (2 documents) 62337, 62338
165 (3 documents) 62339, 62341, 62344

40 CFR

52 (3 documents) 62346, 62350, 62352

Proposed Rules:

52 (5 documents) 62368, 62378, 62379, 62389
81 62389

42 CFR

Ch. IV 62356
Ch. V 62356

46 CFR

125 62358

50 CFR

622 62358

Proposed Rules:

17 62408
622 62410

Federal Register
Vol. 79, No. 201
Friday, October 17, 2014

Presidential Documents

Title 3—

The President

Proclamation 9190 of October 10, 2014

National School Lunch Week, 2014

By the President of the United States of America

A Proclamation

Ensuring access to balanced, healthy meals for all young people is essential to their success, and it is our responsibility as a Nation. Today, more than 30 million children depend on the National School Lunch Program for daily nutrition, and more than 13 million children are able to start their school day with a full stomach because of the School Breakfast Program. For many young people, these programs are the only regular source of food. That is why it is more important than ever to strengthen them and make sure they are supporting healthy lifestyles in classrooms across America. During National School Lunch Week, we encourage schools to expand access to nutritious food options, and we salute all those who work in our Nation's school cafeterias and food preparation centers. Every day they provide essential meals to America's students, contributing to their well-being and helping make sure they can fulfill their potential.

In 1946, President Harry Truman signed the National School Lunch Act, which provided meals for over 7 million children in its first year. Since then, more than 220 billion lunches have been served, and my Administration is proud to continue building on this legacy—not just by increasing access to breakfasts and lunches, but also by working to improve their quality and nutritional value. When more than one-third of American children and adolescents are overweight or obese—and as a result, are at risk for conditions like high blood pressure, high cholesterol, and Type 2 diabetes—ensuring access to healthy foods at schools helps support academic performance and improves children's overall health.

In 2010, I signed the Healthy, Hunger-Free Kids Act in order to raise nutritional standards and expand access to healthy meals. This year—in many of the more than 22,000 eligible schools across our country—educators and food service professionals are able to serve all their students free, nutritious breakfasts and lunches. Students now have more opportunities to eat healthy foods than ever before, including new options in vending machines and a la carte lines. And First Lady Michelle Obama's *Let's Move!* initiative has brought communities, schools, and elected officials together to promote nutrition and healthy lifestyles and empower children to make healthy choices in school and at home.

By expanding access to nutritious meals, we can help put young people on the path to good health from their earliest days. When we provide our children with opportunities to live prosperous and productive lives, we build a Nation where all kids can reach their dreams and achieve the bright futures they deserve.

The Congress, by joint resolution of October 9, 1962 (Public Law 87–780), as amended, has designated the week beginning on the second Sunday in October each year as ''National School Lunch Week'' and has requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim the week of October 12 through October 18, 2014, as National School Lunch Week. I call upon all Americans to join the dedicated individuals who administer the National School Lunch Program in appropriate activities that support the health and well-being of our Nation's children.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of October, in the year of our Lord two thousand fourteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

[FR Doc. 2014–24844
Filed 10–16–14; 8:45 am]
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Presidential Documents

Proclamation 9191 of October 10, 2014

International Day of the Girl, 2014

By the President of the United States of America

A Proclamation

In every community across the globe, girls and women should have the opportunity to learn, grow, and achieve their full potential. All nations have a responsibility to protect the basic human rights of all people, and when they do—when girls and women are fully valued as equal participants in a country's politics and economy—societies are more likely to succeed.

But throughout the world, too many girls and women are subjected to laws and traditions that serve only to oppress and exclude. Gender-based violence—from domestic violence and human trafficking to genital cutting and early and forced marriage—condemns girls to cycles of dependence, fear, and abuse. Harmful cultural norms and prejudices that tell young women how they are expected to look and act deny the dignity and equality we want for all our daughters. On International Day of the Girl, we stand with girls, women, and male and female advocates in every country who are calling for freedom and justice, and we renew our commitment to build a world where all girls feel safe, supported, and encouraged to pursue their own measure of happiness.

Promoting gender equality and lifting up the status of girls and women have been central to my Administration's national security strategy and foreign policy. We are supporting quality education for girls around the world, advancing policies that enable women and families to live healthier lives, and investing in programs that help nations prevent and respond to violence against girls and women. We are also working to end human trafficking, a crime that affects far too many communities both here at home and around the globe, and of which many victims are girls and women.

As we work to transform the lives of girls and women abroad, we have also redoubled our efforts to ensure there are no barriers to their success here at home. Vice President Joe Biden's *1is2many* initiative is raising awareness about the high rates of teen dating violence, and my Administration is engaging school districts, college students, and community members as part of our effort to end sexual assault and domestic violence. Through the Affordable Care Act, we have expanded access to quality, affordable health care to more girls and prohibited insurers from charging them extra simply because of their gender. We continue to invest in community efforts to reduce teen pregnancy. And we have made it a priority to educate and inspire our youngest girls by increasing opportunities for high-quality preschool. As they grow, we will make certain they receive the education and training needed to succeed in the jobs of today and tomorrow—jobs that we are working to ensure will offer equal pay for equal work.

As Americans, we must see the hopes and dreams of our own girls and realize that these are the same dreams of girls around the world. We cannot afford to silence the girl who holds the key to changing her community, or the voice that speaks up to call for peace or further scientific discovery. We cannot allow violence to snuff out the aspirations of young women in America, and we must not accept it anywhere in the world. Today, we resolve to do more than simply shine a light on inequality. With partners

across the globe, we support the girls who reach for their future in the face of unimaginable obstacles, and we continue our work to change attitudes and shift beliefs until every girl has the opportunities she deserves to shape her own destiny and fulfill her boundless promise.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 11, 2014, as International Day of the Girl. I call upon all Americans to observe this day with programs, ceremonies, and activities that advance equality and opportunity for girls everywhere.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of October, in the year of our Lord two thousand fourteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

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Presidential Documents

Proclamation 9192 of October 10, 2014

General Pulaski Memorial Day, 2014

By the President of the United States of America

A Proclamation

More than 200 years ago, Brigadier General Casimir Pulaski answered the call of our fledgling Nation as we sought to secure liberty and justice. A Polish-born leader, he fought and sacrificed his life for a country not fully his own. He understood that the promise of our new Nation was not about circumstance of birth, but rather a set of beliefs and unalienable rights. Today, we pay tribute to a hero of the American Revolutionary War, and we celebrate the contributions that generations of Polish-Americans have made to the country for whose independence Pulaski took up arms.

As a young man, Casimir Pulaski fought for Polish sovereignty, defending his homeland from foreign occupation with courage and bravery. After many years, his confederation was overpowered, and he was exiled to France where he met Benjamin Franklin. With Franklin, Pulaski discussed America's struggle to throw off the tyranny of an empire, and in 1777, Pulaski crossed the Atlantic to stand with a small band of patriots.

In America, Pulaski served with honor and distinction. During battle, he aided George Washington and—because of his leadership and skill on horseback—became known as the ''Father of the American Cavalry.'' But tragically in October of 1779, as Pulaski led his troops during the siege of Savannah, Georgia, he was mortally wounded. While he was not witness to the conclusion of the war, his memory is forever enshrined in the pages of its history.

Pulaski's life represents only one chapter in the Polish people's long and storied legacy of fighting for freedom. This year, we celebrated the 25th anniversary of an election where, for the first time, the people of Poland had a choice. The culmination of centuries of struggle, it marked the beginning of a new course for Poland—one that has ushered in the return of democracy and demonstrated the enduring strength of the ideals our two nations share. As we also recognize the 15th anniversary of Poland's membership in NATO, we are proud to call Poland one of our strongest and closest allies, and we are reminded that the blessings of liberty must be earned and renewed by every generation.

On General Pulaski Memorial Day, we reflect on the beginnings of our relationship with Poland. In the centuries since, Polish immigrants have sought the opportunities in America that Pulaski helped secure, and as they have, our nations' bonds of friendship have grown stronger. As we renew our commitment to honoring all those who fought for the freedom of our new Nation, let us resolve to stand with developing democracies around the world and with all people yearning to be free.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 11, 2014, as General Pulaski Memorial Day. I encourage all Americans to commemorate this occasion with appropriate programs and activities paying tribute to Casimir Pulaski and honoring all those who defend the freedom of our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of October, in the year of our Lord two thousand fourteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

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Presidential Documents

Proclamation 9193 of October 10, 2014

Columbus Day, 2014

By the President of the United States of America

A Proclamation

When Christopher Columbus—a son of Genoa, Italy—set sail across the Atlantic, no one could imagine the profound and lasting impact he would have on the world. In search of a westward route to Asia, he instead spotted the Bahamas. As dawn broke on October 12, 1492, Columbus's crew set foot on a Caribbean island and changed the course of history. For much of Europe, this marked the discovery of the New World, and it set in motion the more than five centuries that have followed.

In a new world, explorers found opportunity. They endured unforgiving winters and early hardship. They pushed west across a continent, charting rivers and mountains, and expanded our understanding of the world as they embraced the principle of self-reliance.

In a new world, a history was written. It tells the story of an idea—that all women and men are created equal—and a people's struggle to fulfill it. And it is a history shared by Native Americans, one marred with long and shameful chapters of violence, disease, and deprivation.

In a new world, a Nation was born. A resolute people fought for democracy, liberty, and freedom from tyranny. They secured fundamental rights to expression, petition, and free exercise of religion and built a beacon of hope to people everywhere who cherish these ideals.

Columbus's historic voyage ushered in a new age, and since, the world has never been the same. His journey opened the door for generations of Italian immigrants who followed his path across an ocean in pursuit of the promise of America. Like Columbus, these immigrants and their descendants have shaped the place where they landed. Italian Americans have enriched our culture and strengthened our country. They have served with honor and distinction in our Armed Forces, and today, they embrace their rich heritage as leaders in our communities and pioneers of industry.

On Columbus Day, we reflect on the moment the world changed. And as we recognize the influence of Christopher Columbus, we also pay tribute to the legacy of Native Americans and our Government's commitment to strengthening their tribal sovereignty. We celebrate the long history of the American continents and the contributions of a diverse people, including those who have always called this land their home and those who crossed an ocean and risked their lives to do so. With the same sense of exploration, we boldly pursue new frontiers of space, medicine, and technology and dare to change our world once more.

In commemoration of Christopher Columbus's historic voyage 522 years ago, the Congress, by joint resolution of April 30, 1934, and modified in 1968 (36 U.S.C. 107), as amended, has requested the President proclaim the second Monday of October of each year as ''Columbus Day.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim October 13, 2014, as Columbus Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities. I also direct that the flag of the United States

be displayed on all public buildings on the appointed day in honor of our diverse history and all who have contributed to shaping this Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of October, in the year of our Lord two thousand fourteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

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Presidential Documents

Proclamation 9194 of October 10, 2014

Establishment of the San Gabriel Mountains National Monument

By the President of the United States of America

A Proclamation

Known as the crown to the Valley of Angels, the peaks of the San Gabriel Mountains frame the Los Angeles skyline. Over 15 million people live within 90 minutes of this island of green, which provides 70 percent of the open space for Angelenos and 30 percent of their drinking water. Millions recreate and rejuvenate in the San Gabriels each year, seeking out their cool streams and canyons during the hot summer months, their snowcapped mountains in the winter, and their trail system and historic sites throughout the year.

The San Gabriels are some of the steepest and most rugged mountains in the United States. Situated adjacent to the mighty San Andreas Fault, the mountains are geologically active, migrating northwest at an average of 2 inches each year. Deep canyons, many with precious perennial streams, score the mountain peaks—north toward the arid Mojave Desert and south to the temperate San Gabriel Valley.

The rich cultural history of these mountains echoes their striking geologic features and ecological diversity. Cultural resources represent successive layers of history, including that of Native Americans, Spanish missionaries and colonialists, Mexican rancheros, and Euro-American settlers and prospectors. Native American history runs deep, at least 8,000 years, exemplified by the Aliso-Arrastre Special Interest Area known for its heritage resource values, including several rock art and cupules features, the concentration of which is unique to southern California. Due to urban development and natural processes, this area also contains the best preserved example of a Gabrielino pictograph that characterizes the California Tradition of rock painting.

Early European explorers' use of the area consisted mainly of early explorers traveling through the area. Over time, land grants, Spanish missions, and townsites surrounded the mountains, relying heavily on them for water, building supplies, and game.

By the 1840s, gold prospectors poured into the mountains. Large placer and lode mining operations were established in the San Gabriels, with mixed success. The historic mining town of Eldoradoville, located along the East Fork of the San Gabriel River, had at its peak in 1861 a population of over 500 miners, with general stores, saloons, and dance halls along with numerous mining camps of tents, wooden shacks, and stone cabins along the river.

In the early 20th century, responding to the burgeoning interest of urban dwellers in backcountry hiking and weekend rambling, a number of trails, lodges, and camps—many of which were accessible only by horseback or on foot—were constructed throughout the mountains. Remnants of these historic resorts, which attracted local residents and Hollywood stars alike, can still be seen and are important aspects of the region's social and cultural history.

Enthusiasm for recreating in the mountains continues today. The San Gabriels offer hundreds of miles of hiking, motorized, and equestrian trails, including several National Recreational Trails and 87 miles of the Pacific Crest National Scenic Trail. In the footprint of the resorts of the Great Hiking Era, many visitors partake of Forest Service campgrounds built on the foundations of early 20th-century lodges and resorts. In a region with limited open space, the mountains are the backyard for many highly urbanized and culturally diverse populations within Los Angeles, underscoring the need for strong partnerships between this urban forest and neighboring communities.

The mountains have hosted world-class scientists, studying the terra firma at their feet as well as the distant galactic stars. Astronomer Edwin Hubble performed critical calculations from his work at the Mt. Wilson Observatory, including his discovery that some nebulae were actually galaxies outside our own Milky Way. Assisted by Milton Humason, he also discovered the presence of the astronomical phenomenon of redshift that proved the universe is expanding. Also on Mt. Wilson, Albert Michelson, America's first Nobel Prize winner in a science field, conducted an experiment that provided the first modern and truly accurate measurement of the speed of light. Closer to earth, the San Dimas Experimental Forest, established in 1933 as a hydrologic laboratory, continues the study of some of our earliest and most comprehensively monitored research watersheds, providing crucial scientific insights.

Although proximate to one of America's most urban areas, the region has untrammeled wilderness lands of the highest quality, including four designated wilderness areas: San Gabriel, Sheep Mountain, Pleasant View Ridge, and Magic Mountain. These lands provide invaluable backcountry opportunities for the rapidly expanding nearby communities and also provide habitat for iconic species including the endangered California condor and least Bells' vireo, and the Forest Service Sensitive Nelson's bighorn sheep, bald eagle, and California spotted owl. Inventoried roadless areas and lands recommended for designation as Wilderness also provide important habitat, including a connectivity corridor important for wide ranging species, such as the mountain lion.

The importance of the San Gabriels' watershed values was recognized early. As early as the late 1800s, local communities petitioned to protect the mountains for their watershed values. As a result, President Benjamin Harrison established the San Gabriel Timberland Reserve in 1892, the precursor to the Angeles National Forest.

Reflecting the needs of the nearby population centers, the San Gabriels host an array of flood control and water storage, delivery, and diversion infrastructure, including six large retention dams as well as numerous telecommunications and utility towers.

The San Gabriels' rivers not only provide drinking water but are also areas of high ecological significance supporting rare populations of native fish, including the threatened Santa Ana sucker. The San Gabriel River supports rare arroyo chub and Santa Ana speckled dace, a species found only in the Los Angeles Basin. Little Rock Creek tumbles down from the northern escarpment to the Mojave Desert below and supports important populations of the endangered mountain yellow-legged frog and arroyo toad, as well as the threatened California red-legged frog. On the slopes of Mt. San Antonio, San Antonio Creek rushes through an alpine canyon studded with stalwart bigcone Douglas fir, and the magnificent 75-foot San Antonio Falls draw thousands of visitors every year.

In addition to rivers, the San Gabriels contain two scenic lakes, both formed by the area's remarkable geologic forces. The alpine Crystal Lake, found high in the mountains, was formed from one of the largest landslides on record in southern California. Jackson Lake is a natural sag pond, a type of pond formed between the strands of an active fault line—in this case, the San Andreas.

Climatic contrasts in the San Gabriels range from the northern slope desert region, home to Joshua trees and pinyon pines, to high-elevation white fir and a notable stand of 1,000-year-old limber pines. Vegetation communities, including chaparral and oak woodland, represent a portion of the rare Mediterranean ecosystem found in only 3 percent of the world. Mediterranean climate zones have high numbers of species for their area.

The San Gabriels also provide suitable habitat for 52 Forest Service Sensitive Plants and as many as 300 California-endemic species, including Pierson's lupine and San Gabriel bedstraw, that occur only in the San Gabriel range.

The mountains harbor several of California's signature natural vegetation communities, including the drought-tolerant and fire-adapted chaparral shrubland, which is the dominant community and includes scrub oaks, chamise, manzanita, wild lilac, and western mountain-mahogany. Mixed conifer forest is an associated vegetation community comprising Jeffrey pine, sugar pine, white fir, and riparian woodlands including white alder, sycamore, and willow. These communities provide habitat for numerous native wildlife and insect species, including agriculturally important pollinators, the San Gabriel Mountains slender salamander, San Bernardino Mountain kingsnake, song sparrow, Peregrine falcon, mule deer, and Pallid bat.

WHEREAS section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) (the ''Antiquities Act''), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected; and

WHEREAS it is in the public interest to preserve and protect the objects of scientific and historic interest at the San Gabriel Mountains;

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by section 2 of the Antiquities Act, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or controlled by the Government of the United States to be the San Gabriel Mountains National Monument (monument) and, for the purpose of preserving those objects, reserve as a part thereof all lands and interests in lands owned or controlled by the Government of the United States within the boundaries described on the accompanying map entitled, ''San Gabriel Mountains National Monument'' and the accompanying legal description, which are attached to and form a part of this proclamation.

These reserved Federal lands and interests in lands encompass approximately 346,177 acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, leasing, or other disposition under the public land or other Federal laws, including location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument, or disposition of materials under the Materials Act of 1947 in a manner that is consistent with the proper care and management of the objects protected by this proclamation.

The establishment of this monument is subject to valid existing rights. Lands and interests in lands within the monument's boundaries not owned or controlled by the United States shall be reserved as part of the monument upon acquisition of ownership or control by the United States. To the extent allowed by applicable law, the Secretaries of Agriculture and the

Interior shall manage valid Federal mineral rights existing within the monument as of the date of this proclamation in a manner consistent with the proper care and management of the objects protected by this proclamation.

Nothing in this proclamation shall be construed to alter the valid existing water rights of any party, including the United States.

Nothing in this proclamation shall be construed to interfere with the operation or maintenance, nor with the replacement or modification within the existing authorization boundary, of existing water resource, flood control, utility, pipeline, or telecommunications facilities that are located within the monument, subject to the Secretary of Agriculture's special uses authorities and other applicable laws. Existing water resource, flood control, utility, pipeline, or telecommunications facilities located within the monument may be expanded, and new facilities may be constructed within the monument, to the extent consistent with the proper care and management of the objects protected by this proclamation, subject to the Secretary of Agriculture's special uses authorities and other applicable law.

The Secretary of Agriculture (Secretary) shall manage the monument through the Forest Service, pursuant to applicable legal authorities, consistent with the purposes and provisions of this proclamation. The Secretary shall prepare, within 3 years of the date of this proclamation and in consultation with the Secretary of the Interior, a management plan for the monument and shall promulgate such regulations for its management as deemed appropriate. The Secretary shall provide for maximum public involvement in the development of that plan, including, but not limited to, consultation with tribal, State, and local government, as well as community environmental conservation, health, and justice organizations. The plan shall provide for protection and interpretation of the scientific and historic objects identified above and for continued public access to those objects, consistent with their protection. To the maximum extent permitted by other applicable law and consistent with the purposes of the monument, the plan shall protect and preserve Indian sacred sites, as defined in section 1(b) of Executive Order 13007 of May 24, 1996, and access by Indian tribal members for traditional cultural, spiritual, and tree and forest product-, food-, and medicine-gathering purposes.

Nothing in this proclamation shall be construed to enlarge or diminish the rights of any Indian tribe as defined in section 1(b) of Executive Order 13007.

The Secretary shall prepare a transportation plan that specifies and implements such actions necessary to protect the objects identified in this proclamation, including road closures and travel restrictions. For the purpose of protecting the objects identified above, except for emergency or authorized administrative purposes, the Secretary shall limit all motor vehicle use to designated roads, trails, and, in the Secretary's discretion, those authorized off-highway vehicular use areas existing as of the date of this proclamation.

The Secretary shall, in developing any management plans and any management rules and regulations governing the monument, consult with the Secretary of the Interior. The final decision to issue any management plans and any management rules and regulations rests with the Secretary of Agriculture. Management plans or rules and regulations developed by the Secretary of the Interior governing uses within national parks or other national monuments administered by the Secretary of the Interior shall not apply within the monument.

Nothing in this proclamation shall be construed to enlarge or diminish the jurisdiction of the State of California with respect to fish and wildlife management.

Laws, regulations, and policies followed by the United States Forest Service in issuing and administering grazing permits or leases on all lands under its jurisdiction shall continue to apply with regard to the lands in the

monument in a manner consistent with the proper care and management of the objects protected by this proclamation.

Nothing in this proclamation shall be construed to alter the authority or responsibility of any party with respect to emergency response activities within the monument, including wildland fire response. The Secretary may carry out vegetative management treatments within the monument, except that timber harvest and prescribed fire may only be used when the Secretary determines it appropriate to address the risk of wildfire, insect infestation, or disease that would endanger the objects identified above or imperil public safety.

Recognizing the proximity of the monument to Class B airspace and that a military training route is over the monument, nothing in this proclamation shall be deemed to restrict general aviation, commercial, or military aircraft operations, nor the designation of new units of special use airspace or the establishment of military flight training routes, over the monument.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of the monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of October, in the year of our Lord two thousand fourteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

Billing code 3295–F5–P

SAN GABRIEL MOUNTAINS NATIONAL MONUMENT

ANGELES & SAN BERNARDINO NATIONAL FORESTS

PACIFIC SOUTHWEST REGION

Boundary Description

The San Gabriel Mountains National Monument is located in the California Region of the U.S.D.A. Forest Service, on the Angeles and San Bernardino National Forests, situated in Township 5 North, Range 11 West, Township 4 North, Ranges 8 –14 West, Township 3 North, Ranges 7 – 12 West, Township 2 North, Ranges 7 – 12 West, and Township 1 North, Ranges 8 – 10 West, San Bernardino Base Line and Meridian, in the County of Los Angeles and San Bernardino, State of California.

The San Gabriel Mountains National Monument is more particularly described as follows:

Beginning at a point located within the Angeles National Forest boundary, said point being the Section Corner of Sections 11, 12, 13 and 14, T.3N., R.8W., as shown on the Mount San Antonio quadrangle;

thence northerly along the section line between Sections 11 and 12, T.3N., R.8W., to the Section Corner of Sections 1, 2, 11 and 12.

thence northerly along the section line between sections 1 and 2, T.3N., R.8W., to the southerly Township line of T.3N., R.8W., and T.4N., R.8W.

thence westerly along said Township Line, to the Section corner of Sections 35 and 36, T.4N., R.8W.

thence northerly between Sections 35 and 36, T.4N., R.8W., to the Section Corner of Sections 25, 26, 35 and 36.

thence northerly between Sections 25 and 26, T.4N., R.8W., to the Section Corner of Sections 23, 24, 25 and 26.

thence northerly between Sections 23 and 24, T.4N., R.8W., to the Section Corner of Sections 13, 14, 23 and 24.

thence westerly between Sections 14 and 23, T.4N., R.8W., to the Section Corner of Sections 14, 15, 22 and 23.

thence westerly between Sections 15 and 22, T.4N., R.8W., to the Section Corner of Sections 15, 16, 21 and 22.

thence westerly between Sections 16 and 21, T.4N., R.8W., to the Section Corner of Sections 16, 17, 20 and 21.

thence westerly between Sections 17 and 20, T.4N., R.8W., to the Section Corner of Sections 17, 18, 19 and 20.

thence westerly between Sections 18 and 19, T.4N., R.8W., to the Section Corner of Sections 18 and 19 on the Range Line of T.4N., R.8W., and T.4N., R.9W.

thence southerly on the Range Line between Sections 13 and 18, T.4N., R.8W., and T.4N., R.9W., to the Section Corner of Sections 13 and 24.

thence westerly between Sections 13 and 24, T.4N., R.9W., to the Section Corner of Sections 13, 14, 23 and 24.

thence westerly between Sections 14 and 23, T.4N., R.9W., to the Section Corner of Sections 14, 15, 22 and 23.

thence westerly between Sections 15 and 22, T.4N., R.9W., to the Section Corner of Sections 15, 16, 21 and 22.

thence westerly between Sections 16 and 21, T.4N., R.9W., to the Section Corner of Sections 16, 17, 20 and 21.

thence westerly between Sections 17 and 20, T.4N., R.9W., to the Section Corner of Sections 17, 18, 19 and 20.

thence westerly between Sections 18 and 19, T.4N., R.9W., to the Section Corner of Sections 18 and 19 on the Range Line of T.4N., R.9W., and T.4N., R.10W.

thence northerly on the Range Line between Sections 18 and 24, T.4N., R.9W., and T.4N., R.10W., to the Section Corner of Sections 13 and 24.

thence westerly between Sections 13 and 24, T.4N., R.10W., to the Section Corner of Sections 13, 14, 23 and 24.

thence westerly between Sections 14 and 23, T.4N., R.10W., to the Section Corner of Sections 14, 15, 22 and 23.

thence westerly between Sections 15 and 22, T.4N., R.10W., to the Section Corner of Sections 15 and 22.

thence northerly between Sections 15 and 16, T.4N., R.10W., to the E 1/4 Section Corner of Section 16 only.

thence westerly along the east-west centerline of said Section 16 to the 1/4 Section Corner of Sections 16 and 17, T.4N., R.10W.

thence northerly between Sections 16 and 17, T.4N., R.10W., to the Section Corner of Sections 8, 9, 16 and 17.

thence westerly between Sections 8 and 17, T.4N., R.10W., to the Section Corner of Sections 7, 8, 17, and 18.

thence westerly between Sections 7 and 18, T.4N., R.10W., to the Section Corner of Sections 7 and 18 on the Range Line of T.4N., R.10W., and T.4N., R.11W.

thence northerly on the Range Line between Sections 7 and 12, T.4N., R.10W., and T.4N., R.11W., to the Section Corner of Sections 1 and 12.

thence northerly on the Range Line between Sections 1 and 6, to the Township Line, T.4N., R.10W., and T.4N., R.11W., Section Corner of Sections 1 and 6.

thence westerly between Sections 1 and 36, on the Township Line, T.4N., R.11W., and T.5N., R.11W., to the Section Corner of Sections 35 and 36 on the Township Line of T.4N., R.11W., and T.5N., R.11W.

thence northerly between Sections 35 and 36, T.5N., R.11W., to the Section Corner of Sections 25, 26, 35 and 36.

thence northerly between Sections 25 and 26, T.5N., R.11W., to the Section Corner of Sections 25 and 26.

thence westerly on the north boundary of Section 26, T.5N., R.11W., to the Section Corner of Sections 26, and 27.

thence westerly on the north boundary of Section 27, T.5N., R.11W., to the Section Corner of Sections 27, and 28.

thence westerly on the north boundary of Section 28, T.5N., R.11W., to the Section Corner of Sections 28, and 29.

thence westerly on the north boundary of Section 29, T.5N., R.11W., to the Section Corner of Sections 29, and 30.

thence westerly on the north boundary of Section 30, T.5N., R.11W., to the NW Corner of Section 30, on the Range Line, T.5N., R.11W., and T.5N., R.12W.

thence southerly on the Range Line, west boundary of Section 30, T.5N., R.11W., and T.5N., R.12W., to the Section Corner of Sections 30, and 31.

thence southerly on the Range Line, west boundary of Section 31, T.5N., R.11W., and T.5N., R.12W.to the Township Line, Section Corner of Sections 6, and 31.

thence southerly on the Range Line west boundary of Section 6, T.4N., R.11W., and T.5N., R.12W., to the NE corner of Section 1 Line on the Township Line T.4N., R.12W.

thence westerly on the north boundary of Section 1, T.4N., R.12W., to the Section Corner of Sections 1, and 2.

thence westerly on the north boundary of Section 2, T.4N., R.12W., to the Section Corner of Sections 2, and 3.

thence westerly on the north boundary of Section 3, T.4N., R.12W., to the Section Corner of Sections 3, and 4.

thence westerly on the north boundary of Section 4, T.4N., R.12W., to the Section Corner of Sections 4, and 5.

thence southerly between Sections 4 and 5, T.4N., R.12W., to the Section Corner of Sections 4, 5, 8, and 9.

thence westerly between Sections 5 and 8, T.4N., R.12W., to the Section Corner of Sections 5, 6, 7, and 8.

thence westerly between Sections 6 and 7, T.4N., R.12W., to the Range Line T.4N., R.12W., and T.4N., R.13W., Section Corner of Sections 6, and 7.

thence southerly on the Range Line, west boundary of Section 7, T.4N., R.12W., to the Section Corner of Sections 7, and 18.

thence southerly on the Range Line, west boundary of Section 18, T.4N., R.12W., to the Section Corner of Sections 13, and 24, T.4N., R.13W.

thence westerly between Sections 13 and 24, T.4N., R.13W., to the Section Corner of Sections 13, 14, 23, and 24.

thence westerly between Sections 14 and 23, T.4N., R.13W., to the Section Corner of Sections 14, 15, 22, and 23.

thence westerly between Sections 15 and 22, T.4N., R.13W., to the Section Corner of Sections 15, 16, 21, and 22.

thence westerly between Sections 16 and 21, T.4N., R.13W., to the Section Corner of Sections 16, 17, 20, and 21.

thence northerly between Sections 16 and 17, T.4N., R.13W., to the Section Corner of Sections 8, 9, 16, and 17.

thence westerly between Sections 8 and 17, T.4N., R.13W., to the Section Corner of Sections 7, 8, 17, and 18.

thence westerly between Sections 7 and 18, T.4N., R.13W., to the Range Line, Section Corner of Sections 7, 12, 13, and 18, T.4N., R.13W., and T.4N., R.14W.

thence westerly between Sections 12 and 13, T.4N., R.14W., to the Section Corner of Sections 11, 12, 13, and 14.

thence northerly between Sections 11 and 12, T.4N., R.13W., to the S 1/16 of Sections 11 and 12.

thence westerly along the east-west 1/16th south centerline of said Section 11 to the S 1/16 of Sections 10 and 11, T.4N., R.13W.

thence southerly between Sections 10 and 11, T.4N., R.14W., to the Section Corner of Sections 10, 11, 14, and 15.

thence southwesterly between Sections 10 and 15, T.4N., R.14W., to the 1/4 Section Corner of Sections 10, and 15.

thence westerly between Sections 10 and 15, T.4N., R.14W., to the Section Corner of Sections 9, 10, 15, and 16.

thence southerly between Sections 15 and 16, T.4N., R.14W., to 1/4 Section Corner of Sections 15, and 16.

thence westerly along the east-west centerline of said Section 16, T.4N., R.14W., to the 1/4 Section Corner of Sections 16 and 17;

thence westerly along the east-west centerline of said Section 17, T.4N., R.14W., to the 1/4 Section Corner of Sections 17 and 18;

thence southerly between Sections 17 and 18, T.4N., R.14W., to the Section Corner of Sections 17, 18, 19, and 20.

thence westerly between Sections 18 and 19, T.4N., R.14W., to the Range Line, Section Corner of Sections 18, and 19.

thence southerly on the Range Line, west boundary of Section 19, T.4N., R.14W., to the Section Corner of Sections 19 and 30.

thence southerly on the Range Line, west boundary of Section 30, T.4N., R.14W., to the Section Corner of Sections 30 and 31.

thence southerly on the Range Line, west boundary of Section 31, T.4N., R.14W., to the Township Line, Section Corner of Sections 6 and 31, T.4N., R.14W., and T.3N., R.14W.

thence generally southerly approximately 0.50 miles to a point 200 feet northerly of Sand Canyon Road, located near the 1/4 Corner of Section 6 only, T.3N.,R.14W.

thence generally southeasterly approximately 1.0 miles, parallel, northeasterly 200 feet of Sand Canyon Road, located near the CN 1/16 Corner of Section 7, T.3N.,R.14W.

thence generally southwesterly approximately 0.30 miles, parallel, northeasterly 200 feet of Sand Canyon Road to the intersection of Santa Clara Divide Road, parallel, 200 ft. northerly of Santa Clara Road.

thence generally northeasterly to easterly approximately 1.0 mile, parallel, northwesterly 200 feet of said Santa Clara Divide Road to a point 200 feet easterly of the centerline of Santa Clara Divide Road, located near the C 1/4 Corner of Section 8, T.3N.,R.14W.

thence generally northeasterly to easterly, approximately 3.2 miles to a point, parallel, 200 feet northerly of the centerline of Santa Clara Divide Road near Magic Mountain, located near the CW 1/16 Corner of Section 35, T.4N.,R.14W.

thence generally northeasterly, approximately 2.5 miles to a point, parallel, 200 feet northwesterly of U.S. Forest System Road 3N17, said point being 100 feet south of the centerline of Pacific Crest Trail, located near the W 1/16 Corner of Sections 30 and 31, T.4N.,R.13W.

thence continue generally easterly, approximately 2.0 miles parallel, 100 ft. south of the centerline of the Pacific Crest Trail through Sections 30 and 29, T.4N.,R.13W., located near the Section Corner of Sections 28, 29, 32 and 33, T.4N.,R.13W.

thence continue generally southeasterly, approximately 1.5 miles parallel, 100 ft. south of the centerline of the Pacific Crest Trail through Sections 33, T.4N.,R.13W., located near the Section Corner of Sections 33 and 34, T.4N.,R.13W.

thence continue generally easterly, approximately 6.5 miles parallel, 100 ft. south of the centerline of the Pacific Crest Trail through several Sections on both sides of the Township Line, T.4N.,R.13W., T.3N.,R.13W., T.4N.,R.12W., T.3N.,R.12W., located near the Section Corner of Sections 3 and 34, T.3N.,R.12W., T.4N.,R.12W.

thence continue generally northeasterly, approximately 2.5 miles parallel, 100 ft. south of the centerline of the Pacific Crest Trail through Sections 34, 35 and 26, T.4N.,R.12W., located near the 1/4 Section Corner of Sections 25 and 26, T.4N.,R.12W.

thence continue generally easterly to southeasterly, approximately 1.3 miles parallel, 100 ft. south of the centerline of the Pacific Crest Trail through Sections 25 and 36, T.4N.,R.12W., located near the 1/4 Section Corner of Section 36, T.4N.,R.12W.

thence westerly roughly 1300 feet to a point 200 feet easterly of the centerline of U.S. Forest System Road 3N19, also known as "Angeles Forest Highway";

thence generally southwesterly, parallel to and 200 feet southeasterly of said Road 3N19 approximately 0.75 miles to a point 200 feet southeasterly of the centerline of U.S. Forest System Road 3N19, located near the 1/4 Corner of Section 35 and 36, T.4N.,R.12W.

thence generally southerly to southwesterly, parallel to and 200 feet southeasterly of said Road 3N19 approximately 3.75 miles to a point 200 feet easterly of the centerline of U.S. Forest System Road 3N19, located near the CN 1/16 Corner of Section 23, T.3N.,R.12W.

thence generally southwesterly, parallel to and 200 feet southeasterly of said Road 3N19 approximately 2.75 miles to a point 200 feet easterly of the centerline of U.S. Forest System Road 3N19, located near the CN 1/16 Corner of Section 33, T.3N.,R.12W.

thence generally westerly, parallel to and 200 feet southeasterly of said Road 3N19 approximately 0.50 miles to a point 200 feet easterly of the centerline of U.S. Forest System Road 3N19, located near the N 1/16 Corner of Sections 32 and 33, T.3N.,R.12W.

thence generally southwesterly, parallel to and 200 feet southeasterly of said Road 3N19 approximately 0.15 miles to a point 200 feet easterly of the centerline of U.S. Forest System Road 3N19, located near the C-S-NE 1/16 Corner of Section 32, T.3N.,R.12W.

thence generally southeasterly, parallel to and 200 feet southeasterly of said Road 3N19 approximately 0.75 miles to a point 200 feet easterly of the centerline of U.S. Forest System Road 3N19, located near the SW 1/16 Corner of Section 33, T.3N.,R.12W.

thence generally southwesterly, parallel to and 200 feet southeasterly of said Road 3N19 approximately 0.25 miles to a point 200 feet easterly of the centerline of U.S. Forest System Road 3N19, located near the S-S 1/64 Corner of Sections 32 and 33, T.3N.,R.12W.

thence generally northwesterly, parallel to and 200 feet southeasterly of said Road 3N19 approximately 0.35 miles to a point 200 feet easterly of the centerline of U.S. Forest System Road 3N19, located near the SE 1/16 Corner of Section 32, T.3N.,R.12W.

thence generally southwesterly, parallel to and 200 feet southeasterly of said Road 3N19 approximately 2.0 miles to a point 200 feet easterly of the centerline of U.S. Forest System Road 3N19, located near the C 1/4 Corner of Section 16, T.2N.,R.12W.

thence generally southeasterly, parallel to and 200 feet southeasterly of said Road 3N19 approximately 1.75 miles to a point 200 feet easterly of the centerline of U.S. Forest System Road 3N19, located at the junction of Angeles Crest Hwy 2.

thence generally southeasterly, parallel to and 200 feet southeasterly of said Hwy 2 approximately 2.0 miles to a point 200 feet easterly of the centerline of Angeles Crest Hwy 2, located near the N 1/16 Corner of Sections 14 and 15, T.2N.,R.12W.

thence generally northwesterly, parallel to and 200 feet southeasterly of said Hwy 2 approximately 0.50 miles to a point 200 feet easterly of the centerline of Angeles Crest Hwy 2, located near the S 1/16 Corner of Sections 10 and 11, T.2N.,R.12W.

thence generally southeasterly, parallel to and 200 feet southeasterly of said Hwy 2 approximately 1.0 miles to a point 200 feet easterly of the centerline of Angeles Crest Hwy 2, located near the C-E 1/16 Corner of Section 14, T.2N.,R.12W, also near Red Box Station.

thence southeasterly to the W 1/16 Section Corner of Sections 24 and 25, T.2N., R.12W.

thence easterly to the Range Line, T.2N., R.12W., and T.2N., R.11W., Section Corner of Sections 24 and 25, T.2N., R.12W.

thence southerly along the Range Line to the N 1/16 Section Corner of Section 30, T.2N., R.11W.

thence easterly along the east-west center-north 1/16th line of Section 30, T.2N., R.11W., to the NE 1/16 Section Corner of said Section 30.

thence southerly along the north-south east 1/16th line of Section 30, T.2N., R.11W., to the E 1/16 Section Corner of Sections 30 and 31.

thence easterly between Sections 30 and 31 to Section Corner of Sections 29, 30, 31, and 32, T.2N., R.11W.

thence southerly between Sections 31 and 32 to N 1/16 Section Corner of Sections 31, and 32, T.2N., R.11W.

thence easterly along the east-west, center-north 1/16th line of Section 32, T.2N., R.11W., to the N 1/16 Section Corner of Sections 32 and 33.

thence easterly along the east-west, center-north 1/16th line of Section 33, T.2N., R.11W., to the N 1/16 Section Corner of Sections 33 and 34.

thence easterly along the east-west, center-north 1/16th line of Section 34, T.2N., R.11W., to the N 1/16 Section Corner of Sections 34 and 35.

thence easterly along the east-west, center-north 1/16th line of Section 35, T.2N., R.11W., to the N 1/16 Section Corner of Sections 35 and 36.

thence easterly along the east-west center-north 1/16th line of Section 36, T.2N., R.11W., to the N 1/16 Section Corner of Sections 31 and 36, on the Range Line. T.2N., R.11W., and T.2N., R.10W.

thence easterly along the east-west, center-north 1/16th line of Section 31, T.2N., R.10W., to the N 1/16 Section Corner of Sections 31 and 32.

thence southeasterly to the NW 1/16 Section Corner of Section 5, T.1N., R.10W.

thence southwesterly to the 1/4 Section Corner of Sections 5 and 6, T.1N., R.10W.

thence southeasterly to the W 1/16 Section Corner of Sections 5 and 8, T.1N., R.10W.

thence southeasterly to the C 1/4 Section Corner of Section 8, T.1N., R.10W.

thence southeasterly to the 1/4 Section Corner of Sections 17 and 20, T.1N., R.10W.

thence easterly between Sections 17 and 20, to the Section Corner of Sections 16, 17, 20 and 21, T.1N., R.10W.

thence easterly between Sections 16 and 21, to the Section Corner of Sections 15, 16, 21 and 22, T.1N., R.10W.

thence easterly between Sections 15 and 22, to the Section Corner of Sections 14, 15, 22 and 23, T.1N., R.10W.

thence easterly between Sections 14 and 23, to the Section Corner of Sections 13, 14, 23 and 24, T.1N., R.10W.

thence easterly between Sections 13 and 24, to the W 1/16 Section Corner of Sections 13, and 24, T.1N., R.10W.

thence southerly along the north-south center west 1/16th line of Section 24, to the CW 1/16 Section Corner of said Section 24, T.1N., R.10W.

thence westerly along the east-west center line of Section 24, to the 1/4 Section Corner of Sections 23 and 24, T.1N., R.10W.

thence southerly between Sections 23 and 24, to the S 1/16 Section Corner of Sections 23 and 24, T.1N., R.10W.

thence easterly along the east-west center south 1/16th line of Section 24, to the CS 1/16 Section Corner of said Section 24, T.1N., R.10W.

thence northerly along the north-south center line of Section 24, to the 1/4 Section Corner of said Sections 13 and 24, T.1N., R.10W.

thence easterly to the Range Line, Section Corner of Sections 13, 18, 19 and 24, T.1N., R.10W., and T.1N., R.9W.

thence easterly between Sections 18 and 19, to the Section Corner of Sections 17, 18, 19 and 20, T.1N., R.9W.

thence easterly between Sections 17 and 20, to the Section Corner of Sections 16, 17, 20 and 21, T.1N., R.9W.

thence easterly between Sections 16 and 21, to the Section Corner of Sections 15, 16, 21 and 22, T.1N., R.9W.

thence southeasterly to the CN 1/16 Section Corner of Section 22, T.1N., R.9W.

thence southerly along the north-south center line of Section 22, to the 1/4 Section Corner of Sections 22 and 27, T.1N., R.9W.

thence southerly along the north-south center line of Section 27, to the C 1/4 Section Corner of Section 27, T.1N., R.9W.

thence easterly along the east-west center line of Section 27, to the CE 1/16 Section Corner of said Section 27, T.1N., R.9W.

thence northerly along the north-south center east 1/16th line of Section 27, to the E 1/16 Section Corner of said Sections 22 and 27, T.1N., R.9W.

thence easterly between Sections 22 and 27, to the Section Corner of Sections 22, 23, 26 and 27, T.1N., R.9W.

thence easterly between Sections 23 and 26, to the 1/4 Section Corner of Sections 23 and 26, T.1N., R.9W.

thence southerly along the north-south center line of Section 26, to the CN 1/16 Section Corner of Sections 26, T.1N., R.9W.

thence easterly along the east-west center north 1/16th line of Section 26, to the NE 1/16 Section Corner of said Section 26, T.1N., R.9W.

thence southeasterly to the 1/4 Section Corner of Sections 25 and 26, T.1N., R.9W.

thence easterly along the east-west center line of Section 25, to the CW 1/16 Section Corner of said Section 25, T.1N., R.9W.

thence northerly along the north-south center west 1/16th line of Section 25, to the W 1/16 Section Corner of said Sections 24 and 25, T.1N., R.9W.

thence easterly to the Range Line, Section Corner of Sections 19, 24, 25 and 30, T.1N., R.9W., and T.1N., R.8W.

thence easterly between Sections 19 and 30, to the Section Corner of Sections 19, 20, 29 and 30, T.1N., R.8W.

thence northerly between Sections 19 and 20, to the Section Corner of Sections 17, 18, 19 and 20, T.1N., R.8W.

thence easterly between Sections 17 and 20, to the Section Corner of Sections 16, 17, 20 and 21, T.1N., R.8W.

thence easterly between Sections 16 and 21, to the Section Corner of Sections 15, 16, 21 and 22, T.1N., R.8W.

thence easterly between Sections 15 and 22, to the Section Corner of Sections 14, 15, 22 and 23, T.1N., R.8W.

thence easterly between Sections 14 and 23, to the Section Corner of Sections 13, 14, 23 and 24, T.1N., R.8W.

thence northerly between Sections 13 and 14, to the Section Corner of Sections 11, 12, 13 and 14, T.1N., R.8W.

thence northerly between Sections 11 and 12, to the Section Corner of Sections 1, 2, 11 and 12, T.1N., R.8W.

thence northerly between Sections 1 and 2, to the Township Line, T.1N., R.8W., and T.2N., R.8W., Section Corner of Sections 1, 2, 35 and 36.

thence northerly between Sections 35 and 36, to the Section Corner of Sections 25, 26, 35 and 36, T.2N., R.8W.

thence northerly between Sections 25 and 26, to the Section Corner of Sections 23, 24, 25 and 26, T.2N., R.8W.

thence easterly between Sections 24 and 25, to the E 1/16 Section Corner of Sections 24 and 25, T.2N., R.8W.

thence northeasterly and northwesterly along the contour line of 5200 ft. approximately 0.40 mile to a point.

thence northeasterly approximately 0.30 mile to a point, said point located near the ¼ Section Corner of Sections 19 and 24 on the Range line T.2N., R.8W., and T.2N., R.7W.

thence easterly approximately 0.50 mile to a point, point located near the C 1/4 Section Corner of Section 19, T.2N., R.7W.

thence northeasterly approximately 0.60 mile to a point, point located near the Section Corner of Sections 17, 18, 19 and 20, T.2N., R.7W.

thence northeasterly approximately 1.2 miles to a point, point located near the EW 1/64 Section Corner of Sections 8 and 17, T.2N., R.7W.

thence northeasterly approximately 0.50 mile to a point, point located near the C 1/4 Section Corner of Section 8, T.2N., R.7W.

thence northwesterly approximately 0.50 mile to a point at 8200 ft. elevation near Gold Ridge Mine , point located near the CNNW 1/16 Section Corner of Section 8, T.2N., R.7W.

thence northerly 330 ft. along the 8200 ft. elevation contour to the W 1/16 Section Corner of Sections 5 and 8, T.2N., R.7W., boundary in common with the Angeles and San Bernardino National Forest.

thence easterly between Sections 5 and 8, to the Section Corner of Sections 4, 5, 8 and 9, T.2N., R.7W., boundary in common with the Angeles and San Bernardino National Forest.

thence northerly between Sections 4 and 5 to point on Devils Backbone., boundary in common with the Angeles and San Bernardino National Forest.

thence easterly along Devils Backbone, approximately 0.75 mile to a point, point located near WE 1/64 Section Corner of Sections 4 and 9, T.2N., R.7W., boundary in common with the Angeles and San Bernardino National Forest.

thence southeasterly approximately 0.40 mile to a point near BM 7802 ft. near Mt. Baldy Notch., boundary in common with the Angeles and San Bernardino National Forest.

thence easterly approximately 660 ft. to the CW 1/16 Section Corner of Section 10, T.2N., R.7W., boundary in common with the Angeles and San Bernardino National Forest.

thence enter the San Bernardino National Forest easterly along the east-west center line of Section 10 (Cucamonga Wilderness Boundary), to the 1/4 Section Corner of Sections 10 and 11, T.2N., R.7W.,

thence northerly between Sections 10 and 11, along Cucamonga Wilderness Boundary, to the Section Corner of Sections 2, 3, 10 and 11, T.2N., R.7W.

thence southwesterly approximately 350 ft. to center of Coldwater Creek.
thence northwesterly approximately 400 ft. to a point 100 feet southerly of the centerline of Baldy Road (dirt road).

thence generally northeasterly, parallel to and 100 feet southeasterly of said Baldy Road approximately 0.60 mile to a point, located near the CE 1/16 Corner of Section 3, T.2N.,R.7W.

thence generally northwesterly, parallel to and 100 feet southeasterly of said Baldy Road approximately 0.70 mile to a point at the intersection of Baldy Road and unnamed road 100 feet southwesterly of centerline, located near the 1/4 Corner of Section 3, T.2N.,R.7W., near Stockton Flat.

thence generally southwesterly, parallel to and 100 feet southeasterly of said unnamed Road approximately 0.55 mile to a point, located near the N 1/16 Corner of Sections 3 and 4, T.2N.,R.7W.

thence southwesterly approximately 0.40 mile in a drainage to a point, locate near the C 1/4 Section Corner of Section 4.

thence northeasterly approximately 0.75 mile, to the southeast corner of the Sheep Mountain Wilderness Boundary, located near the S 1/16 Section Corner of Sections 33 and 34, T.2N.,R.7W.,

thence northerly between Sections 33 and 34 approximately 0.60 mile to the top of a ridge, along said Sheep Mountain Wilderness Boundary.

thence northwesterly along the ridge approximately 0.50 mile to a knob, along said Sheep Mountain Wilderness Boundary.

thence northerly to a branch of the North Fork Drainage approximately 0.60 mile, located near the C 1/4 Section Corner of Section 28, T.3N.,R.7W., along said Sheep Mountain Wilderness Boundary.

thence northwesterly along a gradual ridge line approximately 0.60 mile to a knob at 7898 ft. elevation (benchmark), located near the CSSW 1/16 Section Corner of Section 20, T.3N.,R.7W., along said Sheep Mountain Wilderness Boundary.

thence northwesterly approximately 0.40 mile, parallel, 100 ft. north of the center of the Pacific Crest Trail at approximate elevation 8176 ft. (benchmark).

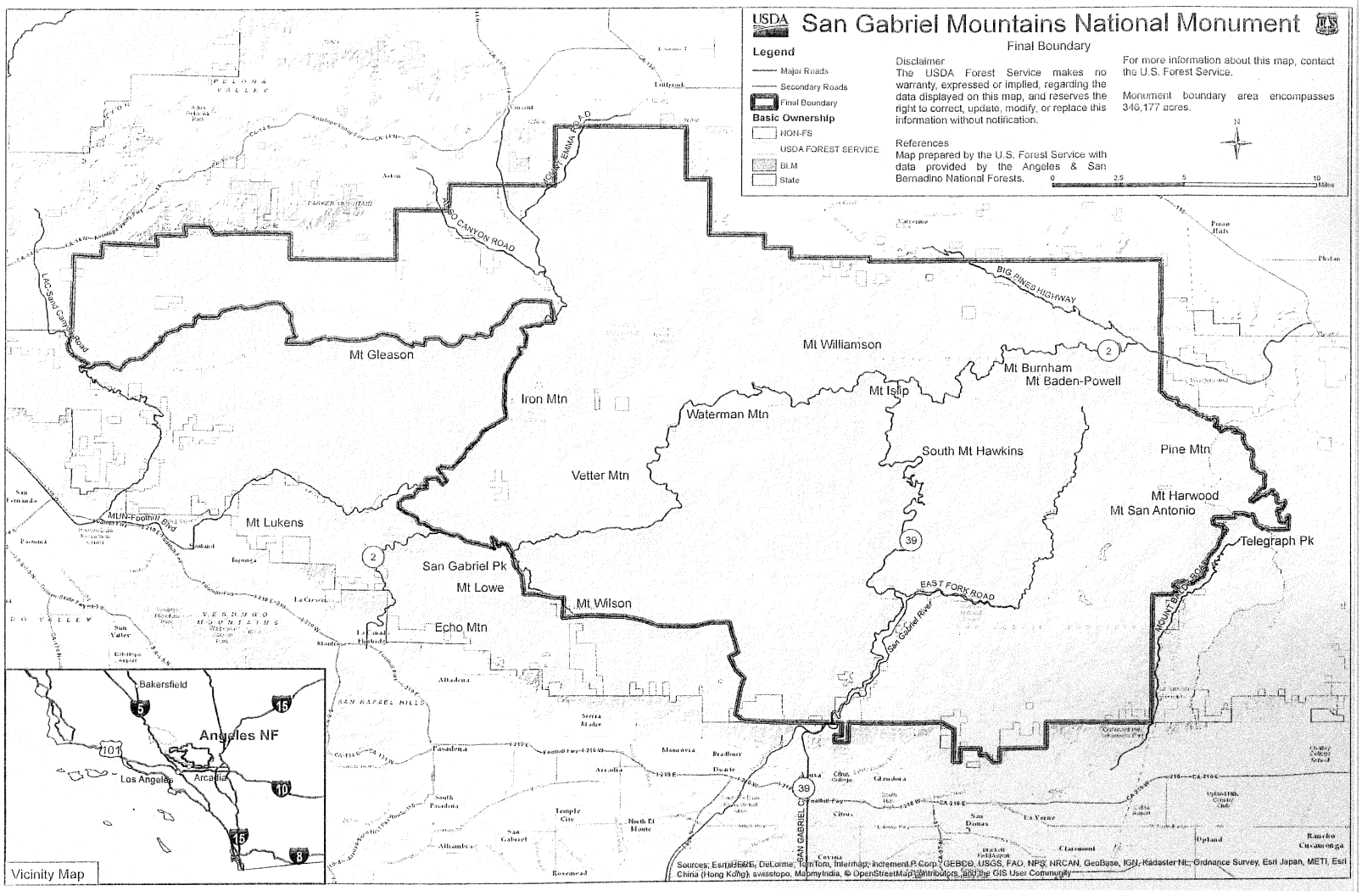
thence generally northwesterly, approximately 2.5 miles, parallel, 100 ft. north of centerline of the Pacific Crest Trail through Sections 18, 19 and 20, T.3N.,R.7W., to the Range Line of Sections, in between Sections 13 and 18.

thence continue generally northwesterly, approximately 1.3 miles parallel, 100 ft. north of the centerline of the Pacific Crest Trail through Section 13, T.3N.,R.8W., to the Section line of 13 and 14, T.3N.,R.8W.

thence northerly between Sections 13 and 14, T.3N.,R.8W., to the Point Of Beginning.

Containing approximately 346176 acres of land, more or less.

The boundary calls listed herein are not a result of a survey on the ground.



[FR Doc. 2014–24849

Filed 10–16–14; 8:45 am]

Billing code 3410–10–C

Presidential Documents

Executive Order 13679 of October 10, 2014

Establishing an Emergency Board To Investigate a Dispute Between the Southeastern Pennsylvania Transportation Authority and Its Locomotive Engineers Represented by the Brotherhood of Locomotive Engineers and Trainmen

A dispute exists between the Southeastern Pennsylvania Transportation Authority (SEPTA) and its Locomotive Engineers represented by the Brotherhood of Locomotive Engineers and Trainmen (BLET).

The dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended, 45 U.S.C. 151–188 (RLA).

A first emergency board to investigate and report on this dispute and disputes involving other SEPTA employees represented by other labor organizations was established on June 15, 2014, by Executive Order 13670 of June 14, 2014. The emergency board terminated upon issuance of its report. Subsequently, its recommendations were not accepted by the parties to this dispute.

A party empowered by the RLA has requested that the President establish a second emergency board pursuant to section 9A of the RLA (45 U.S.C. 159a).

Section 9A(e) of the RLA provides that the President, upon such request, shall appoint an emergency board to investigate and report on the dispute.

NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States, including section 9A of the RLA, it is hereby ordered as follows:

Section 1. *Establishment of Emergency Board (Board).* There is established, effective 12:01 a.m. eastern daylight time on October 13, 2014, a Board of three members to be appointed by the President to investigate and report on this dispute. No member shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier. The Board shall perform its functions subject to the availability of funds.

Sec. 2. *Report.* Within 30 days after the creation of the Board, the parties to the dispute shall submit to the Board final offers for settlement of the dispute. Within 30 days after the submission of final offers for settlement of the dispute, the Board shall submit a report to the President setting forth its selection of the most reasonable offer.

Sec. 3. *Maintaining Conditions.* As provided by section 9A(h) of the RLA, from the time a request to establish a second emergency board is made until 60 days after the Board submits its report to the President, no change in the conditions out of which the dispute arose shall be made by the parties to the controversy, except by agreement of the parties.

Sec. 4. *Records Maintenance.* The records and files of the Board are records of the Office of the President and upon the Board's termination shall be maintained in the physical custody of the National Mediation Board.

Sec. 5. *Expiration.* The Board shall terminate upon the submission of the report provided for in section 2 of this order.

THE WHITE HOUSE,
October 10, 2014.

[FR Doc. 2014–24851
Filed 10–16–14; 8:45 am]
Billing code 3295–F5

Rules and Regulations

Federal Register
Vol. 79, No. 201
Friday, October 17, 2014

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

RIN 3206–AM86

Federal Employees Health Benefits Program Modification of Eligibility to Certain Employees on Temporary Appointments and Certain Employees on Seasonal and Intermittent Schedules

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The United States Office of Personnel Management (OPM) is issuing a final rule to modify eligibility for enrollment under the Federal Employees Health Benefits (FEHB) Program to certain temporary, seasonal, and intermittent employees who are identified as full-time employees. This final rule follows a notice of proposed rulemaking published July 29, 2014. This regulation will allow newly eligible Federal employees to enroll no later than January 2015.

DATES: This final rule is effective November 17, 2014.

FOR FURTHER INFORMATION CONTACT: Marguerite Martel, Senior Policy Analyst at (202) 606–0004.

SUPPLEMENTARY INFORMATION: OPM is modifying eligibility for coverage under the Federal Employees Health Benefits (FEHB) Program to certain temporary, seasonal, and intermittent Federal employees who are expected to work a full-time schedule, which is generally based on the definition of full-time employee under section 4980H of the Internal Revenue Code (IRC), for at least 90 days.

Pursuant to 5 U.S.C. 8913(b), OPM has broad authority to prescribe the conditions under which employees are eligible to enroll in the FEHB program and is empowered to include or exclude employees on the basis of the nature and type of their employment or conditions pertaining to their appointments, including the duration of the appointment. OPM proposed this modification in a notice of proposed rulemaking on July 29, 2014. The proposed rule had a 30 day comment period during which OPM received 100 comments.

Responses to Comments on the Proposed Rule

OPM received comments from individual members of the public, Federal employees, Federal agencies, Federal shared service providers, tribal organizations, and public employee unions. The majority of the comments were positive. Many members of the public, Federal employees, and their families expressed appreciation for the coverage changes. This rule would create a more even playing field for similarly situated employees.

Some Federal agencies expressed concern about the effect on the budget of this coverage change, stating they may revisit their staffing models (such as hiring a different mix of temporary, seasonal, and intermittent staff) to accommodate the rule change. OPM recognizes that agencies will have to budget for FEHB government contributions for those newly eligible employees who elect to participate. OPM also recognizes that agencies may reconsider staffing arrangements in light of this rule change. OPM continues to believe that this coverage change is consistent with the Federal government's role as a model employer.

One commenter suggested that newly eligible temporary, seasonal, and intermittent employees receive a lower government contribution than is available to currently eligible employees. OPM understands that such a change would lessen the regulation's impact on agency budgets. However, OPM's goal is to make affordable health insurance more widely available to full-time employees and therefore declines to lower the government contribution.

Several commenters raised concerns that employing agencies may limit appointments to fewer than 90 days or limit work hours to fewer than 130 hours in a month to avoid providing health insurance to temporary, seasonal, and intermittent employees. OPM believes employing agencies will use available staffing authorities to meet the needs of their workload, rather than changing staffing models in light of this rule.

One commenter was concerned that certain agencies with large seasonal workforces will be affected more than others that do not use seasonal hiring authorities. OPM recognizes that this is true, but continues to believe that this coverage change is consistent with the Federal government's role as a model employer.

One commenter was concerned that the money saved by increasing retirement contributions of new permanent staff will be spent on new benefits for temporary employees. The changes in retirement benefits is independent of this rulemaking, which OPM believes is the best way to align access to health benefits across different classes of workers.

Two commenters raised concerns about whether seasonal Federal employees could afford FEHB premiums. It is important to note that these newly eligible employees will receive the same government contribution as currently eligible Federal employees. OPM believes that the government contribution to FEHB is sufficient.

OPM received numerous questions from Federal entities, including agencies and shared service providers, about implementation of the proposed rule. These question topics included timing, necessary system changes, division of responsibilities between the agency and shared service provider, and identification of newly eligible employees. These matters are important for implementation, but are outside the scope of this regulation and will be handled in forthcoming OPM guidance.

A commenter asked if those temporary, seasonal, and intermittent employees who separate from service would be eligible for the 31-day continuation of coverage that is available to other FEHB enrollees when eligibility terminates. The answer is yes: the 31-day continuation of coverage will be available to the enrollee on the same terms as it is for other FEHB enrollees.

One commenter asked if FEHB coverage under this proposal would qualify toward the 5-year continuous coverage requirement prior to retirement. FEHB coverage for these newly eligible employees will count

toward the requirement that Federal retirees maintain FEHB coverage for 5 years before retirement in order to continue FEHB enrollment into retirement. Note that employees carrying FEHB into retirement must also be eligible to participate in a qualifying retirement plan. This FEHB rule does not change any employee's eligibility to participate in a qualifying retirement program.

Two commenters asked about the IRC section 6056 requirements for large employers to report on availability of health insurance to full-time employees. Those requirements fall outside the scope of this rule. OPM plans to issue guidance to Federal agencies and payroll providers on IRC section 6056 reporting in a separate communication.

One commenter asked about whether this modification would apply to students and interns working for Federal agencies. Consistent with current policy, a paid student or intern who meets the criteria for coverage will be eligible to enroll in an FEHB plan. One commenter asked about whether Special Assistant United States Attorneys (SAUSAs) would be included. To the extent that a SAUSA works in a pay status meeting the criteria for coverage, the SAUSA will be eligible to enroll in an FEHB plan.

Suggestions To Amend the Proposed Rule

OPM received nearly identical comments from several tribal organizations expressing concern with the proposed language at § 890.301(k) that would allow certain non-Federal government entities to request a waiver from the changes in this rule. The proposed rule language stated that such a waiver would be granted at the sole discretion of the OPM Director if the non-Federal employer demonstrates that the modification would interfere with the employer's self-governance. These comments requested that waivers should be automatic and without pre-conditions for Tribal employers. OPM recognizes that Tribal governments are sovereign and that tribes have the best understanding of their governmental, employment, and financial needs. OPM has taken that into account in this final rule-making with respect to the change in coverage and has modified § 890.301(k) regarding tribal employers.

Several tribal organizations also requested that OPM clarify the application of the common law employee standard to tribal employers. This common law employee standard is used to determine which employees of tribal employers may be eligible to enroll in FEHB. The proposed rule was limited to a modification of FEHB eligibility for certain temporary, seasonal, and intermittent employees and thus this clarification is outside the scope of this rule.

One commenter raised a concern regarding employees who work 15 or fewer hours per week because they can receive a full Government contribution to FEHB rather than the pro-rated share available to those working from 16 to 32 hours per week. This is governed by definitions in the Federal Employee's Part-Time Career Employment Act, which is outside the scope of this rule.

Several commenters pointed out that the definition of a full-time employee in IRC section 4980H is different from the definition in the Federal Employee's Part-Time Career Employment Act of 1978. OPM is aware of these differing statutory definitions of part-time and full-time, but it is outside the scope of this regulation to change these definitions.

Several commenters asked whether FEHB government contributions would be pro-rated for these newly eligible employees working between 16 and 32 hours per week, as they are for permanent employees. The Federal Employee's Part-Time Career Employment Act excludes temporary and intermittent employees from the definition of ''part-time employment.'' As such, agencies are not authorized to pro-rate government contributions for newly eligible temporary or intermittent employees.

One commenter suggested that the 130 hour per calendar month full-time standard be converted to a biweekly pay period standard, since many Federal agencies use a bi-weekly pay period rather than a month for purposes of pay and timekeeping. OPM assumes that agencies will continue to use their current methods of pay period-based timekeeping. The 130 hour per month standard in OPM's proposed rule is generally consistent with definitions and methodology outlined in IRS rulemaking under IRC section 4980H.[1] Agencies will be responsible for implementing this rule as appropriate for their systems and therefore OPM believes a regulatory change is not necessary.

Several commenters suggested that OPM should extend other Federal employee health benefits that do not have a government contribution, such as dental and vision insurance, long-term care insurance, and health care flexible spending accounts to temporary, seasonal, and intermittent Federal employees. These suggestions are outside the scope of this rule.

One commenter proposed a different organizational structure for the regulations. OPM believes our original construction is satisfactory and declines to make the suggested change.

One commenter suggested that OPM clarify that FEHB coverage will begin on the first day of employment for these newly eligible employees. For most new employees, coverage is effective on the first day of the first pay period after the employee submits enrollment paperwork. This will be the same for new employees included in this coverage modification. For those who are currently employed as a temporary, seasonal, or intermittent employee, this rule becoming effective will serve as a qualifying life event (QLE) and coverage will become effective according to the existing rules for QLEs.

Several commenters expressed concern that the projected January 2015 implementation date does not allow sufficient time for the system changes to capture, track, and monitor the data necessary for this change. Some suggested a more delayed implementation schedule. OPM recognizes the challenges in implementation and is committed to work with agencies and payroll providers on implementation challenges. The rule is intended to be effective no later than January 2015.

Changes From Proposed Rule

OPM has made several changes to this final rule. The proposed rule used a modified version of the term ''regularly scheduled administrative workweek,'' which already has a different meaning in other parts of title 5, Code of Federal Regulations. As such, this final regulation eliminates that term and instead refers to ''the total hours in pay status (including overtime hours) plus qualifying leave without pay hours.'' This new language should avoid confusion with existing regulatory terms.

This final rule clarifies in § 890.102(j)(3) that an employee enrolled under 890.103(j) will be eligible to remain enrolled in FEHB unless the employee exceeds 365 days in nonpay status. This clarification aligns enrollment rules for this newly eligible population with rules for existing FEHB enrollees.

One commenter stated that proposed § 890.102(j)(1)(ii) is confusing. The proposed provision read ''If the

[1] Note that under IRC section 4980H final regulations, a different hour of service monthly equivalency will apply for an employer using the weekly rule available under the monthly measurement method to determine full-time employee status. See 26 CFR 54.4980H–1(a)(21)(iii) and 54.4980H–3(c)(3).

employing office expects the employee to work for fewer than 90 days, the employee will be eligible to enroll after the completion of a 90 day waiting period.'' Accordingly, OPM has amended it to state ''If the employing office expects the employee to work for fewer than 90 days and the employee actually works for fewer than 90 days, the employee will generally be ineligible to enroll in FEHB because the employee will not be employed at the end of the waiting period applicable to these employees. However, if the expectation changes and the employee is expected to work for 90 days or more, that individual is eligible to enroll upon notification by the employing office, but enrollment (including the effective date of coverage) must be no later than the end of the waiting period ending on the 91st day after the first day of employment.''

OPM received several comments suggesting changes to how this modification would affect non-career United States Postal Service (USPS) employees. OPM understands that the USPS currently offers affordable employer provided health benefits coverage, separate and apart from FEHB for a majority of its full-time non-career employees, and is working toward implementing this coverage for the rest of these employees. OPM further understands that the category of USPS employees referred to as full-time non-career employees generally corresponds to the category of employees affected by the modification of FEHB eligibility under this final rule. Because the terms and conditions of employment for the class of employees that is affected by this rule already includes, or is anticipated to soon include, an offer of affordable employer provided health benefits coverage, OPM has exempted USPS employees from this final rule.

OPM received a comment that use of the phrase ''employer's need for self-governance'' as a justification for waiver of paragraph (j) was confusing. OPM has changed this phrase to ''employer's need to manage its workforce.''

Provisions of the Final Rule

This final rule modifies eligibility by authorizing enrollment in a FEHB health plan for certain non-Postal Federal employees on temporary appointments and certain non-Postal employees working on seasonal and intermittent schedules. Currently, most employees on temporary appointments become eligible for FEHB coverage after completing 1 year of current continuous employment and, once eligible for coverage, do not receive an employer contribution to premium. Employees working on seasonal schedules for less than 6 months in a year and those working intermittent schedules are excluded from eligibility regardless of the work hours for which they are expected to be scheduled. Some limited exceptions were made to these exclusions for temporary firefighters and emergency response workers in 5 CFR 890.102(h) and (i).

Under this final regulation, non-Postal employees on temporary appointments, non-Postal employees on seasonal schedules who will be working less than six months per year, and non-Postal employees working intermittent schedules will be eligible to enroll in a FEHB health plan if the employee is expected to work a full-time schedule of 130 or more hours in a calendar month. If the employing office expects the employee to work at least 90 days, the employee is eligible to enroll upon notification of the employee's eligibility by the employing office. If the employing office expects the employee to work fewer than 90 days, that individual is considered to be in a 90 day waiting period and is generally ineligible to enroll (because the individual will not be employed at the end of the waiting period). If the expectation changes to at least 90 days, the employee will be eligible to enroll upon notification from the employing office, but no later than the 91st day of employment. Temporary, seasonal, and intermittent employees who are expected to work a schedule of less than 130 hours in a calendar month will not be eligible to enroll in a FEHB health plan. Temporary, seasonal, and intermittent employees for whom the expectation of hours of employment changes from less than 130 hours per calendar month to 130 hours or more per calendar month would become eligible to enroll in an FEHB health plan upon notification from the employing office.

This final rule allows newly eligible employees (employees on an appointment limited to 1 year and employees working on a seasonal or intermittent schedule) to initially enroll under the FEHB program with a Government contribution to premium if they are expected to be employed on a full-time schedule and are expected to work for at least 90 days. Those expected to work fewer than 90 days will be considered in a 90 day waiting period and therefore ineligible to enroll (because the individual will not be employed at the end of the waiting period), unless that expectation changes during the 90 days.

Some temporary employees who have completed 1 year of continuous employment are already eligible for FEHB coverage but without a Government contribution to premium. This final rule allows these employees to enroll in a FEHB plan under 5 CFR 890.102(j) (with a Government contribution to premium) if the employee is determined by his or her employing office to be newly eligible for FEHB coverage under this regulation.

Enrollments for employees newly eligible pursuant to this rule will be accepted during a 60-day period after the employing office notifies employees of their eligibility to enroll in a FEHB health plan. Coverage will become effective as provided for by 5 CFR 890.301. Employing offices must promptly determine eligibility of new and current employees and upon determining eligibility, promptly offer employees an opportunity to enroll in the FEHB Program so that coverage becomes effective no later than January 2015.

While this final regulation modifies FEHB coverage for certain categories of Federal employees, there are other employers who are entitled to purchase FEHB coverage for their own employees or whose employees are otherwise entitled to enroll in FEHB coverage. These other employers may have made or are planning to make other arrangements to provide health insurance for their temporary, seasonal, and intermittent employees. Accordingly, the OPM Director may waive application of this final rule when the employer of an individual not covered by 5 U.S.C. 8901(1)(A) demonstrates to OPM that this rule's requirements would have an adverse impact on the employer's ability to effectively manage its workforce. We expect such instances to be rare. Tribal employers participating in FEHB may waive application of this final rule simply by notifying OPM.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation only adds to the list of groups eligible to enroll under the FEHB Program.

Executive Orders 13563 and 12866, Regulatory Review

OPM has examined the impact of this rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993) and Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011).

Baseline FEHB Eligibility and Federal Government Employer Shared Responsibility

This final rule would modify eligibility to enroll in a FEHB plan to certain temporary, seasonal, and intermittent employees who are identified as working full-time. In order to estimate rule-induced impacts, it is necessary to assess the number of full-time Federal employees who are not currently eligible to participate in the FEHB program or are not currently eligible to have the government pay a portion of their premium, and thus may be affected by the final rule.

The following categories of Federal employees are either excluded by regulation from participating in the FEHB Program or are not currently eligible to have the government pay a portion of their premium:

- *Temporary employees with less than a year of service.* Per OPM regulations, most of these individuals are not eligible to enroll in FEHB. In 2012 OPM published a regulation extending FEHB eligibility to certain temporary firefighters and some personnel performing emergency response functions.
- *Seasonal employees.* Seasonal employees working six months or fewer are generally prohibited by regulation from enrolling in FEHB.
- *Intermittent employees.* Intermittent employees are generally prohibited by regulation from enrolling in FEHB. In 2012, however, OPM published a regulation extending FEHB eligibility to certain intermittent employees engaged in emergency response and recovery work.
- *Temporary employees with more than a year of service.* Per statute, these employees can enroll in an FEHB plan if they pay the entire premium with no Government contribution.

OPM has worked with Federal payroll providers to assess how many full-time non-Postal Federal employees are without access to FEHB. The data show that all responding executive agencies have a small number of full-time employees (as defined in Section 4980H of the IRC) without access to FEHB. The number without access varies from agency to agency. Within agencies, the number varies from month to month. Some large departments hire full-time temporary or seasonal employees only for a few months of the year.

The agencies included in our data, in aggregate, offer FEHB to at least 95 percent of full-time employees (as defined in IRC section 4980H) (and their dependents) for all months. Across civilian, non-Postal, executive agencies and all months of the year, our data indicate that there are 300,000 full-time (as defined in IRC section 4980H) employee-months currently ineligible for FEHB (0.9 to 2 percent of the Federal workforce).

The Federal government and its agencies are subject to employer shared responsibility under IRC section 4980H like other applicable large employers. The employer shared responsibility payments only apply if a full-time employee (generally defined as an employee with 130 hours of service in a month) receives a premium tax credit in connection with the purchase of health insurance through an Exchange. We do not know whether the Federal full-time employees not yet eligible for FEHB would, in the absence of this rule, be eligible for premium tax credits in connection with coverage purchased on an Exchange because we lack information on other available sources of health coverage or household income. Even in the extremely unlikely case that all 300,000 full-time employee-months without FEHB did receive a premium tax credit in connection with coverage purchased on an Exchange, the total assessable payment incurred by the Federal agencies would be well below the threshold, set by Executive Order 12866, for economic significance, which is $100 million.[2]

Impacts of the Final Rule

Agencies may incur additional FEHB costs; a rough quantification of these potential costs appears below.

We do not know how many individuals without an offer of FEHB, which varies widely from month to month, would enroll in FEHB if it were available. Our similar recent regulations changing FEHB coverage to certain temporary firefighters and disaster recovery workers resulted in very limited take-up, ranging from approximately 10 to 20 percent. We estimate, using enrollment-weighted averages, that FEHB coverage currently costs the government about $700 per full-time worker per month for affected agencies.[3] Given this average cost estimate, if those currently without FEHB eligibility become eligible and the portion of newly eligible employees who enroll is between 10 and 20 percent, this modification would generate costs to the Federal government of well below the threshold for economic significance, which is $100 million.

The premium payments newly made by the Federal government are appropriately categorized as costs to society if rule-induced increases in FEHB enrollment would be associated with providing additional medical services to newly-enrolled individuals. To the extent that increases in enrollment do not change how society uses its resources, then premium payments by the government would instead be transfers between members of society. Recipients of these transfers could include newly-enrolled individuals, if they would have paid (or paid more) for medical services or for health insurance premiums in the absence of the rule, or providers and charities, if the effect of the rule is a decrease in uncompensated care.

We lack exact data to quantify rule-induced public health benefits or to refine our estimates of costs and transfers.

Federalism

We have examined this rule in accordance with Executive Order 13132, Federalism, and have determined that this rule will not have any negative impact on the rights, roles and responsibilities of State, local, or tribal governments.

List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Government employees, Health facilities, Health insurance, Health professions, Hostages, Iraq, Kuwait, Lebanon, Military personnel, Reporting and recordkeeping requirements, Retirement.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

For the reasons set forth in the preamble, OPM is amending title 5, chapter I, Code of Federal Regulations as follows:

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

■ 1. The authority citation for Part 890 continues to read as follows:

Authority: 5 U.S.C. 8913; Sec. 890.301 also issued under sec. 311 of Pub. L. 111–03, 123 Stat. 64; Sec. 890.111 also issued under section 1622(b) of Pub. L. 104–106, 110 Stat. 521; Sec. 890.112 also issued under section 1 of Pub. L. 110–279, 122 Stat. 2604; 5 U.S.C. 8913; Sec. 890.803 also issued under 50 U.S.C. 403p, 22 U.S.C. 4069c and 4069c–1; subpart L also issued under sec. 599C of Pub. L. 101–513, 104 Stat. 2064, as amended; Sec. 890.102 also issued under sections 11202(f),

[2] The relevant employer payment would be $250 per month (or $3,000 per year), as indexed, only for those full-time employees who receive a premium tax credit in connection with coverage purchased on an Exchange.

[3] This estimate includes FEHB premium payments but not administrative costs to employing agencies. We lack data to quantify the latter.

11232(e), 11246 (b) and (c) of Pub. L. 105–33, 111 Stat. 251; and section 721 of Pub. L. 105–261, 112 Stat. 2061.

■ 2. Section 890.102 is amended by adding paragraphs (j) and (k) to read as follows:

§ 890.102 Coverage.

* * * * *

(j)(1) Notwithstanding paragraphs (c)(1), (2), and (3) of this section, a non-Postal employee working on a temporary appointment, a non-Postal employee working on a seasonal schedule of less than 6 months in a year, or a non-Postal employee working on an intermittent schedule, for whom the employing office expects the total hours in pay status (including overtime hours) plus qualifying leave without pay hours to be at least 130 hours per calendar month, is eligible to enroll in a health benefits plan under this part as follows:

(i) If the employing office expects the employee to work at least 90 days, the employee is eligible to enroll upon notification of the employee's eligibility by the employing office, and

(ii) If the employing office expects the employee to work for fewer than 90 days and the employee actually works for fewer than 90 days, the employee will generally be ineligible to enroll in FEHB because the employee will not be employed at the end of the waiting period applicable to these employees. However, if the expectation changes and the employee is expected to work for 90 days or more, that individual is eligible to enroll upon notification by the employing office, but enrollment (including the effective date of coverage) must be no later than the end of the waiting period ending the 91st day after the first day of employment.

(2) An employee working on a temporary appointment, an employee working on a seasonal schedule of less than 6 months in a year, or an employee working on an intermittent schedule for whom the employing office expects the total hours in pay status (including overtime hours) plus qualifying leave without pay hours to be less than 130 hours per calendar month is generally ineligible to enroll in a health benefits plan under this part. If the expectation of hours of employment changes to 130 hours or more per month for a non-Postal employee, that employee is eligible to enroll in a health benefits plan under this part as described in paragraph (j)(1)(i) of this section.

(3) Once an employee is enrolled under this paragraph (j), eligibility will not be revoked, regardless of his or her actual work schedule or employer expectations in subsequent years, unless the employee separates from Federal service, receives a new appointment (in which case eligibility will be determined by the rules applicable to the new appointment), or exceeds 365 days in nonpay status in accordance with § 890.303(e) (subject to extension, if applicable, for qualifying leave without pay as defined at paragraph (j)(4) of this section).

(4) For purposes of this paragraph (j), ''qualifying leave without pay hours'' means hours of leave without pay for purposes of taking leave under the Family and Medical Leave Act, for performance of duty in the uniformed services under the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 et seq., for receiving medical treatment under Executive Order 5396 (Jul. 7 1930), and for periods during which workers compensation is received under the Federal Employees Compensation Act, 5 U.S.C. chapter 81.

(5) Each temporary employee who is initially eligible for FEHB coverage on the basis of this paragraph (j) is entitled to enroll in accordance with § 890.301(a). A temporary employee who is currently eligible under 5 U.S.C. 8906a (with no Government contribution) but who is not enrolled on November 17, 2014, and who would also meet eligibility requirements on the basis of paragraph (j), is entitled to enroll (with a Government contribution) on the basis of paragraph (j) in accordance with § 890.301(h)(4)(ii). A temporary employee who is enrolled under 5 U.S.C. 8906a (with no Government contribution) on November 17, 2014, and who would also meet eligibility requirements on the basis of paragraph (j), is entitled to change enrollment (with a Government contribution) on the basis of paragraph (j) in accordance with § 890.301(h)(4)(ii).

(k) The Director, upon written request of an employer of employees other than those covered by 5 U.S.C. 8901(1)(A), may, in his or her sole discretion, waive application of paragraph (j) of this section to its employees when the employer demonstrates to the Director that the waiver is necessary to avoid an adverse impact on the employer's need to manage its workforce. However, a Tribal employer participating under 25 U.S.C. 1647b may provide a written notification to the Director that it has chosen not to apply paragraph (j) of this section for its workforce.

■ 3. Amend § 890.301 as follows:

■ a. Revise the heading of paragraph (h).b. Redesignate paragraph (h)(4) as paragraph (h)(4)(i).

■ c. Add paragraph (h)(4)(ii).

The revision and addition read as follows:

§ 890.301 Opportunities for employees who are not participants in premium conversion to enroll or change enrollment; effective dates.

* * * * *

(h) *Change in employment status or entitlement to Government contribution.*

* * *

(4) * * *

(ii) A change in entitlement to Government contribution as a result of becoming eligible for coverage under § 890.102(j).

* * * * *

[FR Doc. 2014–24652 Filed 10–14–14; 11:15 am]

BILLING CODE 6325–63–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[NRC–2013–0053]

RIN 3150–AJ18

Definition of a Utilization Facility

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to add SHINE Medical Technologies, Inc.'s (SHINE) proposed accelerator-driven subcritical operating assemblies to the NRC's definition of a ''utilization facility.'' In 2013, SHINE submitted a two-part construction permit application for a medical radioisotope production facility that SHINE proposes to build in Janesville, Wisconsin. The proposed accelerator-driven subcritical operating assemblies, to be housed in SHINE's irradiation facility, would be used to produce molybdenum-99 (Mo-99), a radioisotope used in medical imaging and other radioisotopes used for medical purposes. This rule allows NRC staff to conduct an efficient and effective licensing review of the SHINE construction permit application and any subsequent operating license application.

DATES: This final rule is effective December 31, 2014, unless a significant adverse comment is received by November 17, 2014. If the rule is withdrawn as a result of such comments, timely notice of the withdrawal will be published in the **Federal Register**. Comments received after this date will be considered if it is practical to do so, but the NRC is able

to ensure consideration only for comments received on or before this date.

ADDRESSES: Please refer to Docket ID NRC–2013–0053 when contacting the NRC about the availability of information for this direct final rule. You may access publicly-available information related to this direct final rule by any of the following methods:

• *Federal Rulemaking Web Site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0053. 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, at 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.

FOR FURTHER INFORMATION CONTACT: Steven Lynch, Office of Nuclear Reactor Regulation; telephone: 301–415–1524; email: *Steven.Lynch@nrc.gov;* U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Procedural Background
II. Background
III. Discussion
A. What action is the NRC taking?
B. What is the purpose of the direct final rule?
C. What is the NRC's authority to make this rule change?
D. Why are the SHINE irradiation units not considered production facilities?
E. Why do the SHINE irradiation units not fit the current definition of a utilization facility?
F. Why should the SHINE irradiation units be licensed as 10 CFR part 50 utilization facilities?
G. Who has jurisdiction over the accelerator?
H. Why is 10 CFR part 70 not appropriate to review or license the SHINE irradiation units?
I. Who will this action affect?
J. What is the reason for the change?
K. Why is a direct final rule appropriate?
L. Will the NRC issue guidance for this rule?
IV. Discussion of Amendments by Section
V. Regulatory Flexibility Certification
VI. Regulatory Analysis
VII. Backfitting and Issue Finality
VIII. Plain Writing
IX. Environmental Assessment and Finding of No Significant Environmental Impact
X. Paperwork Reduction Act Statement
XI. Congressional Review Act
XII. Compatibility of Agreement State Regulations
XIII. Voluntary Consensus Standards

I. Procedural Background

Because the NRC considers this action to be non-controversial, the NRC is using the ''direct final rule process'' for this rule. The amendment to the rule will become effective on December 31, 2014. However, if the NRC receives a significant adverse comment on this direct final rule by November 17, 2014, then the NRC will publish a document that withdraws this action and will subsequently address the comments received in a final rule. A companion proposed rule published in the Proposed Rule section of this issue of the **Federal Register** will serve as the basis for the final rule, if it is necessary. Absent significant modifications to the proposed amendments requiring republication, the NRC will not initiate a second comment period on this action.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is significant and adverse if it meets the following criteria:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC staff to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC staff.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC staff to make a change (other than editorial) to the rule.

For detailed instructions on submitting comments, please see the companion proposed rule published in the Proposed Rule section of this issue of the **Federal Register**.

II. Background

By letters dated February 14, 2011, and May 3, 2011,[1] SHINE notified the NRC of its intent to submit applications to construct, and operate, a medical isotope production facility. SHINE's medical isotope production facility would include an irradiation facility and a radioisotope production facility housed in a single building, and is proposed to be built in Wisconsin, an Agreement State.

The SHINE preliminary safety analysis report (PSAR)[2] states that the irradiation facility consists of eight irradiation units. Each irradiation unit is an accelerator-driven subcritical operating assembly and, would be used for the irradiation of a uranium solution.[3] The irradiation would result in the production of Mo-99 and other fission products. Based on initial discussions with SHINE prior to the submission of its application, the NRC staff understood that the proposed irradiation units were not nuclear reactors as defined in § 50.2 of Title 10 of the *Code of Federal Regulations* (10 CFR). The NRC staff believed that the irradiation units, including the accelerators, were an integral part of the radioisotope production facility. Therefore, the NRC staff believed that the SHINE irradiation units and radioisotope production facility could be jointly licensed under the third part of the production facility definition found in 10 CFR 50.2. Based on these assumptions, the NRC staff relayed to

[1] Letter from Gregory Piefer, Ph.D., SHINE, to Mr. John Kinnemann, Office of Nuclear Material Safety and Safeguards (NMSS), ''Notice of Intent to Submit License Application, Request for Regulatory Interpretations, and Request for Public Meetings,'' dated February 14, 2011 (ADAMS Accession No. ML110490138); and Letter from Gregory Piefer, Ph.D., SHINE, to Mr. John Kinnemann, NMSS, ''Updated Request for Regulatory Interpretations,'' dated May 3, 2011 (ADAMS Accession No. ML11138A220), respectively.

[2] PSAR, Chapter 4—Irradiation Unit and Radioisotope Production Facility Description (May 31, 2013) (ADAMS Accession No. ML13172A265).

[3] SHINE's preliminary safety analysis report describes each irradiation unit containing uranium solution as ''. . . an accelerator-driven subcritical operating assembly used for the irradiation of an aqueous uranyl sulfate target solution, resulting in the production of molybdenum-99 (Mo-99) and other fission products.'' (ADAMS Accession No. ML13172A265).

the Commission on May 11, 2012, that no rulemaking was required to license SHINE's proposed medical isotope production facility.[4]

In 2012, the NRC staff published interim staff guidance (ISG)[5] to augment NUREG–1537, ''Guidelines for Preparing and Reviewing Applications for the Licensing of Non-Power Reactors.'' The ISG noted that a subcritical multiplier reaction vessel containing special nuclear material (SNM), similar to the irradiation units proposed by SHINE, could be licensed as a production facility pursuant to 10 CFR part 50.[6] Based on the guidance provided in the ISG, on March 26, 2013, and May 31, 2013, SHINE submitted a two-part construction permit application for a production facility as defined in 10 CFR 50.2.[7] SHINE's application describes its proposed medical isotope production facility as including two distinct operations: (1) The irradiation of SNM in eight irradiation units in the irradiation facility and (2) the extraction of radioisotopes in the radioisotope production facility. From this description, the NRC staff recognized that the irradiation units could be distinct and separate from the radioisotope production facility. Therefore, the NRC staff no longer believes that the irradiation units can be licensed pursuant to 10 CFR 50.2 as production facilities since the irradiation units are neither integral to the operation of the radioisotope production facility nor functionally independent as production facilities.

Moreover, the irradiation units cannot be licensed as utilization facilities because they do not meet the current definition in 10 CFR 50.2. As currently defined in 10 CFR 50.2, a utilization facility is a nuclear reactor, and irradiation units are not nuclear reactors because they are not designed or used to sustain nuclear fission in a self-supporting chain reaction. Therefore, the current 10 CFR part 50 regulations governing licensing of production and utilization facilities do not apply to SHINE's irradiation facility or irradiation units.[8]

However, the NRC staff maintains its initial position that SHINE's radioisotope production facility is analogous to a ''production facility'' and therefore should be licensed under 10 CFR part 50. Specifically, the radioisotope production facility is a facility designed or used for the processing of irradiated materials containing SNM and does not meet any of the exceptions found in the definition of production facility in 10 CFR 50.2.

III. Discussion

A. What action is the NRC taking?

The NRC is amending its regulations to add SHINE's accelerator-driven subcritical operating assemblies described in the application assigned docket number 50–608 to the definition of utilization facility in 10 CFR 50.2.

B. What is the purpose of the direct final rule?

The purpose of the direct final rule is to add SHINE's accelerator-driven subcritical operating assemblies to the definition of utilization facility in 10 CFR 50.2. This change will allow the NRC staff to review and, if approved, license the irradiation units housed in SHINE's irradiation facility under the regulations in 10 CFR part 50.

C. What is the NRC's authority to make this rule change?

Section 11cc. of the Atomic Energy Act of 1954, as amended (AEA), specifies that the Commission may determine by rule what constitutes a utilization facility. The licensing requirements for utilization facilities are in 10 CFR part 50. This rulemaking will resolve any licensing uncertainty concerning the applicable regulations for licensing the construction and potential operation of the SHINE irradiation units, as well as expedite the NRC staff's technical review of the SHINE construction permit application.

D. Why are the SHINE irradiation units not considered production facilities?

The NRC has determined that SHINE's irradiation units are not integral to the operation of the radioisotope production facility. In addition, the irradiation units do not meet any of the existing definitions of production facility in the AEA or in 10 CFR 50.2; therefore, they cannot be licensed as production facilities.

Pursuant to Section 11v. of the AEA, the Commission has determined by rule in 10 CFR 50.2 that three types of facilities constitute production facilities. First, ''production facility'' is defined as any nuclear reactor designed or used primarily for the formation of plutonium or uranium-233. The proposed irradiation units do not meet this definition because they are not nuclear reactors designed or used primarily for the formation of plutonium or uranium-233. Rather, the irradiation units are designed and used primarily to fission uranium for the production of fission products. Additionally, in contrast to nuclear reactors, the proposed irradiation units are designed to operate in the subcritical regime, and are not designed or used to sustain a self-supporting chain reaction.

Second, ''production facility'' is defined as any facility designed or used for the separation of the isotopes of plutonium. SHINE's proposed irradiation units do not meet this definition because they are designed to irradiate a uranium solution, not separate the isotopes of plutonium.

Third, ''production facility'' is defined as any facility designed or used for the processing of irradiated materials containing SNM. While ''processing,'' as used in the definition of production facility, is not defined in the regulations, the NRC staff does not consider processing to include the irradiation and fission of materials, whether the material was irradiated previously or not, containing SNM. Given the similarities between the treatment of SHINE's target solution and the fuel in existing power and non-power reactors, the NRC staff does not consider the irradiation units' function to constitute the processing of irradiated materials. For example, all fuel in existing utilization facilities, including both power and non-power reactors, undergoes irradiation and fission, beginning with its first use to start-up a reactor. Furthermore, it is common practice in existing utilization facilities to offload irradiated fuel from the

[4] Transcript of NRC Briefing on Potential Medical Isotope Production Licensing Actions, pages 55–56, 61–62 (May 11, 2012) (ADAMS Accession No. ML121370084).

[5] NUREG–1537, ''Final Interim Staff Guidance Augmenting NUREG–1537, Part 1, 'Guidelines for Preparing and Reviewing Applications for the Licensing of Non-Power Reactors: Format and Content,' for Licensing Radioisotope Production Facilities and Aqueous Homogeneous Reactors,'' October 17, 2012 (ADAMS Accession No. ML12156A069).

[6] The ISG noted that a ''subcritical multiplier reaction vessel containing SNM by definition is not a nuclear reactor because it cannot sustain a chain reaction. It may be included in a 10 CFR part 50 production facility license as an assembly containing SNM that is authorized for use in conjunction with the production facility.'' ISG page iv.

[7] *See* Letter from R. Vann Bynum, Ph.D., SHINE, to NRC dated March 26, 2013 (ADAMS Accession No. ML13088A192). This transmittal letter is in a document package (ADAMS Accession No. ML130880226), which includes part one of SHINE's application, consisting of portions of the PSAR, specifically Chapter 2, Site Characteristics and Chapter 19, Environmental Report (ER).

See also Letter from R. Vann Bynum, Ph.D., SHINE, to NRC dated May 31, 2013 (ADAMS Accession No. ML13172A361). A document package consisting of a public version of all 19 chapters of SHINE's PSAR (with proprietary information redacted) is also available in ADAMS, Accession No. ML13172A324.

[8] *See* 10 CFR 50.1, ''Basis, purpose, and procedures applicable'' (defining scope of 10 CFR part 50 to include only the licensing of production and utilization facilities).

reactor core for refueling outages and maintenance. When it is time to refuel the reactor following an outage or maintenance, much of the irradiated fuel is returned to the reactor core for continued irradiation and fission. This treatment of reactor fuel is analogous to SHINE's treatment of its target solution. Following irradiation, SHINE offloads the target solution from the irradiation units. The target solution is then transferred to SHINE's radioisotope production facility for a period of time before it is returned to the irradiation units for continued irradiation and fission.

Since all existing power and non-power reactors are regulated as utilization facilities, it is clear that continuing to irradiate and fission previously irradiated reactor fuel does not constitute the processing of irradiated materials containing SNM, otherwise all existing reactors would be classified as production facilities per 10 CFR 50.2. Consequently, based on the NRC staff's assessment, SHINE's proposed irradiation units cannot be considered production facilities.

E. Why do the SHINE irradiation units not fit the current definition of a utilization facility?

SHINE's proposed irradiation units do not meet the current definition of a utilization facility because the units do not, singly or collectively sustain nuclear fission in a self-supporting chain reaction. As a result, the NRC staff concluded that the current regulatory definition of utilization facility does not apply to the irradiation units, and they cannot currently be licensed as utilization facilities as defined in 10 CFR 50.2.

F. Why should the SHINE irradiation units be licensed as 10 CFR part 50 utilization facilities?

The premise of the SHINE technology is that the irradiation units will not be operated such that the effective neutron multiplication factor (k_{eff}) is greater than or equal to 1.0, a range for which nuclear reactors are designed, analyzed, and licensed to operate safely. Instead, the irradiation units will only operate in a minimally subcritical range of k_{eff}. To operate safely within this margin of subcriticality, the irradiation units are designed with several features of a nuclear reactor except that, by design, the target solution vessels have insufficient reactivity to sustain a chain reaction.

In addition, the accelerator and neutron multiplier add sufficient external neutrons to the target solution vessel to achieve a fission rate with a thermal power level comparable to non-power reactors typically licensed under 10 CFR part 50 as utilization facilities.[9] Given this fission power, the irradiation units also have many safety considerations similar to those of non-power reactors, including the following:

- Provisions for removal of fission heat during operation.
- Consideration of decay heat generation after shutdown.
- Reactivity feedback mechanisms similar to non-power reactors.
- Control of fission gas release during operation and subsequent gas management engineering safety features.
- Control of radiolytic decomposition of water and generated oxygen and hydrogen gases.
- Control of fission product inventory buildup.
- Accident scenarios similar to non-power reactors, such as loss of coolant, reactivity additions, and release of fission products.

Although SHINE's proposed irradiation units closely resemble non-power reactors, which are licensed as utilization facilities under 10 CFR part 50, the irradiation units cannot currently be licensed as utilization facilities because they are not nuclear reactors. Therefore, while 10 CFR part 50 would be appropriate to apply from a technical and licensing review process standpoint, the irradiation units cannot be licensed as utilization facilities under the current regulations.

The NRC staff believes, however, that based on the safety considerations associated with operation of the irradiation units, the NRC should define and license each of the irradiation units as a utilization facility. Section 11cc. of the AEA provides that the Commission may determine what a utilization facility is by rule.[10] Section 11cc. of the AEA provides that a utilization facility is any equipment or device determined by rule of the Commission to be capable of making use of special nuclear material in a quantity that is of significance to the common defense and security or in a manner that affects the health and safety of the public. Therefore, it would be within the Commission's authority to designate the SHINE irradiation units, by rule, as utilization facilities.

G. Who has jurisdiction over the accelerator?

Because the accelerator is integral to the operation of the irradiation unit, and the Commission must retain authority and responsibility with respect to regulation of the entire utilization facility per Section 274c.(1) of the AEA, the Commission has jurisdiction over the accelerator.

The NRC staff has engaged with the state of Wisconsin regarding licensing of the SHINE irradiation units because an accelerator that is not part of an NRC licensed facility might be regulated under state law. Based on the NRC staff's informal discussions with Agreement State counterparts, the NRC staff does not expect the state of Wisconsin to object to the rule or licensing review process for the SHINE construction permit application.

H. Why is 10 CFR part 70 not appropriate to review or license the SHINE irradiation units?

The NRC staff considered whether it should review SHINE's irradiation units under 10 CFR part 70, ''Domestic Licensing of Special Nuclear Material,'' which regulates the issuance of licenses to receive title to, own, acquire, deliver, receive, possess, use, and transfer SNM. From a regulatory perspective, 10 CFR part 70 could be applied because SHINE will acquire, receive, possess, use, and transfer SNM. The requirements of 10 CFR part 70, subpart H, ''Additional Requirements for Certain Licensees Authorized To Possess a Critical Mass of Special Nuclear Material,'' could also be applied because SHINE will possess a critical mass of SNM, and will engage in an activity that could significantly affect public health and safety.

The facilities conducting the types of activities typically regulated under 10 CFR part 70, generally referred to as fuel cycle facilities, have a common objective of avoiding criticality by maintaining a significant margin from criticality under normal operating and accident conditions. Specifically, 10 CFR 70.61(d) calls for ''. . . use of an approved margin of subcriticality for safety.'' SHINE's irradiation units have a proposed routine operating margin of subcriticality of less than what has been previously approved for other 10 CFR part 70 licensees. This operating state

[9] Non-power reactors currently licensed to operate by the NRC range in thermal power from 5 watts to 20 megawatts. In the past, the NRC has licensed 12 aqueous homogeneous reactors (AHRs) with thermal power levels ranging from 5 watts to 50 kilowatts. An AHR is similar to the SHINE target solution vessel in that both contain fissile material in an aqueous solution; the difference is that the target solution vessel has insufficient fissile material to support a sustained chain reaction.

[10] Likewise, the Commission may by rule define what constitutes a production facility, AEA Section 11v. The Commission has previously used the rulemaking process to amend its definition of production facility. *See* Licensing of Production and Utilization Facilities (21 FR 355; January 19, 1956), Definition of Production Facility (26 FR 4989, 4990; June 6, 1961), and Exemption for Facilities Processing Irradiated Materials Containing Limited Quantities of Special Nuclear Material (39 FR 4871; February 8, 1974).

more closely resembles the effective neutron multiplication factor of nuclear reactors than fuel cycle facilities.[11] SHINE states that its proposed margin of subcriticality is needed to carry out efficient production of Mo-99, and proposes to control reactivity through administrative and engineered controls, including careful control of the amount of SNM initially placed in the target solution vessels. Also, in order to operate safely at SHINE's proposed margin of subcriticality, the irradiation units are designed with inherent negative reactivity feedback mechanisms similar to those of nuclear reactors. Because SHINE proposes to operate each irradiation unit in a manner similar to a nuclear reactor, the NRC staff has determined that it would be most appropriate to use the regulations contained in 10 CFR part 50 to perform its technical review of the irradiation units.

I. Who will this action affect?

The direct final rule will apply only to the irradiation units proposed by SHINE under docket number 50–608. This rulemaking will affect SHINE by bringing the licensing of its proposed facility, including both its irradiation facility and radioisotope production facility, entirely within the regulations of 10 CFR part 50. As a result of this rulemaking, the NRC will have exclusive jurisdiction over the SHINE facility, including the licensing and oversight of the accelerators associated with the irradiation units. Since Agreement States typically regulate accelerators, the direct final rule will also affect the state of Wisconsin. The rulemaking will not impact the public's opportunity to comment or participate in a hearing on the pending SHINE construction permit application or, if submitted, any future operating license application.

J. What is the reason for the change?

The rulemaking will allow the NRC staff to conduct its licensing review of the proposed SHINE irradiation units following regulations designed for technologies with similar radiological, health, and safety considerations. While the proposed irradiation units do not currently fit the 10 CFR part 50 definitions of production or utilization facilities, it is within the NRC's authority under the AEA to determine by rule that the SHINE irradiation units are utilization facilities. The Commission has found that 10 CFR part 50 is the most appropriate regulation to apply to the licensing of the SHINE irradiation units.

K. Why is a direct final rule appropriate?

The NRC believes that a direct final rule is appropriate for the following reasons:

1. From a health and safety standpoint the requirements in 10 CFR part 50 are the most appropriate for the licensing and technical review of the proposed irradiation units.
2. Designating each proposed irradiation unit, by rule, as a utilization facility is within the Commission's authority under the AEA.
3. The proposed irradiation units share many characteristics of non-power reactors, which are licensed as utilization facilities under 10 CFR part 50.
4. SHINE has submitted a construction permit application that contains the majority of regulatory information required of utilization facilities.
5. The proposed rulemaking only affects the irradiation units proposed by SHINE under docket number 50–608.

The NRC staff is using a direct final rule because it considers this rulemaking to be non-controversial, it does not expect to receive significant adverse comments, and using the direct final rule process would allow the rulemaking to proceed in the most efficient manner. The direct final rule is expected to be non-controversial because the NRC has the authority under the AEA to define what constitutes a utilization facility; interested parties, including SHINE, have not objected to discussions and published guidance proposing licensing under 10 CFR part 50. Additionally, the rule does not affect the ability of the public to comment and request a hearing on the application; and the inclusion of SHINE's docket number as well as a description of the SHINE irradiation unit technology limits the applicability of the rule to SHINE's proposed irradiation units, ensuring no impact to other existing or future facilities. If, in the future, any applicant proposes a technology similar to SHINE's irradiation units,[12] the Commission would consider that application on a case-by-case basis, and assign a distinct docket number to each application. Should SHINE propose a technology other than the irradiation units currently described in its PSAR, the rule would no longer apply to SHINE, and the NRC staff would pursue an alternative licensing approach.

As previously explained, because the irradiation units are similar to non-power reactors, the NRC staff finds the 10 CFR part 50 regulations most appropriate to apply in the review of this proposed technology. To limit the scope of this rulemaking, the NRC staff is recommending that this rule be made applicable to only the SHINE facility. A generic rulemaking has potential for unintended consequences on the regulation of other licensees. Expansion of the definition of utilization facility generically could result in inclusion of technologies appropriately regulated by Agreement States or under 10 CFR part 70 within the regulatory scope of 10 CFR part 50, which would reduce the NRC's regulatory efficiency.

By identifying 10 CFR part 50 as the licensing framework to review and evaluate the irradiation units in the SHINE construction permit application, this rulemaking would clarify the appropriate regulatory requirements governing SHINE's requested licensing action for the applicant; interested members of the public; federal, state, Tribal, and local government representatives; and other interested stakeholders. Additionally, in alignment with the objectives of the American Medical Isotopes Production Act of 2012, this rulemaking will provide the most efficient and effective pathway to reviewing and, if approved, licensing SHINE's proposed irradiation units and will support the national effort to establish a reliable domestic supply of Mo-99 utilizing low enriched uranium technologies.

L. Will the NRC issue guidance for this rule?

No, the NRC does not plan to issue guidance specific to this rule. The guidance provided in NUREG–1537 (ADAMS Accession No. ML12251A353), NUREG–1520 (ADAMS Accession No. ML101390110), and the Final Interim Staff Guidance Augmenting NUREG–1537 (ADAMS Accession No. ML12156A069) is sufficient to support the review of SHINE's construction permit application under the regulations in 10 CFR part 50. However, the NRC staff is preparing a revision to NUREG–1537, which will incorporate the content of the ISG, including any necessary corrections.

[11] PSAR, Chapter 4—Irradiation Unit and Radioisotope Production Facility Description (May 31, 2013) (ADAMS Accession No. ML13172A265).

[12] At this time, the NRC staff does not anticipate receiving any other applications for medical radioisotope production facilities that would propose a technology similar to SHINE's irradiation units.

IV. Discussion of Amendments by Section

Section 50.2 Definitions

The definition for *utilization facility* will be changed to add: An accelerator-driven subcritical operating assembly used for the irradiation of materials containing special nuclear material and described in the application assigned docket number 50–608.

Authority Citation

The authority citation for 10 CFR part 50 is being revised to include Section 11 of the AEA because Subsection 11cc. provides the Commission's authority to add to, or otherwise alter, the definition of utilization facility. In addition, minor editorial changes were made to the authority citation.

V. Regulatory Flexibility Certification

Under the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Commission certifies that this rule does not have a significant economic impact on a substantial number of small entities. The direct final rule will impact one applicant for a construction permit, who may subsequently apply for an operating license. Although this company falls within the scope of the definition of ''small entities'' set forth in the Regulatory Flexibility Act or the size standards established by the NRC (10 CFR 2.810), the rule is intended to facilitate NRC staff review of the company's construction permit application and subsequent operating license application.

VI. Regulatory Analysis

The NRC has prepared a final regulatory analysis (ADAMS Accession No. ML14052A115) on this regulation. The analysis examines the costs and benefits of the alternatives considered by the NRC.

VII. Backfitting and Issue Finality

The NRC has determined that the backfit rule, 10 CFR 50.109, and the issue finality provisions in 10 CFR part 52, and the backfitting provisions in 10 CFR 70.76, 72.62, or 76.76 do not apply to this direct final rule because the only affected entity, SHINE, is currently an applicant for a construction permit. These backfitting and issue finality provisions, with exceptions not applicable here, do not apply to applicants. For these reasons, the NRC did not prepare either a backfit analysis or documentation addressing issue finality provisions in 10 CFR part 52 for this direct final rule.

VIII. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31883).

IX. Environmental Assessment and Finding of No Significant Environmental Impact

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in subpart A of 10 CFR part 51, that this rule would not be a major Federal action significantly affecting the quality of the human environment, and therefore, an environmental impact statement is not required. The rule changes the definition of utilization facility to include the SHINE irradiation units for the purposes of facilitating the licensing review of one proposed facility. The rule will not affect radiological or non-radiological releases, nor will it affect occupational or public exposure. The determination of this environmental assessment is that there will be no significant offsite impact to the public from this action.

The NRC has prepared a final Environmental Assessment and Finding of No Significant Impact (ADAMS Accession No. ML14052A097).

X. Paperwork Reduction Act Statement

This direct final rule affects only one entity and therefore is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to a request for information or an information collection requirement unless the requesting document displays a currently valid Office of Management and Budget control number.

XI. Congressional Review Act

This is a rule of particular applicability and, as such, this action is not a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). Therefore, the NRC is not required to submit a rule report regarding this action under Section 801 of the Congressional Review Act.

XII. Compatibility of Agreement State Regulations

Under the ''Policy Statement on Adequacy and Compatibility of Agreement State Programs'' approved by the Commission on June 30, 1997, and published in the **Federal Register** (62 FR 46517; September 3, 1997), this rule is classified as compatibility ''NRC''. Compatibility is not required for Category ''NRC'' regulations. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the Atomic Energy Act or the provisions of 10 CFR, and though an Agreement State may not adopt program elements reserved to the NRC, it may wish to inform its licensees of certain requirements via a mechanism that is consistent with a particular State's administrative procedure laws, but does not confer regulatory authority on the State.

XIII. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995 (Pub. L. 104–113), requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this direct final rule, the NRC will revise the definition of utilization facility found in 10 CFR 50.2 to include the proposed SHINE irradiation units. This action does not constitute the establishment of a standard that establishes generally applicable requirements.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Criminal penalties, Fire protection, Intergovernmental relations, Isotopes, Medical isotopes, Molybdenum-99, Nuclear materials, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements, Utilization facility.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR part 50.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

■ 1. The authority citation for 10 CFR part 50 is revised to read as follows:

Authority: Atomic Energy Act secs. 11, 102, 103, 104, 105, 147, 149, 161, 181, 182, 183, 186, 189, 223, 234 (42 U.S.C. 2014, 2132, 2133, 2134, 2135, 2167, 2169, 2201, 2231, 2232, 2233, 2236, 2239, 2273, 2282); Energy Reorganization Act secs. 201, 202, 206 (42 U.S.C. 5841, 5842, 5846); Nuclear Waste Policy Act sec. 306 (42 U.S.C. 10226); Government Paperwork Elimination Act sec. 1704 (44 U.S.C. 3504 note); Energy Policy Act of 2005, Pub. L. 109–58, 119 Stat. 194 (2005). Section 50.7 also issued under Pub. L. 95–601, sec. 10, as amended by Pub. L. 102–486, sec. 2902 (42 U.S.C. 5851). Section 50.10 also issued under Atomic Energy Act secs. 101, 185 (42 U.S.C. 2131, 2235); National Environmental Policy Act sec. 102 (42 U.S.C. 4332). Sections 50.13, 50.54(d), and 50.103 also issued under Atomic Energy Act sec. 108 (42 U.S.C. 2138).

Sections 50.23, 50.35, 50.55, and 50.56 also issued under Atomic Energy Act sec. 185 (42 U.S.C. 2235). Appendix Q also issued under National Environmental Policy Act sec. 102 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204 (42 U.S.C. 5844). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97–415 (42 U.S.C. 2239). Section 50.78 also issued under Atomic Energy Act sec. 122 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under Atomic Energy Act sec. 184 (42 U.S.C. 2234).

■ 2. In § 50.2, revise the definition of ''utilization facility'' to read as follows:

§ 50.2 Definitions.

* * * * *

Utilization facility means:

(1) Any nuclear reactor other than one designed or used primarily for the formation of plutonium or U–233; or

(2) An accelerator-driven subcritical operating assembly used for the irradiation of materials containing special nuclear material and described in the application assigned docket number 50–608.

Dated at Rockville, Maryland, this 9th day of October, 2014.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2014–24732 Filed 10–16–14; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL ELECTION COMMISSION

11 CFR Part 110

[Notice 2014–11]

Aggregate Biennial Contribution Limits

AGENCY: Federal Election Commission.

ACTION: Interim final rule.

SUMMARY: The Commission is removing regulatory limits on the aggregate amounts that an individual may contribute to federal candidates and political committees in each two-year election cycle. The Commission is taking this action in light of the Supreme Court's recent decision in *McCutcheon* v. *FEC,* which held that the aggregate contribution limits are unconstitutional. The Commission is accepting comments on these revisions to its regulations.

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

ADDRESSES: All comments must be in writing. Comments may be submitted electronically via the Commission's Web site at *sers.fec.gov*, reference REG 2014–01. Commenters are encouraged to submit comments electronically to ensure timely receipt and consideration. Alternatively, comments may be submitted in paper form. Paper comments must be sent to the Federal Election Commission, Attn.: Amy L. Rothstein, Assistant General Counsel, 999 E Street NW., Washington, DC 20463. All comments must include the full name and postal service address of a commenter, and of each commenter if filed jointly, or they will not be considered. The Commission will post comments on its Web site at the conclusion of the comment period.

FOR FURTHER INFORMATION CONTACT: Ms. Amy L. Rothstein, Assistant General Counsel, or Mr. Theodore M. Lutz, Attorney, 999 E Street NW., Washington, DC 20463, (202) 694–1650 or (800) 424–9530.

SUPPLEMENTARY INFORMATION:

Background

The Federal Election Campaign Act, 52 U.S.C. 30101–46 (formerly 2 U.S.C. 431–57) (''FECA''), imposes limits on the aggregate amounts that an individual may contribute to federal candidates, political parties, and other political committees during a two-year election cycle. 52 U.S.C. 30116(a)(3) (formerly 2 U.S.C. 441a(a)(3)). The Commission has implemented FECA's aggregate limits in its regulations at 11 CFR 110.5.

On April 2, 2014, the United States Supreme Court held that the aggregate contribution limits are unconstitutional. *McCutcheon* v. *FEC,* 572 U.S. __, 134 S. Ct. 1434 (2014) (plurality op.). To conform its regulations to the *McCutcheon* decision, the Commission is deleting 11 CFR 110.5 and is making technical and conforming changes to 11 CFR 110.1(c), 110.14(d) and (g), 110.17(b), and 110.19. In an Advance Notice of Proposed Rulemaking published in today's **Federal Register**, the Commission is separately seeking comment on whether to begin a rulemaking to revise other regulations in light of certain language from the *McCutcheon* decision.

The Commission is taking this action without advance notice and comment because it falls under the ''good cause'' exception of the Administrative Procedure Act (''APA''), 5 U.S.C. 553(b)(B). The revisions set forth herein are necessary to conform the Commission's regulations to the Supreme Court's holding that the statutory aggregate limits are unconstitutional. *See McCutcheon,* 134 S. Ct. at 1442. Because this action does not involve any Commission discretion or policy judgments, notice and comment are unnecessary. 5 U.S.C 553(b)(B), (d)(3). A pre-publication notice and comment period would also be contrary to the public interest because the 2014 election campaigns for federal office are ongoing, and so the delay that would result from such a period might cause confusion among the public as to the enforceability of the regulations addressed below.

For the same reasons, these revisions fall within the ''good cause'' exception to the APA's delayed effective date provision and the requirements of the Congressional Review Act. 5 U.S.C. 553(d)(3), 808(2). Moreover, because this interim final rule is exempt from the APA's notice and comment procedure under 5 U.S.C. 553(b), the Commission is not required to conduct a regulatory flexibility analysis under 5 U.S.C. 603 or 604. *See* 5 U.S.C. 601(2), 604(a). Nor is the Commission required to submit these revisions for congressional review under FECA. *See* 52 U.S.C. 30111(d)(1), (4) (formerly 2 U.S.C. 438(d)(1), (4)) (providing for congressional review when Commission ''prescribe[s]'' a ''rule of law''). Accordingly, these revisions are effective upon publication in the **Federal Register**.

Explanation and Justification

FECA imposes two types of limits on the amount that individuals may contribute in connection with federal elections. The ''base limits'' restrict how much an individual may contribute to a particular candidate or political committee per election or calendar year. *See* 52 U.S.C. 30116(a)(1) (formerly 2 U.S.C. 441a(a)(1)). The ''aggregate limits'' restrict the amounts that an individual may contribute to all candidate committees, political party committees, and other political committees in each two-year election cycle. *See* 52 U.S.C. 30116(a)(3) (formerly 2 U.S.C. 441a(a)(3)). Under the aggregate limits, as indexed for inflation in the 2013–14 election cycle, an individual could contribute up to

$48,600 to candidates and their authorized committees, and up to $74,600 to other political committees, of which no more than $48,600 could be contributed to political committees other than national party committees. *See* Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold, 78 FR 8530, 8532 (Feb. 6, 2013).

On April 2, 2014, the Supreme Court held that the aggregate contribution limits at 52 U.S.C. 30116(a)(3) (formerly 2 U.S.C. 441a(a)(3)) are unconstitutional. *See McCutcheon,* 134 S. Ct. at 1442, 1450–59. Accordingly, the Commission is removing the regulation at 11 CFR 110.5 that implements that statutory provision and is making technical and conforming amendments at 11 CFR 110.1(c)(3), 110.14(d)(1), 110.14(g)(2), 110.17(b), and 110.19, as explained further below. The Court's decision did not affect the base limits. *See McCutcheon,* 134 S. Ct. at 1442.

11 CFR 110.1

Section 110.1(c) implements FECA's base and aggregate limits on contributions to political party committees. Current 11 CFR 110.1(c)(3) states that each national political party committee may receive up to the base limit from an individual contributor, but ''the limits of 11 CFR 110.5 shall . . . apply to contributions made by an individual'' to such committees. The Commission is deleting this reference to the aggregate limits.

11 CFR 110.5

Section 110.5 directly implements FECA's aggregate limits, 52 U.S.C. 30116(a)(3) (formerly 2 U.S.C. 441a(a)(3)). The Commission is deleting 11 CFR 110.5 in its entirety and reserving that section.

11 CFR 110.14

Section 110.14(d)(1) provides, among other things, that ''contributions made to a delegate for the purpose of furthering his or her selection . . . count against the limitation . . . under 11 CFR 110.5.'' The Commission is deleting this reference to the aggregate limits.

Similarly, section 110.14(g)(2) provides that an individual's ''[c]ontributions to a delegate committee count against the limitation . . . under 11 CFR 110.5.'' The Commission is deleting paragraph (g)(2) and redesignating current paragraph (g)(3) as new paragraph (g)(2).

11 CFR 110.17

Section 110.17(b) implements FECA's price index increases for certain contribution limits, including the aggregate limits. The Commission is deleting both the reference to the ''bi-annual aggregate contribution limitation'' in the title of section 110.17(b) and the citation in the text to section 110.5. Additionally, at 11 CFR 110.17(b)(1), the Commission is deleting the citation to section 110.5(b)(3).

11 CFR 110.19

Section 110.19 provides that, so long as certain conditions are satisfied, minors may make contributions ''that in the aggregate do not exceed the limitations on contributions of 11 CFR 110.1 and 110.5.'' The Commission is deleting the citation to 110.5.

List of Subjects in 11 CFR Part 110

Campaign funds, Political committees and parties.

For the reasons set out in the preamble, the Federal Election Commission amends 11 CFR chapter I, as follows:

PART 110—CONTRIBUTION AND EXPENDITURE LIMITATIONS AND PROHIBITIONS

■ 1. Revise the authority citation for part 110 to read as follows:

Authority: 52 U.S.C. 30101(8), 30101(9), 30102(c)(2), 30104(i)(3), 30111(a)(8), 30116, 30118, 30120, 30121, 30122, 30123, 30124, and 36 U.S.C. 510.

■ 2. Revise the section heading and paragraph (c)(3) of § 110.1 to read as follows:

§ 110.1 Contributions by persons other than multicandidate political committees (52 U.S.C. 30116(a)(1)).

* * * * *

(c) * * *

(3) Each recipient committee referred to in 11 CFR 110.1(c)(2) may receive up to the $25,000 limitation from a contributor.

* * * * *

§ 110.5 [Removed and Reserved]

■ 3. Remove and reserve § 110.5.

■ 4. Revise paragraphs (d)(1) and (g) of § 110.14 to read as follows:

§ 110.14 Contributions to and expenditures by delegates and delegate committees.

* * * * *

(d) * * *

(1) The limitations on contributions to candidates and political committees under 11 CFR 110.1 and 110.2 do not apply to contributions made to a delegate for the purpose of furthering his or her selection.

* * * * *

(g) *Contributions made to and by a delegate committee.* (1) The limitations on contributions to political committees under 11 CFR 110.1 and 110.2 apply to contributions made to and by a delegate committee.

(2) A delegate committee shall report contributions it makes and receives pursuant to 11 CFR part 104.

* * * * *

■ 5. Revise paragraph (b) introductory text and paragraph (b)(1) of § 110.17 to read as follows:

§ 110.17 Price index increase.

* * * * *

(b) *Price index increases for contributions by persons and political party committees to Senatorial candidates.* The limitations on contributions established by 11 CFR 110.1(b) and (c) and 110.2(e) shall be increased only in odd-numbered years by the percent difference between the price index, as certified to the Commission by the Secretary of Labor, for the 12 months preceding the beginning of the calendar year and the price index for the base period.

(1) The increased contribution limitations shall be in effect as provided in 11 CFR 110.1(b)(1)(ii), 110.1(c)(1)(ii), and 110.2(e)(2).

* * * * *

§ 110.19 [Amended]

■ 6. Amend § 110.19 introductory text by removing ''and 110.5''.

Dated: October 9, 2014.

On behalf of the Commission.

Lee E. Goodman,

Chairman,

Federal Election Commission.

[FR Doc. 2014–24661 Filed 10–16–14; 8:45 am]

BILLING CODE 6715–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2014–0263; Airspace Docket No. 13–ASW–27]

Establishment of Class E Airspace; Thomas, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Thomas, OK. Controlled airspace is necessary to accommodate

new Area Navigation (RNAV) Standard Instrument Approach Procedures at Thomas Muni Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) operations at the airport.

DATES: *Effective date:* 0901 UTC, January 8, 2015. The Director of the Federal Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.9Y, Airspace Designations and Reporting Points and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15. For further information, you can contact the Airspace Policy and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–267–8783.

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

SUPPLEMENTARY INFORMATION:

History

On July 14, 2014, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E airspace for the Thomas, OK, area, creating controlled airspace at Thomas Muni Airport (79 FR 40690) Docket No. FAA–2014–0263. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9Y dated August 6, 2014, and effective September 15, 2014, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This action amends 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 6.5-mile radius of Thomas Muni Airport, Thomas, OK, for new standard instrument approach procedures developed at the airport. Controlled airspace is needed for the safety and management of IFR operations at the airport.

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. Therefore, this 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 only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

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 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 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014, and effective September 15, 2014, is amended as follows:

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

* * * * *

ASW OK E5 Thomas, OK [New]

Thomas Muni Airport, OK
(Lat. 35°44′01″ N., long. 98°43′50″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Thomas Muni Airport.

Issued in Fort Worth, Texas, on September 29, 2014.

Robert W. Beck,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2014–24040 Filed 10–16–14; 8:45 am]

BILLING CODE 4910–14–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0890]

Drawbridge Operation Regulation; Atlantic Intracoastal Waterway (AICW), Newport River, Morehead City, NC

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Carolina Coastal Railroad Bridge, at AICW mile

203.8, across Newport River in Morehead City, NC. This bridge is presently maintained in the open position except when closure is necessary for train crossings. This deviation allows the bridge to remain closed to navigation from 9 a.m. to noon and again from 1 p.m. to 3 p.m. every day, from November 3 through November 7, 2014, so that necessary maintenance may be made.

DATES: This deviation is effective from 9 a.m., on Monday, November 3, 2014 until 3 p.m., on Friday, November 7, 2014.

ADDRESSES: The docket for this deviation [USCG–2014–0890] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Terrance Knowles, Environmental Protection Specialist, Coast Guard; telephone 757–398–6587, email *Terrance.A.Knowles@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, at 202–366–9826.

SUPPLEMENTARY INFORMATION: The North Carolina Department of Transportation, who owns and operates this bascule-type railroad drawbridge, has requested a temporary deviation from the current operating regulations to facilitate the maintenance and steel work on the structure. The Carolina Coastal Railroad Bridge, at AICW mile 203.8, across Newport River in Morehead City, NC, has a vertical clearance in the closed to navigation position of 4 feet above mean high water.

The current regulations, under the general requirements set out at 33 CFR 117.5, require that the drawbridge shall open promptly and fully for the passage of vessels when a request to open is given. However, the drawbridge is currently maintained in the open to navigation position at all times and closes for passing trains.

Under this temporary deviation, the bridge will be closed-to-navigation for maintenance and steel work on the structure, from 9 a.m. to noon, and again from 1 p.m. to 3 p.m., every day from November 3 through November 7, 2014. Vessels able to pass through the bridge in the closed position may do so at any time. The bridge will be able to open, from noon to 1 p.m., each day to accommodate vessel traffic during the deviation period. Also, the bridge can be opened for emergencies and there is an alternate route for vessels through Beaufort Channel with no additional travel time.

The Coast Guard will inform the users of the waterway through Local and Broadcast Notice to Mariners of the temporary deviation in operating schedule for the bridge so that vessels can arrange their transit plans accordingly. Vessel traffic along this part of the Atlantic Intracoastal Waterway consists of commercial and pleasure craft including sail boats, fishing boats, and tug and barge traffic, that transit mainly during the daylight hours with the occasional tug and barge traffic at night. Waterway traffic consists of fishing boats, recreational boats, tugs, and barges.

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

Dated: October 6, 2014.

Waverly W. Gregory, Jr.,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2014–24774 Filed 10–16–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0877]

Drawbridge Operation Regulation; Atlantic Intracoastal Waterway (AIWW), Chesapeake, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulations.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the I–64 (High Rise) Bridge across the AIWW, South Branch of the Elizabeth River, mile 7.1, at Chesapeake, VA. This deviation is necessary to facilitate maintenance work on the movable spans drive machinery. This temporary deviation allows the drawbridge to remain in the closed to navigation position.

DATES: This deviation is effective from 12:01 a.m. on November 1, 2014 to noon on November 2, 2014.

ADDRESSES: The docket for this deviation, [USCG–2014–0877] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mrs. Kashanda Booker, Bridge Administration Branch Fifth District, Coast Guard; telephone (757) 398–6227, email *Kashanda.l.booker@uscg.mil.* If you have questions on reviewing the docket, call Cheryl Collins, Program Manager, Docket Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION: The Virginia Department of Transportation, who owns and operates this bridge, has requested a temporary deviation from the current operating regulation set out in 33 CFR 117.997(e), to facilitate maintenance of the moveable spans on the structure.

The current operating schedule for the bridge is set out in 33 CFR 117.997(e) which requires the bridge open on signal if at least 24 hours notice is given. The High Rise Bridge has vertical clearances in the closed position of 65 feet above mean high water.

Under this temporary deviation, the drawbridge will be closed to navigation from 12:01 a.m. on November 1, 2014 to noon on November 2, 2014. Emergency openings cannot be provided.

Vessels able to pass under the bridge in the closed position may do so at any time and are advised to proceed with caution. There are currently no alternate routes. The Coast Guard will also inform additional waterway users through our Local and Broadcast Notices to Mariners of the closure periods for the bridge so that vessels can arrange their transits to minimize any impacts caused by the temporary deviation.

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

Dated: October 6, 2014.

Waverly W. Gregory, Jr.

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2014–24772 Filed 10–16–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2014–0215]

RIN 1625–AA11

Regulated Navigation Area; Bridge 1 Structural Repairs at Portsmouth Naval Shipyard, Kittery, ME

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a Regulated Navigation Area (RNA) on the navigable waters of the Piscataqua River surrounding Bridge 1 between Kittery, ME, and Seavey Island, ME. This RNA allows the Coast Guard to enforce speed and wake restrictions and limit vessel traffic through the RNA during operations involving bridge structural repairs, both planned and unforeseen, which could pose an imminent hazard to persons and vessels operating in the area. This rule is necessary to provide for the safety of life on the navigable waters during bridge structural repair operations.

DATES: This rule is effective from October 17, 2014 until April 30, 2017. This rule has been enforced with actual notice from September 30, 2014 to October 17, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2014–0215]. 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 Lieutenant Junior Grade David B. Bourbeau, Waterways Management Division Chief at Coast Guard Sector Northern New England, at 207–347–5015 or email at *David.T.Bourbeau@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

A. Regulatory History and Information

On September 11, 2013, Sector Northern New England received notice of potential bridge work being conducted on Bridge 1 between Kittery, ME, and the Portsmouth Naval Shipyard on Seavey Island from September 1, 2014 through April 30, 2017. Construction will commence October 1, 2014.

On February 26, 2014, the U. S. Navy posted a notice in the Portsmouth Herald advising the public of the intent to file applications for approval of structural repairs to be made to Bridge 1. No comments or requests for public meeting were made.

On July 25, 2014, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) with respect to this rule (79 FR 43335) entitled ''Regulated Navigation Area; Bridge 1 Structural Repairs at Portsmouth Naval Shipyard, Kittery, ME.'' No comments were received.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Waiting 30 days for this rule to become effective is unnecessary and impracticable. The bridge construction begins on October 1, 2014 and delaying this rule's effective date would inhibit the Coast Guard's ability to protect the boating public from the hazards associated with a dangerous maritime construction site. The Coast Guard did not have all of the details about the bridge construction project that the Coast Guard needed in order to publish the final rule more than thirty days in advance of the effective date. Furthermore, the policy goal of providing the public with enough time to prepare for compliance is largely met by the Coast Guard and Navy's public outreach efforts and publication of the NPRM.

B. Basis and Purpose

Under the Ports and Waterways Safety Act, the Coast Guard has the authority to establish RNAs in defined water areas that are determined to have hazardous conditions and in which vessel traffic can be regulated in the interest of safety. See 33 U.S.C. 1231 and Department of Homeland Security Delegation No. 0170.1.

The Portsmouth Naval Shipyard is the bridge owner and is contracting the structural repairs to be completed. The existing bridge is a steel girder structure approximately 300 feet long and 50 feet 7 inches wide. Existing vertical clearance will remain the same at 7 feet at MLW. Horizontal clearance is currently 57 feet and the new clearance will be 56 feet 6 inches. Existing granite block and steel reinforced abutments and piers will remain in place but will be reinforced with cladding around the abutments. As a result, the horizontal clearance will be reduced by six inches. The start of construction operations has been changed from the originally advertised September 1, 2014 to October 1, 2014. This change is reflected in the regulatory text below.

The Coast Guard First District Commander has determined that this construction project poses dangers to the maritime public and this rule is necessary to ensure the safe transit of vessels in the area, and to protect all persons, vessels, and the marine environment.

C. Discussion of Comments, Changes and the Final Rule

For the reasons discussed above, the Coast Guard is establishing a RNA on the navigable waters of the Piscataqua River surrounding Bridge 1 which spans from Kittery, ME, to Seavey Island, ME from October 1, 2014 to April 30, 2017.

In order to mitigate the inherent risks involved in construction, it is necessary to control vessel movement through the area, therefore, the Coast Guard is establishing an RNA on the navigable waters of Piscataqua River surrounding Bridge 1 which spans from Kittery, ME, to Seavey Island, ME. Construction operations are sensitive to water movement, and wake from passing vessels could pose significant risk of injury or death to construction workers. In order to minimize such unexpected or uncontrolled movement of water, the RNA will limit vessel speed and wake of all vessels operating in the vicinity of the bridge construction zone. This will be achieved by implementing a five (5) knot speed limit and ''NO WAKE'' zone in the vicinity of the construction as well as providing a means to suspend all vessel traffic for emergent situations that pose imminent threat to waterway users in the area. The RNA will also protect vessels desiring to transit the area by ensuring that vessels are only permitted to transit when it is safe to do so.

The Coast Guard may close the RNA described in this rule to all vessel traffic during any circumstance that poses an imminent threat to waterway users operating in the area. Complete waterway closures will be made with as much advanced notice as possible.

Further, the speed limit of five (5) knots will be in effect at all times within the RNA and all vessels must proceed through the area with caution and operate in such a manner as to produce no wake unless a higher minimum speed is necessary to maintain steering. Mariners will be advised of all closure dates and times via Local Notice to Mariners and Broadcast Notice to Mariners in advance of closure times.

The coordinates of this RNA described in this TFR differ slightly from those described in the NPRM because of a scrivener's error in the NPRM. The actual location of the RNA is all navigable waters of the Piscataqua River between Kittery, ME and Seavey Island, ME, from the surface to bottom, within a 300 yard radius of position 43°05′06″ N, 070°44′29″ W.

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. We expect the economic impact of this rule to be minimal because this RNA only enforces a speed and wake restriction through a limited portion of the Piscataqua River, and will have limited traffic restrictions during operations involving bridge structural repairs, both planned and unforeseen therefore causing only a minimal delay to a vessel's transit.

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 might be small entities: The owners or operators of vessels intending to transit or anchor in the vicinity of Bridge 1 from October 1, 2014 to April 30, 2017. The Coast Guard expects no significant economic impact on a substantial number of small entities, as mentioned in the REGULATORY PLANNING AND REVIEW section above, because this rule only requires vessels to reduce their speed through a limited portion of the Piscataqua River outside of the main channel and will have limited traffic restrictions during operations involving bridge structural repairs, both planned and unforeseen therefore causing only a minimal delay to a vessel's transit.

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 will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination With Indian Tribal Governments,

because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

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

13. Technical Standards

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

14. Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T01–0215 to read as follows:

§ 165.T01–0215 Regulated Navigation Area; Bridge 1 Structural Repairs at Portsmouth Naval Shipyard, Kittery, ME.

(a) *Location.* The following area is a Regulated Navigation Area (RNA): All navigable waters of Piscataqua River between Kittery, ME and Seavey Island, ME, from surface to bottom, within a 300 yard radius of position 43°05′06″ N, 070°44′29″ W.

(b) *Regulations.* (1) The general regulations contained in 33 CFR 165.10, 165.11, and 165.13 apply within the RNA.

(2) Any vessel transiting through the RNA must make a direct passage. No vessel may stop, moor, anchor or loiter within the RNA at any time unless they are working on the bridge construction. Movement within the RNA is subject to a ''Slow-No Wake'' speed limit. All vessels may not produce a wake and may not attain speeds greater than five (5) knots unless a higher minimum speed is necessary to maintain steering.

(3) There may be times that the First District Commander or the Captain of the Port (COTP) finds it necessary to close the RNA to vessel traffic. During times of limited closure, persons and vessels may request permission to enter the RNA by contacting the COTP or the COTP's on-scene representative on VHF–16 or via phone at 207–767–0303.

(4) Any vessels transiting in the RNA must comply with all directions given to them by the COTP or the COTP's on-scene representative. The ''on-scene representative'' of the COTP is any Coast Guard commissioned, warrant or petty officer who has been designated by the COTP to act on the COTP's behalf. The on-scene representative may be on a Coast Guard vessel; Maine State Police, Maine Marine Patrol or other designated craft; or may be on shore and communicating with vessels via VHF–FM radio or loudhailer. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(5) All other relevant regulations, including but not limited to the Rules of the Road, as codified in 33 CFR Subchapter E, Inland Navigational Rules, remain in effect within the RNA and must be strictly followed at all times.

(c) *Enforcement Period.* This regulation is enforceable 24 hours a day from 12:01 a.m. on October 1, 2014 until 11:59 p.m. on April 30, 2017.

(d) *Notification.* The Coast Guard will rely on the methods described in 33 CFR 165.7 to notify the public of the time and duration of any closure of the RNA. Violations of this RNA may be reported to the COTP at 207–767–0303 or on VHF-Channel 16.

Dated: September 30, 2014.

V. B. Gifford,

Captain, U.S. Coast Guard, Acting Commander, First Coast Guard District.

[FR Doc. 2014–24771 Filed 10–16–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2014–0917]

RIN 1625–AA00

Safety Zone; English Station Emergency Environmental Response; Mill River; New Haven, CT

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the navigable waters of the Mill River, in New Haven, CT for the English Station Emergency Environmental Response. This action is necessary to provide for the safety of life on navigable waters during the response. Entering into, transiting through, remaining, anchoring or mooring within this safety zone is prohibited unless authorized by the Captain of the Port (COTP) Sector Long Island Sound.

DATES: This rule is effective without actual notice from October 17, 2014 until November 30, 2014. For the purposes of enforcement, actual notice will be used from the date the rule was signed, October 3, 2014, until October 17, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2014–0917]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Ian M. Fallon,

Prevention Department, Coast Guard Sector Long Island Sound, 203 468–4565, *Ian.M.Fallon@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
COTP Captain of the Port
FR Federal Register
LIS Long Island Sound
NPRM Notice of Proposed Rulemaking

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM with respect to this rule because publishing an NPRM would be impracticable and contrary to the public interest. Because of the emergency nature of the incident that created the need for this safety zone, there is insufficient time for the Coast Guard to seek public comments. Publishing an NPRM and delaying the effective date of this rule to await public comments would inhibit the Coast Guard's ability to fulfill its statutory missions to protect ports, waterways, and the maritime public.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. For the same reasons discussed in the preceding paragraph, delaying the effective date of this rule would be impracticable and contrary to the public interest.

B. Basis and Purpose

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

On September 15, 2014 the U.S. Coast Guard Sector Long Island Sound was contacted by personnel from Connecticut Department of Energy and Environmental Response (CT DEEP). The CT DEEP personnel were overseeing an environmental response at English Station, a decommissioned electrical power plant located in New Haven, CT. While on site, the CT DEEP personnel discovered a storm drain on the property that was contaminated with oil. The English Station site is contaminated with Polychlorinated Biphenyls (PBC) which may have contaminated the petroleum products. After Coast Guard personnel examined the site it was determined by the COTP, Sector Long Island Sound, that Coast Guard emergency response was necessary to protect the public and environment from the imminent and substantial threat of oil discharge from the main building and potential hazardous substance release.

On September 24, 2014 the U.S. Coast Guard Sector Long Island Sound deployed boom surrounding the English Station site to contain any oil discharges and hazardous substances releases into the Mill River. The COTP has determined that a safety zone is necessary to protect the public from the safety hazards created by this emergency and preserve the function of the boom deployed around this site.

C. Discussion of the Temporary Final Rule

For the reasons discussed above, the COTP is establishing a temporary safety zone on the Mill River in the vicinity of English Station in New Haven, CT. This safety zone will be bound inside of an area that starts at a point on land at position 41°18′30.46″ N, 072°54′22.80″ W and then south along the shoreline to a point on land at position 41°18′20.21″ N, 072°54′22.14″ W and then west along the shoreline to a point on land at position 41°18′21.08″ N, 072°54′26.84″ W and then north along the shoreline to a point on land at position 41°18′30.12″ N, 072°54′27.59″ W and then east across land back to point of origin. Containment boom used in this emergency environmental response will mark the bounds of this safety zone. The containment boom is anchored onsite and marked with amber flashing lights for nighttime visibility.

No vessel may enter, transit, moor, or anchor within safety zone during the period of enforcement unless authorized by the COTP or designated representative.

The COTP will cause public notifications to be made by all appropriate means including but not limited to Broadcast Notice to Mariners.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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

The Coast Guard determined that this rule is not a significant regulatory action for the following reasons: The safety zone will be of relatively short in duration and covers only a small portion of the navigable waterways. Furthermore, vessels may transit the navigable waterway outside of the safety zone. Moreover, vessels desiring entry into the safety zone may be authorized to do so by the COTP or designated representative. Advanced public notifications will also be made to the local maritime community by Broadcast Notice to Mariners.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard 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: owners and operators of vessels intending to transit or anchor in the Mill River in the vicinity of English Station. The temporary safety zone will not have a significant economic impact on a substantial number of small entities for all the reasons discussed in the REGULATORY PLANNING AND REVIEW section above.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity

and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this 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 INTFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

This rule will not 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 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.

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T01–0917 to read as follows:

§ 165.T01–0917 Safety Zone; English Station Emergency Environmental Response, Mill River, New Haven, CT.

(a) *Location.* The following area is a safety zone: All waters from surface to bottom within the Mill River, from the shoreline of the English Station emergency response site. and extending towards the water 5 feet past the containment boom surrounding the site. The English Station emergency response site is bound inside of an area that starts at a point on land at position 41°18′30.46″ N, 072°54′22.80″ W and then south along the shoreline to a point on land at position 41°18′20.21″ N, 072°54′22.14″ W and then west along the shoreline to a point on land at position 41°18′21.08″ N, 072°54′26.84″

W and then north along the shoreline to a point on land at position 41°18′30.12″ N, 072°54′27.59″ W and then east across land back to point of origin (NAD). All positions are approximate.

(b) *Effective and enforcement period.* This rule will be effective and enforced from 1:00 p.m. on October 3, 2014 to 11:59 p.m. on November 30, 2014.

(c) *Definitions.* The following definitions apply to this section: A ''designated representative'' is any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the COTP, Sector Long Island Sound, to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. ''Official patrol vessels'' may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP Sector Long Island Sound. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation. The containment boom used in this emergency environmental response and utilized as a landmark for this safety zone is composed of harbor boom sections surrounding the English Station starting near the northeastern corner of the site, extending south towards the southeastern corner, and then extending west towards the southwestern corner and then extending north towards the northwestern corner and ending there. The containment boom is anchored onsite and marked with amber flashing lights for nighttime visibility. Vessels not engaged in the English Station Emergency Environmental Response are to stay at least 5 feet away from the containment boom.

(d) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) In accordance with the general regulations in 33 CFR 165.23, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port, Southeastern Long Island Sound.

(3) Operators of vessels desiring to enter or operate within the safety zone should contact the COTP Sector Long Island Sound at 203–468–4401 (Sector LIS command center) or the designated representative via VHF channel 16 to obtain permission to do so.

(4) Any Vessel given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP Sector Long Island Sound or the designated on-scene representative.

(5) Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed.

Dated: October 3, 2014.

E.J. Cubanski, III,

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

[FR Doc. 2014–24768 Filed 10–16–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0832]

RIN 1625–AA00

Safety Zone: Pier 39 36th Anniversary Fireworks Display, San Francisco Bay, San Francisco, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary safety zone in the navigable waters of the San Francisco Bay near Pier 39 in support of the Pier 39 36th Anniversary Fireworks Display on October 4, 11, 18 and 25, 2014. The safety zone is established to ensure the safety of participants and spectators from the dangers associated with pyrotechnics. Unauthorized persons or vessels are prohibited from entering into, transiting through, or remaining in the safety zone without permission of the Captain of the Port or their designated representative.

DATES: This rule is effective without actual notice from October 17, 2014 until October 25, 2014. For the purposes of enforcement, actual notice will be used from October 4, 2014 until October 17, 2014. This rule will be enforced from 11 a.m. to 9 p.m. on October 4, 11, 18 and 25, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2014–0832. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Junior Grade Joshua Dykman, U.S. Coast Guard Sector San Francisco; telephone (415) 399–3585 or email at *D11–PF-MarineEvents@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' The Coast Guard received the information about the fireworks display on August 8, 2014, making notice and comment impracticable as the fireworks display would occur before the rulemaking process would be completed.

Similarly, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Because of the dangers posed by the pyrotechnics used in this fireworks display, the safety zone is necessary to provide for the safety of event participants, spectators, spectator craft, and other vessels transiting the event area. For the safety concerns noted, it is in the public interest to have these regulations in effect during the event.

B. Basis and Purpose

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

Pier 39 will sponsor the Pier 39 36th Anniversary Fireworks Display on October 4, 11, 18 and 25, 2014, near Pier 39 in San Francisco, CA in approximate positions 37°48′45″ N, 122°24′40″ W (NAD83) as depicted in National Oceanic and Atmospheric Administration (NOAA) Chart 18650.

During the loading of the fireworks barge, while the barge is being towed to the display location, and until the start of the fireworks display, the safety zone applies to the navigable waters around and under the fireworks barge within a radius of 100 feet. Loading of the pyrotechnics onto the fireworks barges is scheduled to take place from 11 a.m. until 3 p.m. on October 4, 11, 18 and 25, 2014, and will take place at Pier 50 in San Francisco, CA. Towing of the barge from Pier 50 to the display location is scheduled to take place from 7 p.m. until 7:45 p.m. on October 4, 11, 18 and 25, 2014. The fireworks display is meant for entertainment purposes. A restricted area around the fireworks barge is necessary to protect spectators, vessels, and other property from the hazards associated with pyrotechnics.

C. Discussion of the Final Rule

The Coast Guard is establishing a safety zone from 11 a.m. to 9 p.m. on October 4, 11, 18 and 25, 2014 for the Pier 39 36th Anniversary Fireworks Display. The safety zone establishes a temporary restricted area on the waters 100 feet surrounding the fireworks barge during the loading, transit and arrival of the pyrotechnics from the loading site to the launch site and until the commencement of the fireworks display. Upon the commencement of the fireworks display, the safety zone will increase in size and encompass the navigable waters around the fireworks barge within a radius of 560 feet.

Upon the commencement of the 10-minute firework display, scheduled to take place from 8:30 p.m. until 8:40 p.m. on October 4, 11, 18 and 25, 2014, the safety zone will increase in size and encompass the navigable waters around and under the fireworks barge within a radius of 560 feet and the will be located off of Pier 39 in approximate position 37° 48′45″ N, 122° 24′40″ W (NAD 83) for the Pier 39 36th Anniversary Fireworks Display. At the conclusion of the fireworks display the safety zone shall terminate.

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

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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

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

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The 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.

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

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a

State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3707; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T11–664 to read as follows:

§ 165.T11–664 Safety zone; Pier 39 36th Anniversary Fireworks Display, San Francisco Bay, San Francisco, CA.

(a) *Location.* This temporary safety zone is established in the navigable waters of the San Francisco Bay near Pier 39 in San Francisco, CA as depicted in National Oceanic and Atmospheric Administration (NOAA) Chart 18650. From 11 a.m. to 8:30 p.m. on October 4, 11, 18 and 25, 2014, the temporary safety zone applies to the nearest point of the fireworks barge within a radius of 100 feet during the loading, transit, and arrival of the fireworks barge from Pier 50 to the launch site near Pier 39 in approximate positions 37°48′45″ N, 122°24′40″ W (NAD83). From 8:30 p.m. until 9 p.m. on October 4, 11, 18 and 25, 2014, the temporary safety zone will increase in size and encompass the navigable waters around and under the fireworks barge in approximate position 37°48′45″ N, 122°24′40″ W (NAD83) within a radius of 560 feet.

(b) *Enforcement period.* The zone described in paragraph (a) of this section will be enforced from 11 a.m. to 9 p.m. on October 4, 11, 18 and 25, 2014. The Captain of the Port San Francisco (COTP) will notify the maritime community of periods during which this zone will be enforced via Broadcast Notice to Mariners in accordance with 33 CFR 165.7.

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

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

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

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

Dated: September 29, 2014.

Gregory G. Stump,

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

[FR Doc. 2014–24780 Filed 10–16–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2014–0529; FRL–9915–53–Region 9]

Revisions to the California State Implementation Plan, California Air Resources Board—Consumer Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the California Air Resources Board portion of the California State Implementation Plan (SIP). These revisions concern

volatile organic compound (VOC) emissions from consumer products. We are approving a local rule that regulates these emission sources under the Clean Air Act (CAA or the Act).

DATES: This rule is effective on December 16, 2014 without further notice, unless EPA receives adverse comments by November 17, 2014. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2014–0529, by one of the following methods:

1. Federal eRulemaking Portal: *www.regulations.gov.* Follow the on-line instructions.
2. Email: *steckel.andrew@epa.gov.*
3. Mail or deliver: Andrew Steckel (Air-4), 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: Stanley Tong, EPA Region IX, (415) 947–4122, *tong.stanley@epa.gov.*

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

Table of Contents

I. The State's Submittal
A. What rule did the State submit?
B. Are there other versions of this rule?
C. What is the purpose of the submitted rule revision?
II. EPA's Evaluation and Action
A. How is EPA evaluating the rule?
B. Does the rule meet the evaluation criteria?
C. Public Comment and Final Action
III. Statutory and Executive Order Reviews

I. The State's Submittal

A. What rule did the State submit?

Table 1 lists the rule we are approving with the date it was amended by the State and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED CALIFORNIA AIR RESOURCES BOARD RULE

Regulation	Amended	Filed with California Secretary of State	Submitted to EPA
Subchapter 8.5—Consumer Products; Article 2—Consumer Products	March 15, 2013	April 25, 2013	May 28, 2014.

On July 18, 2014, EPA determined that the submittal for California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 8.5—Consumer Products; Article 2—Consumer Products met the completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal EPA review.

B. Are there other versions of this rule?

We approved an earlier version of CARB's Consumer Products Regulation (amended on August 6, 2010 and submitted to EPA on January 28, 2011), into the SIP on February 13, 2012 (77 FR 7535). CARB's submittal letter advised EPA that its SIP submission did not include the second tier 3% VOC limits for Multi-purpose Solvents and Paint Thinners. CARB's intent was to monitor manufacturers' progress to meet both the technology forcing lower VOC limit and a less flammable product. In 2013 CARB determined the 3% VOC limit for Multi-purpose Solvents and Paint Thinners was technically feasible and included the limit in a May 28, 2014 SIP submittal.

On September 29, 2011, and March 15, 2013 CARB adopted additional revisions to the SIP-approved version and submitted them to us along with the 3% VOC limit for Multi-purpose Solvents and Paint Thinners on May 28, 2014. Table 2 lists the three amendments. While we can act on only the most recently amended version that was submitted to EPA, we have reviewed materials provided with the SIP submittal and note that it includes and builds on the previous amendments.

TABLE 2—CALIFORNIA AIR RESOURCES BOARD SUBMITTED REVISIONS TO ITS CONSUMER PRODUCTS REGULATION

Board hearing	Amended [1]	Filed with California Secretary of State	Submitted to EPA
September 24, 2009	August 6, 2010	September 20, 2010	May 28, 2014 (2nd tier—3% VOC limit for Multi-purpose Solvents and Paint Thinners only).
November 18, 2010	September 29, 2011	November 10, 2011	May 28, 2014.
October 18, 2012	March 15, 2013	April 25, 2013	May 28, 2014.

[1] Date the Final Rulemaking Package was filed with the California Office of Administrative Law.

C. What is the purpose of the submitted rule revision?

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires States to submit regulations that control VOC emissions. The California Health and Safety Code (Section 41712(b)) requires CARB to adopt regulations to achieve the maximum feasible reduction in volatile organic compounds emitted by consumer products if the state board determines that adequate data exist to establish both of the following:

(1) The regulations are necessary to attain state and federal ambient air quality standards.

(2) The regulations are commercially and technologically feasible and necessary.

CARB's May 28, 2014 submittal contains the following three amendments to its Consumer Products Regulation: (1) The second tier 3% VOC limits for Multi-purpose Solvents and Paint Thinners from CARB's August 6, 2010 amendments (September 24, 2009 Board Hearing), but excluded from CARB's January 28, 2011 SIP submittal; [2] (2) CARB's September 29, 2011 amendments (November 18, 2010 Board Hearing), which established new or lower VOC limits for 11 consumer product categories; and (3) CARB's March 15, 2013 amendments (October 18, 2012 Board Hearing), which incorporates additional areas where higher VOC automobile windshield washer fluid could be sold to accommodate mountainous areas that routinely experience freezing temperatures in the winter.

The amendments also: (1) Add or modify the definitions for artist's solvent/thinner, oven cleaners, spot removers, and the ''Most Restrictive Limit'' provision; (2) consolidate existing requirements into a table listing the consumer product categories that prohibit the use of the toxic air contaminants methylene chloride, perchloroethylene, and trichloroethylene. This will make it easier to find the requirements for all consumer product categories where use of these compounds is prohibited; (3) consolidate into a table listing the consumer product categories that prohibit the use of compounds with a global warming potential (GWP) of 150 or greater; (4) consolidate into a table listing the consumer products that prohibit the use of para-dichlorobenzene; (5) add additional test methods to be used to determine the aromatic content of Multi-purpose Solvents and Paint Thinners and the VOC content of Fabric Softener-Single Use Drying Product; (6) raise the VOC limit for nonaerosol Oven or Grill Cleaners products to 4% to accommodate the use of noncaustic technologies; (7) delay the effective date until December 31, 2012 for Spot Removers, and until December 31, 2013 for Flying Bug Insecticide (aerosol) and Wasp or Hornet Insecticide (aerosol); and (8) prohibit the use of alkylphenol ethoxylates in certain products to ensure these compounds are not used when reformulating the products.

Generally, CARB received support for its amendments from both the consumer products industry and environmental organizations. Although industry commented about the serious and costly reformulation challenges posed by the amendments, industry was committed to expending the money to conduct the research and development necessary to meet the new requirements. Environmental organizations were also generally supportive of the proactive approach CARB was taking to prohibit the use of certain toxic compounds in order to help protect the health of workers and consumers, and prohibiting the use of compounds with high global warming potential in the reformulation of products to meet lower VOC limits.

CARB estimates that raising the VOC limit for Oven or Grill Cleaners to 4% will result in an increase of approximately 0.1 tons per day (tpd) and that increasing the number of areas where higher VOC automotive windshield washer fluid could be sold will result in an increase of 0.12 tpd VOC. CARB's staff reports indicate these increases would be offset by approximately 11 tpd of VOC reductions from other consumer product categories. EPA's technical support document (TSD) has more information about this rule.

II. EPA's Evaluation and Action

A. How is EPA evaluating the rule?

CAA section 110(a)(2)(A) requires that regulations submitted to EPA for approval into a SIP must be clear and legally enforceable. CAA section 110(l) prohibits EPA from approving any SIP revision that would interfere with any applicable requirement concerning attainment and reasonable further progress (RFP) or any other applicable requirement of the CAA. California's consumer products regulation covers VOC area sources and not stationary sources. In 1998 EPA promulgated a national rule to regulate VOC emissions from consumer products (63 FR 48831, September 11, 1998). EPA's national rule largely parallels an early SIP-approved version of CARB's consumer products regulation. The amendments from CARB that we are approving today regulate nearly three times the number of consumer product categories and has more stringent VOC limits than categories covered under EPA's 1998 national rule. CARB points out that although emissions from individual consumer products may not seem large, collectively, they represent a significant source of emissions when taking into account 39 million California residents use these products and that given the severity of air pollution in California, ''dramatic emission reductions from all sources contributing to ground-level ozone are necessary''.[3] CARB estimates that ozone pollution damage to crops is estimated to cost agriculture over $500 million dollars annually.[4]

Guidance and policy documents that we use to evaluate enforceability and SIP requirements consistently include the following:

1. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA, May 25, 1988, revised January 11, 2000 (the Bluebook).

2. ''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); 57 FR 18070 (April 28, 1992).

3. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001 (the Little Bluebook).

4. 40 CFR 59 Subpart C, National Volatile Organic Compound Emission Standards for Consumer Products.

B. Does the rule meet the evaluation criteria?

We believe this rule is consistent with the relevant policy and guidance regarding enforceability and SIP relaxations. CARB estimates that raising the VOC limit for Oven or Grill Cleaners and increasing the mountainous areas where higher VOC windshield washer fluid can be sold will increase VOC emissions by approximately 0.1 and 0.12 tpd respectively, but that these increases are offset by VOC reductions (approximately 11 tpd) from other consumer product categories. We have

[2] Robert D. Fletcher (CARB), letter to Jared Blumenfeld (EPA Region IX), January 28, 2011, submitting the August 6, 2010 amendments to California's Consumer Products Regulation.

[3] Initial Statement of Reasons; Proposed Amendments to the California Regulation for Reducing Emissions from Consumer Products; Release Date: September 29, 2010. IV–25. *http://www.arb.ca.gov/regact/2009/cpmthd310/cpmthdisor.pdf.*

[4] Ibid. IV–19.

reviewed CARB's analysis and agree that the emission increases are offset by greater VOC reductions achieved in other consumer product categories and that it will not interfere with attainment, RFP, or any other applicable CAA requirement. Our TSD has more information on our evaluation.

Our action is being taken under CAA Title 1 part D and is limited to the control of criteria pollutants. However, we support CARB's actions to limit toxic or potentially toxic compounds and those compounds with a high global warming potential.

C. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rule because we believe it fulfills all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rule. If we receive adverse comments by November 17, 2014, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on December 16, 2014. This will incorporate the rule into the federally enforceable SIP.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 16, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the Proposed Rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: August 5, 2014.

Jared Blumenfeld,

Regional Administrator, Region IX.

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

PART 52 [AMENDED]

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(444) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(444) New and amended regulations were submitted on May 28, 2014, by the Governor's designee.

(i) *Incorporation by reference.* (A) California Air Resource Board.

(*1*) ''Final Regulation Order, Regulation for Reducing Emissions from Consumer Products,'' Subchapter 8.5 (Consumer Products), Article 2

(Consumer Products), amended March 15, 2013.

* * * * *

[FR Doc. 2014–24492 Filed 10–16–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2014–0495; FRL–9917–82–Region–9]

Revisions of Air Quality Implementation Plan; Nevada; Clark County; Stationary Source Permits

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing approval of revisions to the Clark County Department of Air Quality (Clark or DEQ) portion of the Nevada State Implementation Plan (SIP). This action was proposed in the **Federal Register** on July 23, 2014, and concerns seven Clark County permitting related rules submitted by Nevada Division of Environmental Protection (NDEP). Final approval of these rules makes these rules federally enforceable and corrects program deficiencies identified in previous EPA rulemaking.

DATES: These rules will be effective on November 17, 2014.

ADDRESSES: EPA has established docket number EPA–R09–OAR–2014–0495 for this action. Generally, documents in the docket for this action are available electronically at *http://www.regulations.gov* or in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901. While all documents in the docket are listed at *http://www.regulations.gov,* some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps, multi-volume reports), and some may not be available in either location (e.g., confidential business information (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: Laura Yannayon, EPA Region IX, (415) 972–3534, *yannayon.laura@epa.gov.*

SUPPLEMENTARY INFORMATION: This action concerns seven Clark County permitting related rules (referred to as Sections) submitted by Nevada Division of Environmental Protection (NDEP): Sections 0—Definitions, 12.0—Applicability, General Requirements and Transition Procedures, 12.1—Permit Requirements for Minor Sources, 12.2—Permit Requirements for Major Sources in Attainment Areas, 12.3—Permit Requirements for Major Sources in Nonattainment Areas, 12.4—Authority to Construct Application and Permit Requirements for Part 70 Sources, and subsection 12.7.5 of Section 12.7—Emission Reduction Credits.

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

Table of Contents

I. Proposed Action
II. Public Comments and EPA Responses
III. EPA Action
IV. Statutory and Executive Order Reviews

I. Proposed Action

On July 23, 2014 (79 FR 42752), EPA proposed to approve the following rules into the Clark portion of the Nevada SIP.

TABLE 1—SUBMITTED NSR RULES

Section No.	Section title	Adopted	Submitted
0	Definitions	3/18/14	4/1/14
12.0	Applicability, General Requirements and Transition Procedures	3/18/14	4/1/14
12.1	Permit Requirements for Minor Sources	3/18/14	4/1/14
12.2	Permit Requirements for Major Sources in Attainment Areas (Prevention of Significant Deterioration).	3/18/14	4/1/14
12.3	Permit Requirements for Major Sources in Nonattainment Areas	3/18/14	4/1/14
12.4	Authority to Construct Application and Permit Requirements for Part 70 Sources.	3/18/14	4/1/14
12.7 (Subsection 12.7.5)	Emission Reduction Credits	5/18/10	4/1/14

We proposed to approve these rules because we determined that they address deficiencies identified in a previous action (77 FR 64039, October 18, 2012), and complied with the relevant CAA requirements. On July 23, 2014, we simultaneously proposed to remove several outdated regulations from the SIP as listed below.

TABLE 2—RULES REQUESTED TO RESCIND

Section No.	Section title	Repealed	Submitted
1	Definitions	3/18/14	4/01/14
11	Ambient Air Quality Standards	4/05/11	4/01/14
24	Sampling and Testing—Records and Reports	3/16/10	4/01/14

We have reconsidered our proposed rescission of all of the remaining defined terms in section 1 (''Definitions'') and are taking final action to rescind all of them with the exception of certain defined terms that are necessary to retain because they are relied upon in certain Clark County rules in the existing SIP. The terms in section 1 for which we are deferring final rescission action at this time, and the corresponding Clark County SIP rule that relies on the term, are as follows: ''affected facility'' (SIP section 23), ''dust'' (SIP section 27), ''existing gasoline station'' (SIP section 52), ''fumes'' (SIP section 27), ''mist'' (SIP section 1 definition of ''uncombined water''), ''new gasoline station'' (SIP section 52), ''new source'' (SIP section 26), ''single source'' (SIP section 26), ''standard conditions'' (SIP section 30), and ''uncombined water'' (SIP section 26).

Our proposed action and the associated Technical Support Document (TSD) contains more information on the

basis for this rulemaking and on our evaluation of the submitted rules and rule rescissions.

II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period. During this period, we received no comments.

III. EPA Action

No comments were submitted. Therefore, as authorized in section 110(k)(3) of the Act, EPA is fully approving these rules and rule rescissions [1] as revisions to the Clark County portion of the Nevada SIP.

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the 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, in part, and does not impose additional requirements beyond those imposed by State law. For that reason, this final 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 final rule does not have tribal implications as specified by *Executive Order 13175* (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this 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. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 16, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

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

Dated: September 29, 2014.

Alexis Strauss,

Acting Regional Administrator, Region IX.

Therefore, 40 CFR Chapter I is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart DD—Nevada

■ 2. In § 52.1470 in paragraph (c), Table 3 is amended by:

■ a. Revising the entries for ''Section 0,'' ''Section 12.0,'' ''Section 12.1,'' ''Section 12.2,'' ''Section 12.3,'' and ''Section 12.4'';

■ b. Adding an entry for ''Section 12.7: Subsection 12.7.5'' after the entry for ''Section 12.4''; and

■ c. Removing the entries for ''Section 1 (''Definitions''): Subsection 1.6'', ''Section 1 (''Definitions''): Subsection 1.11'', ''Section 1 (''Definitions''): Subsection 1.12'', ''Section 1 (''Definitions''): Subsection 1.16'', ''Section 1 (''Definitions''): Subsection 1.23'', ''Section 1 (''Definitions''): Subsection 1.28'', ''Section 1 (''Definitions''): Subsection 1.30'', ''Section 1 (''Definitions''): Subsection 1.40'', ''Section 1 (''Definitions''): Subsection 1.41'', ''Section 1 (''Definitions''): Subsection 1.44'', ''Section 1 (''Definitions''): Subsection 1.60'', ''Section 1 (''Definitions''): Subsection 1.70'', ''Section 1 (''Definitions''): Subsection 1.83'', ''Section 1 (''Definitions''): Subsection 1.84'', ''Section 1 (''Definitions''): Subsection 1.87'', ''Section 1 (''Definitions''): Subsection 1.91'', ''Section 1 (''Definitions''): Subsection 1.97'', ''Section 11'', and ''Section 24: Subsections 24.1–24.5.''

The revised and added text reads as follows:

§ 52.1470 Identification of plan.

* * * * *

(c) * * *

[1] As noted above, we are deferring final rescission action on ''affected facility'', ''dust'', ''existing gasoline station'', ''fumes'', ''mist'', ''new gasoline station'', ''new source'', ''single source'', ''standard conditions'', and ''uncombined water''.

TABLE 3—EPA-APPROVED CLARK COUNTY REGULATIONS

County citation	Title/Subject	County effective date	EPA approval date	Additional explanation
Section 0	Definitions	4/1/14	[Insert **Federal Register** citation], 10/17/14.	Amended by Clark County Board of County Commissioners on March 18, 2014 through Ordinance No. 4189. Submitted by NDEP on 4/1/14.
*	*	*	*	*
Section 12.0	Applicability, General Requirements and Transition Procedures.	4/1/14	[Insert **Federal Register** citation], 10/17/14.	Amended by Clark County Board of County Commissioners on March 18, 2014 through Ordinance No. 4189. Submitted by NDEP on 4/1/14.
Section 12.1	Permit Requirements for Minor Sources.	4/1/14	[Insert **Federal Register** citation], 10/17/14.	Amended by Clark County Board of County Commissioners on March 18, 2014 through Ordinance No. 4189. Submitted by NDEP on 4/1/14.
Section 12.2	Permit Requirements for Major Sources in Attainment Areas (Prevention of Significant Deterioration).	4/1/14	[Insert **Federal Register** citation], 10/17/14.	Amended by Clark County Board of County Commissioners on March 18, 2014 through Ordinance No. 4189. Submitted by NDEP on 4/1/14.
Section 12.3	Permit Requirements for Major Sources in Nonattainment Areas.	4/1/14	[Insert **Federal Register** citation], 10/17/14.	Amended by Clark County Board of County Commissioners on March 18, 2014 through Ordinance No. 4189. Submitted by NDEP on 4/1/14.
Section 12.4	Authority to Construct Application and Permit Requirements For Part 70 Sources.	4/1/14	[Insert **Federal Register** citation], 10/17/14.	Amended by Clark County Board of County Commissioners on March 18, 2014 through Ordinance No. 4189. Submitted by NDEP on 4/1/14.
Section 12.7: Subsection 12.7.5.	Emission Reduction Credits.	7/1/10	[Insert **Federal Register** citation], 10/17/14.	The heading for subsection 12.7.5 is "Criteria for Granting ERCs." Adopted by Clark County Board of County Commissioners on May 18, 2010 through Ordinance No. 3864. Submitted by NDEP on 4/1/14.
*	*	*	*	*

* * * * *

[FR Doc. 2014–24510 Filed 10–16–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2014–0123; FRL–9917–42–Region 5]

Approval and Promulgation of Air Quality Implementation Plans; Illinois; Amendments to Gasoline Vapor Recovery Requirements for Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision submitted by the Illinois Environmental Protection Agency (IEPA) on January 17, 2014, concerning the state's gasoline vapor recovery requirements. The revision phases out the Stage II vapor recovery (Stage II) program requirements in the Illinois portion of the Chicago ozone nonattainment area (NAA) as a component of the Illinois ozone SIP. The SIP revision also includes amendments to the state's permitting regulations applicable to storage tanks and fuel dispensing, including repealing the Stage I vapor recovery (Stage I) registration provisions due to overlapping Federal notification requirements and state tracking systems for gasoline dispensing operations. Finally, the SIP revision includes other clarifying and clean-up amendments at 35 Ill. Adm. Code Parts 201, 218, and 219. The submittal also includes a demonstration under section 110(l) of the Clean Air Act (CAA) that shows there are no emissions impacts associated with the removal of the program.

DATES: This direct final rule is effective December 16, 2014, unless EPA receives adverse comments by November 17, 2014. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2014–0123, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: blakley.pamela@epa.gov.*
3. *Fax:* (312) 692–2450.
4. *Mail:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R05–OAR–2014–

0123. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Francisco J. Acevedo, Mobile Source Program Manager, at (312) 886–6061 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT:

Francisco J. Acevedo, Mobile Source Program Manager, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6061, *acevedo.francisco@epa.gov.*

SUPPLEMENTARY INFORMATION:

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

I. What is the Background for Illinois' Stage II Vapor Recovery Program?
II. What Changes Have Been Made to Illinois' Gasoline Vapor Recovery Requirements?
III. What is EPA's Analysis of the State's Submittal?
IV. What Action is EPA Taking?
V. Statutory and Executive Order Reviews

I. What is the background for Illinois' Stage II Vapor Recovery Program?

Stage II and onboard refueling vapor recovery systems (ORVR) are two types of emission control systems that capture fuel vapors from vehicle gas tanks during refueling. Stage II systems are specifically installed at gasoline dispensing facilities (GDF) and capture the refueling fuel vapors at the gasoline pump nozzle. The system carries the vapors back to the underground storage tank at the GDF to prevent the vapors from escaping to the atmosphere. ORVR systems are carbon canisters installed directly on automobiles to capture the fuel vapors evacuated from the gasoline tank before they reach the nozzle. The fuel vapors captured in the carbon canisters are then combusted in the engine when the automobile is in operation. Stage II and vehicle ORVR were initially both required by the 1990 Amendments to the CAA under sections 182(b)(3) and 202(a)(6), respectively. In some areas, Stage II has been in place for over 25 years, but was not widely implemented by the states until the early to mid-1990s as a result of the CAA requirements for moderate, serious, severe, and extreme ozone NAAs and for states in the Northeast Ozone Transport Region (OTR) under CAA section 184(b)(2). CAA section 202(a)(6) required EPA to promulgate regulations for ORVR for light-duty vehicles (passenger cars). EPA adopted these requirements in 1994, at which point moderate ozone NAAs were no longer subject to the section 182(b)(3) Stage II requirement. However, some moderate areas retained Stage II requirements to provide a control method to comply with rate-of-progress emission reduction targets. ORVR equipment has been phased in for new passenger vehicles beginning with model year 1998, and starting in 2001 for light-duty trucks and most heavy-duty gasoline-powered vehicles. ORVR equipment has been installed on nearly all new gasoline-powered light-duty vehicles, light-duty trucks and heavy-duty vehicles since 2006.

During the phase-in of ORVR controls, Stage II has provided volatile organic compound (VOC) reductions in ozone NAAs and certain attainment areas of the OTR. Congress recognized that ORVR and Stage II would eventually become largely redundant technologies, and provided authority to EPA to allow states to remove Stage II from their SIPs after EPA finds that ORVR is in widespread use. Effective May 16, 2012, the date the final rule was published in the **Federal Register** (77 FR 28772), EPA determined that ORVR is in widespread nationwide use for control of gasoline emissions during refueling of vehicles at GDFs. Currently, more than 75 percent of gasoline refueling nationwide occurs with ORVR-equipped vehicles, so Stage II programs have become largely redundant control systems and Stage II systems achieve an ever declining emissions benefit as more ORVR-equipped vehicles continue to enter the on-road motor vehicle fleet.[1] EPA also exercised its authority under CAA section 202(a)(6) to waive certain Federal statutory requirements for Stage II gasoline vapor recovery at GDFs. This decision exempts all new ozone NAAs classified serious or above from the requirement to adopt Stage II control programs. Similarly, any states currently implementing Stage II programs may submit SIP revisions that, once approved by EPA, would allow for the phase out of Stage II control systems.

On September 30, 1992, Illinois submitted Stage II vapor recovery rules as a SIP revision to EPA to satisfy the requirement of section 182(b)(3) of the CAA. The revision applied to the Chicago NAA (Cook, DuPage, Kane, Lake, McHenry, Will Counties and Aux Sable and Goose Lake Townships in Grundy County and Oswego Township in Kendall County) and Metro-East St. Louis NAA (Madison, Monroe, and St. Clair Counties). EPA fully approved Illinois' Stage II program on January 12, 1993 (58 FR 3841), including the program's legal authority and administrative requirements found in Sections 218.583, 219.583, 218.586, and 219.586 of the Illinois Administrative Code (Ill. Adm. Code). In 1994, Illinois repealed the Stage II requirements for the Metro-East NAA under Ill. Adm. Code 219.586 due to the promulgation by EPA of regulations for ORVR for

[1] In areas where certain types of vacuum-assist Stage II systems are used, the differences in operational design characteristics between ORVR and some configurations of these Stage II systems result in the reduction of overall control system efficiency compared to what could have been achieved relative to the individual control efficiencies of either ORVR or Stage II emissions from the vehicle fuel tank.

light-duty vehicles, at which point, moderate ozone NAAs like the Metro-East, were no longer subject to the section 182(b)(3) Stage II requirement. EPA approved Illinois request to repeal the Stage II vapor recovery control requirements for the Metro-East St. Louis NAA on December 16, 1994 (59 FR 64853).

II. What changes have been made to Illinois' gasoline vapor recovery requirements?

On January 17, 2014, IEPA submitted a SIP revision requesting the phase-out of Stage II requirements for the Chicago area. To support the removal of the Stage II requirements, the revision included amended copies of 35 Ill. Adm. Code Parts 201, 218, and 219 effective on December 23, 2013, authorizing the phase-out of Stage II requirements in Illinois; modeling using EPA's MOVES2010b model to determine emission impacts of maintaining and removing the Stage II program; and a demonstration under CAA section 110(l). The CAA 110(l) demonstration included in the state's SIP revision specifically shows that there are no emission reduction losses resulting from the removal of Stage II program requirements in the Illinois portion of the Chicago NAA. IEPA calculated that by 2014 there is a ''cross-over point'' after which the simultaneous use of ORVR and incompatible Stage II systems would begin to result in an emissions disbenefit. Modeling demonstrates that beginning in 2014, ORVR alone would start to provide greater reductions in refueling emissions than the simultaneous use of ORVR and Stage II in the Illinois portion of the Chicago ozone NAA.

As discussed above, the amended rules submitted by Illinois as part of this SIP revision primarily serve to phase-out the Stage II requirements at GDFs in the Illinois portion of the Chicago NAA, implement decommissioning procedures by which GDFs are to appropriately decommission their current vapor recovery equipment, and establish timeframes for these actions to take place. These amendments, as described in detail below, affect 35 Ill. Adm. Code Part 218. In addition, IEPA has submitted clarifying and clean-up amendments in 35 Ill. Adm. Code Parts 201 and 219 that are further discussed below.

Subpart Y of 35 Ill. Adm. Code Part 218 contains the ''Gasoline Distribution'' regulations for the Chicago NAA including the ''Motor Vehicle Fueling Operations'' requirements in section 218.586. The majority of the rule revisions prompted by the proposed phase-out of the Stage II program occur in this section. In addition to the substantive revisions to the rules addressing the phase-out of the Stage II program and the inclusion of decommissioning procedures, certain provisions are either being deleted as no longer necessary, revised for clarity, or updated to replace outdated references. The primary changes to section 218.586 to phase-out the Stage II program occur with revisions to subsection 218.586(d), now titled ''Compliance'', and with the addition of subsection 218.586(i) ''Decommissioning.'' Subsections 218.586(d)(1) through (5), which previously defined the time frame by which GDFs of certain monthly gasoline throughput were required to comply with the vapor recovery and control requirements, have been deleted. Instead, Illinois is requiring in a new subsection (d)(1) that existing affected GDFs continue operating such equipment until decommissioning is commenced. As provided by subsection 218.586(d)(2), new GDFs will not be subject to Stage II vapor recovery requirements.

Section 218.586(i) defines the decommissioning timeframes and procedures. As discussed earlier, in 2014, the vehicle refueling emission reductions achieved by the widespread use of ORVR-equipped vehicles will exceed reductions achieved by the continued operation of the Stage II program. Thus, the continued operation of the Stage II program will provide no additional emission reduction benefit. As a result, under section 218.586(i)(1)(A), Illinois allowed existing affected GDFs to begin decommissioning their Stage II vapor recovery equipment as of January 1, 2014. As provided by section 218.586(i)(1)(B), all Stage II equipment must be decommissioned by December 31, 2016. In order to minimize the time that incompatible Stage II systems are in operation, all existing affected GDFs must complete the decommissioning process within three years from January 1, 2014. Subsection 218.586(i)(2) contains the decommissioning procedures and standards. Decommissioning must be performed in accordance with the Petroleum Equipment Institute's ''Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites,'' PEI/RP300–09, which Illinois has incorporated by reference at 35 Ill. Adm. Code 218.112. Further, subsection 218.586(i)(2)(B) requires contractors involved in the decommissioning process to be registered and licensed by the State. Subsection 218.586(i)(2)(B) also requires the pressure decay test and tie-tank test to be performed and passed using specified procedures. Illinois also requires in subsection 218.586(i)(2)(A) that the owners or operators of GDFs provide a notice of intent to decommission to IEPA at least 10 days prior to commencing decommissioning. This notice would allow the state the ability to schedule an inspector to be present when the decommissioning takes place to the extent this is necessary. Subsection 218.586(i)(2)(C) requires owners or operators of the affected GDFs and contractors to complete and sign a Stage II decommissioning checklist and certification, to be developed by IEPA, documenting the decommissioning procedures performed. Within 30 days after completion of the decommissioning procedures, owners or operators must provide the completed checklist and certification and the test results to IEPA. Subsection 218.586(g)(4) requires all decommissioning records to be maintained for five years after decommissioning and made available to IEPA upon request.

The Stage I regulations in sections 218.583 and 219.583 require controls for vapors displaced from storage tanks at GDFs during the transfer of gasoline from product delivery vessels. In sections 218.583(e) and 219.583(e) which address storage tank filling operations, Illinois repealed the registration program for GDFs subject to the Stage I vapor recovery requirements in the Chicago and Metro-East NAAs, respectively, due to overlapping Federal notification requirements at 40 CFR part 63, subpart CCCCCC. The Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) rules for GDFs at 40 CFR part 63, subpart CCCCCC include notification requirements for those that dispense 10,000 gallons of gasoline or more per month. This would cover all GDFs, including those subject to Stage I and II requirements. The Stage II registration requirements at section 218.586(h) remain in effect until a GDF begins the decommissioning process.

Previously, GDFs that registered under the state's Stage I and Stage II programs were exempted from the requirements of having to obtain a permit under the state's minor source permitting program. By decommissioning, GDFs would no longer be required to be registered with the State II program, resulting in the unintended consequence of requiring permitting of such sources. Therefore,

Illinois has clarified the rules so that registration will no longer be required in order to obtain an exemption from permitting and believes that one permit exemption, contained in one place in the Illinois Administrative Code, is less confusing than dual permit exemptions. The changes continue the existing exemptions under both programs.

Section 201.146 provides exemptions from state permit requirements. Illinois has established a single Stage II permit exemption in section 201.146(l) which is combined with a permit exemption for Stage I. This Stage II permit exemption applies to fuel dispensing equipment that is used for dispensing any fuel to mobile sources for use in such sources. Additionally, the amendments clarify sections 201.146(n) and (nn), and repeal section 201.146(kk) which provided an exemption from permitting for sources that register with IEPA since it is no longer necessary. Further, the amendments clarify the requirements for annual emission reports at Section 201.302.

Illinois has also included other revisions to 35 Ill. Adm. Code Part 219 that apply to the Metro-East NAA which includes Madison, Monroe, and St. Clair counties. Section 219.105 sets forth test methods and procedures used in conjunction with this Part. Section 219.105(j) which includes the Stage II gasoline vapor recovery test methods is no longer applicable due to the repeal of the Metro-East NAA Stage II rule in February 1994, therefore Illinois has repealed these test methods. Illinois has also removed the incorporation by reference of EPA's Stage II vapor recovery technical guidance in section 219.112(v) since this guidance is no longer applicable due to the repeal of the Metro-East NAA Stage II requirements in 1994.

III. What is EPA's analysis of the State's submittal?

Our primary consideration for determining the approvability of the Illinois revisions to remove Stage II requirements from the SIP is whether these revisions comply with section 110(l) of the CAA. Section 110(l) of the CAA provides that EPA cannot approve a SIP revision if that revision interferes with any applicable requirement regarding attainment and reasonable further progress or any other requirement established in the CAA. The EPA can, however, approve a SIP revision that removes or modifies control measures in the SIP once the State makes a ''noninterference'' demonstration that such removal or modification will not interfere with attainment of the NAAQS, or any other CAA requirement. Illinois has evaluated the impacts of approving these revisions. The phase-out of the Stage II program in the Illinois portion of the Chicago ozone NAA found in section 218.586 would result in no loss of emissions reductions since IEPA has determined that beginning in 2014, Stage II will no longer be necessary and its continued use would result in the release of more refueling emissions than with ORVR alone. This is primarily due to the incompatibility of the two systems and the widespread use of ORVR in the Chicago NAA.

The removal of the State's registration requirements for Stage I operations is not a relaxation, since the Federal NESHAP (40 CFR part 63, subpart CCCCCC) includes a notification provision at 40 CFR 63.11124 requesting similar information to what was required in Illinois' rules. The deletion of the State requirement basically removes a duplicative regulation and decreases the administrative burden on such sources while still providing all the necessary information to IEPA. All notifications under the NESHAP are submitted to IEPA because it has been delegated authority to implement and enforce the NESHAP. Finally, the clarification to the state's permitting exemption requirements indicating that Stage I and Stage II registration is no longer required to obtain an exemption from permitting, would result in no loss of emissions reductions as the changes to the requirements only continue the existing exemptions for these sources.

IV. What action is EPA taking?

EPA is approving the revisions to the Illinois ozone SIP submitted on January 17, 2014, concerning the State's Stage II vapor recovery program standards in Illinois. EPA is also approving amendments to 35 Ill. Adm. Code Parts 201, 218, and 219 to make necessary updates and to be consistent with the repeal of the Stage II program standards. EPA finds that the revisions will not interfere with any applicable requirement concerning attainment, reasonable further progress or any other applicable CAA requirement.

We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse written comments are filed. This rule will be effective December 16, 2014 without further notice unless we receive relevant adverse written comments by November 17, 2014. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. If we do not receive any comments, this action will be effective December 16, 2014.

V. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

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

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by *December 16, 2014.* Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of this **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. 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, Oxides of nitrogen, Ozone, Volatile organic compounds.

Dated: September 24, 2014.

Susan Hedman,

Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. Section 52.720 is amended by adding paragraph (c)(202) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(202) On January 17, 2013, the Illinois Environmental Protection Agency submitted a request to phase out Stage II vapor recovery standards at 35 Ill. Adm. Code 218.586 and to make other related revisions to 35 Ill. Adm. Code Parts 201, 218, and 219.

(i) Incorporation by reference.

(A) Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter a: Permits and General Provisions, Part 201: Permits and General Provisions, Subpart C: Prohibitions, Section 201.146 ''Exemptions from State Permit Requirements'' and Subpart K: Records and Reports, Section 201.302 ''Reports'', effective December 23, 2013.

(B) Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter C: Emissions Standards And Limitations For Stationary Sources, Part 218: Organic Material Emission Standards and Limitations For the Chicago Area, Subpart A: General Provisions, Section 218.112 ''Incorporations By Reference'' and Subpart Y: Gasoline Distribution, Sections 218.583 ''Gasoline Dispensing Operations—Storage Tank Filling Operations'' and 218.586 ''Gasoline Dispensing Operations—Motor Vehicle Fueling Operations'', effective December 23, 2013.

(C) Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources, Part 219: Organic Material Emission Standards and Limitations for the Metro East Area, Subpart A: General Provisions, Sections 219.105 ''Test Methods and Procedures'' and 219.112 ''Incorporations by Reference'', and Subpart Y: Gasoline Distribution, Section 219.583 ''Gasoline Dispensing Operations—Storage Tank Filling Operations'', effective December 23, 2013.

[FR Doc. 2014–24462 Filed 10–16–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Chapter IV

Office of Inspector General

42 CFR Chapter V

[CMS–1439–RCN]

RIN 0938–AR30

Medicare Program; Final Waivers in Connection With the Shared Savings Program; Continuation of Effectiveness and Extension of Timeline for Publication of Final Rule

AGENCY: Centers for Medicare & Medicaid Services (CMS) and Office of Inspector General (OIG), HHS.

ACTION: Interim final rule; continuation of effectiveness and extension of timeline for publication of final rule.

SUMMARY: This document announces the continuation of effectiveness of an interim final rule and the extension of the timeline for publication of the final rule. This document is issued in accordance with section 1871(a)(3)(C) of the Social Security Act (the Act), which allows an interim final rule to remain in effect after the expiration of the timeline specified in section 1871(a)(3)(B) of the Act if the Secretary publishes a notice of continuation prior to the expiration of the timeline.

DATES: This document is effective on October 17, 2014.

FOR FURTHER INFORMATION CONTACT:

Catherine Bernstein (410) 786–6887 or Lisa Ohrin (410) 786–8852, for general issues and issues related to the Physician Self-Referral Law.

Patrice Drew (202) 619–1368, for general issues and issues related to the Federal anti-kickback statute or civil monetary penalties law.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1871(a)(3)(A) of the Social Security Act (the Act) sets forth certain procedures for promulgating regulations necessary to carry out the administration of the insurance programs under Title XVIII of the Act. Section 1871(a)(3)(A) of the Act requires the Secretary, in consultation with the Director of the Office of Management and Budget (OMB), to establish a regular timeline for the publication of a final rule based on the previous publication of a proposed rule or an interim final rule. In accordance with section 1871(a)(3)(B) of the Act, such regular timeline may vary among different final rules, based on the complexity of the rule, the number and scope of the comments received, and other relevant factors. The timeline for publishing the final rule, however, cannot exceed 3 years from the date of publication of the proposed or interim final rule, unless there are exceptional circumstances. After consultation with the Director of OMB, the Department, through CMS, published a notice in the December 30, 2004 **Federal Register** (69 FR 78442) establishing a general 3-year timeline for publishing Medicare final rules after the publication of a proposed or interim final rule.

Section 1871(a)(3)(C) of the Act states that a Medicare interim final rule shall not continue in effect if the final rule is not published before the expiration of the regular timeline, unless the Secretary publishes at the end of the regular timeline a notice of continuation that includes an explanation of why the regular timeline was not met. Upon publication of such a notice, the timeline for publishing the final rule is extended for 1 year.

II. Notice of Continuation

Section 1899 of the Act establishes the Shared Savings Program to encourage the development of Accountable Care Organizations (ACOs) in Medicare. The Shared Savings Program is one of the first initiatives implemented under the Affordable Care Act aimed specifically at improving value in the Medicare program—that is, both higher quality and lower total expenditures for individual Medicare beneficiaries and the Medicare program. The Shared Savings Program final rule appeared in the November 2, 2011 **Federal Register** (76 FR 67801), and the first performance year concluded on December 31, 2013.

In connection with the Shared Savings Program, section 1899(f) of the Act authorizes the Secretary to waive certain specified fraud and abuse laws. Specifically, section 1899(f) of the Act provides that ''[t]he Secretary may waive such requirements of sections 1128A and 1128B and title XVIII of [the] Act as may be necessary to carry out the provisions of [section 1899 of the Act].'' The Secretary determined that certain waivers were ''necessary,'' consistent with this statutory standard, and, CMS and OIG jointly published an interim final rule with comment period (hereinafter referred as ''Waiver IFC'') (76 FR 67992; November 2, 2011) in conjunction with the issuance of the Shared Savings Program final rule.[1] The Waiver IFC established waivers of the application of the Federal physician self-referral law (section 1877 of the Act), the Federal anti-kickback statute (section 1128B(b) of the Act), and certain civil monetary penalties (CMP) law provisions (sections 1128A(a)(5), (b)(1), and (b)(2) of the Act) to specified arrangements involving ACOs participating in the Shared Savings Program.

Because the Waiver IFC was issued under the authority at section 1899(f) of the Act, it is considered a Medicare rule subject to the conditions of section 1871(a)(3)(C) of the Act. This document extends the timeline for publication of a final rule concerning Shared Savings Program waivers promulgated in the Waiver IFC. In the absence of this continuation notice, the Waiver IFC would expire, creating legal uncertainty for ACOs participating in the Shared Savings Program and potentially disrupting ongoing business plans or operations of some ACOs.

Our goal is to ensure that the regulations setting forth waivers of the fraud and abuse laws continue to be closely aligned with the Shared Savings Program regulations.

Based on stakeholder feedback and CMS's experience operating the Shared Savings Program, CMS determined that certain modifications to the Shared Savings Program regulations were necessary. Therefore, CMS is currently developing a proposed rule regarding the Shared Savings Program. In light of the planned issuance of a proposed rule and the importance of final waiver regulations that align with the Shared Savings Program, we believe the prudent course of action at this time is to extend the effectiveness of the Waiver IFC. In addition, we believe that an extension of the Waiver IFC will avoid impediments to the development of innovative care models envisioned by the Shared Savings Program and new approaches to the delivery of health care for beneficiaries (see 76 FR 68008). As noted previously, the Secretary has determined that the waivers are necessary to carry out the Shared Savings Program.

Our decision to extend the Waiver IFC, rather than issue a final rule at this time, should not be viewed as a diminution of the Department's commitment to establish waivers ''to foster the success of the Shared Savings Program, the purposes of which are to promote accountability for a Medicare patient population, manage and coordinate care for Medicare fee-for-service beneficiaries, and encourage redesigned care processes to improve quality'' (76 FR 68008). Our goal remains ''to balance effectively the need for ACO certainty, innovation, and flexibility in the Shared Savings Program with protections for beneficiaries and the Medicare program'' (76 FR 68008). At this time, we believe we can best achieve this balance by issuing this continuation notice.

We also believe that we would benefit from additional input from stakeholders to inform our understanding of —(1) how and to what extent ACOs are using the waivers; (2) whether the existing waivers serve the needs of ACOs and the Medicare program; (3) whether the waivers adequately protect the Medicare program and beneficiaries from the types of harms associated with referral payments or payments to reduce or limit services; and (4) whether there are new or changed considerations that should inform the development of additional notice and comment rulemaking.

This document extends the timeline for publication of a final rule through November 2, 2015. In accordance with section 1871(a)(3)(C) of the Act, the Waiver IFC shall remain in effect through November 2, 2015, unless a final waiver rule becomes effective on an earlier date.

This document was approved by the Administrator for the Centers for Medicare and Medicaid Services and the Inspector General for the Department of the Health and Human Services as it relates to the authorities that fall within the respective purviews of their offices. This includes, without limitation, section 1877(a) of the Act for the Administrator and sections 1128A(a)(5), (b)(1), and (b)(2) and 1128B(b)(1) and (b)(2) of the Act for the Inspector General.

Authority: Section 1871 of the Social Security Act (42 U.S.C. 1395hh).

(Catalog of Federal Domestic Assistance Program No. 93.773 Medicare—Hospital

[1] The Waiver IFC was issued as part of a cross-agency, coordinated effort by several Federal agencies to issue documents addressing legal issues regarding ACOs participating in the Shared Savings Program.

Insurance Program; and No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: October 10, 2014.

C'Reda Weeden,

Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2014–24663 Filed 10–16–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Part 125

[Docket No. USCG–2012–0208]

RIN 1625–AB62

Offshore Supply Vessels of at Least 6,000 GT ITC

AGENCY: Coast Guard, DHS.

ACTION: Interim rule; correction.

SUMMARY: The Coast Guard published an interim rule in the **Federal Register** on August 18, 2014, to ensure the safe carriage of oil, hazardous substances, and individuals in addition to the crew on U.S.-flagged OSVs of at least 6,000 gross tonnage as measured under the Convention Measurement System. In that interim rule, we revised a paragraph listing consensus standards incorporated by reference. In doing so, we inadvertently duplicated two paragraphs and presented others out of order. This correction resolves that error by removing the doubled paragraphs and reordering the others.

DATES: This correction is effective on October 17, 2014.

FOR FURTHER INFORMATION CONTACT: If you have questions on this final rule, call or email Justin Staples, Office of Standards Evaluation and Development, Coast Guard; telephone 202–372–1483, email *Justin.L.Staples@uscg.mil.* If you have questions on viewing material on the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: On August 18, 2014, the Coast Guard published an interim rule to ensure the safe carriage of oil, hazardous substances, and individuals in addition to the crew on U.S.-flagged OSVs of at least 6,000 gross tonnage as measured under the Convention Measurement System. 79 FR 48894.

In that rule, the Coast Guard revised 46 CFR 125.180 to include a number of new standards to be incorporated by reference. In the process, we inadvertently duplicated two paragraphs listing standards published by the National Fire Protection Association (NFPA). In addition, the standards had originally appeared in order of the year those particular editions of the standards were published. We intended to reorganize them by identification number instead, but left some of them out of order. This correction deletes the redundant paragraphs and correctly orders the remaining ones.

List of Subjects in 46 CFR Part 125

Administrative practice and procedure, Cargo vessels, Hazardous materials transportation, Incorporation by reference, Marine safety, Seamen.

For the reasons described in the preamble, 46 CFR part 125 is amended by making the following correcting amendment:

PART 125—GENERAL

■ 1. The authority citation for part 125 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3307; 49 U.S.C. App. 1804; sec. 617, Pub. L. 111–281, 124 Stat. 2905; Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 125.180, revise paragraph (i) to read as follows:

§ 125.180 Incorporation by reference.

* * * * *

(i) National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, MA 02269–9101, 617–770–3000, *http://www.nfpa.org:*

(1) NFPA 10—Standard for Portable Fire Extinguishers, 1994 Edition, IBR approved for § 132.350.

(2) NFPA 70—National Electrical Code, 1993 Edition, IBR approved for §§ 129.320, 129.340, and 129.370.

(3) NFPA 302—Fire Protection Standard for Pleasure and Commercial Motor Craft, 1994 Edition, IBR approved for § 129.550.

(4) NFPA 306—Control of Gas Hazards on Vessels, 1993 Edition, IBR approved for § 126.160.

(5) NFPA 1963—Fire Hose Connections, 1993 Edition, IBR approved for § 132.130.

* * * * *

K. Cervoni,

Chief, Office of Regulations and Administrative Law, U.S. Coast Guard.

[FR Doc. 2014–24716 Filed 10–16–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 101206604–1758–02]

RIN 0648–XD559

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; 2014–2015 Accountability Measure and Closure for Gulf King Mackerel in Western Zone

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure (AM) for commercial king mackerel in the western zone of the Gulf of Mexico (Gulf) exclusive economic zone (EEZ) through this temporary final rule. NMFS has determined that the commercial quota for king mackerel in the western zone of the Gulf EEZ will have been reached by October 17, 2014. Therefore, NMFS closes the western zone of the Gulf to commercial king mackerel fishing in the EEZ. This closure is necessary to protect the Gulf king mackerel resource.

DATES: The closure is effective noon, local time, October 17, 2014, until 12:01 a.m., local time, on July 1, 2015.

FOR FURTHER INFORMATION CONTACT: Susan Gerhart, 727–824–5305, email: *susan.gerhart@noaa.gov.*

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, and cobia) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The commercial quota for the Gulf migratory group king mackerel in the western zone is 1,071,360 lb (485,961 kg) (76 FR 82058, December 29, 2011), for the current fishing year, July 1, 2014, through June 30, 2015.

Regulations at 50 CFR 622.388(a)(1) require NMFS to close the commercial sector for Gulf migratory group king mackerel in the western zone when the quota is reached, or is projected to be

reached, by filing a notification to that effect with the Office of the Federal Register. Based on the best scientific information available, NMFS has determined the commercial quota of 1,071,360 lb (485,961 kg) for Gulf migratory group king mackerel in the western zone will be reached by October 17, 2014. Accordingly, the western zone is closed to commercial fishing for Gulf migratory group king mackerel effective noon, local time, October 17, 2014, through June 30, 2015, the end of the fishing year. The Gulf migratory group king mackerel western zone is that part of the EEZ between a line extending east from the border of the United States and Mexico and 87°31.1′ W. longitude, which is a line directly south from the state boundary of Alabama and Florida.

Except for a person aboard a charter vessel or headboat, during the closure, no person aboard a vessel for which a commercial permit for king mackerel has been issued may fish for or retain Gulf migratory group king mackerel in the EEZ in the closed zone (50 CFR 622.384(e)(1)). A person aboard a vessel that has a valid charter vessel/headboat permit for coastal migratory pelagic fish may continue to retain king mackerel in or from the closed zones or subzones under the bag and possession limits set forth in 50 CFR 622.382(a)(1)(ii) and (a)(2), provided the vessel is operating as a charter vessel or headboat (50 CER 622.384(e)(2)). A charter vessel or headboat that also has a commercial king mackerel permit is considered to be operating as a charter vessel or headboat when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew.

During the closure, king mackerel from the closed zone, including those harvested under the bag and possession limits, may not be purchased or sold. This prohibition does not apply to trade in king mackerel from the closed zone that were harvested, landed ashore, and sold prior to the closure and were held in cold storage by a dealer or processor (50 CFR 622.384(e)(3)).

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of Gulf migratory group king mackerel and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.388(a)(1) and 622.384(e), and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best scientific information available. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such prior notice and opportunity for public comment is unnecessary and contrary to the public interest. Such procedures would be unnecessary because the rule implementing the commercial quota and the associated requirement for closure of the commercial harvest when the quota is reached or projected to be reached has already been subject to notice and comment, and all that remains is to notify the public of the closure. Additionally, allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action to protect the king mackerel stock because the capacity of the fishing fleet allows for rapid harvest of the quota. Prior notice and opportunity for public comment would require time and would potentially result in a harvest well in excess of the established quota.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: October 14, 2014.

Alan D. Risenhoover,

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

[FR Doc. 2014–24709 Filed 10–14–14; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 79, No. 201

Friday, October 17, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[NRC–2013–0053]

RIN 3150–AJ18

Definition of a Utilization Facility

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to add SHINE Medical Technologies, Inc.'s (SHINE) proposed accelerator-driven subcritical operating assemblies to the NRC's definition of a ''utilization facility.'' In 2013, SHINE submitted a two-part construction permit application for a medical radioisotope production facility that SHINE proposes to build in Janesville, Wisconsin. The proposed accelerator-driven subcritical operating assemblies, to be housed in SHINE's irradiation facility, would be used to produce molybdenum-99, a radioisotope used in medical imaging and other radioisotopes used for medical purposes. This rule allows NRC staff to conduct an efficient and effective licensing review of the SHINE construction permit application and any subsequent operating license application.

DATES: Submit comments by November 17, 2014. Comments received after this date will be considered if it is practical to do so, but the NRC staff is able to ensure consideration only for comments received on or before this date.

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–2013–0053. 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.
- *Email comments to: Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications staff.
- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

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: Steven Lynch, Office of Nuclear Reactor Regulation; telephone: 301–415–1524, email: *Steven.Lynch@nrc.gov;* U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2013–0053 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–2013–0053.
- *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, at 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. SHINE's construction permit application, submitted May 31, 2014, is publicly available in ADAMS, Accession No. ML13172A324.
- *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–2013–0053 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Procedural Background

Because the NRC considers this action to be non-controversial, the NRC is publishing this proposed rule concurrently as a direct final rule in the Rules and Regulations section of this issue of the **Federal Register**. The direct final rule will become effective on December 31, 2014. However, if the NRC receives a significant adverse comment on this proposed rule by November 17, 2014, then the NRC will publish a document that withdraws the direct final rule. If the direct final rule

is withdrawn, the NRC will address the comments received in response to these proposed revisions in a subsequent final rule. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action in the event the direct final rule is withdrawn.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is significant and adverse if it meets the following criteria:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, the following comments require a substantive response:

(a) The comment causes the NRC staff to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC staff.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC staff to make a change (other than editorial) to the rule.

For procedural information and the regulatory analysis, see the direct final rule published in the Rules and Regulations section of this issue of the **Federal Register**.

III. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, well-organized manner that also follows other best practices appropriate to the subject or field and the intended audience. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31883). The NRC requests comment on the proposed rule with respect to clarity and effectiveness of the language used.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Criminal penalties, Fire protection, Intergovernmental relations, Isotopes, Medical isotopes, Molybdenum-99, Nuclear materials, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements, Utilization facility.

For the reasons set out in this preamble and the preamble to the companion direct final rule being published concurrently with this proposed rule and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is proposing to adopt the following amendment to 10 CFR part 50.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

■ 1. The authority citation for part 50 is revised to read as follows:

Authority: Atomic Energy Act secs. 11, 102, 103, 104, 105, 147, 149, 161, 181, 182, 183, 186, 189, 223, 234 (42 U.S.C. 2014, 2132, 2133, 2134, 2135, 2167, 2169, 2201, 2231, 2232, 2233, 2236, 2239, 2273, 2282); Energy Reorganization Act secs. 201, 202, 206 (42 U.S.C. 5841, 5842, 5846); Nuclear Waste Policy Act sec. 306 (42 U.S.C. 10226); Government Paperwork Elimination Act sec. 1704 (44 U.S.C. 3504 note); Energy Policy Act of 2005, Pub. L. 109–58, 119 Stat. 194 (2005). Section 50.7 also issued under Pub. L. 95–601, sec. 10, as amended by Pub. L. 102–486, sec. 2902 (42 U.S.C. 5851). Section 50.10 also issued under Atomic Energy Act secs. 101, 185 (42 U.S.C. 2131, 2235); National Environmental Policy Act sec. 102 (42 U.S.C. 4332). Sections 50.13, 50.54(d), and 50.103 also issued under Atomic Energy Act sec. 108 (42 U.S.C. 2138).

Sections 50.23, 50.35, 50.55, and 50.56 also issued under Atomic Energy Act sec. 185 (42 U.S.C. 2235). Appendix Q also issued under National Environmental Policy Act sec. 102 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204 (42 U.S.C. 5844). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97–415 (42 U.S.C. 2239). Section 50.78 also issued under Atomic Energy Act sec. 122 (42 U.S.C. 2152). Sections 50.80—50.81 also issued under Atomic Energy Act sec. 184 (42 U.S.C. 2234).

■ 2. In § 50.2, revise the definition of ''utilization facility'' to read as follows:

§ 50.2 Definitions.

* * * * *

Utilization facility means:

(1) Any nuclear reactor other than one designed or used primarily for the formation of plutonium or U–233; or

(2) An accelerator-driven subcritical operating assembly used for the irradiation of materials containing special nuclear material and described in the application assigned docket number 50–608.

Dated at Rockville, Maryland, this 9th day of October, 2014.

For the Nuclear Regulatory Commission,

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2014–24733 Filed 10–16–14; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL ELECTION COMMISSION

11 CFR Part 110

[NOTICE 2014–12]

Aggregate Biennial Contribution Limits

AGENCY: Federal Election Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: In addition to publishing in today's **Federal Register** an Interim Final Rule to remove the aggregate contribution limits from the Commission's regulations, the Commission requests comments on whether to begin a rulemaking to revise other regulations in light of certain language from the Supreme Court's recent decision in *McCutcheon* v. *FEC.* The Commission intends to review the comments it receives as it decides what revisions, if any, it will propose making to its rules.

DATES: Comments must be received on or before January 15, 2015. The Commission will hold a hearing on these issues on February 11, 2015. Anyone wishing to testify at the hearing must file written comments by the due date and must include a request to testify in the written comments.

ADDRESSES: All comments must be in writing. Comments may be submitted electronically via the Commission's Web site at *sers.fec.gov,* reference REG 2014–01. Commenters are encouraged to submit comments electronically to ensure timely receipt and consideration. Alternatively, comments may be submitted in paper form. Paper comments must be sent to the Federal Election Commission, Attn.: Amy L. Rothstein, Assistant General Counsel, 999 E Street NW., Washington, DC 20463. All comments must include the full name and postal service address of a commenter, and of each commenter if filed jointly, or they will not be considered. The Commission will post comments on its Web site at the conclusion of the comment period.

FOR FURTHER INFORMATION CONTACT: Ms. Amy L. Rothstein, Assistant General Counsel, or Mr. Theodore M. Lutz, Attorney, 999 E Street NW., Washington, DC 20463, (202) 694–1650 or (800) 424–9530.

SUPPLEMENTARY INFORMATION:

Background

The Federal Election Campaign Act, 52 U.S.C. 30101–46 (formerly 2 U.S.C. 431–57) (''FECA''), imposes two types of limits on the amount that individuals may contribute in connection with federal elections. The ''base limits'' restrict how much an individual may contribute to a particular candidate or political committee per election or calendar year. *See* 52 U.S.C. 30116(a)(1) (formerly 2 U.S.C. 441a(a)(1)). The ''aggregate limits'' restrict how much an individual may contribute to all candidate committees, political party committees, and other political committees in each two-year election cycle.[1] *See* 52 U.S.C. 30116(a)(3) (formerly 2 U.S.C. 441a(a)(3)). The Commission has implemented the aggregate limits in its regulations at 11 CFR 110.5.

On April 2, 2014, the United States Supreme Court held that the aggregate contribution limits at 52 U.S.C. 30116(a)(3) (formerly 2 U.S.C. 441a(a)(3)) are unconstitutional. *McCutcheon* v. *FEC,* 572 U.S. __, 134 S. Ct. 1434, 1442, 1450–59 (2014) (plurality op.). The Court's decision did not affect the base limits. *See id.* at 1442. Accordingly, in an Interim Final Rule published today in the **Federal Register**, the Commission deleted 11 CFR 110.5 and made technical and conforming changes to 11 CFR 110.1(c), 110.14(d) and (g), 110.17(b), and 110.19 to conform its regulations to the *McCutcheon* decision.

The Commission also seeks comment on whether it should further modify its regulations or practices in response to certain language from the *McCutcheon* decision.[2] The Commission acknowledges that these issues are not presented in this Advance Notice of Proposed Rulemaking in a way to fully apprise interested parties with sufficient clarity and specificity for the Commission to enact a final rule.

Although it held the aggregate limits to be unconstitutional, the Supreme Court indicated that there are ''multiple alternatives available to Congress that would serve the Government's interest in preventing circumvention while avoiding 'unnecessary abridgment' of First Amendment rights.'' *McCutcheon,* 134 S. Ct. at 1458 (quoting *Buckley* v. *Valeo,* 424 U.S. 1, 25 (1976)). The Court identified mechanisms that could be implemented or amended to prevent circumvention of the base limits, including: Earmarking regulations, 11 CFR part 110; affiliation factors, 11 CFR 100.5; joint fundraising committee regulations, 11 CFR 102.17; and disclosure regulations, 11 CFR part 104. The Commission seeks comment on whether it should modify its regulations or practices in these areas, as discussed below. The Commission also seeks comment on whether it should make any other regulatory changes in light of the decision.

Earmarking

The Act provides that ''all contributions made by a person, either directly or indirectly, on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate,'' are contributions from that person to the candidate. 52 U.S.C. 30116(a)(8) (formerly 2 U.S.C. 441a(a)(8)). The Commission's regulations define the term ''earmarked'' to mean ''a designation, instruction, or encumbrance, whether direct or indirect, express or implied, oral or written, which results in all or any part of a contribution or expenditure being made to, or expended on behalf of, a clearly identified candidate or a candidate's authorized committee.'' 11 CFR 110.6(b)(1).

In analyzing whether the aggregate contribution limits served to prevent circumvention of the base limits, the Court relied on this ''broad[ ]'' definition of ''earmarked'' at 11 CFR 110.6(b)(1) to conclude that Commission rules already cover ''implicit agreements to circumvent the base limits.'' *McCutcheon,* 134 S. Ct. at 1447, 1452–56, 1459; *see also id.* at 1453 (''[A donor] cannot . . . even *imply* that he would like his money recontributed to [a candidate].''). In enforcement actions, however, the Commission has determined that funds are considered to be ''earmarked'' only when there is ''clear documented evidence of acts by donors that resulted in their funds being used'' as contributions.[3] Should the Commission revisit the manner in which it enforces its earmarking regulations to encompass the ''implicit agreements'' addressed by the Court?

In its discussion of the Commission's earmarking regulations, the Court also considered 11 CFR 110.1(h). *McCutcheon,* 134 S. Ct. at 1453–56. That rule ''governs the circumstances under which contributions to a candidate . . . must be aggregated with contributions to other political committees for purposes of the [Act's] contribution limits.'' Contribution and Expenditure Limitations and Prohibitions; Contributions by Persons and Multicandidate Political Committees, 52 FR 760, 765 (Jan. 9, 1987). Section 110.1(h) provides that a person may contribute both to a candidate for a given election and to a political committee that supports the same candidate for the same election so long as: (1) The political committee is not an authorized committee or a single-candidate committee; (2) the contributor does not give with the knowledge that a substantial portion of the contribution will be contributed to, or expended on behalf of, that candidate for the same election; and (3) the contributor does not retain control over the funds. 11 CFR 110.1(h).[4] These criteria help to ''disarm'' the risk of circumvention, *McCutcheon,* 134 S. Ct. at 1453, and the Court accordingly suggested that the Commission ''might strengthen'' 11 CFR 110.1(h)(2) by ''defining how many candidates a PAC must support in order to ensure that 'a substantial portion' of a donor's contribution is not rerouted to a certain candidate.'' *Id.* at 1459. Should the Commission make such a change to 11 CFR 110.1(h), for example, by establishing a minimum number of candidates a PAC must support or by establishing a maximum percentage of a PAC's funds that can go to a single candidate?[5] Would such a change

[1] Under the aggregate limits, as indexed for inflation in the 2013–14 election cycle, an individual could contribute up to $48,600 to candidates and their authorized committees, and up to $74,600 to other political committees, of which no more than $48,600 could be contributed to political committees other than national party committees. *See* Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold, 78 FR 8530, 8532 (Feb. 6, 2013).

[2] *McCutcheon,* 134 S. Ct. at 1453–54, 1458–60.

[3] Factual & Legal Analysis at 6–7, MUR 5732 (Matt Brown for U.S. Senate) (Apr. 4, 2007) (concluding that there was no reason to believe earmarking had occurred where ''there were no cover letters or other instructions accompanying the checks'' or ''on the checks themselves'') (citing MURs 4831/5274 (Nixon)); *see also* First General Counsel's Report at 14–16, MUR 5445 (Geoffrey Davis for Congress) (Feb. 2, 2005); First General Counsel's Report at 9, MUR 5125 (Paul Perry for Congress) (Dec. 20, 2002) (finding no reason to believe where there was no ''designation, instruction, or encumbrance on the contribution'').

[4] In Advisory Opinion 2010–09 (Club for Growth) at 5, the Commission concluded that ''11 CFR 110.1(h) and its rationale do not apply to [an independent-expenditure-only political committee's] solicitations or any contributions it receives that are earmarked for specific independent expenditures.''

[5] In 1985, the Commission proposed revising 11 CFR 110.1(h) to clarify its interpretation of the regulation and included a proposal to articulate ''indicia of a contributor's 'knowledge.' '' *See* Contribution and Expenditure Limitations and Prohibitions: Contributions by Persons and Multicandidate Political Committees, 50 FR 15169, 15172–75 (Apr. 17, 1985). Ultimately, the Commission decided not to revise that section. Contribution and Expenditure Limitations and Prohibitions; Contributions by Persons and

unnecessarily limit the ability of PACs to associate with candidates? In light of the *McCutcheon* decision and discussion above, should the Commission revise any of its other earmarking rules? If so, how?

Affiliation

In addition to the earmarking provisions discussed above, the Court cited the anti-proliferation provisions of the Act and Commission regulations as mechanisms that limit circumvention of the base limits. *McCutcheon,* 134 S. Ct. at 1453–54 (citing former 2 U.S.C. 441a(a)(5); 11 CFR 100.5(g)). Commission regulations provide that ''[a]ll committees . . . established, financed, maintained, or controlled, by the same . . . person, or group of persons . . . are affiliated,'' and thus are subject to a single contribution limit. 11 CFR 100.5(g)(2), 110.3(a)(1)(ii). These regulations include a number of affiliation factors, *see* 11 CFR 100.5(g)(4), 110.3(a)(3), which the Court indicated the Commission could use—when presented with ''suspicious patterns of PAC donations''—to determine whether political committees are affiliated. *See McCutcheon,* 134 S. Ct. at 1454. Are the current affiliation factors at 11 CFR 100.5(g)(4) and 110.3(a)(3) adequate to prevent circumvention of the base contribution limits? Should the Commission revisit its affiliation factors? If so, how?

Joint Fundraising Committees

The Act and Commission regulations authorize the creation of joint fundraising committees, *see* 52 U.S.C. 30102(e)(3)(A)(ii) (formerly 2 U.S.C. 432(e)(3)(A)(ii)); 11 CFR 102.17, as well as the transfer of funds between and among participating committees. *See* 11 CFR 102.6(a)(1)(iii), 110.3(c)(2). The Court noted that these rules could be revised to limit the opportunity for using joint fundraising committees to circumvent the base limits. *See McCutcheon,* 134 S. Ct. at 1458–59. The Court suggested, for instance, that joint fundraising committees could be limited in size, or that funds received by participants in a joint fundraising committee could be spent only ''by their recipients.'' *Id.*

The Act includes the following provisions that can affect transfers between committees engaged in joint fundraising. Candidates may transfer contributions they receive, ''without limitation, to a national, State, or local committee of a political party.'' 52 U.S.C. 30114(a)(4) (formerly 2 U.S.C. 439a(a)(4)). The limits on contributions found at 52 U.S.C. 30116(a)(1) and (2) (formerly 2 U.S.C. 441a(a)(1) and (2)) do not apply to transfers ''between and among political committees which are national, State, district or local committees (including any subordinate committee thereof) of the same political party.'' 52 U.S.C. 30116(a)(4) (formerly 2 U.S.C. 441a(a)(4)). The Act provides that contributions made by political committees that are ''established or financed or maintained or controlled'' by the same entity shall be considered to have been made by a single committee, except that this provision does not ''limit transfers between political committees of funds raised through joint fundraising efforts.'' 52 U.S.C. 30116(a)(5)(A) (formerly 2 U.S.C. 441a(a)(5)(A)).

In light of the *McCutcheon* decision and the statutory provisions described above, can or should the Commission revise its joint fundraising rules? If so, how?

Disclosure

The Supreme Court observed that disclosure requirements ''may . . . 'deter actual corruption and avoid the appearance of corruption by exposing large contributions and expenditures to the light of publicity.' '' *McCutcheon,* 134 S. Ct. at 1459–60 (quoting *Buckley* v. *Valeo,* 424 U.S. 1, 67 (1976)). Particularly due to developments in technology—primarily the internet—the Court observed that ''disclosure offers much more robust protections against corruption'' because ''[r]eports and databases are available on the FEC's Web site almost immediately after they are filed.'' *Id.* at 1460.

Given these developments in modern technology, what regulatory changes or other steps should the Commission take to further improve its collection and presentation of campaign finance data?

On behalf of the Commission,

Dated: October 9, 2014.

Lee E. Goodman,

Chairman, Federal Election Commission.

[FR Doc. 2014–24660 Filed 10–16–14; 8:45 am]

BILLING CODE 6715–01–P

Multicandidate Political Committees, 52 FR 760, 765 (Jan. 9, 1987).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0752; Directorate Identifier 2014–NM–079–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2014–06–08, for certain Bombardier, Inc. Model DHC–8–100, –200, and –300 series airplanes. AD 2014–06–08 currently requires repetitive functional checks of the nose and main landing gear, and corrective actions if necessary; and also provides optional terminating action modification for the repetitive functional checks. Since we issued AD 2014–06–08, we have determined that the optional terminating action modification is necessary to address the identified unsafe condition. This proposed AD would also require the terminating action modification. We are proposing this AD to detect and correct a false down-and-locked landing gear indication, which, on landing, could result in possible collapse of the landing gear.

DATES: We must receive comments on this proposed AD by December 1, 2014.

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

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

For service information identified in this proposed AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com*; Internet *http://www.bombardier.com.* You may view this referenced service

information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0752; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Cesar Gomez, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7318; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0752; Directorate Identifier 2014–NM–079–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

On March 19, 2014, we issued AD 2014–06–08, Amendment 39–17812 (79 FR 17390, March 28, 2014). AD 2014–06–08 requires actions intended to address an unsafe condition on certain Bombardier, Inc. Model DHC–8–100, –200, and –300 series airplanes.

Since we issued AD 2014–06–08, Amendment 39–17812 (79 FR 17390, March 28, 2014), we have determined that the optional terminating modification specified in AD 2014–06–08 is necessary to address the identified unsafe condition.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2014–11, dated February 13, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition certain Bombardier, Inc. Model DHC–8 airplanes. The MCAI states:

> During an in-service event where the landing gear control panel indicated an unsafe nose landing gear, the flight crew observed that all three green lights were illuminated on the emergency downlock indication system. The nose landing gear was not down and locked, and collapsed during landing.
>
> Investigation found ambient light and wiring shorts can lead to incorrect illumination of the green lights on the emergency downlock indication system.
>
> This [Canadian] AD mandates the functional check of the nose and main landing gear alternate indication phototransistors and the modification of the emergency downlock indication system [incorporation of Modsums 8Q101955, 8Q101968, and 8Q101969 as applicable].

The unsafe condition is a false down-and-locked landing gear indication, which, on landing, could result in possible collapse of the landing gear. The proposed modification consists of installing certain new electrical components and cable assemblies.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0752.

FAA's Determination and Requirements of This Proposed AD

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

''Contacting the Manufacturer'' Paragraph in This Proposed AD

Since late 2006, we have included a standard paragraph titled ''Airworthy Product'' in all MCAI ADs in which the FAA develops an AD based on a foreign authority's AD.

The MCAI or referenced service information in an FAA AD often directs the owner/operator to contact the manufacturer for corrective actions, such as a repair. Briefly, the Airworthy Product paragraph allowed owners/operators to use corrective actions provided by the manufacturer if those actions were FAA-approved. In addition, the paragraph stated that any actions approved by the State of Design Authority (or its delegated agent) are considered to be FAA-approved.

In an NPRM having Directorate Identifier 2012–NM–101–AD (78 FR 78285, December 26, 2013), we proposed to prevent the use of repairs that were not specifically developed to correct the unsafe condition, by requiring that the repair approval provided by the State of Design Authority or its delegated agent specifically refer to the FAA AD. This change was intended to clarify the method of compliance and to provide operators with better visibility of repairs that are specifically developed and approved to correct the unsafe condition. In addition, we proposed to change the phrase ''its delegated agent'' to include a design approval holder (DAH) with State of Design Authority design organization approval (DOA), as applicable, to refer to a DAH authorized to approve required repairs for the proposed AD.

One commenter to the NPRM having Directorate Identifier 2012–NM–101–AD (78 FR 78285, December 26, 2013) stated the following: ''The proposed wording, being specific to repairs, eliminates the interpretation that Airbus messages are acceptable for approving minor deviations (corrective actions) needed during accomplishment of an AD mandated Airbus service bulletin.''

This comment has made the FAA aware that some operators have misunderstood or misinterpreted the Airworthy Product paragraph to allow the owner/operator to use messages provided by the manufacturer as approval of deviations during the accomplishment of an AD-mandated action. The Airworthy Product paragraph does not approve messages or other information provided by the manufacturer for deviations to the requirements of the AD-mandated actions. The Airworthy Product paragraph only addresses the requirement to contact the manufacturer for corrective actions for the identified unsafe condition and does not cover deviations from other AD requirements. However, deviations to AD-required actions are addressed in 14 CFR 39.17, and anyone may request the approval for an alternative method of compliance to the AD-required actions using the procedures found in 14 CFR 39.19.

To address this misunderstanding and misinterpretation of the Airworthy Product paragraph, we have changed the paragraph and retitled it ''Contacting the Manufacturer.'' This paragraph now clarifies that for any requirement in this proposed AD to obtain corrective actions from a manufacturer, the actions must be accomplished using a method approved by the FAA, Transport Canada Civil Aviation (TCCA), or Bombardier's TCCA Design Approval Organization (DAO).

The Contacting the Manufacturer paragraph also clarifies that, if approved by the DAO, the approval must include the DAO-authorized signature. The DAO signature indicates that the data and information contained in the document are TCCA-approved, which is also FAA-approved. Messages and other information provided by the manufacturer that do not contain the DAO-authorized signature approval are not TCCA-approved, unless TCCA directly approves the manufacturer's message or other information.

This clarification does not remove flexibility previously afforded by the Airworthy Product paragraph. Consistent with long-standing FAA policy, such flexibility was never intended for required actions. This is also consistent with the recommendation of the Airworthiness Directive Implementation Aviation Rulemaking Committee to increase flexibility in complying with ADs by identifying those actions in manufacturers' service instructions that are ''Required for Compliance'' with ADs. We continue to work with manufacturers to implement this recommendation. But once we determine that an action is required, any deviation from the requirement must be approved as an alternative method of compliance.

We also have decided not to include a generic reference to either the ''delegated agent'' or ''design approval holder (DAH) with State of Design Authority design organization approval,'' but instead we have provided the specific delegation approval granted by the State of Design Authority for the DAH.

Clarification of Repair Approval Required by Paragraph (g) of AD 2014–06–08, Amendment 39–17812 (79 FR 17390, March 28, 2014)

In paragraph (g) of AD 2014–06–08, Amendment 39–17812 (79 FR 17390, March 28, 2014), the functional check and corrective actions are done in accordance with Bombardier Service Bulletin 8–32–173, Revision A, dated December 17, 2012. That service information specifies to contact the manufacturer for further instructions if certain discrepancies are found. As noted in paragraph (j)(2) of AD 2014–06–08, ''For any requirement in this AD to obtain corrective actions from a manufacturer, use these actions if they are FAA-approved . . .'' and ''. . . corrective actions are considered FAA-approved if they were approved by the State of Design Authority (or its delegated agent, or the DAH with a State of Design Authority's design organization approval, as applicable).''

To clarify the repair approval for the action specified in paragraph (g) of this AD, we have added an exception to paragraph (g) of this AD, including specific delegation approval language. The exception clarifies that where the service information specifies to contact the manufacturer for further instructions, this AD requires repairing using a method approved by the Manager, New York Aircraft Certification Office, ANE–170, Engine and Propeller Directorate, FAA; or TCCA; or Bombardier, Inc.'s TCCA DAO.

Costs of Compliance

We estimate that this proposed AD affects 85 airplanes of U.S. registry.

The actions that are required by AD 2014–06–08, Amendment 39–17812 (79 FR 17390, March 28, 2014), and retained in this proposed AD take about 3 work-hours per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that were required by AD 2014–06–08 is $21,675, or $255 per product, per inspection cycle.

We also estimate that it would take up to 40 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost up to $19,436 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be up to $1,941,060, or $22,836 per product.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this proposed AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2014–06–08, Amendment 39–17812 (79 FR 17390, March 28, 2014), and adding the following new AD:

Bombardier, Inc.: Docket No. FAA–2014–0752; Directorate Identifier 2014–NM–079–AD.

(a) Comments Due Date

We must receive comments by December 1, 2014.

(b) Affected ADs

This AD replaces AD 2014–06–08, Amendment 39–17812 (79 FR 17390, March 28, 2014).

(c) Applicability

This AD applies to Bombardier, Inc. Model DHC–8–101, –102, –103, –106, –201, –202, –301, –311, and –315 airplanes, certificated in any category, serial numbers 003 through 672 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing gear.

(e) Reason

This AD was prompted by a report that the emergency downlock indication system (EDIS) had given a false landing gear down-and-locked indication and a determination that a terminating action modification is necessary to address the identified unsafe condition. We are issuing this AD to detect and correct a false down-and-locked landing gear indication, which, on landing, could result in possible collapse of the landing gear.

(f) Compliance

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

(g) Retained Functional Check With Repair Approval Clarification

This paragraph restates the requirements of paragraph (g) of AD 2014–06–08, Amendment 39–17812 (79 FR 17390, March 28, 2014), with specific delegation approval language. Within 600 flight hours or 100 days, whichever occurs first after April 14, 2014 (the effective date of AD 2014–06–08): Perform a functional check of the alternate indication phototransistors of the nose and main landing gear; and do all applicable corrective actions; in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 8–32–173, Revision A, dated December 17, 2012; except where Bombardier Service Bulletin 8–32–173, Revision A, dated December 17, 2012, specifies to contact the manufacturer for further instructions, before further, flight, repair using a method approved by the Manager, New York Aircraft Certification Office, ANE–170, Engine and Propeller Directorate, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). Do all applicable corrective actions before further flight. Repeat the functional check thereafter at intervals not to exceed 600 flight hours or 100 days, whichever occurs first, until accomplishment of the applicable actions specified in paragraph (h) of this AD.

(h) New Requirement of This AD: Terminating Action

Within 6,000 flight hours or 36 months after the effective date of this AD, whichever occurs first: Do the applicable actions specified in paragraphs (h)(1) through (h)(3) of this AD. Accomplishment of the applicable actions specified in paragraphs (h)(1) through (h)(3) of this AD terminates the requirements of paragraph (g) of this AD.

(1) For airplanes configured as described in Modsum 8/1519: Incorporate Modsum 8Q101968, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 8–33–56, Revision A, dated February 22, 2013.

(2) For airplanes configured as described in Modsum 8/0235, 8/0461, and 8/0534: Incorporate Modsum 8Q101955, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 8–32–176, Revision A, dated February 22, 2013.

(3) For airplanes not configured as described in Modsum 8/0534: Incorporate Modsum 8Q101969, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 8–32–177, dated October 9, 2013.

(i) Credit for Previous Actions

(1) This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 8–32–173, dated October 28, 2011, which is not incorporated by reference in this AD.

(2) This paragraph provides credit for actions required by paragraph (h)(1) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 8–33–56, dated February 11, 2013, which is not incorporated by reference in this AD.

(3) This paragraph provides credit for actions required by paragraph (h)(2) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 8–32–176, dated February 11, 2013, which is not incorporated by reference in this AD.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, New York Aircraft Certification Office (ACO), ANE–170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) Contacting the Manufacturer: As of the effective date of this AD, for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York Aircraft Certification Office, ANE–170, Engine and Propeller Directorate, FAA; or TCCA; or Bombardier, Inc.'s TCCA DAO. If approved by the DAO, the approval must include the DAO-authorized signature.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2014–11, dated February 13, 2014, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0752.

(2) For service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on September 24, 2014.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–24696 Filed 10–16–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2014–0293; Airspace Docket No. 14–ANE–5]

Proposed Establishment of Class E Airspace; Plainville, CT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E Airspace at Plainville, CT, to accommodate new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAPs) serving Robertson Field Airport. This action would enhance the safety and airspace management of Instrument Flight Rules (IFR) operations within the National Airspace System.

DATES: Comments must be received on or before December 1, 2014.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey SE., Washington, DC 20590–

0001; Telephone: 1–800–647–5527; Fax: 202–493–2251. You must identify the Docket Number FAA–2014–0293; Airspace Docket No. 14–ANE–5, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on this rule 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–2014–0293; Airspace Docket No. 14–ANE–5) 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.*

Persons 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 Docket No. FAA–2014–0293; Airspace Docket No. 14–ANE–5.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

An electronic copy of this document may be downloaded from and comments submitted through *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 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 between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal Holidays, at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, Georgia 30337.

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

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to establish Class E airspace at Plainville, CT, providing the controlled airspace required to support the new RNAV (GPS) standard instrument approach procedures for Robertson Field Airport. Controlled airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the airport would be established for IFR operations.

Class E airspace designations are published in Paragraph 6005 of FAA order 7400.9Y, dated August 8, 2014, and effective September 15, 2014, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this 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 United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This proposed rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This proposed regulation is within the scope of that authority as it would establish Class E airspace at Robertson Field Airport, Plainville, CT.

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.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9Y, Airspace Designations and Reporting Points, dated August 8, 2014, effective September 15, 2014, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward from 700 Feet or More Above the Surface of the Earth.

* * * * *

ANE CT E5 Plainville, CT [New]

Robertson Field Airport, CT
(Lat. 41°41′22″ N., long. 72°51′53″ W.)

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Robertson Field Airport.

Issued in College Park, Georgia, on October 7, 2014.

Myron A. Jenkins,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2014–24616 Filed 10–16–14; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2014–0744, FRL–9918–05–Region 10]

Approval and Promulgation of Implementation Plans; Washington: Infrastructure Requirements for the Fine Particulate Matter National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to partially approve and partially disapprove the State Implementation Plan (SIP) submittal from Washington demonstrating that the SIP meets the infrastructure requirements of the Clean Air Act (CAA) for the National Ambient Air Quality Standards (NAAQS) promulgated for fine particulate matter ($PM_{2.5}$) on July 18, 1997, October 17, 2006, and December 14, 2012 (collectively the $PM_{2.5}$ NAAQS). The CAA requires that each state, after a new or revised NAAQS is promulgated, review their SIP to ensure that it meets the infrastructure requirements necessary to implement the new or revised NAAQS. On September 22, 2014, Washington certified that the Washington SIP meets the infrastructure requirements of the CAA for the $PM_{2.5}$ NAAQS, except for those requirements related to the Prevention of Significant Deterioration (PSD) permitting program currently operated under a Federal Implementation Plan (FIP), certain elements of the regional haze program currently operated under a FIP, and specific requirements related to interstate transport which will be addressed in a separate submittal. The EPA is proposing to find that Washington's SIP is adequate for purposes of the infrastructure SIP requirements of the CAA with the exceptions noted above. The EPA is proposing to find that the SIP deficiencies related to PSD permitting and regional haze, however, have been adequately addressed by the existing EPA FIPs and, therefore, no further action is required by Washington or the EPA for those elements. The EPA will address the remaining interstate transport requirements in a separate action.

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

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2014–0744, by any of the following methods:

- *Email: R10-Public_Comments@epa.gov.*
- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Mail:* Jeff Hunt, EPA Region 10, Office of Air, Waste and Toxics (AWT–150), 1200 Sixth Avenue, Suite 900, Seattle, WA 98101.
- *Hand Delivery:* EPA Region 10 Mailroom, 9th Floor, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101. Attention: Jeff Hunt, Office of Air, Waste and Toxics, AWT–107. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R10–OAR–2014–0744. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101.

FOR FURTHER INFORMATION CONTACT: Jeff Hunt at: (206) 553–0256, *hunt.jeff@epa.gov,* or the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us'' or ''our'' is used, it is intended to refer to the EPA. Information is organized as follows:

Table of Contents

I. Background
II. CAA Sections 110(a)(1) and (2) Infrastructure Elements
III. The EPA's Approach to Review of Infrastructure SIP Submittals
IV. Analysis of the State's Submittal
V. Proposed Action
VI. Statutory and Executive Order Reviews

I. Background

On July 18, 1997, the EPA promulgated a new 24-hour and a new annual NAAQS for $PM_{2.5}$ (62 FR 38652). On October 17, 2006, the EPA revised the standards for $PM_{2.5}$, tightening the 24-hour $PM_{2.5}$ standard from 65 micrograms per cubic meter (μ/m^3) to 35 μ/m^3, and retaining the annual $PM_{2.5}$ standard at 15 μ/m^3 (71 FR 61144). Subsequently, on December 14, 2012, the EPA revised the level of the health based (primary) annual $PM_{2.5}$ standard to 12 μ/m^3 (78 FR 3086, published January 15, 2013).[1]

States must submit SIPs meeting the requirements of CAA sections 110(a)(1) and (2) within three years after promulgation of a new or revised standard. CAA sections 110(a)(1) and (2) require states to address basic SIP requirements, including emissions inventories, monitoring, and modeling to implement, maintain, and enforce the standards, so-called ''infrastructure''

[1] In the EPA's 2012 $PM_{2.5}$ NAAQS revision, we left unchanged the existing welfare (secondary) standards for $PM_{2.5}$ to address PM-related effects such as visibility impairment, ecological effects, damage to materials and climate impacts. This includes an annual secondary standard of 15.0 $\mu g/m^3$ and a 24-hour standard of 35 $\mu g/m^3$.

requirements. To help states meet this statutory requirement, the EPA issued guidance to states. On October 2, 2007, the EPA issued guidance to address infrastructure SIP elements for the 1997 ozone and 1997 $PM_{2.5}$ NAAQS.[2] Subsequently, on September 25, 2009, the EPA issued guidance to address SIP infrastructure elements for the 2006 24-hour $PM_{2.5}$ NAAQS.[3] Finally, on September 13, 2013, the EPA issued guidance to address infrastructure SIP elements generally for all NAAQS, including the 2012 $PM_{2.5}$ NAAQS.[4] As noted in the guidance documents, to the extent an existing SIP already meets the CAA section 110(a)(2) requirements, states may certify that fact via a letter to the EPA. On September 22, 2014, Washington made a submittal to the EPA certifying that the current Washington SIP meets the CAA section 110(a)(1) and (2) infrastructure requirements for the $PM_{2.5}$ NAAQS, except for certain requirements related to PSD permitting, regional haze, and interstate transport described in the ''Analysis of the State's Submittal'' section below. Washington's submittal also included a demonstration for infrastructure requirements related to the 2008 ozone and 2010 nitrogen dioxide NAAQS addressed in a separate EPA proposal.

II. CAA Sections 110(a)(1) and (2) Infrastructure Elements

CAA section 110(a)(1) provides the procedural and timing requirements for SIP submissions after a new or revised NAAQS is promulgated. CAA section 110(a)(2) lists specific elements that states must meet for infrastructure SIP requirements related to a newly established or revised NAAQS. The requirements, with their corresponding CAA subsection, are listed below:

- 110(a)(2)(A): Emission limits and other control measures.
- 110(a)(2)(B): Ambient air quality monitoring/data system.
- 110(a)(2)(C): Program for enforcement of control measures.
- 110(a)(2)(D): Interstate transport.[5]
- 110(a)(2)(E): Adequate resources.
- 110(a)(2)(F): Stationary source monitoring system.
- 110(a)(2)(G): Emergency powers.
- 110(a)(2)(H): Future SIP revisions.
- 110(a)(2)(I): Areas designated nonattainment and meet the applicable requirements of part D.
- 110(a)(2)(J): Consultation with government officials; public notification; and Prevention of Significant Deterioration (PSD) and visibility protection.
- 110(a)(2)(K): Air quality modeling/data.
- 110(a)(2)(L): Permitting fees.
- 110(a)(2)(M): Consultation/participation by affected local entities.

The EPA's guidance clarified that two elements identified in CAA section 110(a)(2) are not governed by the three year submission deadline of CAA section 110(a)(1) because SIPs incorporating necessary local nonattainment area controls are not due within three years after promulgation of a new or revised NAAQS, but rather are due at the time the nonattainment area plan requirements are due pursuant to CAA section 172 and the various pollutant specific subparts 2–5 of part D. These requirements are: (i) submissions required by CAA section 110(a)(2)(C) to the extent that subsection refers to a permit program as required in part D, title I of the CAA, and (ii) submissions required by CAA section 110(a)(2)(I) which pertain to the nonattainment planning requirements of part D, title I of the CAA. As a result, this action does not address infrastructure elements related to CAA section 110(a)(2)(C) with respect to nonattainment new source review (NSR) or CAA section 110(a)(2)(I). Furthermore, the EPA interprets the CAA section 110(a)(2)(J) provision on visibility as not being triggered by a new NAAQS because the visibility requirements in part C, title I of the CAA are not changed by a new NAAQS.

III. The EPA's Approach to Review of Infrastructure SIP Submittals

The EPA is acting upon the SIP submission from Washington that addresses the infrastructure requirements of CAA sections 110(a)(1) and 110(a)(2) for the $PM_{2.5}$ NAAQS. The requirement for states to make a SIP submission of this type arises out of CAA section 110(a)(1). Pursuant to section 110(a)(1), states must make SIP submissions ''within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof),'' and these SIP submissions are to provide for the ''implementation, maintenance, and enforcement'' of such NAAQS. The statute directly imposes on states the duty to make these SIP submissions, and the requirement to make the submissions is not conditioned upon the EPA's taking any action other than promulgating a new or revised NAAQS. Section 110(a)(2) includes a list of specific elements that ''[e]ach such plan'' submission must address.

The EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of CAA sections 110(a)(1) and 110(a)(2) as ''infrastructure SIP'' submissions. Although the term ''infrastructure SIP'' does not appear in the CAA, the EPA uses the term to distinguish this particular type of SIP submission from submissions that are intended to satisfy other SIP requirements under the CAA, such as ''nonattainment SIP'' or ''attainment plan SIP'' submissions to address the nonattainment planning requirements of part D of title I of the CAA, ''regional haze SIP'' submissions required by the EPA rule to address the visibility protection requirements of CAA section 169A, and nonattainment new source review permit program submissions to address the permit requirements of CAA, title I, part D.

Section 110(a)(1) addresses the timing and general requirements for infrastructure SIP submissions, and section 110(a)(2) provides more details concerning the required contents of these submissions. The list of required elements provided in section 110(a)(2) contains a wide variety of disparate provisions, some of which pertain to required legal authority, some of which pertain to required substantive program provisions, and some of which pertain to requirements for both authority and substantive program provisions.[6] The

[2] William T. Harnett, Director, Air Quality Policy Division, Office of Air Quality Planning and Standards. ''Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 1997 8-hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards.'' Memorandum to EPA Air Division Directors, Regions I–X, October 2, 2007.

[3] William T. Harnett, Director, Air Quality Policy Division, Office of Air Quality Planning and Standards. ''Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 2006 24-hour Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS).'' Memorandum to Regional Air Division Directors, Regions I–X, September 25, 2009.

[4] Stephen D. Page, Director, Office of Air Quality Planning and Standards. ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2).'' Memorandum to EPA Air Division Directors, Regions 1–10, September 13, 2013.

[5] Washington's submittal does not address CAA section 110(a)(2)(D)(i)(I). On April 29, 2014, the U.S. Supreme Court reversed and remanded a D.C. Circuit Court ruling related to interstate transport. See *EPA* v. *EME Homer City Generation, L.P.,* No. 12–1182, 572 U.S. ____slip op. (2014). The EPA intends to address Washington's obligations under CAA section 110(a)(2)(D)(i)(I) with respect to the $PM_{2.5}$ NAAQS in a separate action. In contrast, portions of the Washington SIP submittal relating to 110(a)(2)(D)(i)(II) and 110(a)(2)(D)(ii) were submitted. In this notice, we are proposing to act on Washington's submittal for purposes of 110(a)(2)(D)(i)(II) and 110(a)(2)(D)(ii) for the $PM_{2.5}$ NAAQS.

[6] For example: Section 110(a)(2)(E)(i) provides that states must provide assurances that they have adequate legal authority under state and local law

Continued

EPA therefore believes that while the timing requirement in section 110(a)(1) is unambiguous, some of the other statutory provisions are ambiguous. In particular, the EPA believes that the list of required elements for infrastructure SIP submissions provided in section 110(a)(2) contains ambiguities concerning what is required for inclusion in an infrastructure SIP submission.

The following examples of ambiguities illustrate the need for the EPA to interpret some section 110(a)(1) and section 110(a)(2) requirements with respect to infrastructure SIP submissions for a given new or revised NAAQS. One example of ambiguity is that section 110(a)(2) requires that ''each'' SIP submission must meet the list of requirements therein, while the EPA has long noted that this literal reading of the statute is internally inconsistent and would create a conflict with the nonattainment provisions in part D of title I of the CAA, which specifically address nonattainment SIP requirements.[7] Section 110(a)(2)(I) pertains to nonattainment SIP requirements and part D addresses when attainment plan SIP submissions to address nonattainment area requirements are due. For example, section 172(b) requires the EPA to establish a schedule for submission of such plans for certain pollutants when the Administrator promulgates the designation of an area as nonattainment, and section 107(d)(1)(B) allows up to two years, or in some cases three years, for such designations to be promulgated.[8] This ambiguity illustrates that rather than apply all the stated requirements of section 110(a)(2) in a strict literal sense, the EPA must determine which provisions of section 110(a)(2) are applicable for a particular infrastructure SIP submission.

Another example of ambiguity within sections 110(a)(1) and 110(a)(2) with respect to infrastructure SIPs pertains to whether states must meet all of the infrastructure SIP requirements in a single SIP submission, and whether the EPA must act upon such SIP submission in a single action. Although section 110(a)(1) directs states to submit ''a plan'' to meet these requirements, the EPA interprets the CAA to allow states to make multiple SIP submissions separately addressing infrastructure SIP elements for the same NAAQS. If states elect to make such multiple SIP submissions to meet the infrastructure SIP requirements, the EPA can elect to act on such submissions either individually or in a larger combined action.[9] Similarly, the EPA interprets the CAA to allow it to take action on the individual parts of one larger, comprehensive infrastructure SIP submission for a given NAAQS without concurrent action on the entire submission. For example, the EPA has sometimes elected to act at different times on various elements and sub-elements of the same infrastructure SIP submission.[10]

Ambiguities within sections 110(a)(1) and 110(a)(2) may also arise with respect to infrastructure SIP submission requirements for different NAAQS. Thus, the EPA notes that not every element of section 110(a)(2) would be relevant, or as relevant, or relevant in the same way, for each new or revised NAAQS. The states' attendant infrastructure SIP submissions for each NAAQS therefore could be different. For example, the monitoring requirements that a state might need to meet in its infrastructure SIP submission for purposes of section 110(a)(2)(B) could be very different for different pollutants, for example because the content and scope of a state's infrastructure SIP submission to meet this element might be very different for an entirely new NAAQS than for a minor revision to an existing NAAQS.[11]

The EPA notes that interpretation of section 110(a)(2) is also necessary when the EPA reviews other types of SIP submissions required under the CAA. Therefore, as with infrastructure SIP submissions, the EPA also has to identify and interpret the relevant elements of section 110(a)(2) that logically apply to these other types of SIP submissions. For example, section 172(c)(7) requires that attainment plan SIP submissions required by part D have to meet the ''applicable requirements'' of section 110(a)(2). Thus, for example, attainment plan SIP submissions must meet the requirements of section 110(a)(2)(A) regarding enforceable emission limits and control measures and section 110(a)(2)(E)(i) regarding air agency resources and authority. By contrast, it is clear that attainment plan SIP submissions required by part D would not need to meet the portion of section 110(a)(2)(C) that pertains to the PSD program required in part C of title I of the CAA, because PSD does not apply to a pollutant for which an area is designated nonattainment and thus subject to part D planning requirements. As this example illustrates, each type of SIP submission may implicate some elements of section 110(a)(2) but not others.

Given the potential for ambiguity in some of the statutory language of section 110(a)(1) and section 110(a)(2), the EPA believes that it is appropriate to interpret the ambiguous portions of section 110(a)(1) and section 110(a)(2) in the context of acting on a particular SIP submission. In other words, the EPA assumes that Congress could not have intended that each and every SIP submission, regardless of the NAAQS in question or the history of SIP development for the relevant pollutant, would meet each of the requirements, or meet each of them in the same way. Therefore, the EPA has adopted an approach under which it reviews infrastructure SIP submissions against the list of elements in section 110(a)(2), but only to the extent each element applies for that particular NAAQS.

to carry out the SIP; section 110(a)(2)(C) provides that states must have a SIP-approved program to address certain sources as required by part C of title I of the CAA; and section 110(a)(2)(G) provides that states must have legal authority to address emergencies as well as contingency plans that are triggered in the event of such emergencies.

[7] See, e.g., ''Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Revisions to Acid Rain Program; Revisions to the NO_X SIP Call; Final Rule,'' 70 FR 25162, at 25163–65 (May 12, 2005) (explaining relationship between timing requirement of section 110(a)(2)(D) versus section 110(a)(2)(I)).

[8] The EPA notes that this ambiguity within section 110(a)(2) is heightened by the fact that various subparts of part D set specific dates for submission of certain types of SIP submissions in designated nonattainment areas for various pollutants. Note, e.g., that section 182(a)(1) provides specific dates for submission of emissions inventories for the ozone NAAQS. Some of these specific dates are necessarily later than three years after promulgation of the new or revised NAAQS.

[9] See, e.g., ''Approval and Promulgation of Implementation Plans; New Mexico; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) Permitting,'' 78 FR 4339 (January 22, 2013) (the EPA's final action approving the structural PSD elements of the New Mexico SIP submitted by the State separately to meet the requirements of the EPA's 2008 $PM_{2.5}$ NSR rule), and ''Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Infrastructure and Interstate Transport Requirements for the 2006 $PM_{2.5}$ NAAQS,'' (78 FR 4337) (January 22, 2013) (the EPA's final action on the infrastructure SIP for the 2006 $PM_{2.5}$ NAAQS).

[10] On December 14, 2007, the State of Tennessee, through the Tennessee Department of Environment and Conservation, made a SIP revision to the EPA demonstrating that the State meets the requirements of sections 110(a)(1) and (2). The EPA proposed action for infrastructure SIP elements (C) and (J) on January 23, 2012 (77 FR 3213) and took final action on March 14, 2012 (77 FR 14976). On April 16, 2012 (77 FR 22533) and July 23, 2012 (77 FR 42997), the EPA took separate proposed and final actions on all other section 110(a)(2) infrastructure SIP elements of Tennessee's December 14, 2007 submittal.

[11] For example, implementation of the 1997 $PM_{2.5}$ NAAQS required the deployment of a system of new monitors to measure ambient levels of that new indicator species for the new NAAQS.

Historically, the EPA has elected to use guidance documents to make recommendations to states for infrastructure SIPs, in some cases conveying needed interpretations on newly arising issues and in some cases conveying interpretations that have already been developed and applied to individual SIP submissions for particular elements.[12] The EPA most recently issued guidance for infrastructure SIPs on September 13, 2013 (2013 Guidance).[13] The EPA developed this document to provide states with up-to-date guidance for infrastructure SIPs for any new or revised NAAQS. Within this guidance, the EPA describes the duty of states to make infrastructure SIP submissions to meet basic structural SIP requirements within three years of promulgation of a new or revised NAAQS. The EPA also made recommendations about many specific subsections of section 110(a)(2) that are relevant in the context of infrastructure SIP submissions.[14] The guidance also discusses the substantively important issues that are germane to certain subsections of section 110(a)(2). Significantly, the EPA interprets sections 110(a)(1) and 110(a)(2) such that infrastructure SIP submissions need to address certain issues and need not address others. Accordingly, the EPA reviews each infrastructure SIP submission for compliance with the applicable statutory provisions of section 110(a)(2), as appropriate.

As an example, section 110(a)(2)(E)(ii) is a required element of section 110(a)(2) for infrastructure SIP submissions. Under this element, a state must meet the substantive requirements of section 128, which pertain to state boards that approve permits or enforcement orders and heads of executive agencies with similar powers. Thus, the EPA reviews infrastructure SIP submissions to ensure that the state's SIP appropriately addresses the requirements of section 110(a)(2)(E)(ii) and section 128. The 2013 Guidance explains the EPA's interpretation that there may be a variety of ways by which states can appropriately address these substantive statutory requirements, depending on the structure of an individual state's permitting or enforcement program (*e.g.,* whether permits and enforcement orders are approved by a multi-member board or by a head of an executive agency). However they are addressed by the state, the substantive requirements of section 128 are necessarily included in the EPA's evaluation of infrastructure SIP submissions because section 110(a)(2)(E)(ii) explicitly requires that the state satisfy the provisions of section 128.

As another example, the EPA's review of infrastructure SIP submissions with respect to the PSD program requirements in sections 110(a)(2)(C), (D)(i)(II), and (J) focuses upon the structural PSD program requirements contained in part C and the EPA's PSD regulations. Structural PSD program requirements include provisions necessary for the PSD program to address all regulated sources and NSR pollutants, including greenhouse gases. By contrast, structural PSD program requirements do not include provisions that are not required under the EPA's regulations at 40 CFR 51.166 but are merely available as an option for the state, such as the option to provide grandfathering of complete permit applications with respect to the 2012 $PM_{2.5}$ NAAQS. Accordingly, the latter optional provisions are types of provisions the EPA considers irrelevant in the context of an infrastructure SIP action.

For other section 110(a)(2) elements, however, the EPA's review of a state's infrastructure SIP submission focuses on assuring that the state's SIP meets basic structural requirements. For example, section 110(a)(2)(C) includes, *inter alia,* the requirement that states have a program to regulate minor new sources. Thus, the EPA evaluates whether the state has an EPA-approved minor new source review program and whether the program addresses the pollutants relevant to that NAAQS. In the context of acting on an infrastructure SIP submission, however, the EPA does not think it is necessary to conduct a review of each and every provision of a state's existing minor source program (*i.e.,* already in the existing SIP) for compliance with the requirements of the CAA and EPA's regulations that pertain to such programs.

With respect to certain other issues, the EPA does not believe that an action on a state's infrastructure SIP submission is necessarily the appropriate type of action in which to address possible deficiencies in a state's existing SIP. These issues include: (i) existing provisions related to excess emissions from sources during periods of startup, shutdown, or malfunction that may be contrary to the CAA and the EPA's policies addressing such excess emissions (''SSM''); (ii) existing provisions related to ''director's variance'' or ''director's discretion'' that may be contrary to the CAA because they purport to allow revisions to SIP-approved emissions limits while limiting public process or not requiring further approval by the EPA; and (iii) existing provisions for PSD programs that may be inconsistent with current requirements of the EPA's ''Final NSR Improvement Rule,'' 67 FR 80186 (December 31, 2002), as amended by 72 FR 32526 (June 13, 2007). Thus, the EPA believes it may approve an infrastructure SIP submission without scrutinizing the totality of the existing SIP for such potentially deficient provisions and may approve the submission even if it is aware of such existing provisions.[15] It is important to note that the EPA's approval of a state's infrastructure SIP submission should not be construed as explicit or implicit re-approval of any existing potentially deficient provisions that relate to the three specific issues just described.

The EPA's approach to review of infrastructure SIP submissions is to identify the CAA requirements that are logically applicable to that submission. The EPA believes that this approach to the review of a particular infrastructure SIP submission is appropriate, because it would not be reasonable to read the general requirements of section 110(a)(1) and the list of elements in 110(a)(2) as requiring review of each and every provision of a state's existing SIP against all requirements in the CAA and the EPA regulations merely for purposes of assuring that the state in question has the basic structural elements for a functioning SIP for a new or revised NAAQS. Because SIPs have grown by accretion over the decades as statutory and regulatory requirements under the CAA have evolved, they may include some outmoded provisions and historical artifacts. These provisions, while not fully up to date, nevertheless may not pose a significant problem for

[12] The EPA notes, however, that nothing in the CAA requires the EPA to provide guidance or to promulgate regulations for infrastructure SIP submissions. The CAA directly applies to states and requires the submission of infrastructure SIP submissions, regardless of whether or not the EPA provides guidance or regulations pertaining to such submissions. EPA elects to issue such guidance in order to assist states, as appropriate.

[13] ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2),'' Memorandum from Stephen D. Page, September 13, 2013.

[14] The EPA's September 13, 2013, guidance did not make recommendations with respect to infrastructure SIP submissions to address section 110(a)(2)(D)(i)(I).

[15] By contrast, the EPA notes that if a state were to include a new provision in an infrastructure SIP submission that contained a legal deficiency, such as a new exemption for excess emissions during SSM events, then the EPA would need to evaluate that provision for compliance against the rubric of applicable CAA requirements in the context of the action on the infrastructure SIP.

the purposes of ''implementation, maintenance, and enforcement'' of a new or revised NAAQS when the EPA evaluates adequacy of the infrastructure SIP submission. The EPA believes that a better approach is for states and the EPA to focus attention on those elements of section 110(a)(2) of the CAA most likely to warrant a specific SIP revision due to the promulgation of a new or revised NAAQS or other factors.

For example, the EPA's 2013 Guidance gives simpler recommendations with respect to carbon monoxide than other NAAQS pollutants to meet the visibility requirements of section 110(a)(2)(D)(i)(II), because carbon monoxide does not affect visibility. As a result, an infrastructure SIP submission for any future new or revised NAAQS for carbon monoxide need only state this fact in order to address the visibility prong of section 110(a)(2)(D)(i)(II).

Finally, the EPA believes that its approach with respect to infrastructure SIP requirements is based on a reasonable reading of sections 110(a)(1) and 110(a)(2) because the CAA provides other avenues and mechanisms to address specific substantive deficiencies in existing SIPs. These other statutory tools allow the EPA to take appropriately tailored action, depending upon the nature and severity of the alleged SIP deficiency. Section 110(k)(5) authorizes the EPA to issue a ''SIP call'' whenever the EPA determines that a state's SIP is substantially inadequate to attain or maintain the NAAQS, to mitigate interstate transport, or to otherwise comply with the CAA.[16] Section 110(k)(6) authorizes the EPA to correct errors in past actions, such as past approvals of SIP submissions.[17] Significantly, the EPA's determination that an action on a state's infrastructure SIP submission is not the appropriate time and place to address all potential existing SIP deficiencies does not preclude the EPA's subsequent reliance on provisions in section 110(a)(2) as part of the basis for action to correct those deficiencies at a later time. For example, although it may not be appropriate to require a state to eliminate all existing inappropriate director's discretion provisions in the course of acting on an infrastructure SIP submission, the EPA believes that section 110(a)(2)(A) may be among the statutory bases that EPA relies upon in the course of addressing such deficiency in a subsequent action.[18]

IV. Analysis of the State's Submittal

110(a)(2)(A): Emission Limits and Other Control Measures

CAA section 110(a)(2)(A) requires SIPs to include enforceable emission limits and other control measures, means or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of the CAA.

State submittal: The Washington submittal cites an overview of the air quality laws including portions of Chapter 70.94 Revised Code of Washington (RCW) *Washington Clean Air Act* and Chapter 43.21A RCW *Department of Ecology.* These underlying statutory authorities remain substantially unchanged since the EPA's last comprehensive review for the 1997 ozone NAAQS infrastructure certification (77 FR 30902, May 24, 2012). The only statutory changes that occurred since the EPA's last review were in 2012, when the Washington State Legislature revised Chapter 70.94 RCW to address the Tacoma-Pierce County $PM_{2.5}$ nonattainment area and other areas at risk for $PM_{2.5}$ nonattainment statewide. These statutory changes allowed state and local agencies to take a more precautionary approach in protecting and maintaining the $PM_{2.5}$ NAAQS with respect to residential wood burning devices and impaired air quality burn bans.

Washington also included an overview of state and local regulations approved into the SIP, codified in 40 CFR part 52, subpart WW. These regulations include minor stationary source permitting, visible emissions requirements, and other basic program elements that apply to all NAAQS reviewed as part of the 1997 ozone NAAQS infrastructure certification. Other cited regulations were developed as part of previous nonattainment area strategies such as open burning restrictions originally promulgated to address coarse particulate matter (PM_{10}) nonattainment, but provide important co-benefits for $PM_{2.5}$. Most notable for the control of $PM_{2.5}$ is the EPA's recent approval of Chapter 173–433 Washington Administrative Code (WAC) *Solid Fuel Burning Devices,* codifying the 2012 statutory changes to Washington's residential wood combustion control program (79 FR 26628, May 9, 2014). Also notable is the EPA's recent approval of Chapter 173–476 WAC *Ambient Air Quality Standards,* mirroring the Federal $PM_{2.5}$ NAAQS (79 FR 12077, March 4, 2014). These state-wide ambient air quality standards ensure that the general minor stationary source permitting programs codified in 40 CFR part 52, subpart WW, cover the applicable $PM_{2.5}$ NAAQS.

EPA analysis: Washington's $PM_{2.5}$ problems are heavily dominated by residential wood combustion during winter inversion episodes that can last up to several days. As a result, Washington experiences spikes in the 24-hour $PM_{2.5}$ standard during these short-term meteorological conditions, but otherwise has generally low levels of $PM_{2.5}$ for the rest of the year. For example, in the Tacoma-Pierce County $PM_{2.5}$ nonattainment area, emissions are 74% wood smoke, 9% on road motor vehicles, 5% non-road vehicles and engines, and 2% large industry on days when $PM_{2.5}$ NAAQS violations are most likely (78 FR 32131, May 29, 2013). Other communities historically at risk of elevated $PM_{2.5}$ levels such as Darrington, Marysville, and Yakima, also experience heavy influence from residential wood combustion. For this reason, the state-wide revisions to Chapter 173–433 WAC are a major step forward in controlling $PM_{2.5}$ in Washington State. Monitors historically violating or close to violating the $PM_{2.5}$ NAAQS in all four communities are now attaining the standards based on 2011–2013 data.[19] Therefore, we are proposing to approve the Washington

[16] For example, the EPA issued a SIP call to Utah to address specific existing SIP deficiencies related to the treatment of excess emissions during SSM events. See ''Finding of Substantial Inadequacy of Implementation Plan; Call for Utah State Implementation Plan Revisions,'' 74 FR 21639 (April 18, 2011).

[17] The EPA has used this authority to correct errors in past actions on SIP submissions related to PSD programs. See ''Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule,'' 75 FR 82536 (December 30, 2010). The EPA has previously used its authority under CAA section 110(k)(6) to remove numerous other SIP provisions that the Agency determined it had approved in error. See, e.g., 61 FR 38664 (July 25, 1996) and 62 FR 34641 (June 27, 1997) (corrections to American Samoa, Arizona, California, Hawaii, and Nevada SIPs); 69 FR 67062 (November 16, 2004) (corrections to California SIP); and 74 FR 57051 (November 3, 2009) (corrections to Arizona and Nevada SIPs).

[18] See, e.g., the EPA's disapproval of a SIP submission from Colorado on the grounds that it would have included a director's discretion provision inconsistent with CAA requirements, including section 110(a)(2)(A). See, e.g., 75 FR 42342 at 42344 (July 21, 2010) (proposed disapproval of director's discretion provisions); 76 FR 4540 (Jan. 26, 2011) (final disapproval of such provisions).

[19] Darrington 24-hour design value (DV) = 27 μ/m^3, annual DV = 6.8 μ/m^3; Marysville 24-hour DV = 26 μ/m^3, annual DV = 7.7 μ/m^3; Tacoma 24-hour DV = 32 μ/m^3, annual DV = 7.8 μ/m^3; and Yakima 24-hour DV = 33 μ/m^3, annual DV = 9.1 $\mu/m.^3$

SIP as meeting the requirements of CAA section 110(a)(2)(A) for the $PM_{2.5}$ NAAQS.

110(a)(2)(B): Ambient Air Quality Monitoring/Data System

CAA section 110(a)(2)(B) requires SIPs to include provisions to provide for establishment and operation of ambient air quality monitors, collecting and analyzing ambient air quality data, and making these data available to the EPA upon request.

State submittal: Washington derives its general statutory authority to establish and operate ambient air quality monitors from RCW 70.94.331(5) *Powers and Duties of Department* which states, ''[t]he department is directed to conduct or cause to be conducted a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants and conduct or cause to be conducted a program to determine the quantity of emissions to the atmosphere.'' Regulatory authority is contained in the EPA-approved SIP provisions of WAC 173–400–105 *Records, Monitoring and Reporting.*

EPA analysis: Washington submitted a comprehensive air quality monitoring plan to meet the requirements of 40 CFR part 58, which the EPA approved on April 15, 1981. This air quality monitoring plan has been updated annually, with the most recent submittal dated May 2013. The EPA approved the plan on March 10, 2014. The letter approving the plan is included in the docket for this action. Most notable is the establishment of a near roadway monitoring site in the Seattle-Tacoma-Bellevue Metropolitan Statistical Area, in accordance with the EPA's most recent ambient monitoring requirements for $PM_{2.5}$ (78 FR 3086, January 15, 2013). Washington provides air quality monitoring data summaries and a map of the state air monitoring network at: *https://fortress.wa.gov/ecy/enviwa/Default.htm.* Therefore, we are proposing to approve the Washington SIP as meeting the requirements of CAA section 110(a)(2)(B) for the $PM_{2.5}$ NAAQS.

110(a)(2)(C): Program for Enforcement of Control Measures

CAA section 110(a)(2)(C) requires states to include a program providing for enforcement of all SIP measures and the regulation of construction of new or modified stationary sources, including a program to meet PSD and nonattainment NSR requirements.

State submittal: The Washington submittal refers to EPA-approved regulatory provisions contained in the SIP under WAC 173–400–230 *Regulatory Actions* and WAC 173–400–240 *Criminal Penalties,* as well as the enforcement-related statutory provisions of Chapter 70.94 RCW, *Washington Clean Air Act.* All of these enforcement provisions remain unchanged since the EPA's last review and approval of the 1997 ozone infrastructure submittal. Washington also cites the EPA-approved minor source permitting program contained in the SIP under WAC 173–400–110 *New Source Review* and WAC 173–400–113 *Requirements for New Sources in Attainment or Unclassifiable Areas.* Specifically, WAC 173–400–113(3) ensures that, ''[a]llowable emissions from the proposed new source or modification will not delay the attainment date for an area not in attainment nor cause or contribute to a violation of any ambient air quality standard.'' [20] Washington also notes that any major PSD sources in attainment or unclassifiable areas would be addressed under the existing EPA FIP codified in 40 CFR 52.2497.

EPA analysis: With regard to the requirement to have a program providing for enforcement of all SIP measures, we are proposing to find that the Washington provisions provide the state with authority to enforce the air quality regulations, permits, and orders promulgated pursuant to the SIP. Washington may issue emergency orders to reduce or discontinue emission of air contaminants where air emissions cause or contribute to imminent and substantial endangerment under the EPA-approved provisions of WAC 173–435 *Emergency Episode Plan.* Enforcement cases may be referred to the State Attorney General's Office for civil or criminal enforcement. Therefore, we are proposing to approve the Washington SIP as meeting the requirements of CAA section 110(a)(2)(C) related to enforcement for the $PM_{2.5}$ NAAQS.

To generally meet the requirements of CAA section 110(a)(2)(C) with regard to the regulation of construction of new or modified stationary sources, a state is required to have PSD, nonattainment NSR, and minor NSR permitting programs adequate to implement the $PM_{2.5}$ NAAQS. As explained above, in the ''CAA Sections 110(a)(1) and (2) Infrastructure Elements'' discussion, we are not evaluating nonattainment related provisions in this action, such as the nonattainment NSR program required by part D, title I of the CAA. With regard to the minor NSR requirement of this element, we have determined that the Washington minor NSR program adopted pursuant to section 110(a)(2)(C) of the CAA, and codified in 40 CFR part 52, subpart WW is adequate to regulate emissions of $PM_{2.5}$. Lastly, as previously discussed, the PSD permitting program in Washington is operated under an EPA FIP. As noted in the EPA's infrastructure guidance, when an area is already subject to a FIP for PSD permitting (whether or not a state, local, or tribal air agency has been delegated Federal authority to implement the PSD FIP), the air agency may choose to continue to rely on the PSD FIP to have permits issued pursuant to the FIP. If so, the EPA could not fully approve the infrastructure SIP submission; however, the EPA anticipates that there would be no adverse consequences to the air agency or to sources from this partial disapproval of the infrastructure SIP. Therefore, the EPA is proposing to partially disapprove Washington's SIP for those requirements of CAA section 110(a)(2)(C) related to PSD.[21]

110(a)(2)(D)(i): Interstate Transport

CAA section 110(a)(2)(D)(i) requires state SIPs to include provisions prohibiting any source or other type of emissions activity in one state from contributing significantly to nonattainment, or interfering with maintenance of the NAAQS in another state (CAA section 110(a)(2)(D)(i)(I)). Further, this section requires state SIPs to include provisions prohibiting any source or other type of emissions activity in one state from interfering with measures required to prevent significant deterioration of air quality, or from interfering with measures required to protect visibility (i.e. measures to address regional haze) in any state (CAA section 110(a)(2)(D)(i)(II)).

State submittal: Washington indicated in the submittal that the State intends to fulfill any remaining requirements related to CAA section 110(a)(2)(D)(i)(I) in a separate submittal. With respect to the CAA section 110(a)(2)(D)(i)(II) requirements, Washington's certification

[20] On October 3, 2014, following the State's infrastructure submission, the EPA approved updates to portions of WAC 173–400, including regulations related to minor new source review (79 FR 59653). The EPA's final approval of the updates to WAC 173–400 is not effective until November 3, 2014. In the interim, the EPA notes that both the version of WAC 173–400 currently approved in the SIP (effective June 2, 1995) and the recent updates (effective November 3, 2014) provide broad, general authority to maintain and protect the NAAQS.

[21] On January 27, 2014, Washington submitted PSD regulations for approval into the SIP. The EPA has not finalized our review of that submittal. The EPA's proposed disapproval of the PSD elements in this action to rely on the existing PSD FIP is not a reflection on Ecology's January 27, 2014, submittal.

notes that a FIP is in place to address the PSD components. With respect to visibility, Washington submitted a regional haze plan in 2010, which the EPA partially approved, partially disapproved, and supplemented with a FIP (79 FR 33438, June 11, 2014).

EPA analysis: As noted above, this action does not address the requirements of CAA section 110(a)(2)(D)(i)(I). On January 13, 2009, the EPA determined that Washington met the CAA section 110(a)(2)(D)(i)(I) requirements for the 1997 $PM_{2.5}$ NAAQS (74 FR 1501). Washington did not address CAA section 110(a)(2)(D)(i)(I) for the 2006 and 2012 $PM_{2.5}$ NAAQS in the September 22, 2014 submittal. We intend to address the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2006 and 2012 $PM_{2.5}$ NAAQS in a separate action.

The EPA believes that the CAA section 110(a)(2)(D)(i)(II) PSD sub-element is satisfied when new major sources and major modifications in Washington are subject to a SIP-approved PSD program that satisfactorily implements the $PM_{2.5}$ NAAQS. As previously noted, a FIP is in place for the PSD program in Washington. Therefore, the EPA is proposing to disapprove the Washington SIP with respect to the CAA section 110(a)(2)(D)(i)(II) PSD sub-element.

The EPA believes that one way the CAA section 110(a)(2)(D)(i)(II) visibility sub-element (prong 4) can be satisfied for any relevant NAAQS is through an air agency's confirmation in its infrastructure SIP submission that it has an approved regional haze SIP that fully meets the requirements of 40 CFR 51.308 or 51.309. As noted in the EPA's 2013 infrastructure guidance, ''[i]f the EPA determines the SIP to be incomplete or partially disapproves an infrastructure SIP submission for prong 4, a FIP obligation will be created. If a FIP or FIPs are already in effect that correct all regional haze SIP deficiencies, there will be no additional practical consequences from the partial disapproval for the affected air agency, the sources within its jurisdiction, or the EPA. The EPA will not be required to take further action with respect to prong 4 because the FIP already in place would satisfy the requirements with respect to prong 4. In addition, unless the infrastructure SIP submission is required in response to a SIP call under CAA section 110(k)(5), mandatory sanctions under CAA section 179 would not apply because the deficiencies are not with respect to a submission that is required under CAA title I part D. Nevertheless, the EPA continues to encourage all air agencies that may be subject to full or partial FIPs for regional haze requirements to consider adopting additional SIP provisions that would allow the EPA to fully approve the regional haze SIP and thus to withdraw the FIP and approve the infrastructure SIP with respect to prong 4.'' Because a partial FIP is currently in place to address regional haze impacts from direct $PM_{2.5}$ and $PM_{2.5}$ precursors, the EPA is proposing to disapprove the Washington SIP with respect to the CAA section 110(a)(2)(D)(i)(II) visibility sub-element for the $PM_{2.5}$ NAAQS.

110(a)(2)(D)(ii) Interstate and International transport provisions: CAA section 110(a)(2)(D)(ii) requires SIPs to include provisions ensuring compliance with the applicable requirements of CAA sections 126 and 115 (relating to interstate and international pollution abatement). Specifically, CAA section 126(a) requires new or modified major sources to notify neighboring states of potential impacts from the source.

State submittal: Washington's submittal notes that the state has no pending obligations under section 115 or 126(b) of the CAA. CAA section 126(a) obligations are met through the current PSD FIP.

EPA analysis: The EPA agrees that Washington has no pending interstate or international pollution obligations under CAA sections 115 and 126(b). Because Washington does not have SIP-approved provisions addressing the requirements and instead relies on the PSD FIP to satisfy its CAA section 126(a) obligations, the EPA is proposing to partially disapprove the SIP for this element. However, as previously noted, the EPA anticipates that there would be no adverse consequences to Washington or to sources resulting from this proposed partial disapproval of the infrastructure SIP.

110(a)(2)(E): Adequate Resources

CAA section 110(a)(2)(E) requires states to provide (i) necessary assurances that the state will have adequate personnel, funding, and authority under state law to carry out the SIP (and is not prohibited by any provision of Federal or state law from carrying out the SIP or portion thereof), (ii) requires that the state comply with the requirements respecting state boards under CAA section 128 and (iii) necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any SIP provision, the state has responsibility for ensuring adequate implementation of such SIP provision.

State submittal: Chapter 43.21A RCW *Department of Ecology* provides authority for the director to employ personnel necessary for administration of this chapter. Chapters 43.21A and 70.94 RCW provide the rule-making authority for Ecology. Ecology's Air Quality Program is funded through the following funding sources: The state general fund, section 105 of the CAA grant program, Air Operating Permit Account (permit fees from large industrial sources), and Air Pollution Control Account (permit fees for burning and annual fees for small industrial air pollution sources).

The EPA-approved provisions of the Washington SIP under WACs 173–400–220 *Requirements for Board Members* and 173–400–260 *Conflict of Interest* provide that no state board or body which approves operating permits or enforcement orders, either in the first instance or upon appeal, shall be constituted of less than a majority of members who represent the public interest and who do not derive a significant portion of their income from persons subject to operating permits. State law also provides that any potential conflicts of interest by members of such board or body or the head of any executive agency with similar powers be adequately disclosed. See RCW 34.05.425 *Administrative Procedure Act;* RCW 42.17 *Public Disclosure Act;* RCW 70.94.100 *Composition of Local Air Authorities' Board; Conflict of Interest Requirements.*

Ecology works with other organizations and agencies and may enter into agreements allowing for implementation of the air pollution controls by another agency. However, RCW 70.94.370 states that no provision of this chapter or any recommendation of the state board or of any local or regional air pollution program is a limitation on the power of a state agency in the enforcement, or administration of any provision of law which it is specifically permitted or required to enforce or administer.

EPA analysis: Regarding adequate personnel, funding and authority, the EPA believes the Washington SIP meets the requirements of this element. Washington receives CAA sections 103 and 105 grant funds from the EPA and provides state matching funds necessary to carry out SIP requirements. Regarding the state board requirements under CAA section 128, the EPA approved WAC 173–400–220 *Requirements for Board Members* and WAC 173–400–260 *Conflict of Interest* as meeting the section 128 requirements on June 2, 1995 (60 FR 28726). On May 24, 2012, the EPA approved the Washington SIP as meeting the requirements of sub-

element 110(a)(2)(E)(ii) (77 FR 30902). Finally, regarding state responsibility and oversight of local and regional entities, RCW 70.94.370 provides Ecology with adequate authority to carry out oversight of SIP obligations. Therefore, the EPA is proposing to approve the Washington SIP as meeting the requirements of CAA section 110(a)(2)(E) for the $PM_{2.5}$ NAAQS.

110(a)(2)(F): Stationary Source Monitoring System

CAA section 110(a)(2)(F) requires (i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources, (ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and (iii) correlation of such reports by the state agency with any emission limitations or standards established pursuant to the CAA, which shall be available at reasonable times for public inspection.

State submittal: The EPA-approved version of WAC 173–400–105 *Records, Monitoring, and Reporting* currently in the Washington SIP provides the authority to monitor stationary source emissions for compliance purposes and make the information available to the public. The language of WAC 173–400–105(1) provides general authority to require emission reporting. Meanwhile, WAC 173–400–105(2) allows Ecology to require stack testing and/or ambient air monitoring, even if not required in a permit or other enforceable requirement as part of a continuous surveillance program to protect air quality.

EPA analysis: The EPA-approved regulatory provisions cited by Washington establish compliance requirements to monitor emissions, keep and report records, and collect ambient air monitoring data in accordance with CAA section 110(a)(2)(F). Additionally, Washington is required to submit emissions data to the EPA for purposes of the National Emissions Inventory (NEI). The NEI is the EPA's central repository for air emissions data. The EPA published the Air Emissions Reporting Rule (AERR) on December 5, 2008, which modified the requirements for collecting and reporting air emissions data (73 FR 76539). All states are required to submit a comprehensive emissions inventory every three years and report emissions for certain larger sources annually through the EPA's online Emissions Inventory System. States report emissions data for the six criteria pollutants and their associated precursors—nitrogen oxides, sulfur dioxide, ammonia, lead, carbon monoxide, particulate matter, and volatile organic compounds. The EPA compiles the emissions data, supplementing it where necessary, and releases it to the general public through the Web site *http://www.epa.gov/ttn/chief/eiinformation.html.*

Based on the analysis above, we are proposing to approve the Washington SIP as meeting the requirements of CAA section 110(a)(2)(F) for the $PM_{2.5}$ NAAQS.

110(a)(2)(G): Emergency Episodes

CAA section 110(a)(2)(G) requires states to provide for authority to address activities causing imminent and substantial endangerment to public health, including adequate contingency plans to implement the emergency episode provisions in their SIPs.

State submittal: Ecology cites the EPA-approved Washington SIP provisions of WAC 173–435 *Emergency Episode Plan,* which are consistent with the EPA's regulations contained in 40 CFR part 51, subpart H (51.150–51.153). In the case of an imminent danger to public health and safety, for example wildfires, Washington State can use the above mentioned regulatory authorities, and the statutory authorities of RCW 70.94.710 through 70.94.730, to declare an air pollution emergency for $PM_{2.5}$, working closely with other agencies to alert the public and take necessary steps to mitigate risk.

EPA analysis: Section 303 of the CAA provides authority to the EPA Administrator to restrain any source from causing or contributing to emissions which present an ''imminent and substantial endangerment to public health or welfare, or the environment.'' We find that the EPA-approved Washington SIP at WAC 173–435–050 *Action Procedures* provides Washington with comparable authority. Specifically, WAC 173–435–050(6) states, ''[r]egardless of whether any episode stages have previously been declared, whenever the governor finds that emissions are causing imminent danger to public health or safety, the governor may declare an air pollution emergency and order the persons responsible for the operation of sources causing the danger, to reduce or discontinue emissions consistent with good operating practice, safe operating procedures, and SERPs [source emission reduction plans], if any.'' Further, WAC 173–435–050(5) requires, ''[t]he broadest publicity practicable shall be given to the declaration of any episode stage. Such declaration shall, as soon as possible, be directly communicated to all persons responsible for the carrying out of SERPs within the affected area.'' Accordingly, we are proposing to approve the Washington SIP as meeting the requirements of CAA section 110(a)(2)(G) for the $PM_{2.5}$ NAAQS.

110(a)(2)(H): Future SIP Revisions

CAA section 110(a)(2)(H) requires that SIPs provide for revision of such plan (i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and (ii), except as provided in paragraph 110(a)(3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the SIP is substantially inadequate to attain the NAAQS which it implements, or to otherwise comply with any additional requirements under the CAA.

State submittal: Washington's submittal refers to RCW 70.94, which gives Ecology the authority to promulgate rules and regulations to maintain and protect Washington's air quality and to comply with Federal requirements, including revisions of NAAQS, SIPs, and responding to EPA findings.

EPA analysis: RCW 70.94.510 specifically requires Ecology to cooperate with the Federal government in order to ensure the coordination of the provisions of the Federal Clean Air Act and the Washington Clean Air Act. In practice, Ecology regularly submits revisions to the EPA to revise the SIP. The EPA recently approved revisions to the Washington SIP on October 3, 2013 (78 FR 61188, Thurston County Second 10-Year PM_{10} Limited Maintenance Plan), September 17, 2013 (78 FR 57073, Puget Sound Clean Air Agency Regulatory Updates), and May 29, 2013 (78 FR 32131, Tacoma-Pierce County Nonattainment Area), as well as the $PM_{2.5}$ related rule revisions cited in the discussion of CAA section 110(a)(2)(A) (79 FR 12077, March 4, 2014). Accordingly, we are proposing to approve the Washington SIP as meeting the requirements of CAA section 110(a)(2)(H) for the $PM_{2.5}$ NAAQS.

110(a)(2)(I): Nonattainment Area Plan Revision Under Part D

There are two elements identified in CAA section 110(a)(2) not governed by the three-year submission deadline of CAA section 110(a)(1) because SIPs incorporating necessary local nonattainment area controls are not due within three years after promulgation of a new or revised NAAQS, but are rather

due at the time of the nonattainment area plan requirements pursuant to section 172 and the various pollutant specific subparts 2–5 of part D. These elements are: (i) Submissions required by CAA section 110(a)(2)(C) to the extent that subsection refers to a permit program as required in part D, title I of the CAA, and (ii) submissions required by section 110(a)(2)(I) which pertain to the nonattainment planning requirements of part D, title I of the CAA. As a result, this action does not address infrastructure elements related to CAA section 110(a)(2)(C) with respect to nonattainment NSR or CAA section 110(a)(2)(I).

110(a)(2)(J): Consultation With Government Officials

CAA section 110(a)(2)(J) requires states to provide a process for consultation with local governments and Federal land managers carrying out NAAQS implementation requirements pursuant to section 121. CAA section 110(a)(2)(J) further requires states to notify the public if NAAQS are exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances. Lastly, CAA section 110(a)(2)(J) requires states to meet applicable requirements of part C, title I of the CAA related to prevention of significant deterioration and visibility protection.

State submittal: Ecology's submittal cites the following regulatory provisions contained in the Washington SIP to meet CAA section 110(a)(2)(J) obligations: WAC 173–435–050 *Action Procedures,* WAC 173–400–151 *Retrofit Requirements for Visibility,* and WAC 173–400–171 *Public Involvement.* Washington also cites the following statutory authorities: RCW 34.05 *Administrative Procedures Act,* RCW 42.30 *Open Public Meetings,* RCW 70.94.141 *Consultation,* and RCW 70.94.240 *Air Pollution Control Advisory Council.* In addition to these SIP measures, Ecology uses the Washington Air Quality Advisory (WAQA) tool for informing the public about the levels and health effects of air pollution. The public can access up-to-date WAQA information on-line at *https://fortress.wa.gov/ecy/enviwa/Default.htm.*

EPA analysis: Under the EPA-approved provisions of WAC 173–400–171 *Public Involvement,* Ecology routinely coordinates with local governments, states, Federal land managers and other stakeholders on air quality issues and provides notice to appropriate agencies related to permitting actions. Washington regularly participates in regional planning processes including the Western Regional Air Partnership, which is a voluntary partnership of states, tribes, Federal land managers, local air agencies and the EPA, whose purpose is to understand current and evolving regional air quality issues in the West. Therefore the EPA is proposing to approve the Washington SIP as meeting the requirements of CAA Section 110(a)(2)(J) for consultation with government officials.

Section 110(a)(2)(J) also requires the public be notified if NAAQS are exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances. Washington actively participates and submits information to the EPA's AIRNOW program which provides information to the public on the air quality in their locale. In addition, Washington provides the state's annual network monitoring plan, annual air quality monitoring data summaries, specific warnings and advice to those persons who may be most susceptible, and a map of the state air monitoring network to the public on their Web site (*http://www.ecy.wa.gov/programs/air/airhome.html*). Therefore, we are proposing to find that the Washington SIP meets the requirements of CAA section 110(a)(2)(J) for public notification for the $PM_{2.5}$ NAAQS.

Turning to the requirement in CAA section 110(a)(2)(J) that the SIP meet the applicable requirements of part C of title I of the CAA, we have evaluated this requirement in the context of CAA section 110(a)(2)(C) with respect to PSD permitting. As discussed previously, PSD in Washington is operated under a FIP. We are proposing to disapprove the Washington SIP for the requirements of CAA 110(a)(2)(J) with regard to PSD. Instead the state and the EPA will continue to rely on the existing PSD FIP.

With regard to the applicable requirements for visibility protection, the EPA recognizes that states are subject to visibility and regional haze program requirements under part C of the CAA. In the event of the establishment of a new NAAQS, however, the visibility and regional haze program requirements under part C do not change. Thus we find that there is no new applicable requirement relating to visibility triggered under CAA section 110(a)(2)(J) when a new NAAQS becomes effective.

Based on the above analysis, we are proposing to approve the Washington SIP as meeting the requirements of CAA section 110(a)(2)(J) for the $PM_{2.5}$ NAAQS, except for those elements related to PSD which we are proposing to partially disapprove.

110(a)(2)(K): Air Quality and Modeling/Data

CAA section 110(a)(2)(K) requires that SIPs provide for (i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and (ii) the submission, upon request, of data related to such air quality modeling to the Administrator.

State submittal: The Washington submittal states that air quality modeling is conducted during development of revisions to the SIP, as appropriate to demonstrate attainment with required air quality standards. Modeling is also addressed in the permitting process (see discussion at CAA section 110(a)(2)(C)). Estimates of ambient concentrations are based on air quality models, data bases and other requirements specified in 40 CFR part 51, Appendix W (Guidelines on Air Quality Models) and are routinely used by Washington. Exceptions to using Appendix W are handled under the provisions of 40 CFR 51.166 (Prevention of significant deterioration of air quality) which requires written approval from the EPA and an opportunity for public comment.

EPA analysis: As noted in Ecology's submittal, Washington models estimates of ambient concentrations based on 40 CFR part 51, Appendix W (Guidelines on Air Quality Models) for both permitting and SIP development. Any change or substitution from models specified in 40 CFR part 51, Appendix W is subject to notice and opportunity for public comment. Modeling was used for development of maintenance plans and redesignation to attainment requests for the former ozone nonattainment areas of Puget Sound and Vancouver, approved by the EPA on September 26, 1996 (61 FR 50438) and May 19, 1997 (62 FR 27204), respectively. More recently, modeling was used to develop control measures for the Tacoma-Pierce County fine particulate matter nonattainment area, although the area came into attainment before a formal SIP submission was required (78 FR 32131, May 29, 2013). Based on the foregoing, we are proposing to approve Washington's SIP as meeting the requirements of CAA Section 110(a)(2)(K) for the $PM_{2.5}$ NAAQS.

110(a)(2)(L): Permitting Fees

CAA section 110(a)(2)(L) requires SIPs to require each major stationary source to pay permitting fees sufficient to cover

the reasonable cost of reviewing, acting upon, implementing and enforcing a permit.

State submittal: Washington derives its authority to collect fees for New Source Review and title V sources from RCW 70.94.151, RCW 70.94.152, and RCW 70.94.162. The EPA reviewed Washington's fee provisions and fully approved the title V program on August 13, 2001 (66 FR 42439), with a revision approved on January 2, 2003 (67 FR 71479). In January 2014, Ecology submitted SIP revisions to Chapter 173–400 WAC that specify that sources applying for permits are required to pay the fees. For example, WAC 173–400–111(1)(e) that describes requirements for the Notice of Construction permits, states that ''[a]n application is not complete until any permit application fee required by the permitting authority has been paid.'' WAC 173–400–560(4)(c), describing general order of approval requirements, states that ''[a]n application shall be incomplete until a permitting authority has received any required fees.'' In addition to the SIP updates that were submitted by Ecology in January, Ecology is proposing to include the following new language in the SIP found under WAC 173–400–111(3)(i): ''[a]ll fees required under chapter 173–455 WAC (or the applicable new source review fee table of the local air pollution control authority) have been paid.'' This language asserts permitting authorities' fee requirements. By including this new language in the SIP, Ecology does not propose to incorporate the referenced chapter 173–455 WAC in the SIP.

EPA analysis: The EPA approved the Washington title V permitting program on August 13, 2001, with an effective date of September 12, 2001 (66 FR 42439). With respect to New Source Review, the EPA finalized approval of Ecology's update to WAC 173–400–111 in the SIP on October 3, 2014 (79 FR 59653). In this action, the EPA is proposing to approve WAC 173–400–111(3)(i) submitted by Ecology on September 22, 2014. With the proposed inclusion of WAC 173–400–111(3)(i) in the SIP, the EPA is proposing to conclude that Washington will satisfy its obligations under CAA section 110(a)(2)(L) for the $PM_{2.5}$ NAAQS.

110(a)(2)(M): Consultation/Participation by Affected Local Entities

CAA section 110(a)(2)(M) requires states to provide for consultation and participation in SIP development by local political subdivisions affected by the SIP.

State submittal: Washington cites the following regulations and statutes as pertinent to this infrastructure SIP requirement: WAC 173–400–171 *Public Involvement,* RCW 34.05 *Administrative Procedure Act,* RCW 42.30 *Open Public Meetings Act,* and RCW 70.94.240 *Air Pollution Control Advisory Council.*

EPA analysis: As discussed in the preamble relating to CAA section 110(a)(2)(J), Ecology routinely coordinates with local governments and other stakeholders on air quality issues. The public involvement regulations cited in Washington's submittal were previously approved into Washington's Federally-approved SIP on June 2, 1995 (60 FR 28726). Therefore, the EPA proposes to find that Washington's SIP meets the requirements of CAA Section 110(a)(2)(M) for $PM_{2.5}$ NAAQS.

VI. Proposed Action

The EPA is proposing to partially approve and partially disapprove the September 22, 2014, submittal from Washington to demonstrate that the SIP meets the requirements of sections 110(a)(1) and (2) of the CAA for the $PM_{2.5}$ NAAQS promulgated in 1997, 2006, and 2012. Specifically, we are proposing to find that the current EPA-approved Washington SIP meets the following CAA section 110(a)(2) infrastructure elements for the 1997, 2006 and 2012 $PM_{2.5}$ NAAQS: (A), (B), (C)—except for those elements covered by the PSD FIP, (D)(i)(II) (prong 4)—except for those elements covered by the regional haze FIP, (D)(ii)—except for those elements covered by the PSD FIP, (E), (F), (G), (H), (J)—except for those elements covered by the PSD FIP, (K), (L), and (M). We are also proposing inclusion of WAC 173–400–111(3)(i) in the SIP with respect to the CAA section 110(a)(2)(L) requirements. As previously noted, the EPA anticipates that there would be no adverse consequences to Washington or to sources in the State resulting from this proposed partial disapproval of the infrastructure SIP with respect to the PSD and regional haze FIPs. The EPA, likewise, anticipates no additional FIP responsibilities for PSD and regional haze as a result of this proposed partial disapproval. Interstate transport requirements with respect to CAA section 110(a)(2)(D)(i)(I) for the 2006 and 2012 $PM_{2.5}$ NAAQS will be addressed in a separate action.

VII. Statutory and Executive Order Reviews

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

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

The SIP is not approved to apply on any Indian reservation land in Washington except as specifically noted below and is also not approved to apply in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law. Washington's SIP is approved to apply on non-trust land within the exterior boundaries of the Puyallup Indian Reservation, also known as the 1873

Survey Area. Under the *Puyallup Tribe of Indians Settlement Act of 1989,* 25 U.S.C. 1773, Congress explicitly provided state and local agencies in Washington authority over activities on non-trust lands within the 1873 Survey Area. Consistent with EPA policy, the EPA nonetheless provided a consultation opportunity to the Puyallup Tribe in a letter dated September 3, 2013. The EPA did not receive a request for consultation.

List of Subjects in 40 CFR Part 52

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

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

Dated: October 8, 2014.

Dennis J. McLerran,

Regional Administrator, Region 10.

[FR Doc. 2014–24723 Filed 10–16–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2014–0123; FRL–9917–41-Region 5]

Approval and Promulgation of Air Quality Implementation Plans; Illinois; Amendments to Gasoline Vapor Recovery Requirements for Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision submitted by the Illinois Environmental Protection Agency on January 17, 2014, concerning the state's gasoline vapor recovery requirements. The SIP revision phases out the Stage II vapor recovery program requirements in the Illinois portion of the Chicago ozone nonattainment area as a component of the Illinois ozone SIP. The SIP revision also includes amendments to the state's permitting regulations applicable to storage tanks and fuel dispensing, including repealing the Stage I vapor recovery registration provisions due to overlapping Federal notification requirements and state tracking systems for gasoline dispensing operations. Finally, the SIP revision includes other clarifying and clean-up amendments at 35 Ill. Adm. Code Parts 201, 218, and 219. The submittal also includes a demonstration under section 110(l) of the Clean Air Act that shows there are no emissions impacts associated with the removal of the program.

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

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2014–0123, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: blakley.pamela@epa.gov.*
3. *Fax:* (312) 692–2450.
4. *Mail:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Francisco J. Acevedo, Mobile Source Program Manager, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6061, *acevedo.francisco@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, EPA is approving the state's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: September 24, 2014.

Susan Hedman,

Regional Administrator, Region 5.

[FR Doc. 2014–24464 Filed 10–16–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2014–0529; FRL–9915–52–Region 9]

Revisions to the California State Implementation Plan, California Air Resources Board—Consumer Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the California Air Resources Board Portion of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from consumer products. We are proposing to approve a local rule that regulates these emission sources under the Clean Air Act (CAA or the Act).

DATE: Any comments on this proposal must arrive by November 17, 2014.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2014–0529, by one of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the on-line instructions.
2. *Email: steckel.andrew@epa.gov.*
3. *Mail or deliver:* Andrew Steckel (Air-4), 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: Stanley Tong, EPA Region IX, (415) 947–4122, *tong.stanley@epa.gov.*

SUPPLEMENTARY INFORMATION: This proposal addresses the following local rule:

TABLE 1—SUBMITTED CALIFORNIA AIR RESOURCES BOARD RULE

Regulation	Amended	Filed with California Secretary of State	Submitted to EPA
Subchapter 8.5—Consumer Products; Article 2—Consumer Products	March 15, 2013	April 25, 2013	May 28, 2014.

In the Rules and Regulations section of this **Federal Register**, we are approving this local rule in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: August 5, 2014.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2014–24491 Filed 10–16–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2014–0745, FRL–9918–08-Region 10]

Approval and Promulgation of Implementation Plans; Washington: Infrastructure Requirements for the 2008 Ozone and 2010 Nitrogen Dioxide National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to partially approve and partially disapprove the State Implementation Plan (SIP) submittal from Washington, received September 22, 2014, demonstrating that the SIP meets the infrastructure requirements of the Clean Air Act (CAA) for the National Ambient Air Quality Standards (NAAQS) promulgated for ozone on March 12, 2008, and nitrogen dioxide (NO_2) on January 22, 2010. The CAA requires that each state, after a new or revised NAAQS is promulgated, review their SIP to ensure that it meets the infrastructure requirements necessary to implement the new or revised NAAQS. Washington certified that the Washington SIP meets the infrastructure requirements of the CAA for the ozone and NO_2 NAAQS, except for those requirements related to the Prevention of Significant Deterioration (PSD) permitting program currently operated under a Federal Implementation Plan (FIP), certain elements of the regional haze program currently operated under a FIP, and specific requirements related to interstate transport which will be addressed in a separate submittal. The EPA is proposing to find that Washington's SIP is adequate for purposes of the infrastructure SIP requirements of the CAA with the exceptions noted above. The EPA is proposing to find that the SIP deficiencies related to PSD permitting and regional haze, however, have been adequately addressed by the existing EPA FIPs and, therefore, no further action is required by Washington or the EPA for those elements. The EPA will address the remaining interstate transport requirements in a separate action.

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

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2014–0745, by any of the following methods:

- Email: *R10-Public_Comments@epa.gov*
- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- Mail: Jeff Hunt, EPA Region 10, Office of Air, Waste and Toxics (AWT–150), 1200 Sixth Avenue, Suite 900, Seattle WA, 98101
- Hand Delivery: EPA Region 10 Mailroom, 9th floor, 1200 Sixth Avenue, Suite 900, Seattle WA, 98101. Attention: Jeff Hunt, Office of Air, Waste and Toxics, AWT—107. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R10–OAR–2014–0745. The EPA's policy is that all comments received will be included in

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

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle WA, 98101.

FOR FURTHER INFORMATION CONTACT: Jeff Hunt at: (206) 553–0256, *hunt.jeff@epa.gov,* or the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us'' or ''our'' is used, it is intended to refer to the EPA. Information is organized as follows:

Table of Contents

I. Background
II. CAA Sections 110(a)(1) and (2) Infrastructure Elements
III. The EPA's Approach to Review of Infrastructure SIP Submittals
IV. Analysis of the State's Submittal
V. Proposed Action
VI. Statutory and Executive Order Reviews

I. Background

On July 18, 1997, the EPA promulgated a new NAAQS for ozone. The EPA revised the ozone NAAQS to provide an 8-hour averaging period which replaced the previous 1-hour averaging period, and the level of the NAAQS was changed from 0.12 parts per million (ppm) to 0.08 ppm (62 FR 38856). Subsequently, on March 12, 2008, the EPA revised the levels of the primary and secondary 8-hour ozone standards to 0.075 ppm (73 FR 16436).

The EPA first set standards for NO_2 in 1971, setting both a primary standard (to protect health) and a secondary standard (to protect the public welfare) at 53 parts per billion (53 ppb), averaged annually. The EPA reviewed the standards in 1985 and 1996, deciding to retain the standards at the conclusion of each review. In 2005, the EPA began another review, resulting in the January 22, 2010, rulemaking to establish an additional primary NO_2 standard at 100 ppb, averaged over one hour (75 FR 6474).

States must submit SIPs meeting the requirements of CAA sections 110(a)(1) and (2) within three years after promulgation of a new or revised standard. CAA sections 110(a)(1) and (2) require states to address basic SIP requirements, including emissions inventories, monitoring, and modeling to implement, maintain, and enforce the standards, so-called ''infrastructure'' requirements. To help states meet this statutory requirement, the EPA issued guidance to address infrastructure SIP elements generally for all NAAQS, including the 2008 ozone and 2010 NO_2 NAAQS.[1] As noted in the guidance document, to the extent an existing SIP already meets the CAA section 110(a)(2) requirements, states may certify that fact via a letter to the EPA. On September 22, 2014, Washington made a submittal to the EPA certifying that the current Washington SIP meets the CAA section 110(a)(1) and (2) infrastructure requirements for the 2008 ozone and 2010 NO_2 NAAQS, except for certain requirements related to PSD permitting, regional haze, and interstate transport described in the ''Analysis of the State's Submittal'' section below. Washington's submittal also included an infrastructure demonstration for the fine particulate matter ($PM_{2.5}$) NAAQS promulgated in 1997, 2006, and 2012, which the EPA will address in a separate action.

II. CAA Sections 110(a)(1) and (2) Infrastructure Elements

CAA section 110(a)(1) provides the procedural and timing requirements for SIP submissions after a new or revised NAAQS is promulgated. CAA section 110(a)(2) lists specific elements that states must meet for infrastructure SIP requirements related to a newly established or revised NAAQS. The requirements, with their corresponding CAA subsection, are listed below:

- 110(a)(2)(A): Emission limits and other control measures.
- 110(a)(2)(B): Ambient air quality monitoring/data system.
- 110(a)(2)(C): Program for enforcement of control measures.
- 110(a)(2)(D): Interstate transport.[2]
- 110(a)(2)(E): Adequate resources.
- 110(a)(2)(F): Stationary source monitoring system.
- 110(a)(2)(G): Emergency powers.
- 110(a)(2)(H): Future SIP revisions.
- 110(a)(2)(I): Areas designated nonattainment and meet the applicable requirements of part D.
- 110(a)(2)(J): Consultation with government officials; public notification; and Prevention of Significant Deterioration (PSD) and visibility protection.
- 110(a)(2)(K): Air quality modeling/data.
- 110(a)(2)(L): Permitting fees.
- 110(a)(2)(M): Consultation/participation by affected local entities.

The EPA's guidance clarified that two elements identified in CAA section 110(a)(2) are not governed by the three year submission deadline of CAA section 110(a)(1) because SIPs incorporating necessary local nonattainment area controls are not due within three years after promulgation of a new or revised NAAQS, but rather are due at the time the nonattainment area plan requirements are due pursuant to CAA section 172 and the various pollutant specific subparts 2–5 of part D. These requirements are: (i) Submissions required by CAA section 110(a)(2)(C) to the extent that subsection refers to a permit program as required in part D, title I of the CAA, and (ii)

[1] Stephen D. Page, Director, Office of Air Quality Planning and Standards. ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2).'' Memorandum to EPA Air Division Directors, Regions 1–10, September 13, 2013.

[2] Washington's submittal does not address CAA section 110(a)(2)(D)(i)(I). The EPA intends to address Washington's obligations under CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone and 2010 NO_2 NAAQS in a separate action. In contrast, portions of the Washington SIP submittal relating to 110(a)(2)(D)(i)(II) and 110(a)(2)(D)(ii) were submitted. In this notice, we are proposing to act on Washington's submittal for purposes of 110(a)(2)(D)(i)(II) and 110(a)(2)(D)(ii).

submissions required by CAA section 110(a)(2)(I) which pertain to the nonattainment planning requirements of part D, title I of the CAA. As a result, this action does not address infrastructure elements related to CAA section 110(a)(2)(C) with respect to nonattainment new source review (NSR) or CAA section 110(a)(2)(I). Furthermore, the EPA interprets the CAA section 110(a)(2)(J) provision on visibility as not being triggered by a new NAAQS because the visibility requirements in part C, title I of the CAA are not changed by a new NAAQS.

III. The EPA's Approach to Review of Infrastructure SIP Submittals

The EPA is acting upon the SIP submission from Washington that addresses the infrastructure requirements of CAA sections 110(a)(1) and 110(a)(2) for the 2008 ozone and 2010 NO_2 NAAQS. The requirement for states to make a SIP submission of this type arises out of CAA section 110(a)(1). Pursuant to section 110(a)(1), states must make SIP submissions ''within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof),'' and these SIP submissions are to provide for the ''implementation, maintenance, and enforcement'' of such NAAQS. The statute directly imposes on states the duty to make these SIP submissions, and the requirement to make the submissions is not conditioned upon the EPA's taking any action other than promulgating a new or revised NAAQS. Section 110(a)(2) includes a list of specific elements that ''[e]ach such plan'' submission must address.

The EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of CAA sections 110(a)(1) and 110(a)(2) as ''infrastructure SIP'' submissions. Although the term ''infrastructure SIP'' does not appear in the CAA, the EPA uses the term to distinguish this particular type of SIP submission from submissions that are intended to satisfy other SIP requirements under the CAA, such as ''nonattainment SIP'' or ''attainment plan SIP'' submissions to address the nonattainment planning requirements of part D of title I of the CAA, ''regional haze SIP'' submissions required by the EPA rule to address the visibility protection requirements of CAA section 169A, and nonattainment new source review permit program submissions to address the permit requirements of CAA, title I, part D.

Section 110(a)(1) addresses the timing and general requirements for infrastructure SIP submissions, and section 110(a)(2) provides more details concerning the required contents of these submissions. The list of required elements provided in section 110(a)(2) contains a wide variety of disparate provisions, some of which pertain to required legal authority, some of which pertain to required substantive program provisions, and some of which pertain to requirements for both authority and substantive program provisions.[3] The EPA therefore believes that while the timing requirement in section 110(a)(1) is unambiguous, some of the other statutory provisions are ambiguous. In particular, the EPA believes that the list of required elements for infrastructure SIP submissions provided in section 110(a)(2) contains ambiguities concerning what is required for inclusion in an infrastructure SIP submission.

The following examples of ambiguities illustrate the need for the EPA to interpret some section 110(a)(1) and section 110(a)(2) requirements with respect to infrastructure SIP submissions for a given new or revised NAAQS. One example of ambiguity is that section 110(a)(2) requires that ''each'' SIP submission must meet the list of requirements therein, while the EPA has long noted that this literal reading of the statute is internally inconsistent and would create a conflict with the nonattainment provisions in part D of title I of the CAA, which specifically address nonattainment SIP requirements.[4] Section 110(a)(2)(I) pertains to nonattainment SIP requirements and part D addresses when attainment plan SIP submissions to address nonattainment area requirements are due. For example, section 172(b) requires the EPA to establish a schedule for submission of such plans for certain pollutants when the Administrator promulgates the designation of an area as nonattainment, and section 107(d)(1)(B) allows up to two years, or in some cases three years, for such designations to be promulgated.[5] This ambiguity illustrates that rather than apply all the stated requirements of section 110(a)(2) in a strict literal sense, the EPA must determine which provisions of section 110(a)(2) are applicable for a particular infrastructure SIP submission.

Another example of ambiguity within sections 110(a)(1) and 110(a)(2) with respect to infrastructure SIPs pertains to whether states must meet all of the infrastructure SIP requirements in a single SIP submission, and whether the EPA must act upon such SIP submission in a single action. Although section 110(a)(1) directs states to submit ''a plan'' to meet these requirements, the EPA interprets the CAA to allow states to make multiple SIP submissions separately addressing infrastructure SIP elements for the same NAAQS. If states elect to make such multiple SIP submissions to meet the infrastructure SIP requirements, the EPA can elect to act on such submissions either individually or in a larger combined action.[6] Similarly, the EPA interprets the CAA to allow it to take action on the individual parts of one larger, comprehensive infrastructure SIP submission for a given NAAQS without concurrent action on the entire submission. For example, the EPA has sometimes elected to act at different times on various elements and sub-elements of the same infrastructure SIP submission.[7]

[3] For example: Section 110(a)(2)(E)(i) provides that states must provide assurances that they have adequate legal authority under state and local law to carry out the SIP; section 110(a)(2)(C) provides that states must have a SIP-approved program to address certain sources as required by part C of title I of the CAA; and section 110(a)(2)(G) provides that states must have legal authority to address emergencies as well as contingency plans that are triggered in the event of such emergencies.

[4] See, e.g., ''Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Revisions to Acid Rain Program; Revisions to the NO_X SIP Call; Final Rule,'' 70 FR 25162, at 25163–65 (May 12, 2005) (explaining relationship between timing requirement of section 110(a)(2)(D) versus section 110(a)(2)(I)).

[5] The EPA notes that this ambiguity within section 110(a)(2) is heightened by the fact that various subparts of part D set specific dates for submission of certain types of SIP submissions in designated nonattainment areas for various pollutants. Note, e.g., that section 182(a)(1) provides specific dates for submission of emissions inventories for the ozone NAAQS. Some of these specific dates are necessarily later than three years after promulgation of the new or revised NAAQS.

[6] See, e.g., ''Approval and Promulgation of Implementation Plans; New Mexico; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) Permitting,'' 78 FR 4339 (January 22, 2013) (the EPA's final action approving the structural PSD elements of the New Mexico SIP submitted by the State separately to meet the requirements of the EPA's 2008 $PM_{2.5}$ NSR rule), and ''Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Infrastructure and Interstate Transport Requirements for the 2006 $PM_{2.5}$ NAAQS,'' (78 FR 4337) (January 22, 2013) (the EPA's final action on the infrastructure SIP for the 2006 $PM_{2.5}$ NAAQS).

[7] On December 14, 2007, the State of Tennessee, through the Tennessee Department of Environment and Conservation, made a SIP revision to the EPA demonstrating that the State meets the requirements of sections 110(a)(1) and (2). The EPA proposed action for infrastructure SIP elements (C) and (J) on January 23, 2012 (77 FR 3213) and took final action on March 14, 2012 (77 FR 14976). On April 16, 2012 (77 FR 22533) and July 23, 2012 (77 FR 42997), the EPA took separate proposed and final actions on all other section 110(a)(2) infrastructure

Continued

Ambiguities within sections 110(a)(1) and 110(a)(2) may also arise with respect to infrastructure SIP submission requirements for different NAAQS. Thus, the EPA notes that not every element of section 110(a)(2) would be relevant, or as relevant, or relevant in the same way, for each new or revised NAAQS. The states' attendant infrastructure SIP submissions for each NAAQS therefore could be different. For example, the monitoring requirements that a state might need to meet in its infrastructure SIP submission for purposes of section 110(a)(2)(B) could be very different for different pollutants, for example because the content and scope of a state's infrastructure SIP submission to meet this element might be very different for an entirely new NAAQS than for a minor revision to an existing NAAQS.[8]

The EPA notes that interpretation of section 110(a)(2) is also necessary when the EPA reviews other types of SIP submissions required under the CAA. Therefore, as with infrastructure SIP submissions, the EPA also has to identify and interpret the relevant elements of section 110(a)(2) that logically apply to these other types of SIP submissions. For example, section 172(c)(7) requires that attainment plan SIP submissions required by part D have to meet the ''applicable requirements'' of section 110(a)(2). Thus, for example, attainment plan SIP submissions must meet the requirements of section 110(a)(2)(A) regarding enforceable emission limits and control measures and section 110(a)(2)(E)(i) regarding air agency resources and authority. By contrast, it is clear that attainment plan SIP submissions required by part D would not need to meet the portion of section 110(a)(2)(C) that pertains to the PSD program required in part C of title I of the CAA, because PSD does not apply to a pollutant for which an area is designated nonattainment and thus subject to part D planning requirements. As this example illustrates, each type of SIP submission may implicate some elements of section 110(a)(2) but not others.

Given the potential for ambiguity in some of the statutory language of section 110(a)(1) and section 110(a)(2), the EPA believes that it is appropriate to interpret the ambiguous portions of section 110(a)(1) and section 110(a)(2) in the context of acting on a particular SIP submission. In other words, the EPA assumes that Congress could not have intended that each and every SIP submission, regardless of the NAAQS in question or the history of SIP development for the relevant pollutant, would meet each of the requirements, or meet each of them in the same way. Therefore, the EPA has adopted an approach under which it reviews infrastructure SIP submissions against the list of elements in section 110(a)(2), but only to the extent each element applies for that particular NAAQS.

Historically, the EPA has elected to use guidance documents to make recommendations to states for infrastructure SIPs, in some cases conveying needed interpretations on newly arising issues and in some cases conveying interpretations that have already been developed and applied to individual SIP submissions for particular elements.[9] The EPA most recently issued guidance for infrastructure SIPs on September 13, 2013 (2013 Guidance).[10] The EPA developed this document to provide states with up-to-date guidance for infrastructure SIPs for any new or revised NAAQS. Within this guidance, the EPA describes the duty of states to make infrastructure SIP submissions to meet basic structural SIP requirements within three years of promulgation of a new or revised NAAQS. The EPA also made recommendations about many specific subsections of section 110(a)(2) that are relevant in the context of infrastructure SIP submissions.[11] The guidance also discusses the substantively important issues that are germane to certain subsections of section 110(a)(2). Significantly, the EPA interprets sections 110(a)(1) and 110(a)(2) such that infrastructure SIP submissions need to address certain issues and need not address others. Accordingly, the EPA reviews each infrastructure SIP submission for compliance with the applicable statutory provisions of section 110(a)(2), as appropriate.

As an example, section 110(a)(2)(E)(ii) is a required element of section 110(a)(2) for infrastructure SIP submissions. Under this element, a state must meet the substantive requirements of section 128, which pertain to state boards that approve permits or enforcement orders and heads of executive agencies with similar powers. Thus, the EPA reviews infrastructure SIP submissions to ensure that the state's SIP appropriately addresses the requirements of section 110(a)(2)(E)(ii) and section 128. The 2013 Guidance explains the EPA's interpretation that there may be a variety of ways by which states can appropriately address these substantive statutory requirements, depending on the structure of an individual state's permitting or enforcement program (*e.g.,* whether permits and enforcement orders are approved by a multi-member board or by a head of an executive agency). However they are addressed by the state, the substantive requirements of section 128 are necessarily included in the EPA's evaluation of infrastructure SIP submissions because section 110(a)(2)(E)(ii) explicitly requires that the state satisfy the provisions of section 128.

As another example, the EPA's review of infrastructure SIP submissions with respect to the PSD program requirements in sections 110(a)(2)(C), (D)(i)(II), and (J) focuses upon the structural PSD program requirements contained in part C and the EPA's PSD regulations. Structural PSD program requirements include provisions necessary for the PSD program to address all regulated sources and NSR pollutants, including greenhouse gases. By contrast, structural PSD program requirements do not include provisions that are not required under the EPA's regulations at 40 CFR 51.166 but are merely available as an option for the state, such as the option to provide grandfathering of complete permit applications with respect to the 2012 $PM_{2.5}$ NAAQS. Accordingly, the latter optional provisions are types of provisions the EPA considers irrelevant in the context of an infrastructure SIP action.

For other section 110(a)(2) elements, however, the EPA's review of a state's infrastructure SIP submission focuses on assuring that the state's SIP meets basic structural requirements. For example, section 110(a)(2)(C) includes, *inter alia,* the requirement that states have a program to regulate minor new sources. Thus, the EPA evaluates whether the state has an EPA-approved minor new source review program and whether the program addresses the

SIP elements of Tennessee's December 14, 2007 submittal.

[8] For example, implementation of the 1997 $PM_{2.5}$ NAAQS required the deployment of a system of new monitors to measure ambient levels of that new indicator species for the new NAAQS.

[9] The EPA notes, however, that nothing in the CAA requires the EPA to provide guidance or to promulgate regulations for infrastructure SIP submissions. The CAA directly applies to states and requires the submission of infrastructure SIP submissions, regardless of whether or not the EPA provides guidance or regulations pertaining to such submissions. EPA elects to issue such guidance in order to assist states, as appropriate.

[10] ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2),'' Memorandum from Stephen D. Page, September 13, 2013.

[11] The EPA's September 13, 2013, guidance did not make recommendations with respect to infrastructure SIP submissions to address section 110(a)(2)(D)(i)(I).

pollutants relevant to that NAAQS. In the context of acting on an infrastructure SIP submission, however, the EPA does not think it is necessary to conduct a review of each and every provision of a state's existing minor source program (*i.e.,* already in the existing SIP) for compliance with the requirements of the CAA and EPA's regulations that pertain to such programs.

With respect to certain other issues, the EPA does not believe that an action on a state's infrastructure SIP submission is necessarily the appropriate type of action in which to address possible deficiencies in a state's existing SIP. These issues include: (i) Existing provisions related to excess emissions from sources during periods of startup, shutdown, or malfunction that may be contrary to the CAA and the EPA's policies addressing such excess emissions (''SSM''); (ii) existing provisions related to ''director's variance'' or ''director's discretion'' that may be contrary to the CAA because they purport to allow revisions to SIP-approved emissions limits while limiting public process or not requiring further approval by the EPA; and (iii) existing provisions for PSD programs that may be inconsistent with current requirements of the EPA's ''Final NSR Improvement Rule,'' 67 FR 80186 (December 31, 2002), as amended by 72 FR 32526 (June 13, 2007). Thus, the EPA believes it may approve an infrastructure SIP submission without scrutinizing the totality of the existing SIP for such potentially deficient provisions and may approve the submission even if it is aware of such existing provisions.[12] It is important to note that the EPA's approval of a state's infrastructure SIP submission should not be construed as explicit or implicit re-approval of any existing potentially deficient provisions that relate to the three specific issues just described.

The EPA's approach to review of infrastructure SIP submissions is to identify the CAA requirements that are logically applicable to that submission. The EPA believes that this approach to the review of a particular infrastructure SIP submission is appropriate, because it would not be reasonable to read the general requirements of section 110(a)(1) and the list of elements in 110(a)(2) as requiring review of each and every provision of a state's existing SIP against all requirements in the CAA and the EPA regulations merely for purposes of assuring that the state in question has the basic structural elements for a functioning SIP for a new or revised NAAQS. Because SIPs have grown by accretion over the decades as statutory and regulatory requirements under the CAA have evolved, they may include some outmoded provisions and historical artifacts. These provisions, while not fully up to date, nevertheless may not pose a significant problem for the purposes of ''implementation, maintenance, and enforcement'' of a new or revised NAAQS when the EPA evaluates adequacy of the infrastructure SIP submission. The EPA believes that a better approach is for states and the EPA to focus attention on those elements of section 110(a)(2) of the CAA most likely to warrant a specific SIP revision due to the promulgation of a new or revised NAAQS or other factors.

For example, the EPA's 2013 Guidance gives simpler recommendations with respect to carbon monoxide than other NAAQS pollutants to meet the visibility requirements of section 110(a)(2)(D)(i)(II), because carbon monoxide does not affect visibility. As a result, an infrastructure SIP submission for any future new or revised NAAQS for carbon monoxide need only state this fact in order to address the visibility prong of section 110(a)(2)(D)(i)(II).

Finally, the EPA believes that its approach with respect to infrastructure SIP requirements is based on a reasonable reading of sections 110(a)(1) and 110(a)(2) because the CAA provides other avenues and mechanisms to address specific substantive deficiencies in existing SIPs. These other statutory tools allow the EPA to take appropriately tailored action, depending upon the nature and severity of the alleged SIP deficiency. Section 110(k)(5) authorizes the EPA to issue a ''SIP call'' whenever the EPA determines that a state's SIP is substantially inadequate to attain or maintain the NAAQS, to mitigate interstate transport, or to otherwise comply with the CAA.[13] Section 110(k)(6) authorizes the EPA to correct errors in past actions, such as past approvals of SIP submissions.[14] Significantly, the EPA's determination that an action on a state's infrastructure SIP submission is not the appropriate time and place to address all potential existing SIP deficiencies does not preclude the EPA's subsequent reliance on provisions in section 110(a)(2) as part of the basis for action to correct those deficiencies at a later time. For example, although it may not be appropriate to require a state to eliminate all existing inappropriate director's discretion provisions in the course of acting on an infrastructure SIP submission, the EPA believes that section 110(a)(2)(A) may be among the statutory bases that EPA relies upon in the course of addressing such deficiency in a subsequent action.[15]

IV. Analysis of the State's Submittal

110(a)(2)(A): Emission Limits and Other Control Measures

CAA section 110(a)(2)(A) requires SIPs to include enforceable emission limits and other control measures, means or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of the CAA.

State submittal: The Washington submittal cited an overview of the air quality laws including portions of Chapter 70.94 Revised Code of Washington (RCW) *Washington Clean Air Act* and Chapter 43.21A RCW *Department of Ecology.* These underlying statutory authorities remain unchanged with respect to ozone and NO_2 since the EPA's last comprehensive review for the 1997 ozone NAAQS infrastructure certification (77 FR 30902, May 24, 2012). Washington also included an overview of state and local regulations approved into the SIP,

[12] By contrast, the EPA notes that if a state were to include a new provision in an infrastructure SIP submission that contained a legal deficiency, such as a new exemption for excess emissions during SSM events, then the EPA would need to evaluate that provision for compliance against the rubric of applicable CAA requirements in the context of the action on the infrastructure SIP.

[13] For example, the EPA issued a SIP call to Utah to address specific existing SIP deficiencies related to the treatment of excess emissions during SSM events. See ''Finding of Substantial Inadequacy of Implementation Plan; Call for Utah State Implementation Plan Revisions,'' 74 FR 21639 (April 18, 2011).

[14] The EPA has used this authority to correct errors in past actions on SIP submissions related to PSD programs. See ''Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule,'' 75 FR 82536 (December 30, 2010). The EPA has previously used its authority under CAA section 110(k)(6) to remove numerous other SIP provisions that the Agency determined it had approved in error. See, e.g., 61 FR 38664 (July 25, 1996) and 62 FR 34641 (June 27, 1997) (corrections to American Samoa, Arizona, California, Hawaii, and Nevada SIPs); 69 FR 67062 (November 16, 2004) (corrections to California SIP); and 74 FR 57051 (November 3, 2009) (corrections to Arizona and Nevada SIPs).

[15] See, e.g., the EPA's disapproval of a SIP submission from Colorado on the grounds that it would have included a director's discretion provision inconsistent with CAA requirements, including section 110(a)(2)(A). See, e.g., 75 FR 42342 at 42344 (July 21, 2010) (proposed disapproval of director's discretion provisions); 76 FR 4540 (Jan. 26, 2011) (final disapproval of such provisions).

codified in 40 CFR part 52, subpart WW. These regulations include minor stationary source permitting, monitoring, and other basic program elements that apply to the regulation of all NAAQS, which were reviewed as part of the 1997 ozone NAAQS infrastructure certification. Other cited regulations were developed as part of previous nonattainment area strategies developed for the former 1-hour ozone nonattainment areas of Puget Sound and Vancouver, Washington. The EPA redesignated these areas to attainment on September 26, 1996 (61 FR 5438) and May 19, 1997 (62 FR 27204), respectively. These control measures kept all areas of Washington in attainment for the 1997 and 2008 ozone NAAQS revisions. Similarly, all areas of Washington are attaining the 2010 NO_2 NAAQS. The only notable revision to the Washington SIP since the EPA's last review of the 1997 ozone infrastructure certification is the EPA's approval of Chapter 173–476 WAC *Ambient Air Quality Standards,* mirroring the Federal 2008 ozone and 2010 NO_2 NAAQS (79 FR 12077, March 4, 2014). These state-wide ambient air quality standards ensure that the general minor stationary source permitting programs codified in 40 CFR part 52, subpart WW, cover all the applicable NAAQS.

EPA analysis: Washington generally regulates emissions of ozone precursors and NO_2 through its Federally-approved minor new source review (NSR) program and the PSD FIP, through a delegation agreement. On March 4, 2014, the EPA approved revisions to Chapter 173–476 WAC *Ambient Air Quality Standards,* to mirror the Federal 2008 ozone and 2010 NO_2 NAAQS (79 FR 12077, March 4, 2014). These state-wide ambient air quality standards ensure that the general minor NSR permitting program codified in 40 CFR part 52, subpart WW, covers the applicable NAAQS.

The EPA agrees that there is no compelling need for additional control measures for ozone and NO_2 beyond those already reviewed as part of the 1997 ozone infrastructure certification. Therefore, we are proposing to approve the Washington SIP as meeting the requirements of CAA section 110(a)(2)(A) for the 2008 ozone and 2010 NO_2 NAAQS.

110(a)(2)(B): Ambient Air Quality Monitoring/Data System

CAA section 110(a)(2)(B) requires SIPs to include provisions to provide for establishment and operation of ambient air quality monitors, collecting and analyzing ambient air quality data, and making these data available to the EPA upon request.

State submittal: Washington derives its general statutory authority to establish and operate ambient air quality monitors from RCW 70.94.331(5) *Powers and Duties of Department* which states, ''[t]he department is directed to conduct or cause to be conducted a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants and conduct or cause to be conducted a program to determine the quantity of emissions to the atmosphere.'' Regulatory authority is contained in the EPA-approved SIP provisions of WAC 173–400–105 *Records, Monitoring and Reporting.*

EPA analysis: Washington submitted a comprehensive air quality monitoring plan to meet the requirements of 40 CFR part 58, which the EPA approved on April 15, 1981. This air quality monitoring plan has been updated annually, with the most recent submittal dated May 2014. The EPA has not yet acted on Ecology's May 2014 air quality monitoring plan, however there are no known deficiencies related to the ozone or NO_2 monitoring network at this time. The EPA approved the previous year's air quality monitoring plan, dated May 2013, on March 10, 2014. The letter approving the plan is included in the docket for this action.

Washington's plan includes the ozone and NO_2 monitoring network, including the establishment of a near roadway monitoring site in the Seattle-Tacoma-Bellevue Metropolitan Statistical Area, in accordance with the EPA's most recent ambient monitoring requirements for NO_2 (78 FR 16184, March 14, 2013). Washington provides air quality monitoring data summaries and a map of the state air monitoring network at: *https://fortress.wa.gov/ecy/enviwa/Default.htm.* Therefore, we are proposing to approve the Washington SIP as meeting the requirements of CAA section 110(a)(2)(B) for the 2008 ozone and 2010 NO_2 NAAQS.

110(a)(2)(C): Program for Enforcement of Control Measures

CAA section 110(a)(2)(C) requires states to include a program providing for enforcement of all SIP measures and the regulation of construction of new or modified stationary sources, including a program to meet PSD and nonattainment NSR requirements.

State submittal: The Washington submittal refers to EPA-approved regulatory provisions contained in the SIP under WAC 173–400–230 *Regulatory Actions* and WAC 173–400–240 *Criminal Penalties,* as well as the enforcement-related statutory provisions of Chapter 70.94 RCW, *Washington Clean Air Act.* All of these enforcement provisions remain unchanged since the EPA's last review and approval of the Washington 1997 ozone infrastructure SIP submittal on May 24, 2012 (77 FR 30902). Washington also cites the EPA-approved minor new source review permitting program contained in the SIP under WAC 173–400–110 *New Source Review* and WAC 173–400–113 *Requirements for New Sources in Attainment or Unclassifiable Areas.* Specifically, WAC 173–400–113(3) ensures that, ''[a]llowable emissions from the proposed new source or modification will not delay the attainment date for an area not in attainment nor cause or contribute to a violation of any ambient air quality standard.'' [16] Washington also notes that any major PSD sources in attainment or unclassifiable areas would be addressed under the existing EPA FIP codified in 40 CFR 52.2497.

EPA analysis: With regard to the requirement to have a program providing for enforcement of all SIP measures, we are proposing to find that the Washington provisions cited in the submittal provide the state with authority to enforce the air quality regulations, permits, and orders promulgated pursuant to the SIP. Washington may issue emergency orders to reduce or discontinue emission of air contaminants where air emissions cause or contribute to imminent and substantial endangerment under the EPA-approved provisions of WAC 173–435 *Emergency Episode Plan.* Enforcement cases may be referred to the State Attorney General's Office for civil or criminal enforcement. Therefore, we are proposing to approve the Washington SIP as meeting the requirements of CAA section 110(a)(2)(C) related to enforcement for the 2008 ozone and 2010 NO_2 NAAQS.

To generally meet the requirements of CAA section 110(a)(2)(C) with regard to the regulation of construction of new or modified stationary sources, a state is required to have PSD, nonattainment NSR, and minor NSR permitting programs adequate to implement the 2008 ozone and 2010 NO_2 NAAQS. As

[16] On October 3, 2014, following the State's infrastructure submission, the EPA approved updates to portions of WAC 173–400, including regulations related to minor new source review (79 FR 59653). The EPA's final approval of the updates to WAC 173–400 is not effective until November 3, 2014. In the interim, the EPA notes that both the version of WAC 173–400 currently approved in the SIP (effective June 2, 1995) and the recent updates (effective November 3, 2014) provide broad, general authority to maintain and protect the NAAQS.

explained above, in the ''CAA Sections 110(a)(1) and (2) Infrastructure Elements'' discussion, we are not evaluating nonattainment related provisions in this action, such as the nonattainment NSR program required by part D, title I of the CAA, nor does Washington have any nonattainment areas for either NAAQS. With regard to the minor NSR requirement of this element, we have determined that the Washington minor NSR program adopted pursuant to section 110(a)(2)(C) of the CAA, and codified in 40 CFR part 52, subpart WW, is adequate to regulate emissions of ozone precursors and NO_2 for purposes of implementing the 2008 ozone and 2010 NO_2 NAAQS. Lastly, as previously discussed, the PSD permitting program in Washington is operated under an EPA FIP. As noted in the EPA's infrastructure guidance, when an area is already subject to a FIP for PSD permitting (whether or not a state, local, or tribal air agency has been delegated Federal authority to implement the PSD FIP), the air agency may choose to continue to rely on the PSD FIP to have permits issued pursuant to the FIP. If so, the EPA could not fully approve the infrastructure SIP submission; however, the EPA anticipates that there would be no adverse consequences to the air agency or to sources from a partial disapproval of the infrastructure SIP. Therefore, the EPA is proposing to partially disapprove Washington's SIP for those requirements of CAA section 110(a)(2)(C) related to PSD.[17]

110(a)(2)(D)(i): Interstate Transport

CAA section 110(a)(2)(D)(i) requires state SIPs to include provisions prohibiting any source or other type of emissions activity in one state from contributing significantly to nonattainment, or interfering with maintenance of the NAAQS in another state (CAA section 110(a)(2)(D)(i)(I)). Further, this section requires state SIPs to include provisions prohibiting any source or other type of emissions activity in one state from interfering with measures required to prevent significant deterioration of air quality, or from interfering with measures required to protect visibility (i.e. measures to address regional haze) in any state (CAA section 110(a)(2)(D)(i)(II)).

State submittal: Washington indicated in the submittal that the State intends to fulfill its requirements related to CAA section 110(a)(2)(D)(i)(I) in a separate submittal.

With respect to the CAA section 110(a)(2)(D)(i)(II) requirements, Washington's certification notes that a FIP is in place to address the PSD components. With respect to visibility, Washington submitted a regional haze plan in 2010, which the EPA partially approved, partially disapproved, and supplemented with a FIP (79 FR 33438, June 11, 2014).

EPA analysis: As noted above, this action does not address the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone and 2010 NO_2 NAAQS. We intend to address the requirements of CAA section 110(a)(2)(D)(i)(I) in a separate action.

The EPA believes that the CAA section 110(a)(2)(D)(i)(II) PSD sub-element is satisfied when new major sources and major modifications in Washington are subject to a SIP-approved PSD program that satisfactorily implements the NAAQS. As previously noted, a FIP is in place for the PSD program in Washington. Therefore, the EPA is proposing to disapprove the Washington SIP with respect to the CAA section 110(a)(2)(D)(i)(II) PSD sub-element. However, the EPA anticipates that there would be no adverse consequences to the air agency or to sources from this partial disapproval of the infrastructure SIP.

The EPA believes that one way the CAA section 110(a)(2)(D)(i)(II) visibility sub-element (prong 4) can be satisfied for any relevant NAAQS is through an air agency's confirmation in its infrastructure SIP submission that it has an approved regional haze SIP that fully meets the requirements of 40 CFR 51.308 or 51.309. As noted in the EPA's 2013 infrastructure guidance, ''[i]f the EPA determines the SIP to be incomplete or partially disapproves an infrastructure SIP submission for prong 4, a FIP obligation will be created. If a FIP or FIPs are already in effect that correct all regional haze SIP deficiencies, there will be no additional practical consequences from the partial disapproval for the affected air agency, the sources within its jurisdiction, or the EPA. The EPA will not be required to take further action with respect to prong 4 because the FIP already in place would satisfy the requirements with respect to prong 4. In addition, unless the infrastructure SIP submission is required in response to a SIP call under CAA section 110(k)(5), mandatory sanctions under CAA section 179 would not apply because the deficiencies are not with respect to a submission that is required under CAA title I part D. Nevertheless, the EPA continues to encourage all air agencies that may be subject to full or partial FIPs for regional haze requirements to consider adopting additional SIP provisions that would allow the EPA to fully approve the regional haze SIP and thus to withdraw the FIP and approve the infrastructure SIP with respect to prong 4.'' A partial FIP addressing NO_X, which is also an ozone precursor, is currently in place for regional haze. Therefore, the EPA is proposing to disapprove the Washington SIP with respect to the CAA section 110(a)(2)(D)(i)(II) visibility sub-element for the 2008 ozone and 2010 NO_2 NAAQS.

110(a)(2)(D)(ii) Interstate and International transport provisions: CAA section 110(a)(2)(D)(ii) requires SIPs to include provisions ensuring compliance with the applicable requirements of CAA sections 126 and 115 (relating to interstate and international pollution abatement). Specifically, CAA section 126(a) requires new or modified major sources to notify neighboring states of potential impacts from the source.

State submittal: Washington's submittal notes that the state has no pending obligations under section 115 or 126(b) of the CAA. CAA section 126(a) obligations are met through the current PSD FIP.

EPA analysis: The EPA agrees that Washington has no pending interstate or international pollution obligations under CAA sections 115 and 126(b). Because Washington does not have SIP-approved provisions addressing the requirements and instead relies on the PSD FIP to satisfy its CAA section 126(a) obligations, the EPA is proposing to partially disapprove the SIP for this element. However, as previously noted, the EPA anticipates that there would be no adverse consequences to Washington or to sources resulting from this proposed partial disapproval of the infrastructure SIP.

110(a)(2)(E): Adequate Resources

CAA section 110(a)(2)(E) requires states to provide (i) necessary assurances that the state will have adequate personnel, funding, and authority under state law to carry out the SIP (and is not prohibited by any provision of Federal or state law from carrying out the SIP or portion thereof), (ii) requires that the state comply with the requirements respecting state boards

[17] On January 27, 2014, Washington submitted PSD regulations for approval into the SIP. The EPA has not finalized our review of that submittal. The EPA's proposed disapproval of the PSD elements in this action to rely on the existing PSD FIP is not a reflection on Ecology's January 27, 2014, submittal. Instead, the EPA has determined that the existing PSD FIP currently provides protection and maintenance of the 2008 ozone and 2010 NO_2 NAAQS so there is no compelling reason to delay a proposed determination on the adequacy of Ecology's infrastructure certification.

under CAA section 128 and (iii) necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any SIP provision, the state has responsibility for ensuring adequate implementation of such SIP provision.

State submittal: Chapter 43.21A RCW *Department of Ecology* provides authority for the director to employ personnel necessary for administration of this chapter. Chapters 43.21A and 70.94 RCW provide the rule-making authority for Ecology. Ecology's Air Quality Program is funded through the following funding sources: The state general fund, section 105 of the CAA grant program, Air Operating Permit Account (permit fees from large industrial sources), and Air Pollution Control Account (permit fees for burning and annual fees for small industrial air pollution sources).

The EPA-approved provisions of the Washington SIP under WACs 173–400–220 *Requirements for Board Members* and 173–400–260 *Conflict of Interest* provide that no state board or body which approves operating permits or enforcement orders, either in the first instance or upon appeal, shall be constituted of less than a majority of members who represent the public interest and who do not derive a significant portion of their income from persons subject to operating permits. State law also provides that any potential conflicts of interest by members of such board or body or the head of any executive agency with similar powers be adequately disclosed. See RCW 34.05.425 *Administrative Procedure Act;* RCW 42.17 *Public Disclosure Act;* RCW 70.94.100 *Composition of Local Air Authorities' Board; Conflict of Interest Requirements.*

Ecology works with other organizations and agencies and may enter into agreements allowing for implementation of the air pollution controls by another agency. However, RCW 70.94.370 states that no provision of this chapter or any recommendation of the state board or of any local or regional air pollution program is a limitation on the power of a state agency in the enforcement, or administration of any provision of law which it is specifically permitted or required to enforce or administer.

EPA analysis: Regarding adequate personnel, funding and authority, the EPA believes the Washington SIP meets the requirements of this element. Washington receives CAA sections 103 and 105 grant funds from the EPA and provides state matching funds necessary to carry out SIP requirements. Regarding the state board requirements under CAA section 128, the EPA approved WAC 173–400–220 *Requirements for Board Members* and WAC 173–400–260 *Conflict of Interest* as meeting the section 128 requirements on June 2, 1995 (60 FR 28726). On May 24, 2012, the EPA approved the Washington SIP as meeting the requirements of sub-element 110(a)(2)(E)(ii) (77 FR 30902). Finally, regarding state responsibility and oversight of local and regional entities, RCW 70.94.370 provides Ecology with adequate authority to carry out oversight of SIP obligations. Therefore, the EPA is proposing to approve the Washington SIP as meeting the requirements of CAA section 110(a)(2)(E) for the 2008 ozone and 2010 NO_2 NAAQS.

110(a)(2)(F): Stationary Source Monitoring System

CAA section 110(a)(2)(F) requires (i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources, (ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and (iii) correlation of such reports by the state agency with any emission limitations or standards established pursuant to the CAA, which shall be available at reasonable times for public inspection.

State submittal: The EPA-approved version of WAC 173–400–105 *Records, Monitoring, and Reporting* currently in the Washington SIP provides the authority to monitor stationary source emissions for compliance purposes and make the information available to the public. The language of WAC 173–400–105(1) provides general authority to require emission reporting. Meanwhile, WAC 173–400–105(2) allows Ecology to require stack testing and/or ambient air monitoring, even if not required in a permit or other enforceable requirement as part of a continuous surveillance program to protect air quality.

EPA analysis: The EPA-approved regulatory provisions cited by Washington establish compliance requirements to monitor emissions, keep and report records, and collect ambient air monitoring data in accordance with CAA section 110(a)(2)(F). Additionally, Washington is required to submit emissions data to the EPA for purposes of the National Emissions Inventory (NEI). The NEI is the EPA's central repository for air emissions data. The EPA published the Air Emissions Reporting Rule (AERR) on December 5, 2008, which modified the requirements for collecting and reporting air emissions data (73 FR 76539). All states are required to submit a comprehensive emissions inventory every three years and report emissions for certain larger sources annually through the EPA's online Emissions Inventory System. States report emissions data for the six criteria pollutants and their associated precursors—nitrogen oxides, sulfur dioxide, ammonia, lead, carbon monoxide, particulate matter, and volatile organic compounds. The EPA compiles the emissions data, supplementing it where necessary, and releases it to the general public through the Web site *http://www.epa.gov/ttn/chief/eiinformation.html.*

Based on the analysis above, we are proposing to approve the Washington SIP as meeting the requirements of CAA section 110(a)(2)(F) for the 2008 ozone and 2010 NO_2 NAAQS.

110(a)(2)(G): Emergency Episodes

CAA section 110(a)(2)(G) requires states to provide for authority to address activities causing imminent and substantial endangerment to public health, including adequate contingency plans to implement the emergency episode provisions in their SIPs.

State submittal: Ecology cited the EPA-approved Washington SIP provisions of WAC 173–435 *Emergency Episode Plan,* which are consistent with the EPA's regulations contained in 40 CFR part 51, subpart H (51.150–51.153) reviewed as part of the EPA's approval of the 1997 ozone NAAQS infrastructure certification on May 24, 2012 (77 FR 30902).

EPA analysis: Section 303 of the CAA provides authority to the EPA Administrator to restrain any source from causing or contributing to emissions which present an ''imminent and substantial endangerment to public health or welfare, or the environment.'' We find that the EPA-approved Washington SIP at WAC 173–435–050 *Action Procedures* provides Washington with comparable authority. Specifically, WAC 173–435–050(6) states, ''[r]egardless of whether any episode stages have previously been declared, whenever the governor finds that emissions are causing imminent danger to public health or safety, the governor may declare an air pollution emergency and order the persons responsible for the operation of sources causing the danger, to reduce or discontinue emissions consistent with good operating practice, safe operating procedures, and SERPs [source emission reduction plans], if any.'' Further, WAC

173–435–050(5) requires, ''[t]he broadest publicity practicable shall be given to the declaration of any episode stage. Such declaration shall, as soon as possible, be directly communicated to all persons responsible for the carrying out of SERPs within the affected area.'' Washington's regulations discussed above, which were approved by the EPA into the SIP on January 15, 1993, continue to be consistent with the requirements of 40 CFR 51.151 (58 FR 4578). Accordingly, we are proposing to approve the Washington SIP as meeting the requirements of CAA section 110(a)(2)(G) for the 2008 ozone and 2010 NO_2 NAAQS.

110(a)(2)(H): Future SIP Revisions

CAA section 110(a)(2)(H) requires that SIPs provide for revision of such plan (i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and (ii), except as provided in paragraph 110(a)(3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the SIP is substantially inadequate to attain the NAAQS which it implements, or to otherwise comply with any additional requirements under the CAA.

State submittal: Washington's submittal referred to RCW 70.94, which gives Ecology the authority to promulgate rules and regulations to maintain and protect Washington's air quality and to comply with Federal requirements, including revisions of NAAQS, SIPs, and responding to EPA findings.

EPA analysis: RCW 70.94.510 specifically requires Ecology to cooperate with the Federal government in order to ensure the coordination of the provisions of the Federal Clean Air Act and the Washington Clean Air Act. In practice, Ecology regularly submits revisions to the EPA to revise the SIP. The EPA recently approved revisions to the Washington SIP on October 3, 2013 (78 FR 61188) (Thurston County Second 10-Year PM_{10} Limited Maintenance Plan), September 17, 2013 (78 FR 57073) (Puget Sound Clean Air Agency Regulatory Updates), and May 29, 2013 (78 FR 32131) (Tacoma-Pierce County Nonattainment Area). Accordingly, we are proposing to approve the Washington SIP as meeting the requirements of CAA section 110(a)(2)(H) for the 2008 ozone and 2010 NO_2 NAAQS.

110(a)(2)(I): Nonattainment Area Plan Revision Under Part D

There are two elements identified in CAA section 110(a)(2) not governed by the three-year submission deadline of CAA section 110(a)(1) because SIPs incorporating necessary local nonattainment area controls are not due within three years after promulgation of a new or revised NAAQS, but are rather due at the time of the nonattainment area plan requirements pursuant to section 172 and the various pollutant specific subparts 2–5 of part D. These elements are: (i) Submissions required by CAA section 110(a)(2)(C) to the extent that subsection refers to a permit program as required in part D, title I of the CAA, and (ii) submissions required by section 110(a)(2)(I) which pertain to the nonattainment planning requirements of part D, title I of the CAA. As a result, this action does not address infrastructure elements related to CAA section 110(a)(2)(C) with respect to nonattainment NSR or CAA section 110(a)(2)(I).

110(a)(2)(J): Consultation With Government Officials

CAA section 110(a)(2)(J) requires states to provide a process for consultation with local governments and Federal land managers carrying out NAAQS implementation requirements pursuant to section 121. CAA section 110(a)(2)(J) further requires states to notify the public if NAAQS are exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances. Lastly, CAA section 110(a)(2)(J) requires states to meet applicable requirements of part C, title I of the CAA related to prevention of significant deterioration and visibility protection.

State submittal: Ecology's submittal cited the following regulatory provisions contained in the Washington SIP to meet CAA section 110(a)(2)(J) obligations: WAC 173–435–050 *Action Procedures,* WAC 173–400–151 *Retrofit Requirements for Visibility,* and WAC 173–400–171 *Public Involvement.* Washington also cited the following statutory authorities: RCW 34.05 *Administrative Procedures Act,* RCW 42.30 *Open Public Meetings,* RCW 70.94.141 *Consultation,* and RCW 70.94.240 *Air Pollution Control Advisory Council.* In addition to these SIP measures, Ecology uses the Washington Air Quality Advisory (WAQA) tool for informing the public about the levels and health effects of air pollution. The public can access up-to-date WAQA information on-line at *https://fortress.wa.gov/ecy/enviwa/Default.htm.*

EPA analysis: Under the EPA-approved provisions of WAC 173–400–171 *Public Involvement,* Ecology routinely coordinates with local governments, states, Federal land managers and other stakeholders on air quality issues and provides notice to appropriate agencies related to permitting actions. Washington regularly participates in regional planning processes including the Western Regional Air Partnership, which is a voluntary partnership of states, tribes, Federal land managers, local air agencies and the EPA, whose purpose is to understand current and evolving regional air quality issues in the West. Therefore the EPA is proposing to approve the Washington SIP as meeting the requirements of CAA Section 110(a)(2)(J) for consultation with government officials.

Section 110(a)(2)(J) also requires the public be notified if NAAQS are exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances. Washington actively participates and submits information to the EPA's AIRNOW program which provides information to the public on the air quality in their locale. In addition, Washington provides the state's annual network monitoring plan, annual air quality monitoring data summaries, specific warnings and advice to those persons who may be most susceptible, and a map of the state air monitoring network to the public on their Web site (*http://www.ecy.wa.gov/programs/air/airhome.html*). Therefore, we are proposing to find that the Washington SIP meets the requirements of CAA section 110(a)(2)(J) for public notification.

Turning to the requirement in CAA section 110(a)(2)(J) that the SIP meet the applicable requirements of part C of title I of the CAA, we have evaluated this requirement in the context of CAA section 110(a)(2)(C) with respect to PSD permitting. As discussed previously, PSD in Washington is operated under a FIP. We are proposing to disapprove the Washington SIP for the requirements of CAA 110(a)(2)(J) with regard to PSD. Instead, the state and the EPA will continue to rely on the existing PSD FIP.

With regard to the applicable requirements for visibility protection, the EPA recognizes that states are subject to visibility and regional haze program requirements under part C of the CAA. In the event of the establishment of a new NAAQS, however, the visibility and regional haze program requirements under part C

do not change. Thus we find that there is no new applicable requirement relating to visibility triggered under CAA section 110(a)(2)(J) when a new NAAQS becomes effective.

Based on the above analysis, we are proposing to approve the Washington SIP as meeting the requirements of CAA section 110(a)(2)(J) for the 2008 ozone and 2010 NO_2 NAAQS, except for those elements related to PSD which we are proposing to partially disapprove.

110(a)(2)(K): Air Quality and Modeling/Data

CAA section 110(a)(2)(K) requires that SIPs provide for (i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and (ii) the submission, upon request, of data related to such air quality modeling to the Administrator.

State submittal: The Washington submittal states that air quality modeling is conducted during development of revisions to the SIP, as appropriate to demonstrate attainment with required air quality standards. Modeling is also addressed in the permitting process (see discussion at CAA section 110(a)(2)(C)). Estimates of ambient concentrations are based on air quality models, data bases and other requirements specified in 40 CFR part 51, Appendix W (Guidelines on Air Quality Models) and are routinely used by Washington. Exceptions to using Appendix W are handled under the provisions of 40 CFR 51.166 (Prevention of significant deterioration of air quality) which requires written approval from the EPA and an opportunity for public comment.

EPA analysis: As noted in Ecology's submittal, Washington models estimates of ambient concentrations based on 40 CFR part 51, Appendix W (Guidelines on Air Quality Models) for both permitting and SIP development. Any change or substitution from models specified in 40 CFR part 51, Appendix W is subject to notice and opportunity for public comment. Modeling was used for development of maintenance plans and redesignation to attainment requests for the former 1-hour ozone nonattainment areas of Puget Sound and Vancouver, approved by the EPA on September 26, 1996 (61 FR 50438) and May 19, 1997 (62 FR 27204), respectively. More recently, modeling was used to develop control measures for the Tacoma-Pierce County fine particulate matter nonattainment area, although the area came into attainment before a formal SIP submission was required (78 FR 32131, May 29, 2013). Based on the foregoing, we are proposing to approve Washington's SIP as meeting the requirements of CAA Section 110(a)(2)(K) for the 2008 ozone and 2010 NO_2 NAAQS.

110(a)(2)(L): Permitting Fees

CAA section 110(a)(2)(L) requires SIPs to require each major stationary source to pay permitting fees sufficient to cover the reasonable cost of reviewing, acting upon, implementing and enforcing a permit.

State submittal: The submittal stated that Washington derives its authority to collect fees for new source review and title V sources from RCW 70.94.151, RCW 70.94.152, and RCW 70.94.162. The EPA reviewed Washington's fee provisions and fully approved the title V program on August 13, 2001 (66 FR 42439), with a revision approved on January 2, 2003 (67 FR 71479). With respect to the new source review fee requirements, the State's submittal noted that there are no nonattainment areas for ozone or NO_2 in Washington. Therefore, all major stationary sources subject to new source review would be covered under the PSD FIP.

EPA analysis: As noted in the State's submittal, the EPA approved the Washington title V permitting program on August 13, 2001, with an effective date of September 12, 2001 (66 FR 42439). Meanwhile, Washington does not have a SIP-approved PSD permitting program and, therefore, is not required to have PSD permitting fees in its SIP. As discussed earlier in this notice, PSD permitting in Washington takes place by means of a FIP. Therefore, we are proposing to conclude that Washington has satisfied its current obligations under CAA section 110(a)(2)(L) for the 2008 ozone and 2010 NO_2 NAAQS by virtue of the EPA's prior approval of Washington's title V permitting program.

110(a)(2)(M): Consultation/Participation by Affected Local Entities

CAA section 110(a)(2)(M) requires states to provide for consultation and participation in SIP development by local political subdivisions affected by the SIP.

State submittal: Washington cites the following regulations and statutes as pertinent to this infrastructure SIP requirement: WAC 173–400–171 *Public Involvement,* RCW 34.05 *Administrative Procedure Act,* RCW 42.30 *Open Public Meetings Act,* and RCW 70.94.240 *Air Pollution Control Advisory Council.*

EPA analysis: As discussed in the preamble relating to CAA section 110(a)(2)(J), Ecology routinely coordinates with local governments and other stakeholders on air quality issues. The public involvement regulations cited in Washington's submittal were previously approved into Washington's Federally-approved SIP on June 2, 1995 (60 FR 28726). Therefore, the EPA is proposing to find that Washington's SIP meets the requirements of CAA Section 110(a)(2)(M) for the 2008 ozone and 2010 NO_2 NAAQS.

VI. Proposed Action

The EPA is proposing to partially approve and partially disapprove the September 22, 2014, submittal from Washington to demonstrate that the SIP meets the requirements of sections 110(a)(1) and (2) of the CAA for the 2008 ozone and 2010 NO_2 NAAQS. Specifically, we are proposing to find that the current EPA-approved Washington SIP meets the following CAA section 110(a)(2) infrastructure elements: (A), (B), (C)—except for those elements covered by the PSD FIP, (D)(i)(II)—except for those elements covered by the PSD and regional haze FIPs, (D)(ii)—except for those elements covered by the PSD FIP, (E), (F), (G), (H), (J)—except for those elements covered by the PSD FIP, (K), (L), and (M). As previously noted, the EPA anticipates that there would be no adverse consequences to Washington or to sources in the state resulting from this proposed partial disapproval of the infrastructure SIP with respect to the PSD and regional haze FIPs. The EPA, likewise, anticipates no additional FIP responsibilities for PSD and regional haze as a result of this proposed partial disapproval. Interstate transport requirements with respect to CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone and 2010 NO_2 NAAQS will be addressed in a separate action.

VII. Statutory and Executive Order Reviews

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

• Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);

• does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

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

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

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

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

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

• is not subject to the requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because this action does not involve technical standards; and

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

The SIP is not approved to apply on any Indian reservation land in Washington except as specifically noted below and is also not approved to apply in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law. Washington's SIP is approved to apply on non-trust land within the exterior boundaries of the Puyallup Indian Reservation, also known as the 1873 Survey Area. Under the *Puyallup Tribe of Indians Settlement Act of 1989,* 25 U.S.C. 1773, Congress explicitly provided state and local agencies in Washington authority over activities on non-trust lands within the 1873 Survey Area. Consistent with EPA policy, the EPA nonetheless provided a consultation opportunity to the Puyallup Tribe in a letter dated September 3, 2013. The EPA did not receive a request for consultation.

List of Subjects in 40 CFR Part 52

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

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

Dated: October 8, 2014.

Dennis J. McLerran,

Regional Administrator, Region 10.

[FR Doc. 2014–24742 Filed 10–16–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R03–OAR–2014–0525; FRL–9917–83–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Harrisburg-Lebanon-Carlisle-York Nonattainment Areas to Attainment for the 1997 Annual and the 2006 24-Hour Fine Particulate Matter Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the Commonwealth of Pennsylvania's requests to redesignate to attainment the Harrisburg-Lebanon-Carlisle-York nonattainment areas (hereafter ''the Areas'') for the 1997 annual and 2006 24-hour fine particulate matter ($PM_{2.5}$) national ambient air quality standard (NAAQS). This proposed approval is contingent upon the United States Court of Appeals for the District of Columbia (D.C. Circuit Court) granting EPA's motion to lift the stay of the Cross State Air Pollution Rule (CSAPR) that the D.C. Circuit Court issued on December 30, 2011. EPA is proposing to find that the attainment of the Areas is in part due to the emissions reductions resulting from the Clean Air Interstate Rule (CAIR) in Pennsylvania and in the states upwind of Pennsylvania. Thus, if the D.C. Circuit Court lifts the stay of CSAPR and grants EPA's motion to begin implementation of CSAPR on January 1, 2015, those emission reductions originally required under CAIR will be made permanent and enforceable through the implementation of CSAPR. In addition to the redesignation requests, EPA is also proposing to determine that the Areas continue to attain the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS. Furthermore, EPA is proposing to approve as revisions to the Pennsylvania State Implementation Plan (SIP), the associated maintenance plans to show maintenance of the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS through 2025 for the Areas. The maintenance plans include the 2017 and 2025 $PM_{2.5}$ and nitrogen oxides (NO_X) mobile vehicle emissions budgets (MVEBs) for the Areas for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS which EPA is proposing to approve for transportation conformity purposes. EPA is also initiating the process to determine if these budgets are adequate for transportation conformity purposes. In addition, EPA is proposing to approve as revisions to the Pennsylvania SIP, the 2007 base year emissions inventory for the Areas for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS. EPA's proposed approvals of the maintenance plans and MVEBs for the Areas are also contingent upon the lifting of the CSAPR stay by the D.C. Circuit Court.

DATES: Written comments must be received on or before November 17, 2014.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2014–0525 by one of the following methods:

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

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

C. *Mail:* EPA–R03–OAR–2014–0525, Cristina Fernandez, Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

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

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2014–0525. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you

consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

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

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 814–2182, or by email at *quinto.rose@epa.gov*.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background
II. EPA's Requirements
A. Criteria for Redesignation to Attainment
B. Requirements of a Maintenance Plan
III. Summary of Proposed Actions
IV. Effects of Recent Court Decisions on Proposed Actions
A. Effects of EME Homer City Decision
B. Effect of the January 4, 2013 D.C. Circuit Court Decision Regarding the $PM_{2.5}$ Implementation Under Subpart 4 of Part D of Title I of the CAA
V. EPA's Analysis of Pennsylvania's SIP Submittals
A. Redesignation Requests
B. Maintenance Plans
C. Transportation Conformity
VI. Proposed Actions
VII. Statutory and Executive Order Reviews

I. Background

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

On January 5, 2005 (70 FR 944, 1014), EPA published air quality area designations for the 1997 $PM_{2.5}$ NAAQS. In that rulemaking action, EPA designated the Harrisburg-Lebanon-Carlisle (Harrisburg) and York Areas as nonattainment for the 1997 annual $PM_{2.5}$ NAAQS. The Harrisburg Area is comprised of Cumberland, Dauphin and Lebanon Counties; and the York Area is comprised of York County in Pennsylvania. *See* 40 CFR 81.339.

On October 17, 2006 (71 FR 61144), EPA retained the annual average standard at 15 μg/m³, but revised the 24-hour standard to 35 μg/m³ based again on the three-year average of the 98th percentile of the 24-hour concentrations (the 2006 24-hour $PM_{2.5}$ standard). On November 13, 2009 (74 FR 58688), EPA published designations for the 2006 24-hour $PM_{2.5}$ standard, which became effective on December 14, 2009. In that rulemaking action, EPA designated the Harrisburg-Lebanon-Carlisle-York (Harrisburg-York) Area as nonattainment for the 2006 24-hour $PM_{2.5}$ NAAQS. *See* 40 CFR 81.339.

Today's proposed rulemaking actions address the redesignations to attainment for the 1997 annual $PM_{2.5}$ NAAQS for the Harrisburg and York Areas, and the 2006 24-hour $PM_{2.5}$ standards for the Harrisburg-York Area.

On August 25, 2008 (73 FR 49949) and on September 25, 2009 (74 FR 48863), EPA determined that the Harrisburg and the York Areas, respectively, had clean data and monitored attainment for the 1997 annual $PM_{2.5}$ NAAQS. On March 29, 2012 (77 FR 18922), EPA determined that the Harrisburg-York Area had clean data and monitored attainment for the 2006 24-hour $PM_{2.5}$ NAAQS. Pursuant to 40 CFR 51.1004(c) and based on these determinations, the requirements for the Areas to submit attainment demonstrations and associated reasonably available control measures (RACM), reasonable further progress (RFP) plans, contingency measures, and other planning SIP revisions related to the attainment of the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS are suspended until such time as: The Area is redesignated to attainment for the standard, at which time the section 51.1004(c) requirements no longer apply; or EPA determines that the Area has again violated the standard, at which time such plans are required to be submitted. On July 29, 2011 (76 FR 45424), EPA also determined that the Harrisburg and York Areas had attained the 1997 annual $PM_{2.5}$ NAAQS by the applicable attainment date of April 5, 2010. EPA's review of the most recent certified monitoring data for the Areas show that the Areas continue to attain the standard.

On April 22, 2014, the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection (PADEP), formally submitted requests to redesignate the Harrisburg and York Areas from nonattainment to attainment for the 1997 annual $PM_{2.5}$ NAAQS. PADEP also formally submitted on April 22, 2014, a request to redesignate the Harrisburg-York Area from nonattainment to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS. Concurrently, PADEP submitted maintenance plans for the Areas as SIP revisions to ensure continued attainment throughout the Areas over the next 10 years. The maintenance plans include the 2017 and 2025 $PM_{2.5}$ and NO_X MVEBs for the Areas for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS which EPA is proposing to approve for transportation conformity purposes. PADEP also submitted a 2007 comprehensive emissions inventory for the 1997 annual and the 2006 $PM_{2.5}$ NAAQS for $PM_{2.5}$, NO_X, sulfur dioxide (SO_2), volatile organic compounds (VOCs), and ammonia (NH_3). EPA is proposing to approve as SIP revisions the maintenance plans for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS. EPA is also proposing to approve as SIP revisions the 2007 emissions inventory for both standards to meet the emissions inventory requirement of section 172(c)(3) of the CAA. EPA's proposed approvals are contingent upon the D.C. Circuit Court granting EPA's motion to lift the stay of CSAPR.

II. EPA's Requirements

A. Criteria for Redesignation to Attainment

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

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

B. Requirements of a Maintenance Plan

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

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

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

The maintenance plans for the Cumberland, Dauphin, Lebanon, and York Counties in Pennsylvania, includes the 2017 and 2025 $PM_{2.5}$ and NO_X MVEBs for transportation conformity purposes. The transportation conformity determinations for the Areas are further discussed in Section V.C. of today's proposed rulemaking actions and technical support documents (TSDs) dated September 3, 2014, available on line at *www.regulations.gov,* Docket ID No. EPA–OAR–R03–2014–0525.

III. Summary of Proposed Actions

EPA is proposing to take several rulemaking actions related to the redesignations of the Areas to attainment for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS. Provided that the D.C. Circuit Court grants EPA's motion to lift the December 30, 2011 stay of CSAPR and tolls CSAPR's compliance deadlines in order to begin Phase 1 of CSAPR on January 1, 2015, EPA is proposing to find that the Areas meet the requirements for redesignation for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS under section 107(d)(3)(E) of the CAA. EPA is thus proposing to approve Pennsylvania's requests to change the legal definition for the Harrisburg and York Areas from nonattainment to attainment for the 1997 annual $PM_{2.5}$ NAAQS, and the Harrisburg-York Area for the 2006 24-hour $PM_{2.5}$ NAAQS.

EPA is also proposing to approve the associated maintenance plans for the Areas as revisions to the Pennsylvania SIP for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS, including the 2017 and 2025 $PM_{2.5}$ and NO_X MVEBs for the Areas. The approval of the maintenance plans is one of the CAA criteria for redesignation of the Areas to attainment for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS. Pennsylvania's maintenance plans are designed to ensure continued attainment in the Areas for 10 years after redesignation for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS.

EPA previously determined that the Harrisburg and York Areas have attained the 1997 annual $PM_{2.5}$ NAAQS. Therefore, EPA is proposing to find that the Harrisburg and York Areas continue to attain the 1997 annual $PM_{2.5}$ NAAQS. *See* 76 FR 45424, July 29, 2011. EPA also previously determined that the Harrisburg-York Area had clean data showing monitored attainment for the 2006 24-hour $PM_{2.5}$ NAAQS. *See* 77 FR 18922, March 29, 2012. Therefore, EPA is proposing to find that the Harrisburg-York Area continues to attain the 2006 24-hour $PM_{2.5}$ NAAQS. EPA is also proposing to approve the 2007 comprehensive emissions inventory that includes $PM_{2.5}$, SO_2, NO_X, VOC, and NH_3 for the Areas as revisions to the Pennsylvania SIP for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS in order to meet the requirements of section 172(c)(3) of the CAA. EPA's analysis of the proposed actions is provided in Section V. of today's proposed rulemaking action.

EPA's proposed rulemaking actions are contingent upon the D.C. Circuit Court granting EPA's motion to lift the stay of CSAPR. If the D.C. Circuit Court does not lift the stay of CSAPR, EPA will reevaluate the basis for approval of these proposed redesignations and repropose actions if necessary before issuing the final rule.

IV. Effects of Recent Court Decisions on Proposed Actions

A. Effects of EME Homer City Decision

1. Background

In 2008, the D.C. Circuit Court initially vacated CAIR, *North Carolina* v. *EPA,* 531 F.3d 896 (D.C. Cir. 2008), but ultimately remanded the rule to EPA without vacatur to preserve the environmental benefits provided by CAIR, *North Carolina* v. *EPA,* 550 F.3d 1176, 1178 (D.C. Cir. 2008). On August 8, 2011 (76 FR 48208), acting on the D.C. Circuit Court's remand, EPA promulgated CSAPR, to address interstate transport of emissions and resulting secondary air pollutants and to replace CAIR.[1] CSAPR requires substantial reductions of SO_2 and NO_X emissions from electric generating units (EGUs) in 28 states in the Eastern United States. Implementation of CSAPR was scheduled to begin on January 1, 2012, when CSAPR's cap-and-trade programs would have superseded the CAIR cap-and-trade programs. Numerous parties filed petitions for review of CSAPR, and on December 30, 2011, the D.C. Circuit Court issued an order staying CSAPR pending resolution of the petitions and directing EPA to continue to administer CAIR. *EME Homer City Generation, L.P.* v. *EPA,* No. 11–1302 (D.C. Cir. Dec. 30, 2011), Order at 2.

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

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

2. Proposal on This Issue

EPA promulgated CAIR on May 12, 2005 (70 FR 25162), creating regional cap-and-trade programs to reduce SO_2 and NO_X emissions. CAIR applies to 27 eastern states, including Pennsylvania, and the District of Columbia. EPA approved Pennsylvania's SIP on December 10, 2009 (74 FR 65446) that addressed the requirements of CAIR for the purpose of reducing SO_2 and NO_X emissions and Pennsylvania's SIP redesignation requests list CAIR as a control measure. CAIR was thus in place and getting emission reductions in Pennsylvania and in states upwind of Pennsylvania when the Areas began monitoring attainment of the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS. The quality-assured, certified monitoring data used to demonstrate attainment of the Harrisburg and York Areas for the 1997 annual $PM_{2.5}$ NAAQS by the April 5, 2010 attainment deadline was impacted by CAIR. The Harrisburg-York Area that has monitored attainment of the 2006 24-hour $PM_{2.5}$ NAAQS was also impacted by CAIR.

Under the tolled compliance deadline schedule proposed by EPA in its motion to lift the CSAPR stay, CAIR would sunset at the end of 2014 and be replaced by CSAPR beginning January 1, 2015. Provided that the stay is lifted and EPA's tolled compliance deadlines are put in place, the emission reductions associated with CAIR that helped the Areas achieve attainment of the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS would be permanent and enforceable for purposes of redesignation under section 107(d)(3)(E)(iii) of the CAA, because CSAPR requires similar or greater emission reductions from relevant upwind areas starting in 2015 and beyond.

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

1. Background

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

Prior to the January 4, 2013 decision, the states had worked towards meeting the air quality goals of the 1997 and 2006 $PM_{2.5}$ NAAQS in accordance with EPA regulations and guidance derived from subpart 1 of Part D of Title I of the CAA. In response to the D.C. Circuit Court's remand, EPA took this history into account by setting a new deadline for any remaining submissions that may be required for moderate nonattainment areas as a result of the D.C. Circuit Court's decision regarding the applicability of subpart 4 of Part D of Title I of the CAA.

On June 2, 2014 (79 FR 31566), EPA issued a final rule, ''Identification of Nonattainment Classification and Deadlines for Submission of SIP Provisions for the 1997 and 2006 $PM_{2.5}$ NAAQS'' (the $PM_{2.5}$ Subpart 4 Classification and Deadline Rule), which identifies the classification under subpart 4 for areas currently designated nonattainment for the 1997 annual and/or 2006 24-hour $PM_{2.5}$ standards. The final rule sets a deadline for states to submit attainment plans and meet other subpart 4 requirements. The final rules specifies December 31, 2014 as the deadline for states to submit any additional attainment-related SIP elements that may be needed to meet the applicable requirements of subpart 4 for areas currently designated nonattainment for the 1997 $PM_{2.5}$ and/or 2006 $PM_{2.5}$ NAAQS and to submit SIPs addressing the nonattainment new source review (NSR) requirements in subpart 4.

Therefore, as explained in detail in the following section, any additional attainment-related SIP elements that may be needed for the Areas to meet the applicable requirements of subpart 4

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

were not due at the time Pennsylvania submitted its redesignation requests for the Areas. Pennsylvania submitted its requests for redesignation for the Harrisburg and York Areas for the 1997 $PM_{2.5}$ NAAQS and the Harrisburg-York Areas for the 2006 24-hour $PM_{2.5}$ NAAQS on April 22, 2014.

2. Proposal on This Issue

In this proposed rulemaking action, EPA addresses the effect of the D.C. Circuit Court's January 4, 2013 decision ruling and the June 2, 2014 $PM_{2.5}$ Subpart 4 Classification and Deadline Rule on the Areas redesignation requests. EPA is proposing to determine that the D.C. Circuit Court's January 4, 2013 decision does not prevent EPA from redesignating the Areas to attainment for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS. Even in light of the D.C. Circuit Court's decision, redesignation for these Areas is appropriate under the CAA and EPA's longstanding interpretations of the CAA's provisions regarding redesignation. EPA first explains its longstanding interpretation that requirements that are imposed, or that become due, after a complete redesignation request is submitted for an area that is attaining the standard, are not applicable for purposes of evaluating a redesignation request. Second, EPA then shows that, even if EPA applies the subpart 4 requirements to the redesignation requests of the Areas and disregards the provisions of its 1997 $PM_{2.5}$ Implementation Rule recently remanded by the D.C. Circuit Court, Pennsylvania's request for redesignation of the Areas still qualifies for approval. EPA's discussion takes into account the effect of the D.C. Circuit Court's ruling and the June 2, 2014 $PM_{2.5}$ Subpart 4 Classification and Deadline Rule on the maintenance plans of the Areas, which EPA views as approvable when subpart 4 requirements are considered.

a. Applicable Requirements Under Subpart 4 for Purposes of Evaluating the Redesignation Requests of the Areas

With respect to the 1997 $PM_{2.5}$ Implementation Rule, the D.C. Circuit Court's January 4, 2013 ruling rejected EPA's reasons for implementing the $PM_{2.5}$ NAAQS solely in accordance with the provisions of subpart 1, and remanded that matter to EPA, so that it could address implementation of the 1997 annual $PM_{2.5}$ NAAQS under subpart 4 of Part D of the CAA, in addition to subpart 1. For the purposes of evaluating Pennsylvania's redesignation requests for the Areas, to the extent that implementation under subpart 4 would impose additional requirements for areas designated nonattainment, EPA believes that those requirements are not ''applicable'' for the purposes of section 107(d)(3)(E) of the CAA, and thus EPA is not required to consider subpart 4 requirements with respect to the redesignation of the Areas. Under its longstanding interpretation of the CAA, EPA has interpreted section 107(d)(3)(E) to mean, as a threshold matter, that the part D provisions which are ''applicable'' and which must be approved in order for EPA to redesignate an area include only those which came due prior to a state's submittal of a complete redesignation request. *See* 1992 Calcagni Memorandum. *See also* ''SIP Requirements for Areas Submitting Requests for Redesignation to Attainment of the Ozone and Carbon Monoxide (CO) NAAQS on or after November 15, 1992,'' Memorandum from Michael Shapiro, Acting Assistant Administrator, Air and Radiation, September 17, 1993 (Shapiro memorandum); Final Redesignation of Detroit-Ann Arbor, (60 FR 12459, 12465–66, March 7, 1995); Final Redesignation of St. Louis, Missouri, (68 FR 25418, 25424–27, May 12, 2003); *Sierra Club* v. *EPA,* 375 F.3d 537, 541 (7th Cir. 2004) (upholding EPA's redesignation rulemaking applying this interpretation and expressly rejecting Sierra Club's view that the meaning of ''applicable'' under the statute is ''whatever should have been in the plan at the time of attainment rather than whatever actually was in the plan and already implemented or due at the time of attainment'').[2] In this case, at the time that Pennsylvania submitted its redesignation requests for the 1997 and the 2006 24-hour $PM_{2.5}$ NAAQS, the requirements under subpart 4 were not due.

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

EPA's interpretation derives from the provisions of section 107(d)(3) of the CAA. Section 107(d)(3)(E)(v) states that, for an area to be redesignated, a state must meet ''all requirements 'applicable' to the area under section 110 and part D.'' Section 107(d)(3)(E)(ii) provides that EPA must have fully approved the ''applicable'' SIP for the area seeking redesignation. These two sections read together support EPA's interpretation of ''applicable'' as only those requirements that came due prior to submission of a complete redesignation request.

First, holding states to an ongoing obligation to adopt new CAA requirements that arose after the state submitted its redesignation request, in order to be redesignated, would make it problematic or impossible for EPA to act on redesignation requests in accordance with the 18-month deadline Congress set for EPA action in section 107(d)(3)(D). If ''applicable requirements'' were interpreted to be a continuing flow of requirements with no reasonable limitation, states, after submitting a redesignation request, would be forced continuously to make additional SIP submissions that in turn would require EPA to undertake further notice-and-comment rulemaking actions to act on those submissions. This would create a regime of unceasing rulemaking that would delay action on the redesignation request beyond the 18-month timeframe provided by the CAA for this purpose.

Second, a fundamental premise for redesignating a nonattainment area to attainment is that the area has attained the relevant NAAQS due to emission reductions from existing controls. Thus, an area for which a redesignation

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

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

In the context of this redesignation, the timing and nature of the D.C. Circuit Court's January 4, 2013 decision in *NRDC* v. *EPA* and EPA's June 2, 2014 $PM_{2.5}$ Subpart 4 Classification and Deadline Rule, compound the consequences of imposing requirements that come due after the redesignation request is submitted. Pennsylvania submitted its redesignation requests for the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS on April 22, 2014 for the Areas, which is prior to the deadline by which the Areas are required to meet the attainment plan and other requirements pursuant to subpart 4.

To require Pennsylvania's fully-completed and pending redesignation requests for the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS to comply now with requirements of subpart 4 that the D.C. Circuit Court announced only in January 2013 and for which the deadline to comply has not yet come, would be to give retroactive effect to such requirements and provide Pennsylvania a unique and earlier deadline for compliance solely on the basis of submitting its redesignation requests for the Areas. The D.C. Circuit Court recognized the inequity of this type of retroactive impact in *Sierra Club* v. *Whitman,* 285 F.3d 63 (D.C. Cir. 2002),[3] where it upheld the D.C. Circuit Court's ruling refusing to make retroactive EPA's determination that the Areas did not meet their attainment deadlines. In that case, petitioners urged the D.C. Circuit Court to make EPA's nonattainment determination effective as of the date that the statute required, rather than the later date on which EPA actually made the determination. The D.C. Circuit Court rejected this view, stating that applying it ''would likely impose large costs on States, which would face fines and suits for not implementing air pollution prevention plans . . . even though they were not on notice at the time.'' *Id.* at 68. Similarly, it would be unreasonable to penalize Pennsylvania by rejecting its redesignation requests for areas that are already attaining the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS and that met all applicable requirements known to be in effect at the time of the requests. For EPA now to reject the redesignation requests solely because Pennsylvania did not expressly address subpart 4 requirements which have not yet come due and for which it had little to no notice, would inflict the same unfairness condemned by the D.C. Circuit Court in *Sierra Club* v. *Whitman.*

b. Subpart 4 Requirements and Pennsylvania's Redesignation Requests

Even if EPA were to take the view that the D.C. Circuit Court's January 4, 2013 decision requires that, in the context of pending redesignations for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS, subpart 4 requirements were due and in effect at the time Pennsylvania submitted its redesignation requests, EPA proposes to determine that the Areas still qualify for redesignation to attainment for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS. As explained subsequently, EPA believes that the redesignation request for the Areas, though not expressed in terms of subpart 4 requirements, substantively meet the requirements of that subpart for purposes of redesignating the Areas to attainment for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS.

With respect to evaluating the relevant substantive requirements of subpart 4 for purposes of redesignating the Areas, EPA notes that subpart 4 incorporates components of subpart 1 of part D, which contains general air quality planning requirements for areas designated as nonattainment. *See* section 172(c). Subpart 4 itself contains specific planning and scheduling requirements for coarse particulate matter (PM_{10})[4] nonattainment areas, and under the D.C. Circuit Court's January 4, 2013 decision in *NRDC* v. *EPA,* these same statutory requirements also apply for $PM_{2.5}$ nonattainment areas. EPA has longstanding general guidance that interprets the 1990 amendments to the CAA, making recommendations to states for meeting the statutory requirements for SIPs for nonattainment areas. *See,* the General Preamble. In the General Preamble, EPA discussed the relationship of subpart 1 and subpart 4 SIP requirements, and pointed out that subpart 1 requirements were to an extent ''subsumed by, or integrally related to, the more specific PM_{10} requirements'' (57 FR 13538, April 16, 1992). The subpart 1 requirements include, among other things, provisions for attainment demonstrations, RACM, RFP, emissions inventories, and contingency measures.

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

The permit requirements of subpart 4, as contained in section 189(a)(1)(A), refer to and apply the subpart 1 permit provisions requirements of sections 172 and 173 to PM_{10}, without adding to them. Consequently, EPA believes that section 189(a)(1)(A) does not itself impose for redesignation purposes any additional requirements for moderate areas beyond those contained in subpart

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

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

1.[5] In any event, in the context of redesignation, EPA has long relied on the interpretation that a fully approved nonattainment NSR program is not considered an applicable requirement for redesignation, provided the area can maintain the standard with a prevention of significant deterioration (PSD) program after redesignation. A detailed rationale for this view is described in a memorandum from Mary Nichols, Assistant Administrator for Air and Radiation, dated October 14, 1994, entitled, ''Part D NSR Requirements for Areas Requesting Redesignation to Attainment.'' *See also* rulemakings for Detroit, Michigan (60 FR 12467–12468, March 7, 1995); Cleveland-Akron-Lorain, Ohio (61 FR 20458, 20469–20470, May 7, 1996); Louisville, Kentucky (66 FR 53665, October 23, 2001); and Grand Rapids, Michigan (61 FR 31834–31837, June 21, 1996).

With respect to the specific attainment planning requirements under subpart 4,[6] when EPA evaluates a redesignation request under either subpart 1 or 4, any area that is attaining the $PM_{2.5}$ NAAQS is viewed as having satisfied the attainment planning requirements for these subparts. For redesignations, EPA has for many years interpreted attainment-linked requirements as not applicable for areas attaining the standard. In the General Preamble, EPA stated that: ''The requirements for RFP will not apply in evaluating a request for redesignation to attainment since, at a minimum, the air quality data for the area must show that the area has already attained. Showing that the State will make RFP towards attainment will, therefore, have no meaning at that point.''

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

It is evident that even if we were to consider the D.C. Circuit Court's January 4, 2013 decision in *NRDC* v. *EPA* to mean that attainment-related requirements specific to subpart 4 should be imposed retroactively[7] or prior to December 31, 2014 and thus, were due prior to Pennsylvania's redesignation requests, those requirements do not apply to areas that are attaining the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS, for the purpose of evaluating pending requests to redesignate the areas to attainment. EPA has consistently enunciated this interpretation of applicable requirements under section 107(d)(3)(E) since the General Preamble was published more than twenty years ago. Courts have recognized the scope of EPA's authority to interpret ''applicable requirements'' in the redesignation context. *See Sierra Club* v. *EPA,* 375 F.3d 537 (7th Cir. 2004).

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

Elsewhere in this document, EPA determined that the Areas have attained and continue to attain the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS. Under its longstanding interpretation, EPA is proposing to determine here that the Areas meet the attainment-related plan requirements of subparts 1 and 4 for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS. Thus, EPA is proposing to conclude that the requirements to submit an attainment demonstration under 189(a)(1)(B), a RACM determination under section 172(c)(1) and section 189(a)(1)(c), a RFP demonstration under 189(c)(1), and contingency measure requirements under section 172(c)(9) are satisfied for purposes of evaluating these redesignation requests.

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

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

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

The D.C. Circuit Court in its January 4, 2013 decision made reference to both section 189(e) and 40 CFR 51.1002, and stated that, ''In light of our disposition, we need not address the petitioners' challenge to the presumptions in [40 CFR 51.1002] that VOCs and NH_3 are

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

[6] EPA refers to attainment demonstration, RFP, RACM, milestone requirements, and contingency measures.

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

not $PM_{2.5}$ precursors, as subpart 4 expressly governs precursor presumptions.'' *NRDC* v. *EPA,* at 27, n.10.

Elsewhere in the D.C. Circuit Court's opinion, however, the D.C. Circuit Court observed: ''NH_3 is a precursor to fine particulate matter, making it a precursor to both $PM_{2.5}$ and PM_{10}. For a PM_{10} nonattainment area governed by subpart 4, a precursor is presumptively regulated. *See* 42 U.S.C. 7513a(e) [section 189(e)].'' *Id.* at 21, n.7.

For a number of reasons, EPA believes that its proposed redesignation of the Areas for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS are consistent with the D.C. Circuit Court's decision on this aspect of subpart 4. While the D.C. Circuit Court, citing section 189(e), stated that ''for a PM_{10} area governed by subpart 4, a precursor is 'presumptively' regulated,'' the D.C. Circuit Court expressly declined to decide the specific challenge to EPA's 1997 $PM_{2.5}$ Implementation Rule provisions regarding NH_3 and VOC as precursors. The D.C. Circuit Court had no occasion to reach whether and how it was substantively necessary to regulate any specific precursor in a particular $PM_{2.5}$ nonattainment area, and did not address what might be necessary for purposes of acting upon a redesignation request.

However, even if EPA takes the view that the requirements of subpart 4 were deemed applicable at the time the state submitted the redesignation request, and disregards the 1997 $PM_{2.5}$ Implementation Rule's rebuttable presumptions regarding NH_3 and VOC as $PM_{2.5}$ precursors, the regulatory consequence would be to consider the need for regulation of all precursors from any sources in the Areas to demonstrate attainment and to apply the section 189(e) provisions to major stationary sources of precursors. In the case of the Areas, EPA believes that doing so is consistent with proposing redesignation of the Areas for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS. The Areas have attained the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS without any specific additional controls of NH_3 and VOC emissions from any sources in the Areas.

Precursors in subpart 4 are specifically regulated under the provisions of section 189(e), which requires, with important exceptions, control requirements for major stationary sources of PM_{10} precursors.[8] Under subpart 1 and EPA's prior implementation rule, all major stationary sources of $PM_{2.5}$ precursors were subject to regulation, with the exception of NH_3 and VOC. Thus EPA must address here whether additional controls of NH_3 and VOC from major stationary sources are required under section 189(e) of subpart 4 in order to redesignate the Areas for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS. As explained subsequently, EPA does not believe that any additional controls of NH_3 and VOC are required in the context of these redesignations.

In the General Preamble, EPA discusses its approach to implementing section 189(e). *See* 57 FR 13538–13542. With regard to precursor regulation under section 189(e), the General Preamble explicitly stated that control of VOC under other CAA requirements may suffice to relieve a state from the need to adopt precursor controls under section 189(e). *See* 57 FR 13542. EPA in this rulemaking action, proposes to determine that the Pennsylvania SIP revisions have met the provisions of section 189(e) with respect to NH_3 and VOC as precursors. These proposed determinations are based on EPA's findings that: (1) The Areas contain no major stationary sources of NH_3, and (2) existing major stationary sources of VOC are adequately controlled under other provisions of the CAA regulating the ozone NAAQS.[9] In the alternative, EPA proposes to determine that, under the express exception provisions of section 189(e), and in the context of the redesignation of the Areas, which are attaining the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS, at present NH_3 and VOC precursors from major stationary sources do not contribute significantly to levels exceeding the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS in the Areas. *See* 57 FR 13539–42.

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

Although, as EPA has emphasized, its consideration here of precursor requirements under subpart 4 is in the context of a redesignation to attainment, EPA's existing interpretation of subpart 4 requirements with respect to precursors in attainment plans for PM_{10} contemplates that states may develop attainment plans that regulate only those precursors that are necessary for purposes of attainment in the area in question, i.e., states may determine that only certain precursors need be regulated for attainment and control purposes.[10] Courts have upheld this approach to the requirements of subpart 4 for PM_{10}.[11] EPA believes that application of this approach to $PM_{2.5}$ precursors under subpart 4 is reasonable. Because the Areas have already attained the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS with its current approach to regulation of $PM_{2.5}$ precursors, EPA believes that it is reasonable to conclude in the context of these redesignations that there is no need to revisit the attainment control strategy with respect to the treatment of precursors. Even if the D.C. Circuit Court's decision is construed to impose an obligation, in evaluating these redesignation requests, to consider additional precursors under subpart 4, it would not affect EPA's approval here of Pennsylvania's requests for redesignation of the Areas for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS. In the context of a redesignation, the Areas have shown that they have attained the standards. Moreover, Pennsylvania has shown and EPA has proposed to determine that

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

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

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

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

attainment of the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS in these Areas are due to permanent and enforceable emissions reductions on all precursors necessary to provide for continued attainment of the standards. *See* Section V.A.3 of this rulemaking notice. It follows logically that no further control of additional precursors is necessary. Accordingly, EPA does not view the January 4, 2013 decision of the D.C. Circuit Court as precluding redesignation of the Areas to attainment for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS at this time.

In summary, even if, prior to the date of the redesignation request submittal, Pennsylvania was required to address precursors for the Areas under subpart 4 rather than under subpart 1, as interpreted in EPA's remanded 1997 $PM_{2.5}$ Implementation Rule, EPA would still conclude that the Areas had met all applicable requirements for purposes of redesignation in accordance with section 107(d)(3(E)(ii) and (v) of the CAA.

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

EPA is proposing, contingent upon the D.C. Circuit Court's lifting of the stay of CSAPR, several rulemaking actions for the Harrisburg-Lebanon-Carlisle-York nonattainment areas: (1) To redesignate the Harrisburg and York Areas to attainment for the 1997 annual $PM_{2.5}$ NAAQS, and to redesignate the Harrisburg-York Area to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS; (2) to approve into the Pennsylvania SIP, the associated maintenance plans for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS; and (3) to approve the 2007 comprehensive emissions inventory into the Pennsylvania SIP to satisfy section 172(c)(3) of the CAA requirement for the Areas, one of the criteria for redesignation. EPA's proposed approvals of the redesignation requests and maintenance plans for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS are based upon EPA's determination that the Areas continue to attain the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS, which EPA is proposing in this rulemaking action, and that all other redesignation criteria have been met for the Areas. In addition, EPA is proposing to approve the 2017 and 2025 MVEBs for Cumberland, Dauphin, Lebanon and York Counties, Pennsylvania for transportation conformity purposes. The following is a description of how the Pennsylvania April 22, 2014 submittals satisfy the requirements of section 107(d)(3)(E) of the CAA for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS.

A. Redesignation Requests

1. Attainment

As noted previously, in the final rulemaking action dated July 29, 2011 (76 FR 45424), EPA determined that the Harrisburg and York nonattainment areas had attained the 1997 annual $PM_{2.5}$ NAAQS by its applicable attainment date. EPA based this determination of attainment upon complete, quality-assured and certified ambient air quality monitoring data for the period of 2007–2009 showing that the Areas had attained the 1997 annual $PM_{2.5}$ NAAQS. Further discussion of pertinent air quality issues underlying this determination was provided in the July 29, 2011 final rulemaking action for EPA's determination of attainment for these Areas.

Also noted previously, in the final rulemaking action dated March 29, 2012 (77 FR 18922), EPA determined that the Harrisburg-York Area had clean data for the 2006 24-hour $PM_{2.5}$ NAAQS. EPA based this determination upon complete, quality assured, quality controlled, and certified ambient air monitoring data showing that the Area has monitored attainment of the 2006 24-hour $PM_{2.5}$ NAAQS based on the 2008–2010 data in EPA's Air Quality System (AQS) database.

EPA has reviewed the ambient air quality $PM_{2.5}$ monitoring data in the Areas consistent with the requirements contained at 40 CFR part 50, and recorded in EPA's AQS database. To support the previous determination of attainment of the Areas, EPA has also reviewed more recent data in its AQS database, including certified, quality-assured data for the period from 2008–2010, 2009–2011, 2010–2012 and 2011–2013. These data, shown in Tables 1, 2, and 3 show that the Areas continue to attain the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS. In addition, as discussed subsequently with respect to the maintenance plans, PADEP has committed to continue monitoring ambient $PM_{2.5}$ concentrations in accordance with 40 CFR part 58. Thus, EPA is proposing to determine that the Areas continue to attain the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS, contingent upon the DC Circuit Court's lifting the stay of CSAPR.

TABLE 1—DESIGN VALUES FOR THE HARRISBURG AREA FOR THE 1997 ANNUAL $PM_{2.5}$ NAAQS ($\mu G/M^3$) FOR 2008–2010, 2009–2011, 2010–2012, AND 2011–2013 (15 $\mu G/M^3$)

Monitor ID #	2008–2010	2009–2011	2010–2012	2011–2013
Cumberland 42–041–0101	11.6	11.0	11.0	11.0
Dauphin 42–043–0401	12.4	12.1	11.9	11.9

TABLE 2—DESIGN VALUES FOR THE YORK AREA FOR THE 1997 ANNUAL $PM_{2.5}$ NAAQS ($\mu G/M^3$) FOR 2008–2010, 2009–2011, 2010–2012, AND 2011–2013 (15 $\mu G/M^3$)

Monitor ID #	2008–2010	2009–2011	2010–2012	2011–2013
Hill Street 42–133–0008	12.2	11.5	11.7	11.3

TABLE 3—DESIGN VALUES FOR THE HARRISBURG/YORK AREA FOR THE 2006 24-HOUR $PM_{2.5}$ NAAQS ($\mu G/M^3$) FOR 2008–2010, 2009–2011, 2010–2012, AND 2011–2013 (35 $\mu G/M^3$)

Monitor ID #	2008–2010	2009–2011	2010–2012	2011–2013
Cumberland 42–041–0101	32	31	30	32
Dauphin 42–043–0401	33	32	31	31
York 42–133–0008	30	28	29	29

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

In accordance with section 107(d)(3)(E)(v) of the CAA, the SIP revisions for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS for the Areas must be fully approved under section 110(k) of the CAA and all the requirements applicable to the Areas under section 110 of the CAA (general SIP requirements) and part D of Title I of the CAA (SIP requirements for nonattainment areas) must be met.

a. Section 110 General SIP Requirements

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

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

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

EPA has reviewed the Pennsylvania SIP and has concluded that it meets the general SIP requirements under section 110(a)(2) of the CAA to the extent they are applicable for purposes of redesignation. EPA has previously approved provisions of Pennsylvania's SIP addressing section 110(a)(2) requirements, including provisions addressing $PM_{2.5}$. *See* 77 FR 58955 (September 25, 2012). These requirements are, however, statewide requirements that are not linked to the $PM_{2.5}$ nonattainment status of the Areas. Therefore, EPA believes that these SIP elements are not applicable requirements for purposes of review of Pennsylvania's $PM_{2.5}$ redesignation requests.

b. Subpart 1 Requirements

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

As noted previously, EPA has determined that the Areas have attained the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS. Pursuant to 40 CFR 51.2004(c), the requirement for Pennsylvania to submit, for the Areas, attainment demonstrations and associated RACM, RFP plans, contingency measures, and other planning SIPs related to the attainment of the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS are suspended until the Areas are redesignated to attainment for the standards, or EPA determines that the Areas again violated the standards, at which time such plans are required to be submitted. Since attainment had been reached for the Areas for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS and the Areas continue to attain the standards, no additional measures are needed to provide for attainment. Therefore, the requirements of sections 172(c)(1), 172(c)(2), 172(c)(6), and 172(c)(9) of the CAA are no longer considered to be applicable for purposes of redesignation of the Areas for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS.

The requirement under section 172(c)(3) was not suspended by EPA's clean data determination for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS and is the only remaining requirement under section 172 of the CAA to be considered for purposes of redesignation of the Areas.

Section 172(c)(3) of the CAA requires submission and approval of a comprehensive, accurate and current inventory of actual emissions. As part of Pennsylvania's redesignation request submittals, Pennsylvania submitted a 2007 base year emissions inventory for the Areas for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS which includes emissions estimates that cover the general source categories of point sources, nonroad mobile sources, area sources and on-road mobile sources. The pollutants that comprise the inventory are NO_X, VOC, $PM_{2.5}$, NH_3, and SO_2.

In this rulemaking action, EPA is proposing to approve the 2007 base year emissions inventory in accordance with section 172(c)(3) of the CAA for the Areas. Final approval of the 2007 base year emissions inventory will satisfy the emissions inventory requirement under section 172(c)(3) of the CAA. For more information on the evaluation and EPA's analysis of the 2007 base year emissions inventory, *see* Appendices B and C of Pennsylvania's submittals and the emissions inventory technical support documents (TSDs) dated August 13, 2014 available on line at *www.regulations.gov,* Docket ID No. EPA–OAR–R03–2014–0525. The summaries of the 2007 base year emissions inventory in tons per year (tpy) are shown in Tables 4, 5, and 6.

TABLE 4—HARRISBURG AREA 2007 EMISSIONS BY SOURCE SECTOR

Sector	PM_{10}	$PM_{2.5}$	NO_X	SO_2	NH_3	VOC
Point	1,260	584	4,786	1,808	17	840
Area	8,944	3,059	2,194	3,216	6,935	8,768
Nonroad	369	346	4,443	188	4	4,489
Onroad	1,013	866	25,194	175	347	8,220
Total	11,586	4,855	36,617	5,388	7,302	22,317

TABLE 5—YORK AREA 2007 EMISSIONS BY SOURCE SECTOR

Sector	PM_{10}	$PM_{2.5}$	NO_X	SO_2	NH_3	VOC
Point	3,556	2,462	22,164	115,901	80	1,320
Area	8,093	2,394	1,680	1,684	3,316	5,956
Nonroad	214	202	2,660	135	2	1,833
Onroad	430	358	10,684	78	161	4,810
Total	12,292	5,417	37,189	117,798	3,559	13,920

TABLE 6—HARRISBURG-YORK AREA 2007 EMISSIONS BY SOURCE SECTOR

Sector	PM_{10}	$PM_{2.5}$	NO_X	SO_2	NH_3	VOC
Point	4,815	3,046	26,950	117,709	96	2,160
Area	17,037	5,452	3,874	4,900	10,250	14,724
Nonroad	582	548	7,104	323	6	6,322
Onroad	1,443	1,225	35,878	254	509	13,030
Total	23,878	10,271	73,806	123,185	10,861	36,236

Section 172(c)(4) of the CAA requires the identification and quantification of allowable emissions for major new and modified stationary sources in an area, and section 172(c)(5) of the CAA requires source permits for the construction and operation of new and modified major stationary sources anywhere in the nonattainment area. EPA has determined that, since the PSD requirements will apply after redesignation, areas being redesignated need not comply with the requirement that a nonattainment NSR program be approved prior to redesignation, provided that the area demonstrates maintenance of the NAAQS without part D NSR. A more detailed rationale for this view is described in a memorandum from Mary Nichols, Assistant Administrator for Air and Radiation, dated October 14, 1994 entitled, ''Part D NSR Requirements for Areas Requesting Redesignation to Attainment.'' Nevertheless, Pennsylvania currently has an approved NSR program, codified in the State's regulation at 25 Pa. Code 127.201. *See* 77 FR 41276 (July 13, 2012) (approving NSR program into the SIP). *See also* 49 FR 33127 (August 21, 1984) (approving Pennsylvania's PSD program). However, Pennsylvania's PSD program for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS will become effective in the Areas upon redesignation to attainment. *See* 49 FR 33128 (August 21, 1984) (approving PSD program into the SIP).

Section 172(c)(7) of the CAA requires the SIP to meet the applicable provisions of section 110(a)(2) of the CAA. As noted previously, EPA believes the Pennsylvania SIP revisions meet the requirements of section 110(a)(2) of the CAA that are applicable for purposes of redesignation.

Section 175A of the CAA requires a state seeking redesignation to attainment to submit a SIP revision to provide for the maintenance of the NAAQS in the area ''for at least 10 years after the redesignation.'' In conjunction with its request to redesignate the Area to attainment status, Pennsylvania submitted SIP revisions to provide for maintenance of the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS in the Areas for at least 10 years after redesignation, through 2025. Pennsylvania is requesting that EPA approve these SIP revisions as meeting the requirement of section 175A of the CAA. Once approved, the maintenance plans for the Areas will ensure that the SIPs for Pennsylvania meet the requirements of the CAA regarding maintenance of the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS for the Areas. EPA's analysis of the maintenance plan is provided in Section V.B. of today's proposed rulemaking action.

Section 176(c) of the CAA requires states to establish criteria and procedures to ensure that Federally supported or funded projects conform to the air quality planning goals in the applicable SIP. The requirement to determine conformity applies to transportation plans, programs, and projects developed, funded or approved under Title 23 of the United States Code (U.S.C.) and the Federal Transit Act

(transportation conformity) as well as to all other Federally supported or funded projects (general conformity). State transportation conformity SIP revisions must be consistent with Federal conformity regulations relating to consultation, enforcement and enforceability which EPA promulgated pursuant to its authority under the CAA. EPA approved Pennsylvania's transportation conformity SIP requirements on April 29, 2009 (74 FR 19541).

Thus, for purposes of redesignating the Areas to attainment for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS, EPA determines that upon final approval of the 2007 comprehensive emissions inventory as proposed in this rulemaking action, the Areas will meet all applicable SIP requirements under part D of Title I of the CAA for purposes of redesignating the Areas to attainment for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS.

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

Upon final approval of the 2007 comprehensive emissions inventory proposed in this rulemaking action, EPA will have fully SIP-approved all applicable requirements of the Pennsylvania SIP revisions for the Areas for purposes of redesignaton to attainment for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS in accordance with section 110(k) of the CAA. As noted in this rulemaking action, EPA is proposing to approve the Areas' 2007 emissions inventory (submitted as part of the maintenance plans) as meeting the requirement of section 172(c)(3) of the CAA for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS. Therefore, upon approval of the 2007 emissions inventory, EPA will have satisfied all applicable requirements under part D of Title I of the CAA for the Areas.

3. Permanent and Enforceable Reductions in Emissions

As required by section 107(d)(3)(E)(iii) of the CAA, EPA is proposing to determine that Pennsylvania has demonstrated that the air quality improvement in the Areas is due to permanent and enforceable reductions in emissions resulting from implementation of the SIP and applicable Federal air pollution control regulations and other permanent and enforceable reductions.[12] In making this demonstration, Pennsylvania has calculated the change in emissions between 2002 for the Harrisburg Area and 2005 for the York and Harrisburg-York Areas, which are years used to designate the Areas as nonattainment, and 2007, which is one of the years the Areas monitored attainment, as shown in Tables 7, 8, and 9. The reduction in emissions in tons per year, and the corresponding improvement in air quality from 2002 and 2005 to 2007 in the Areas can be attributed to a number of regulatory control measures that have been implemented in the Areas and contributing areas in recent years. For more information on EPA's analysis of the 2002, 2005, and 2007 emissions inventories, see EPA's emissions inventory TSDs dated August 13, 2014, available in the docket for this proposed rulemaking action at *www.regulations.gov.* Docket ID No. EPA–OAR–RO3–2014–0525.

TABLE 7—EMISSION REDUCTIONS FROM 2002 BASE YEAR TO 2007 ATTAINMENT YEAR IN THE HARRISBURG AREA

	Sector	2002	2007	Reductions
$PM_{2.5}$	Stationary Point	490	584	−94
	Area	3,935	3,059	876
	Highway Vehicle	1,053	866	187
	Nonroad	377	346	31
	Total	5,855	4,855	1,000
NO_X	Stationary Point	6,048	4,786	1,262
	Area	2,126	2,194	−68
	Highway Vehicle	33,823	25,194	8,630
	Nonroad	5,247	4,443	804
	Total	47,244	36,617	10,627
SO_2	Stationary Point	1,875	1,808	67
	Area	2,983	3,216	−232
	Highway Vehicle	694	175	518
	Nonroad	414	188	226
	Total	5,967	5,388	579
VOC	Stationary Point	1,082	840	242
	Area	10,633	8,768	1,866
	Highway Vehicle	9,940	8,220	1,720
	Nonroad	5,120	4,489	631
	Total	26,776	22,317	4,459
NH_3	Stationary Point	11	17	−6
	Area	7,415	6,935	480
	Highway Vehicle	390	347	43
	Nonroad	3	4	−1

[12] It should be noted that the mobile source controls discussed in this section also provide reductions in VOC and/or SO_2 emissions. While those emissions may be reduced, the submitted maintenance plan and redesignation request do not rely on these emission reductions.

TABLE 7—EMISSION REDUCTIONS FROM 2002 BASE YEAR TO 2007 ATTAINMENT YEAR IN THE HARRISBURG AREA—Continued

	Sector	2002	2007	Reductions
	Total	7,819	7,302	516

TABLE 8—EMISSION REDUCTIONS FROM 2005 BASE YEAR TO 2007 ATTAINMENT YEAR IN THE YORK AREA

	Sector	2005	2007	Reductions
$PM_{2.5}$	Stationary Point	4,804	2,462	2,342
	Area	3,254	2,394	860
	Highway Vehicle	131	358	−227
	Nonroad	221	202	18
	Total	8,409	5,417	2,992
NO_X	Stationary Point	14,054	22,164	−8,110
	Area	9,618	1,680	7,938
	Highway Vehicle	7,073	10,684	−3,612
	Nonroad	2,953	2,660	292
	Total	33,697	37,189	−3,492
SO_2	Stationary Point	104,616	115,901	−11,285
	Area	13,937	1,684	12,253
	Highway Vehicle	170	78	91
	Nonroad	272	135	137
	Total	118,995	117,798	1,198
VOC	Stationary Point	2	1,320	−1,318
	Area	11,148	5,956	5,192
	Highway Vehicle	4,849	4,810	39
	Nonroad	1,975	1,833	142
	Total	17,974	13,920	4,054
NH_3	Stationary Point	1	80	−79
	Area	3,583	3,316	267
	Highway Vehicle	335	161	174
	Nonroad	2	2	0
	Total	3,921	3,559	362

TABLE 9—EMISSION REDUCTIONS FROM 2005 BASE YEAR TO 2007 ATTAINMENT YEAR IN THE HARRISBURG-YORK AREA

	Sector	2005	2007	Reductions
$PM_{2.5}$	Stationary Point	4,823	3,046	1,777
	Area	7,089	5,452	1,637
	Highway Vehicle	476	1,225	−749
	Nonroad	619	548	71
	Total	13,008	10,271	2,737
NO_X	Stationary Point	14,169	26,950	−12,781
	Area	17,333	3,874	13,459
	Highway Vehicle	24,547	35,878	−11,331
	Nonroad	8,869	7,104	1,765
	Total	64,918	73,806	−8,888
SO_2	Stationary Point	104,640	117,709	−13,069
	Area	18,443	4,900	13,543
	Highway Vehicle	590	254	336
	Nonroad	787	323	464
	Total	124,459	123,185	1,274
VOC	Stationary Point	11	2,160	−2,149
	Area	23,688	14,724	8,964

TABLE 9—EMISSION REDUCTIONS FROM 2005 BASE YEAR TO 2007 ATTAINMENT YEAR IN THE HARRISBURG-YORK AREA—Continued

	Sector	2005	2007	Reductions
	Highway Vehicle	15,072	13,030	2,042
	Nonroad	6,801	6,322	479
	Total	45,571	36,236	9,335
NH_3	Stationary Point	1	96	−95
	Area	11,054	10,250	804
	Highway Vehicle	1,056	509	547
	Nonroad	6	6	0
	Total	12,116	10,861	1,255

a. Federal Measures Implemented

Reductions in $PM_{2.5}$ precursor emissions have occurred statewide and in upwind states as a result of Federal emission control measures, with additional emission reductions expected to occur in the future.

Control of NO_X and SO_2

$PM_{2.5}$ concentrations in the York and Harrisburg Areas are impacted by the transport of sulfates and nitrates, and the Areas' air quality is strongly affected by regulation of SO_2 and NO_X emissions from power plants.

NO_X SIP Call—On October 27, 1998 (63 FR 57356), EPA issued the NO_X SIP Call requiring the District of Columbia and 22 states to reduce emissions of NO_X, a precursor to ozone pollution.[13] Affected states were required to comply with Phase I of the SIP Call beginning in 2004 and Phase II beginning in 2007. Emission reductions resulting from regulations developed in response to the NO_X SIP Call are permanent and enforceable. By imposing an emissions cap regionally, the NO_X SIP Call reduced NO_X emissions from large EGUs and large non-EGUs such as industrial boilers, internal combustion engines, and cement kilns. In response to the NO_X SIP Call, Pennsylvania adopted its NO_X Budget Trading Program regulations for EGUs and large industrial boilers, with emission reductions starting in May 2003. Pennsylvania's NO_X Budget Trading Program regulation was approved into the Pennsylvania SIP on August 21, 2001 (66 FR 43795). To meet other requirements of the NO_X SIP Call, Pennsylvania adopted NO_X control regulations for cement plants and internal combustion engines, with emission reductions starting in May 2005. These regulations were approved into the Pennsylvania SIP on September 29, 2006 (71 FR 57428).

CAIR—As previously noted, CAIR (70 FR 25162, May 12, 2005) created regional cap-and-trade programs to reduce SO_2 and NO_X emissions in 27 eastern states, including Pennsylvania. EPA approved the Commonwealth's CAIR regulation, codified in 25 Pa. Code Chapter 145, Subchapter D, into the Pennsylvania SIP on December 10, 2009 (74 FR 65446). In 2009, the CAIR ozone season NO_X trading program superseded the NO_X Budget Trading Program, although the emission reduction obligations of the NO_X SIP Call were not rescinded. *See* 40 CFR 51.121(r) and 51.123(aa). Data collected from EPA's long-term national air quality and deposition monitoring networks show that these regional cap-and-trade programs have been effective in reducing emissions of SO_2 and NO_X nationwide.[14]

Under the NO_X SIP Call and CAIR, SO_2 and NO_X emissions from EGUs were significantly reduced statewide and in states upwind of the Harrisburg and York areas. Table 10 shows statewide EGU emissions data for 2002 and 2007 for the states that were determined to contribute significantly to air quality in the Harrisburg and York Areas for the 1997 annual $PM_{2.5}$ NAAQS. *See* Air Quality Modeling Final Rule Technical Support Document included in the docket for this proposed rulemaking action. Table 10 also shows the level of emissions in the contributing states for 2013, the latest year for which annual data is available, which shows the continuing decline of SO_2 and NO_X emissions in these states.

TABLE 10—COMPARISON OF 2002, 2007, AND 2013 NO_X AND SO_2 EMISSIONS FROM EGUS FOR STATES THAT CONTRIBUTE TO THE HARRISBURG AND YORK AREAS

State	NO_X (tpy)				SO_2 (tpy)			
	2002	2007	2013	Reductions 2002–2007	2002	2007	2013	Reductions 2002–2007
District of Columbia[15]	556	250	96	306	1,087	319	.....	768
Illinois	172,354	123,105	55,386	49,249	353,228	272,571	135,866	80,657
Indiana	281,146	198,501	103,120	82,645	778,868	714,529	268,217	64,339
Kentucky	198,599	174,932	84,964	23,665	482,653	380,314	188,115	102,339
Maryland	76,056	54,553	14,554	21,503	254,008	272,879	25,118	18,871
Michigan	132,623	108,198	65,728	24,425	342,997	338,014	194,396	4,983
North Carolina	145,706	64,770	49,059	89,936	462,993	370,827	48,154	92,166
New Jersey	33,149	17,059	5,713	16,090	48,269	34,189	2,433	14,080
New York	84,885	58,569	24,150	26,316	231,973	107,211	17,797	124,762

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

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

TABLE 10—COMPARISON OF 2002, 2007, AND 2013 NO_X AND SO_2 EMISSIONS FROM EGUS FOR STATES THAT CONTRIBUTE TO THE HARRISBURG AND YORK AREAS—Continued

State	NO_X (tpy)				SO_2 (tpy)			
	2002	2007	2013	Reductions 2002–2007	2002	2007	2013	Reductions 2002–2007
Ohio	370,497	240,722	86,399	129,775	1,132,069	954,646	282,007	177,423
Virginia	78,868	60,302	28,315	18,566	230,846	172,685	38,778	58,161
West Virginia	225,371	153,514	60,111	71,857	507,110	371,996	86,201	135,114
Total	1,799,808	1,254,475	577,595	554,027	4,826,101	3,990,180	1,287,082	835,921

Source: EPA's Air Markets Program Data (AMPD). AMPD query results are included in the docket for this proposed rulemaking action.

Table 10 shows that states impacting the York and Harrisburg Areas reduced NO_X and SO_2 emissions from EGUs by 554,027 tons and 835,921 tons, respectively, between 2002 and 2007. EPA has therefore determined that the significant reductions in NO_X and SO_2 from upwind states and in Pennsylvania required under the NO_X SIP Call and CAIR have contributed to the air quality attainment in the Harrisburg and York areas. In addition, the NO_X and SO_2 emissions from these states further declined by 676,880 tons and 2,703,098 tons, respectively, from 2007 to 2013.

Tier 2 Emission Standards for Vehicles and Gasoline Sulfur Standards

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

Heavy-Duty Diesel Engine Rule

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

Nonroad Diesel Rule

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

Nonroad Large Spark-Ignition Engine and Recreational Engine Standards

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

Federal Standards for Hazardous Air Pollutants

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

b. State Measures

Heavy-Duty Diesel Emissions Control Program

In 2002, Pennsylvania adopted the Heavy-Duty Diesel Emissions Control Program for model years starting in May 2004. The program incorporates California standards by reference and required model year 2005 and beyond heavy-duty diesel highway engines to be certified to the California standards, which were more stringent than the Federal standards for model years 2005

[15] The District of Columbia and Maryland were considered together in the contribution analysis.

and 2006. After model year 2006, Pennsylvania required implementation of the Federal standards that applied to model years 2007 and beyond, discussed in the Federal measures section of this proposed rulemaking action. This program reduced emissions of NO_X statewide.

Vehicle Emission Inspection/ Maintenance (I/M) Program

Pennsylvania's Vehicle Emission I/M program was expanded into the Harrisburg, York and Harrisburg-York Areas in early 2004, and applies to model year 1975 and newer gasoline-powered vehicles that are 9,000 pounds and under. The program, approved into the Pennsylvania SIP on October 6, 2005 (70 FR 58313), consists of annual on-board diagnostics and gas cap test for model year 1996 vehicles and newer, and an annual visual inspection of pollution control devices and gas cap test for model year 1995 vehicles and older. This program reduces emissions of NO_X from affected vehicles.

Consumer Products Regulation

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

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

B. Maintenance Plans

On April 22, 2014, PADEP submitted maintenance plans for the Harrisburg and York Areas for the 1997 annual $PM_{2.5}$ NAAQS, and a maintenance plan for the Harrisburg-York Area for the 2006 24-hour $PM_{2.5}$ NAAQS as required by section 175A of the CAA. EPA's analysis for proposing approval of the maintenance plans is provided in this section.

1. Attainment Emissions Inventory

Section 172(c)(3) requires states to submit a comprehensive, accurate, current inventory of actual emissions from all sources in the nonattainment area. For a maintenance plan, states are required to submit an inventory to identify the level of emissions in the area which is sufficient to attain the NAAQS, referred to as the attainment inventory (or the maintenance plan base year inventory), and which should be based on actual emissions. PADEP submitted an attainment inventory for 2007, which is one of the years in the period during which the Harrisburg and York Areas monitored attainment of the 1997 annual $PM_{2.5}$ NAAQS and Harrisburg-York Area monitored attainment of the 2006 24-hour $PM_{2.5}$ NAAQS. The inventory for 2007 is comprised of NO_X, $PM_{2.5}$, SO_2, VOC, and NH_3 emissions from point sources, nonpoint sources, onroad mobile sources, and nonroad mobile sources.

The 2007 point source inventory contained emissions for EGU and non-EGU sources in Cumberland, Dauphin, Lebanon, and York Counties that were directly reported by the facilities. Since the reported emissions did not include condensable emissions, the EGU inventory was augmented to account for condensable by application of emission factors developed by the Mid-Atlantic Regional Air Management Association (MARAMA) in 2008. The nonpoint source emissions inventory for 2007 was developed using 2007 specific activity data along with EPA emission factors and the most recent available emission calculation methodologies. PADEP used the 2008 National Emissions Inventory (NEI) data to fill in any missing categories in the 2007 inventory. For the 2007 nonroad mobile sources, PADEP generated emissions using EPA's National Mobile Inventory Model (NMIM) 2008 model. Since marine, air and rail/locomotive (MAR) emissions are not part of the NONROAD model, they were calculated separately outside of the NONROAD model. The 2007 onroad mobile source inventory was developed using EPA's highway mobile source emissions model MOVES2010. PADEP used local activity to replace default inputs in the model where appropriate.

EPA has reviewed the documentation provided by PADEP and found the 2007 emissions inventory acceptable for meeting the requirements under section 172(c)(3). For more information on the emissions inventory submitted by PADEP for the Areas and EPA's analysis of the emissions inventory, see Appendices B and C of the Pennsylvania submittals and the emissions inventory TSDs dated August 13, 2014, available on line at *www.regulations.gov,* Docket ID No. EPA–OAR–R03–2014–0525.

2. Maintenance Demonstration

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

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

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

Non-EGUs previously covered under the NO_X SIP Call

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

NO_X ozone season emissions cap of 3,418 tons applies for all of these units.

CSAPR (August 8, 2011, 76 FR 48208)

If the CSAPR stay is lifted as requested by EPA, the implementation of CSAPR will preserve the reductions achieved by CAIR.

Regulation of Cement Kilns

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

Stationary Source Regulations

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

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

Pennsylvania's Clean Vehicle Program

The Pennsylvania Clean Vehicles Program (formerly, New Motor Vehicle Control Program) incorporates by reference the California Low Emission Vehicle program (CA LEVII), although it allowed automakers to comply with the NLEV program as an alternative to this program until Model Year (MY) 2006. The Clean Vehicles Program, codified in 25 Pa. Code Chapter 126, Subchapter D, was modified to require CA LEVII to apply to MY 2008 and beyond, and was approved into the Pennsylvania SIP on January 24, 2012 (77 FR 3386). The Clean Vehicles Program incorporates by reference the emission control standards of CA LEVII, which, among other requirements, reduces emissions of NO_X by requiring that passenger car emission standards and fleet average emission standards also apply to light duty vehicles. Model year 2008 and newer passenger cars and light duty trucks are required to be certified for emissions by the California Air Resource Board (CARB), in order to be sold, leased, offered for sale or lease, imported, delivered, purchased, rented, acquired, received, titled or registered in Pennsylvania. In addition, manufacturers are required to demonstrate that the California fleet average standard is met based on the number of new light-duty vehicles delivered for sale in the Commonwealth. The Commonwealth's submittal for the January 24, 2012 rulemaking projected that, by 2025, the program will achieve 318 tons more NO_X reductions than Tier II for the counties in the Harrisburg, York, and Harrisburg/York Areas.

Emission Limits on PPL Brunner Island

In 2009, PPL installed a flue gas desulfurization system and electrostatic precipitators on Units 1, 2, and 3 at the PPL Brunner Island power plant located in York County, resulting in significant SO_2 reductions at the facility. The facility's Title V permit is Federally enforceable pursuant to section 502 of the CAA, and includes emission limits for PM, SO_2, and NO_X for Units 1, 2, and 3. Levels of SO_2 were significantly reduced from 106,148 tons in 2007 to 17,822 tons in 2010. EPA approved Pennsylvania's Title V program on July 30, 1996. 61 FR 39597.

Two Pennsylvania regulations—its Diesel-Powered Motor Vehicle Idling Act (August 1, 2011, 76 FR 45705) and its Outdoor Wood-Fired Boiler regulation (September 20, 2011, 76 FR 58114)—were not included in the projection inventories, but may also assist in maintaining the standard. Also, the Tier 3 Motor Vehicle Emission and Fuel Standards (79 FR 23414, April 29, 2014) establishes more stringent vehicle emissions standards and will reduce the sulfur content of gasoline beginning in 2017. The fuel standard will achieve NO_X reductions by further increasing the effectiveness of vehicle emission controls for both existing and new vehicles.

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

EPA has determined that the 2017 and 2025 projected emissions inventories provided by PADEP are approvable. For more information on EPA's analysis of the emissions inventory, *see* EPA's TSDs dated August 13, 2014, available on line at *www.regulations.gov.,* Docket ID No. EPA–OAR–R03–2014–0525. Tables 11, 12, and 13 provide a summary of the inventories for the 2007 attainment year, as compared to the projected inventories for the 2017 interim year and the 2025 maintenance plan end year for the Areas in tpy.

TABLE 11—COMPARISON OF 2007 ATTAINMENT YEAR AND 2017 AND 2025 PROJECTED $PM_{2.5}$ EMISSIONS IN THE HARRISBURG AREA

	$PM_{2.5}$	NO_X	SO_2	NH_3	VOC
2007 (attainment)	4,855	36,617	5,388	7,302	22,317
2017 (interim)	4,240	22,862	4,598	7,819	16,393
2017 (projected decrease)	615	13,755	790	−517	5,924
2025 (maintenance)	3,958	16,116	3,626	8,277	14,333
2025 (projected decrease)	897	20,501	1,762	−975	7,984

TABLE 12—COMPARISON OF 2007 ATTAINMENT YEAR AND 2017 AND 2025 PROJECTED $PM_{2.5}$ EMISSIONS IN THE YORK AREA

	$PM_{2.5}$	NO_X	SO_2	NH_3	VOC
2007 (attainment)	5,417	37,189	117,798	3,559	13,920
2017 (interim)	4,915	28,859	16,441	3,663	10,886

TABLE 12—COMPARISON OF 2007 ATTAINMENT YEAR AND 2017 AND 2025 PROJECTED $PM_{2.5}$ EMISSIONS IN THE YORK AREA—Continued

	$PM_{2.5}$	NO_X	SO_2	NH_3	VOC
2017 (projected decrease)	502	8,330	101,357	−104	3,034
2025 (maintenance)	4,944	27,673	16,406	3,774	9,822
2025 (projected decrease)	473	9,516	84,951	−215	4,098

TABLE 13—COMPARISON OF 2007 ATTAINMENT YEAR AND 2017 AND 2025 PROJECTED $PM_{2.5}$ EMISSIONS IN THE HARRISBURG-YORK AREA

	$PM_{2.5}$	NO_X	SO_2	NH_3	VOC
2007 (attainment)	10,271	73,806	123,185	10,861	36,236
2017 (interim)	9,155	51,721	21,038	11,483	27,279
2017 (projected decrease)	1,116	22,085	102,147	−622	8,957
2025 (maintenance)	8,902	43,789	20,032	12,051	24,155
2025 (projected decrease)	1,369	30,017	103,153	−1,189	12,081

As shown in Tables 11, 12 and 13, the projected levels of $PM_{2.5}$, NO_X, SO_2, and VOC are well under the 2007 attainment year levels for each of these pollutants. While the emissions of NH_3 are projected to be higher than the 2007 inventory for this pollutant for both the interim year and the end-year, the significant decreases in the other precursors more than offset the increase, and thus EPA does not believe the increase in NH_3 will affect the Areas' ability to maintain the NAAQS. Pennsylvania has adequately demonstrated that the Areas will continue to maintain the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS during the 10 year maintenance period.

3. Monitoring Network

Pennsylvania's maintenance plans include a commitment to continue to operate its EPA-approved monitoring network, as necessary to demonstrate ongoing compliance with the NAAQS. Pennsylvania currently operates a $PM_{2.5}$ monitor in each of the counties in the Harrisburg Area, namely Cumberland, Dauphin, and Lebanon Counties, and a $PM_{2.5}$ monitor on Hill Street in the York Area. In its April 22, 2014 submittals, Pennsylvania stated that it will consult with EPA prior to making any necessary changes to the network and will continue to quality assure the monitoring data in accordance with the requirements of 40 CFR part 58.

4. Verification of Continued Attainment

To provide for tracking of the emission levels in the Areas, PADEP requires major point sources to submit air emissions information annually and prepares a new periodic inventory for all $PM_{2.5}$ precursors every three years in accordance with EPA's Air Emissions Reporting Requirements (AERR). Emissions information will be compared to the attainment year inventory (2007) to assure continued attainment with the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS and will be used to assess emissions trends, as necessary. Also, as noted in the previous subsection, PADEP will continue to operate its monitoring system in accordance with 40 CFR part 58 and remains obligated to quality-assure monitoring data and enter all data into the AQS in accordance with federal requirements. PADEP will use this data, supplemented with additional data, as necessary, to assure continuing attainment in the Areas.

5. Contingency Measures

The contingency plan provisions are designed to promptly correct a violation of the 1997 annual $PM_{2.5}$ NAAQS that occurs in the Areas after redesignation. Section 175A of the CAA requires that a maintenance plan include such contingency measures as EPA deems necessary to ensure that a state will promptly correct a violation of the NAAQS that occurs after redesignation. The maintenance plan should identify the events that would ''trigger'' the adoption and implementation of a contingency measure(s), the contingency measure(s) that would be adopted and implemented, and the schedule indicating the time frame by which the state would adopt and implement the measure(s).

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

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

Pennsylvania's candidate contingency measures include the following: (1) A regulation based on the Ozone Transport Commission (OTC) Model Rule to update requirements for consumer products; (2) a regulation based on the Control Techniques Guidelines (CTG) for industrial cleaning solvents; (3) voluntary diesel projects such as diesel retrofit for public or private local onroad or offroad fleets, idling reduction technology for Class 2 yard locomotives, and idling reduction technologies or strategies for truck stops, warehouses, and other freight-handling facilities; (4) promotion of accelerated turnover of lawn and garden equipment, focusing on commercial equipment; and (5) promotion of

alternative fuels for fleets, home heating and agricultural use. Pennsylvania's rulemaking process and schedule for adoption and implementation of any necessary contingency measure is shown in the SIP submittals as being 18 months from PADEP's approval to initiate rulemaking. For all of the reasons discussed in this section, EPA is proposing to approve Pennsylvania's 1997 annual and 2006 24-hour $PM_{2.5}$ maintenance plans for the Harrisburg, York, and Harrisburg-York Areas as meeting the requirements of section 175A of the CAA.

C. Transportation Conformity

Section 176(c) of the CAA requires Federal actions in nonattainment and maintenance areas to ''conform to'' the goals of SIPs. This means that such actions will not cause or contribute to violations of a NAAQS, worsen the severity of an existing violation, or delay timely attainment of any NAAQS or any interim milestone. Actions involving Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) funding or approval are subject to the transportation conformity rule (40 CFR Part 93, subpart A). Under this rule, metropolitan planning organizations (MPOs) in nonattainment and maintenance areas coordinate with state air quality and transportation agencies, EPA, and the FHWA and FTA to demonstrate that their long range transportation plans and transportation improvement programs (TIP) conform to applicable SIPs. This is typically determined by showing that estimated emissions from existing and planned highway and transit systems are less than or equal to the MVEBs contained in the SIP. On April 22, 2014, Pennsylvania submitted SIP revisions that contain the 2017 and 2025 $PM_{2.5}$ and NO_X onroad mobile source budgets for Cumberland, Dauphin, Lebanon, and York Counties, Pennsylvania. Pennsylvania did not provide emission budgets for SO_2, VOC, and NH_3 because it concluded, consistent with the presumptions regarding these precursors in the Transportation Conformity Rule at 40 CFR 93.102(b)(2)(v), which predated and were not disturbed by the litigation on the 1997 $PM_{2.5}$ Implementation Rule, that emissions of these precursors from motor vehicles are not significant contributors to the Area's $PM_{2.5}$ air quality problem. EPA issued conformity regulations to implement the 1997 annual $PM_{2.5}$ NAAQS in July 2004 and May 2005 (69 FR 40004, July 1, 2004 and 70 FR 24280, May 6, 2005). Those actions were not part of the final rule recently remanded to EPA by the D.C. Circuit Court in *NRDC* v. *EPA,* No. 08–1250 (January 4, 2013), in which the D.C. Circuit Court remanded to EPA the 1997 $PM_{2.5}$ Implementation Rule because it concluded that EPA must implement that NAAQS pursuant to the PM-specific implementation provisions of subpart 4, rather than solely under the general provisions of subpart 1. That decision does not affect EPA's proposed approval of the MVEBs for the Areas. The MVEBs in tpy are presented in Tables 14, 15, and 16.

TABLE 14—MVEBS FOR CUMBERLAND AND DAUPHIN COUNTIES FOR THE 1997 $PM_{2.5}$ AND 2006 24-HOUR NAAQS

Year	$PM_{2.5}$	NO_X
2017	365	10287
2025	275	7024

TABLE 15—MVEBS FOR LEBANON COUNTY FOR THE 1997 $PM_{2.5}$ AND 2006 $PM_{2.5}$ 24-HOUR NAAQS

Year	$PM_{2.5}$	NO_X
2017	76	2252
2025	52	1446

TABLE 16—MVEBS FOR YORK COUNTY FOR THE 1997 $PM_{2.5}$ AND 2006 $PM_{2.5}$ 24-HOUR NAAQS

Year	$PM_{2.5}$	NO_X
2017	192	5390
2025	144	3398

EPA's substantive criteria for determining adequacy of MVEBs are set out in 40 CFR 93.118(e)(4). Additionally, to approve the MVEBs, EPA must complete a thorough review of the SIP, in this case the $PM_{2.5}$ maintenance plans, and conclude that with the projected level of motor vehicle and all other emissions, the SIPs will achieve its overall purpose, in this case providing for maintenance of the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS. EPA's process for determining adequacy of a MVEB consists of three basic steps: (1) Providing public notification of a SIP submission; (2) providing the public the opportunity to comment on the MVEB during a public comment period; and (3) EPA taking action on the MVEB.

In this proposed rulemaking action, EPA is initiating the process for determining whether or not the MVEBs are adequate for transportation conformity purposes. The publication of this document starts a 30-day public comment period on the adequacy of the submitted MVEBs. This comment period is concurrent with the comment period on this proposed action and comments should be submitted to the docket for this rulemaking. EPA may choose to make its determination on the adequacy of the budgets either in the final rulemaking on this maintenance plan and redesignation request or by informing Pennsylvania of the determination in writing, publishing a notice in the **Federal Register** and posting a notice on EPA's adequacy Web page *(http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm)*.[16] However, EPA would not complete the adequacy process for these budgets in advance of the final rule approving the maintenance plan and redesignation request unless the D.C. Circuit Court lifts the stay on the implementation of CSAPR.

EPA has reviewed the MVEBs and found them consistent with the maintenance plan and that the budgets meet the criteria for adequacy and approval. Therefore, EPA is proposing to approve the 2017 and 2025 $PM_{2.5}$ and NO_X MVEBs for Cumberland, Dauphin, Lebanon, and York Counties for transportation conformity purposes provided that the D.C. Circuit Court grants EPA's motion to lift the stay of CSAPR, as discussed in detail in Section IV.B. of today's proposed rulemaking action. Additional information pertaining to the review of the MVEBs can be found in the TSDs dated September 3, 2014, available on line at *www.regulations.gov,* Docket ID No. EPA–R03–OAR–2014–0525.

VI. Proposed Actions

EPA is proposing to approve the redesignations of the Harrisburg-Lebanon-Carlisle-York Areas from nonattainment to attainment for the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS. EPA has evaluated Pennsylvania's redesignation requests and determined that the Areas meet the redesignation criteria set forth in section 107(d)(3)(E) of the CAA provided that the D.C. Circuit Court grants EPA's motion to lift the stay of CSAPR. The monitoring data demonstrates that the Areas have attained the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS, and, for the reasons discussed previously, that they will continue to attain the NAAQS. Final approval of these redesignation requests would

[16] For additional information on the adequacy process, please refer to 40 CFR 93.118(f) and the discussion of the adequacy process in the preamble to the 2004 final transportation conformity rule. *See* 69 FR 40039–40043.

change the designation of Harrisburg and York Areas from nonattainment to attainment for the 1997 annual $PM_{2.5}$ NAAQS, and the Harrisburg-York Area from nonattainment to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS. EPA is also proposing to approve the associated maintenance plans for the Areas as revisions to the Pennsylvania SIP because they meet the requirements of section 175A of the CAA as described previously in this proposed rulemaking notice. In addition, EPA is proposing to approve the 2007 base year emissions inventory as meeting the requirement of section 172(a)(3) of the CAA. Furthermore, EPA is proposing to approve the 2017 and 2025 $PM_{2.5}$ and NO_X MVEBs submitted by Pennsylvania for Cumberland, Dauphin, Lebanon, and York Counties for transportation conformity purposes. EPA is also initiating the process for determining whether the MVEBs are adequate for transportation conformity purposes. EPA's proposed approval of Pennsylvania's redesignation requests, maintenance plans, and MVEBs in today's rulemaking action are contingent upon the lifting of the CSAPR stay. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

VII. Statutory and Executive Order Reviews

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

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

In addition, this rule proposing to approve Pennsylvania's redesignation requests, maintenance plans, 2007 base year emissions inventory, and MVEBs for transportation conformity purposes for the Harrisburg and York Areas for the 1997 annual $PM_{2.5}$ NAAQS and the Harrisburg-York Area for the 2006 24-hour $PM_{2.5}$ NAAQS, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects

40 CFR Part 52

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

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

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

Dated: September 30, 2014.

Shawn M. Garvin,

Regional Administrator, Region III.

[FR Doc. 2014–24596 Filed 10–16–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R8–ES–2014–0007; FXES11130900000–156–FF09E42000]

RIN 1018–AY82

Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition To Downlist the Arroyo Toad, and a Proposed Rule To Reclassify the Arroyo Toad as Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of the comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the public comment period on our March 27, 2014, proposed rule to reclassify the arroyo toad (*Anaxyrus californicus*) as threatened under the Endangered Species Act of 1973, as amended (Act). We are taking this action to solicit feedback on new information we received. Comments previously submitted need not be resubmitted, as they will be fully considered in preparation of the final listing determination. We anticipate publishing a final determination on or before March 27, 2015.

DATES: We will consider comments received or postmarked on or before November 17, 2014. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES** section, below) must be received by 11:59 p.m. Eastern Time on the closing date. Any comments that we receive after the closing date may not be considered in the final decision on this action.

ADDRESSES: *Document availability:* You may obtain copies of the proposed rule and associated documents, including the new information discussed in this document, on the Internet at *http://www.regulations.gov* at Docket No. FWS–R8–ES–2014–0007, or by contacting the U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

Written comments: You may submit written comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter FWS–R8–ES–2014–0007, which is the docket number for the rulemaking. Then, in the Search panel on the left side of the screen, under the Document

Type heading, click on the Proposed Rules link to locate the document. You may submit a comment by clicking on ''Comment Now!''

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: FWS–R8–ES–2014–0007; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; MS: BPHC; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

We request that you send comments only by one of the methods described above. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Information Requested section, below, for more information).

FOR FURTHER INFORMATION CONTACT: Stephen P. Henry, Field Supervisor, U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, CA 93003; telephone 805–644–1766; facsimile 805–644–3958. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

In December 2011, we received a petition to reclassify the arroyo toad from endangered to threatened, based on analysis and recommendations contained in our August 2009 5-year status review of the species. On June 4, 2012, we published a 90-day finding that the petition presented substantial information indicating that reclassifying the arroyo toad may be warranted (77 FR 32922) and initiated a status review. After review of all available scientific and commercial information, we found that the petitioned action was warranted, and we proposed to reclassify the arroyo toad from an endangered species to a threatened species on the Federal List of Endangered and Threatened Wildlife on March 27, 2014 (79 FR 17106).

New Information

Since publication of the March 27, 2014, proposed rule, we have received new information that we are making available to the public prior to making a final determination on the proposed action. In accordance with the Service's July 1, 1994, peer review policy (59 FR 34270) and the Office of Management and Budget's December 16, 2004, Final Information Quality Bulletin for Peer Review, the Service requested independent expert peer review of the proposed rule and supporting scientific analyses. The purpose of seeking independent peer review is to ensure use of the best scientific and commercial information available and to ensure and maximize the quality, objectivity, utility, and integrity of the information upon which the proposal is based, as well as to ensure that reviews by qualified experts are incorporated into the rulemaking process. One peer review was inadvertently not posted in the docket on *http://www.regulations.gov* prior to May 27, 2014 (the closing date of the March 27, 2014, proposed rule's comment period). We are making that peer review available now on *http://www.regulations.gov* at Docket No. FWS–R8–ES–2014–0007. Additionally, reopening the comment period for the proposed rule will allow for submittal of additional peer reviews requested by the Service but not received during the previous comment period, as well as other public comments. Any additional peer reviews, as well as any other comments we receive, will be made available on *http://www.regulations.gov* at Docket No. FWS–R8–ES–2014–0007.

Information Requested

We will accept written comments and information during this reopened comment period on our proposed downlisting for the arroyo toad that published in the **Federal Register** on March 27, 2014 (79 FR 17106). We will consider information and recommendations from all interested parties. We intend that any final action resulting from the proposal be as accurate as possible and based on the best available scientific and commercial data.

We are particularly interested in new information and comments regarding:

(1) Reasons why we should or should not reclassify the arroyo toad under the Act (16 U.S.C. 1531 *et seq.*).

(2) New biological or other relevant data concerning any threat (or lack thereof) to this species.

(3) New information concerning the distribution and population size or trends of this species.

(4) New information on the current or planned activities within the range of the arroyo toad that may adversely affect or benefit the species.

(5) New information and data on the projected and reasonably likely impacts to the arroyo toad or its habitat associated with climate change.

(6) New information on threats or impacts to the arroyo toad in the Mexico portion of its range.

If you submitted comments or information on the proposed rule (79 FR 17106) during the initial comment period from March 27, 2014, to May 27, 2014, please do not resubmit them. We have incorporated them into the public record, and we will consider them in the preparation of our final determination. Our final determination concerning the proposed downlisting will take into consideration all written comments and any additional information we receive.

You may submit your comments and materials concerning the proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit a comment via *http://www.regulations.gov,* your entire comment—including any personal identifying information—will be posted on the Web site. We will post all hardcopy comments on *http://www.regulations.gov* as well. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

Comments and materials we receive, as well as supporting documentation we used in preparing the proposed downlisting rule will be available for public inspection on *http://www.regulations.gov* at Docket No. FWS–R8–ES–2014–0007, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**). You may obtain copies of the proposed rule on the Internet at *http://www.regulations.gov* at Docket No. FWS–R8–ES–2014–0007, or at the U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: October 6, 2014.

Stephen Guertin,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 2014–24548 Filed 10–16–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

RIN 0648–BD86

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region; Amendment 20B

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

ACTION: Notice of availability; request for comments.

SUMMARY: The Gulf of Mexico (Gulf) and South Atlantic Fishery Management Councils (Councils) have submitted Amendment 20B to the Fishery Management Plan for the Coastal Migratory Pelagic Resources (CMP) in the exclusive economic zone (EEZ) of the Gulf of Mexico and Atlantic Region (FMP) (Amendment 20B) for review, approval, and implementation by NMFS. Amendment 20B includes actions to modify Gulf migratory group king mackerel trip limits and fishing years, allow transit through areas closed to king mackerel fishing, create zones and quotas for Atlantic migratory group king and Spanish mackerel, modify the framework procedures for the FMP, increase annual catch limits (ACLs) for cobia, and create an east coast zone and quotas for Gulf migratory group cobia.

DATES: Written comments must be received on or before December 16, 2014.

ADDRESSES: You may submit comments on Amendment 20B, identified by ''NOAA–NMFS–2014–0176'' by any of the following methods:

- Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0176,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- Mail: Submit written comments to Susan Gerhart, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

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

Electronic copies of Amendment 20B, which includes an environmental assessment, a Regulatory Flexibility Act analysis, and a regulatory impact review, may be obtained from the Southeast Regional Office Web site at *http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_sa/cmp/index.html.*

FOR FURTHER INFORMATION CONTACT: Susan Gerhart, Southeast Regional Office, NMFS, telephone: 727–824–5305; email: *Susan.Gerhart@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires each regional fishery management council to submit any FMP or amendment to NMFS for review and approval, partial approval, or disapproval. The Magnuson-Stevens Act also requires that NMFS, upon receiving a plan or amendment, publish an announcement in the **Federal Register** notifying the public that the plan or amendment is available for review and comment.

The FMP being revised by Amendment 20B was prepared by the Councils and implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Act.

Background

The current management regime for CMP species (king mackerel, Spanish mackerel, and cobia) includes two migratory groups for each species, the Gulf migratory group and the Atlantic migratory group. Each migratory group is managed separately. Amendment 20B includes changes and additions to fishing regulations for each migratory group to allow for more targeted management of CMP species.

Actions Contained in Amendment 20B

Amendment 20B contains actions to modify Gulf migratory group king mackerel trip limits and fishing years, allow transit through areas closed to king mackerel fishing, create zones and quotas for Atlantic migratory group king and Spanish mackerel, modify the framework procedures for the FMP, increase ACLs for cobia, and create an east coast zone and quotas for Gulf migratory group cobia.

Gulf Migratory Group King Mackerel Commercial Hook-and-Line Trip Limits

The Gulf eastern zone's Florida west coast subzone is comprised of two subzones, northern and southern. Currently, from July 1, each fishing year, until 75 percent of the respective northern or southern subzone's hook-and-line gear quota has been harvested, the commercial trip limit is 1,250 lb (567 kg) per day. From the date that 75 percent of the respective northern or southern subzone's hook-and-line gear quota has been harvested, the trip limit is reduced to 500 lb (227 kg) per day, until a closure of the respective northern or southern subzone is implemented. Amendment 20B would remove the trip limit reduction to 500 lb (227 kg), which would allow the harvest of 1,250 lb (567 kg) per day until the quota for the subzone has been met or projected to be met and the respective subzone is closed to king mackerel harvest.

Gulf Migratory Group Eastern Zone Northern and Southern Subzone King Mackerel Fishing Years

Currently the Florida west coast northern subzone fishing year begins July 1 and ends on June 30, or when the quota is reached or projected to be reached. Amendment 20B would change the Florida west coast northern subzone fishing year to October 1 through September 30. Because the Councils did not select a preferred alternative for the southern subzone, the fishing year in that zone will remain July through June.

Transit Through Areas Closed to King Mackerel

Currently, persons who fish with a commercial vessel permit for king mackerel may not fish for or possess king mackerel in a closed zone. Amendment 20B would allow vessels with king mackerel to transit through areas that are closed to king mackerel fishing as the result of a quota closure.

Atlantic Migratory Group King and Spanish Mackerel Zones

Currently, there is one commercial quota for Atlantic migratory group king mackerel and one commercial quota for Atlantic migratory group Spanish mackerel. Amendment 20B would create northern and southern zones for Atlantic migratory group king and Spanish mackerel, each with separate commercial quotas. The boundary between the zones would be a line extending from the South Carolina/North Carolina state line, with

commercial quota allocation between the zones based on landings from the 2002/2003–2011/2012 fishing years. The northern zone allocation would be calculated using combined commercial landings from North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York. The southern zone allocation would be calculated using combined commercial landings from South Carolina, Georgia, and the Florida east coast and Florida Keys on the Atlantic side. NMFS would monitor the commercial quotas, and close Federal waters in each zone when the respective quota is reached or projected to be reached. Transfer of quota between zones would be allowed through a request to NMFS initiated by North Carolina (northern Zone) or Florida (southern Zone). The recreational ACLs for Atlantic migratory group king and Spanish mackerel will remain unchanged.

Modifications to the FMP Framework Procedures

Currently, any changes to acceptable biological catches (ABCs) and ABC control rules, ACLs and ACL control rules, and accountability measures must be established through a plan amendment. Amendment 20B would modify the framework procedures for the FMP. The changes would allow modification to the management measures described above under the standard documentation process of the open framework procedure. Amendment 20B would also modify the framework procedures to the FMP to allow the appropriate council (Gulf or South Atlantic) with jurisdiction for proposed management measures to approve framework amendments establishing those management measures without approval from the other council.

Cobia Zones, ACLs, and Annual Catch Targets (ACTs)

Amendment 20B addresses the results of the most recent stock assessment for Gulf and South Atlantic cobia. In Amendment 18 to the FMP, the Councils established separate migratory groups of cobia using the Councils' boundary in Monroe County. However, the most recent stock assessment determined that the biological boundary should be at the Florida/Georgia line. The stock assessment results define Georgia north through the Mid-Atlantic area for the Atlantic migratory group, and the entire east coast of Florida through Texas for the Gulf migratory group. To adjust for this difference between the Councils' jurisdictional areas for cobia and the areas used by the stock assessment, Gulf migratory group cobia would be divided into a Gulf zone (Texas through the Gulf side of the Florida Keys) and an east coast zone (east coast of Florida and Atlantic side of the Florida Keys, *i.e.,* the area within the South Atlantic Council's jurisdiction). The Gulf ACL would be allocated between the zones based on landings from the 1998–2012 fishing years. The South Atlantic Council would be responsible for regulations for the east coast zone, similar to management of the east coast subzone for king mackerel. Amendment 20B would also increase the ACLs for both migratory groups, the recreational ACT for the Atlantic migratory group, and the stock ACT for the Gulf zone.

A proposed rule that would implement measures outlined in Amendment 20B has been drafted. In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule to determine whether it is consistent with the FMP, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

Consideration of Public Comments

The Council submitted Amendment 20B for Secretarial review, approval, and implementation on May 22, 2014. Comments received by December 16, 2014, whether specifically directed to the amendment or the proposed rule, will be considered by NMFS in its decision to approve, disapprove, or partially approve the amendment. Comments received after that date will not be considered by NMFS in this decision. All comments received by NMFS on the amendment or the proposed rule during their respective comment periods will be addressed in the final rule.

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

Dated: October 14, 2014.

Alan D. Risenhoover,

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

[FR Doc. 2014–24689 Filed 10–16–14; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 79, No. 201

Friday, October 17, 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

October 10, 2014.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques and other forms of information technology.

Comments regarding this information collection received by November 17, 2014 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725—17th Street NW., Washington, DC, 20503. Commentors are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Forest Service

Title: National Forest System Land Management Planning—Generic Collection.

OMB Control Number: 0596–0234

Summary of Collection: Section 6 of the National Forest Management Act of 1976 (16 U.S.C. 1600 *et seq.*) and implementing regulations 36 CFR 219 (2012 Planning Rule) direct the U.S. Forest Service to revise land management plans for each National Forest System unit every 15 years, and to continuously monitor conditions to inform interim or subsequent planning actions. The planning process requires public participation and involvement. As such, the agency will invite public participation broadly to facilitate public comments and submission of information that members of the public find to be relevant.

Need and Use of the Information: To ensure that the Agency can be inclusive of, and responsive to, customer/stakeholder concerns during the development, assessment, and monitoring of National Forest System Land Management Plans, the agency will use a variety of methods, such as but not limited to, customer/stakeholder comment cards, focus groups, small discussion groups and surveys. Feedback and input will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communications, training, or changes in operations might improve delivery of products or services such as improved Land Management Planning or the implementation thereof.

Description of Respondents: Individuals or households; Business or other for-profit; Not-for-profit institutions; and State, Local, Tribal Government

Number of Respondents: 37,250.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 63,000.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2014–24656 Filed 10–16–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Saguache Ranger District, Rio Grande National Forest; Colorado; La Garita Hills Restoration Project

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Saguache Ranger District, Rio Grande National Forest (USFS), and San Luis Valley Field Office, Bureau of Land Management (BLM), propose to conduct restoration activities on up to 90,000 acres within the 187,778 acre La Gartia Hills (LGH) analysis area; approximately 145,709 acres are managed by the USFS and 33,294 acres are managed by the BLM. All activities would occur only on federal lands. The analysis area is located west and northwest of the town of La Garita in Saguache County, in south central Colorado. Treatment activities could include mechanical thinning, hand thinning, mastication, hazard tree removal, salvage, prescribed fire, tree planting, and relocation of selected road segments. The treatments will be used singularly or in combination to transition the landscape towards long-term desired future conditions that are more characteristic of a resilient forest, as described in the Rio Grande National Forest and San Luis Resource Area Management Plans. Resilient landscapes are more resistant to droughts, insect outbreaks, diseases, potential large wildfires, and will also offer additional protection to identified values at risk including: adjacent private land and property, water quality, watershed health, transportation systems, recreation sites, wildlife habitats, heritage sites, and timber resources. The USFS is the lead agency for the Environmental Impact Statement and the BLM is participating as a cooperating agency.

DATES: Comments concerning the scope of the analysis must be received by November 17, 2014. The draft

environmental impact statement is expected in May 2015 and the final environmental impact statement is expected in August 2015.

ADDRESSES: Send written comments to Diana McGinn, Team Leader, San Luis Valley Public Land Center, 1803 W. Hwy 160, Monte Vista, CO 81144. Electronic comments may be submitted online using the ''Comment on Project'' option on the project Web page (address below) or emailed to: *comments-rocky-mountain-rio-grande-saguache@fs.fed.us,* or via facsimile to 719–852–6250, with a subject of *LGH Project.*

FOR FURTHER INFORMATION CONTACT: Diana McGinn at 719–852–6241 or visit the Forest Web site: *http://www.fs.usda.gov/projects/riogrande/landmanagement/projects;* look for the La Garita Hills Restoration Project. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The recent extended drought and large wildfires on the Forest and nearby areas have focused attention on the continual declining vigor and health of forests and rangelands in the LGH project area. The purpose and need for this project is move toward achieving long-term desired conditions as described in the land management plans for this area regarding maintaining, improving, or restoring: forest and rangeland health, wildlife habitats, stream, riparian, and watershed health, while providing personal use wood products, safe recreation use, addressing fuel buildup, especially near private lands, and the access to forest products in support of the local rural economy. Strategic investments in vegetation treatments would be used to address these needs.

Proposed Action

In response to the conditions described above, the proposed action is to effectively treat up to 90,000 acres within the 187,778 acre analysis area over a 10 to 15 year period. Combinations of mechanical harvest with product removal, mastication, hand thinning, and prescribed burning will be used to move toward desired conditions related to vegetation structure, species composition, patterns, fuel loading, and health; recovering merchantable forest products from insect or disease mortality areas will also be an objective, as appropriate. Tree planting or aspen regeneration would be used to meet stocking or species composition/diversity goals in selected areas. The overall emphasis will be on reducing conifer density in treated stands to increase landscape diversity and patchiness to protect values at risk. Values at risk include: adjacent private land and property, water quality, watershed health, transportation systems, recreation sites, wildlife habitats, heritage sites, and timber resources. Several treatment activities may occur on the same acres and treatments will occur across a variety of vegetation zones ranging from spruce-fir to piñon-juniper. Several sections of open National Forest System Roads (NFSRs) would be relocated to improve water quality and protect riparian vegetation. No new system roads would be constructed, though additional temporary roads would be needed in some areas for commercial timber harvest operations. All land management plan standards, guidelines, and best management practices will be adhered to and incorporated into project designs.

Possible Alternatives

In this EIS we may use the Iterative Alternative Process to make incremental changes to our initial proposed action to ensure that it is viable and responsive to our ongoing analysis and public comments. The no-action alternative will represent no change from current activities and serves as the baseline for the comparison among the action alternatives. Based on comments received following the initial 2013 scoping, part of one alternative will include no salvage harvest, except hazard trees, in the spruce or spruce mix zones; these vegetation zones are currently being effected by an ongoing spruce beetle epidemic.

Lead and Cooperating Agencies

The USFS is the lead agency for this EIS, the BLM will be a cooperating agency.

Responsible Officials

The Responsible Officials for these decisions will be the USFS Saguache District Ranger and BLM San Luis Resource Area Field Manager located at 46525 State Hwy 114, Saguache, CO 81149.

Nature of Decision To Be Made

An environmental impact statement (EIS) that discloses the environmental consequences of implementing the proposed action or alternatives to the proposed action, including No Action, will be prepared. Separate Record of Decisions (RODs), prepared by each Responsible Official, will explain their decisions regarding the types of treatments, if any, that will be implemented, locations of treatments, monitoring methods to be used, and any adaptive management strategies that will be used to provide future adjustments to the decisions.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. The purpose of the public scoping process is to determine the relevant issues related to the proposed actities in the LGH project area that will influence the scope of the anlaysis and alternatives. The Forest invites public comment and participation for this project by publication of this notice. Comments are also invited by: publication in the USFS quarterly Schedule of Proposed Actions (SOPA); public notice regarding this project in the newspaper of record, the *Valley Courier;* letters or other communications to potentially interested individuals, tribal governments, elected officials, and State and other Federal Agencies. Information and updates may also be posted on the Rio Grande National Forest project Web site as this project progresses. All comments received during this scoping period and a previous scoping effort in 2013 will be considered.

Comments received in response to this solicitation, including names and addresses of those who comment will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however anonymous comments will not provide the Agency with the ability to provide the respondent with subsequent environmental documents.

Notice of Importance of Public Participation in Subsequent Environmental Review

Since the analysis area includes federal lands managed by both the Forest Service and BLM, there will be a combined analysis with separate decisions. For the Forest Service, this project will proceed under the objection process (36 CFR part 218 (Subparts A and B)) which provides for an objection period prior to a final decision being made. In order to be eligible to file an objection, specific written comments relating to this project must be submitted; comments must be within the scope of this project and be directly related to this project and be submitted during scoping or other public

involvement opportunities and should clearly articulate the reviewer's concerns and contentions. For this project, opportunities for public participation will include this comment period following publication of this Notice of Intent and the 45-day comment period on the draft EIS following publication by the Enviornmental Protection Agency of the Notice of Availability in the **Federal Register**. It is the responsibility of persons providing comments to submit them by the close of the comment periods. Only those who submit timely and specific written comments will have eligibility (36 CFR 218.5) to file an objection under 36 CFR 218.8.

Dated: October 9, 2014.

James Pitts,

District Ranger.

[FR Doc. 2014–24769 Filed 10–16–14; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: NOAA Fisheries Greater Atlantic Region Vessel Identification Requirements.

OMB Control Number: 0648–0350.

Form Number(s): None.

Type of Request: Regular (extension of a current information collection).

Number of Respondents: 3,675.

Average Hours per Response: 45 minutes.

Burden Hours: 2,756.

Needs and Uses: This request is for extension of a currently approved information collection.

Regulations at 50 CFR 648.8 and 697.8 require that owners of vessels over 25 ft and, if possible, on its stern. The official number must be displayed on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be clearly visible from enforcement vessels and aircraft. The display of the identifying characters aids in fishery law enforcement.

Affected Public: Business or other for-profit organizations.

Frequency: Annually.

Respondent's Obligation: Mandatory.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: October 10, 2014.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–24678 Filed 10–16–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Cooperative Charting Programs.

OMB Control Number: 0648–0022.

Form Number(s): None.

Type of Request: Regular (revision and extension of a current information collection).

Number of Respondents: 600.

Average Hours per Response: 2–3.

Burden Hours: 2,540.

Needs and Uses: This request is for revision and extension of a current information collection.

The U.S. Power Squadrons and the U.S. Coast Guard Auxiliary members report observations of changes that require additions, corrections or revisions to Nautical Charts using a Web site to report the information. The information provided is used by NOAA National Ocean Service to maintain and prepare new additions that are used nationwide by commercial and recreational navigators. Revision: formerly a paper form was used for U.S Coast Guard auxiliary reporting, and now a Web site is used.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: October 10, 2014.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–24686 Filed 10–16–14; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Greater Atlantic Region Dealer Purchase Reports.

OMB Control Number: 0648–0229.

Form Number(s): None.

Type of Request: Regular (extension of a current information collection).

Number of Respondents: 657.

Average Hours per Response: 4 minutes.

Burden Hours: 2,278.

Needs and Uses: This request is for extension of a current information collection.

Federally permitted dealers, and any individual acting in the capacity of a dealer, must submit to the Regional Administrator or to the official designee a detailed report of all fish purchased or received for a commercial purpose, other than solely for transport on land by one of the available electronic reporting mechanisms approved by National Marine Fisheries Service (NMFS). The information obtained is used by economists, biologists, and managers in the management of the fisheries. The data collection parameters are consistent with the current requirements for Federal dealers under the authority of the Magnuson-Stevens Fishery Conservation and Management Act.

Affected Public: Business or other for-profit organizations.

Frequency: Weekly.

Respondent's Obligation: Mandatory.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent

within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: October 10, 2014.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–24679 Filed 10–16–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–72–2014]

Foreign-Trade Zone 288—Northwest Iowa; Application for Reorganization (Expansion of Service Area) Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Northwest Iowa Development Corporation, grantee of Foreign-Trade Zone 288, requesting authority to reorganize the zone to expand its service area under the alternative site framework (ASF) adopted by the FTZ Board (15 CFR 400.2(c)). The ASF is an option for grantees for the establishment or reorganization of zones and can permit significantly greater flexibility in the designation of new subzones or ''usage-driven'' FTZ sites for operators/users located within a grantee's ''service area'' in the context of the FTZ Board's standard 2,000-acre activation limit for a zone. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on October 14, 2014.

FTZ 288 was approved under the ASF by the FTZ Board on November 26, 2013 (Board Order 1921, 78 FR 75330–75331; 12/11/2013). The zone currently has a service area that includes Cherokee, Lyon, O'Brien, Osceola, Plymouth and Sioux Counties, Iowa.

The applicant is now requesting authority to expand the service area of the zone to include Woodbury County, Iowa, as described in the application. If approved, the grantee would be able to serve sites throughout the expanded service area based on companies' needs for FTZ designation. The proposed expanded service area is adjacent to the Sioux Falls Customs and Border Protection Port of Entry.

In accordance with the FTZ Board's regulations, Elizabeth Whiteman of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is December 16, 2014. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to December 31, 2014.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.* For further information, contact Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: October 14, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–24722 Filed 10–16–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1950]

Reorganization of Foreign-Trade Zone 207 Under Alternative Site Framework, Richmond, Virginia

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Board adopted the alternative site framework (ASF) (15 CFR 400.2(c)) as an option for the establishment or reorganization of zones;

Whereas, the Capital Region Airport Commission, grantee of Foreign-Trade Zone 207, submitted an application to the Board (FTZ Docket B–39–2014, docketed 05–16–2014) for authority to reorganize under the ASF with a service area consisting of the Counties of Amelia, Appomattox, Brunswick, Buckingham, Caroline, Charles City, Charlotte, Chesterfield, Cumberland, Dinwiddie, Essex, Greensville, Goochland, Hanover, Henrico, King and Queen, King George, King William, Lancaster, Lunenburg, Mecklenburg, Middlesex, New Kent, Northumberland, Nottoway, Powhatan, Prince Edward, Prince George, Richmond and Westmoreland and the Cities of Colonial Heights, Emporia, Hopewell, Petersburg and Richmond, Virginia, within and adjacent to the Richmond Customs and Border Protection port of entry, and FTZ 207's existing Sites 1, 2, and 3 would be categorized as magnet sites;

Whereas, notice inviting public comment was given in the **Federal Register** (79 FR 29414, 05–22–2014) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby orders:

The application to reorganize FTZ 207 under the ASF is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, to the Board's standard 2,000-acre activation limit for the zone and to a five-year ASF sunset provision for magnet sites that would terminate authority for Sites 2 and 3 if not activated by October 31, 2019.

Signed at Washington, DC, this 2nd day of October 2014.

Paul Piquado,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–24721 Filed 10–16–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD554

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Herring Advisory Panel 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 Monday, November 3, 2014 at 10 a.m.

ADDRESSES:

Meeting address: The meeting will be held at the Holiday Inn, 300 Woodbury Avenue, Portsmouth, NH 03801; telephone: (603) 431–8000; fax: (603) 501–3733.

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 agenda are:

The review of updated information about the industry-based river herring bycatch avoidance program (MA DMF/SMAST/SFC) and develop recommendations. They will also review/discuss information related to consideration of adding river herring and shad as stocks in the Atlantic herring fishery and develop recommendations. Additionally, they will discuss possible upcoming herring-related management actions and develop recommendations for the Herring Committee to consider regarding Atlantic herring management priorities for 2015. The panel will also review/discuss options under consideration in the NMFS-led omnibus Industry-Funded Monitoring Amendment to address observer coverage on Atlantic herring vessels; develop recommendations. The committee will discuss other business as necessary.

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 the 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 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: October 14, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–24707 Filed 10–16–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD555

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Herring 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 Tuesday, November 4, 2014 at 9:30 a.m.

ADDRESSES:

Meeting address: The meeting will be held at the Holiday Inn, 300 Woodbury Avenue, Portsmouth, NH 03801; telephone: (603) 431–8000; fax: (603) 501–3733.

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 committee will receive a report from the November 3, 2014 Herring Advisory Panel (AP) meeting and consider the Herring AP recommendations. They will also review updated information about the industry-based river herring bycatch avoidance program (MA DMF/SMAST/SFC) and develop recommendations. Additionally, the committee will review and discuss information related to consideration of adding river herring and shad as stocks in the Atlantic herring fishery and develop recommendations. They will also discuss possible upcoming herring-related management actions and develop recommendations for the Council to consider regarding Atlantic herring management priorities for 2015. The committee plans to review and discuss options under consideration in the NMFS-led omnibus Industry-Funded Monitoring Amendment to address observer coverage on Atlantic herring vessels and develop recommendations. The committee will discuss other business as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during the 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 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: October 14, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–24708 Filed 10–16–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD552

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council's (Council) Risk Policy Working Group will meet to review scientific information affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Wednesday, November 5, 2014 beginning at 10 a.m.

ADDRESSES: The meeting will be held at the Holiday Inn, 300 Woodbury Ave., Portsmouth, NH 03801; telephone: (603) 431–8000.

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:

Agenda Items

The Risk Policy Working Group will continue work on the Council's Risk Policy—discuss implementation and application of policy across all Council-managed species; discuss baseline conditions for Council-managed species, i.e., how risk is currently addressed; review available information and plan 2015 work and address other business as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during the 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 aids should be directed to Thomas A. Nies (see **ADDRESSES**) at least 5 days prior to the meeting date.

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

Dated: October 14, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–24706 Filed 10–16–14; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete products previously furnished by the nonprofit agency employing persons who are blind or have other severe disabilities.

Comments Must Be Received On Or Before: 11/17/2014.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 USC 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following products are proposed for deletion from the Procurement List:

Products

Clamp, Loop/Cushion Type AMS3839

NSN: 5340–00–410–6441
NSN: 5340–00–411–2953
NPA: Provail, Seattle, WA
Contracting Activity: Defense Logistics Agency Troop Support, Philadelphia, PA

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2014–24710 Filed 10–16–14; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Addition to the Procurement List.

SUMMARY: This action adds a service to the Procurement List that will be provided by a nonprofit agency employing persons who are blind or have other severe disabilities.

DATES: *Effective Date:* 11/17/2014

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Addition

On 3/28/2014 (79 FR 17509–17510), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed addition to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agency to provide the service and impact of the addition on the current or most recent contractors, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 USC 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organization that will provide the service to the Government.

2. The action will result in authorizing a small entity to provide the service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 USC 8501–8506) in connection with the service proposed for addition to the Procurement List.

End of Certification

Accordingly, the following service is added to the Procurement List:

SERVICE

Service Type/Location: 3d Party Logistics Service Product Manager Force Sustainment Systems, 15 Kansas Street, Natick, MA
NPA: ReadyOne Industries, Inc., El Paso, TX
Contracting Activity: Dept of the Army, W6QK ACC–APG Natick, Natick, MA

Comments were received from two commercial contractors. The contractors assert that the Committee's notice of proposed addition was vague and lacked specificity; therefore, the Committee could not have properly assessed the impact on the contractors' firms. One contractor questioned whether the project would create employment for people with significant disabilities.

The notice of proposed addition listed the service type as ''3d Party Logistics Service'' and was further described as: ''Provide contract management services and Warehousing and Supply Chain Management (Integration, Warehousing, and Refurbishment).'' The Department of the Army, Army Contracting Command-Aberdeen Proving Ground (Natick Contracting Division), often referred to as Natick or NCD, is the contracting activity in support of the requirements of Product Manager Force Sustainment System (PMFSS).

''3d Party Logistics'' (3PL) is a common, well-defined commercial service provided by multiple commercial companies to many Government agencies, including the Department of Defense (DOD). While 3PL is a recognized service, the

Committee's notice of proposed addition included substantial additional explanation and description of the specific service requirements. Consequently, the Committee disagrees that the notice is vague and lacks specificity, and finds that the notice effectively describes the requirements the AbilityOne nonprofit agency will perform.

In accordance with Committee regulations, Federal contracting activities assist the Committee to identify necessary products and services that are suitable for procurement by the Government and may be furnished by AbilityOne nonprofit agencies. In doing so, contracting activities define their specific contract requirements and inform the Committee if there is a contractor providing the product or service. When deliberating on a proposed PL addition, the Committee then considers whether a proposed addition would likely have a severe adverse financial impact on the current contractor for the project.

Both contractors that submitted comments are awardees of the Defense Logistics Agency (DLA) Special Operational Equipment Tailored Logistics Support (SOE TLS) contract to provide a range of commercial products and equipment to military customers. They claim the addition of the proposed 3PL service to the Procurement List could result in severe adverse financial impact to their sales under the DLA SOE TLS contract.

In response to the comments, the Committee sought additional information from the contracting activity and the contactors, to ensure that appropriate information was fully considered. In its response, the Army contracting activity clearly stated it does not currently contract for the 3PL services as described in the statement of work (SOW). The contracting activity stated that through the SOW, it is seeking a complete one-stop standardized and centralized solution to address reduced budget and personnel capacity within PM FSS. DLA's solicitation for the SOE TLS states it is an indefinite delivery-indefinite quantity (IDIQ) contract for equipment and ancillary services. This Procurement List addition of the 3PL requirement is a firm-fixed price contract for services explicitly identified in the SOW, including direct labor services, as is appropriate for a 3PL requirement; it is not an IDIQ contract for products and equipment. Based on these facts, the Army and the Commission concluded that the DLA prime vendor contract and the Natick contract requirements for 3PL services in this proposed PL addition are not the same. For these reasons, the contracting activity confirmed in writing and the Commission concluded that there is no current contractor providing the specific services included in the proposed PL addition.

The commercial contractors are experienced DOD vendors. One contractor's annual revenues exceed the range of revenues that the Committee determines could result in severe adverse financial impact on that contractor if the service is added to the PL. Although the Committee requested information from the contractors, they were unable to provide any contract data demonstrating they were the current contractor to the Army contracting activity (or another contracting activity) for the 3PL services required in this addition. The Committee reviews the level of impact on the ''current contractor for the specific commodity or services'' [41 CFR 51–2.4(a)(4)(i)]. The contractors in question are not current contractors for the specific service requirement; therefore, under Committee regulations, the Committee finds there is no severe adverse impact on the contractors. Further, the contractors continue to have the opportunity to sell products and equipment under the DLA SOE TLS prime vendor program.

One contractor also questioned whether the project would create employment for people with severe disabilities by referring to a prior project that was deleted from the PL. The Committee conducts a deliberative review of specific proposed addition projects. To qualify for addition to the PL, the Committee must determine that the record for this project demonstrates that it has the potential to generate employment for people who are blind or significantly disabled [41 CFR 51–2.4(a)(1)]. In their review, the Committee determined that the record supports that the 3PL services will create employment for people with significant disabilities. The record specifies the amount of direct labor hours to be provided by people with significant disabilities and discusses referral sources for these individuals, including current or previous nonprofit agency employees with the skills to perform the proposed new positions.

Accordingly, after full consideration, the Committee concluded that the 3PL Service is suitable for addition to the Procurement List.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2014–24720 Filed 10–16–14; 8:45 am]

BILLING CODE 6353–01–P

COMMODITY FUTURES TRADING COMMISSION

Fees for Reviews of the Rule Enforcement Programs of Designated Contract Markets and Registered Futures Associations

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of 2014 Schedule of Fees.

SUMMARY: The Commodity Futures Trading Commission (CFTC or Commission) charges fees to designated contract markets and registered futures associations to recover the costs incurred by the Commission in the operation of its program of oversight of self-regulatory organization (SRO) rule enforcement programs, specifically National Futures Association (NFA), a registered futures association, and the designated contract markets. The calculation of the fee amounts charged for 2014 by this notice is based upon an average of actual program costs incurred during fiscal year (FY) 2011, FY 2012, and FY 2013.

DATES: *Effective date:* Each SRO is required to remit electronically the applicable fee on or before December 16, 2014.

FOR FURTHER INFORMATION CONTACT: Mary Jean Buhler, Chief Financial Officer, Commodity Futures Trading Commission; (202) 418–5089; Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581. For information on electronic payment, contact Jennifer Fleming; (202) 418–5034; Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

SUPPLEMENTARY INFORMATION:

I. Background Information

A. General

This notice relates to fees for the Commission's review of the rule enforcement programs at the registered futures associations [1] and designated contract markets (DCM), each of which is an SRO regulated by the Commission. The Commission recalculates the fees charged each year to cover the costs of operating this Commission program.[2] The fees are set each year based on direct program costs, plus an overhead factor. The Commission calculates actual costs, then calculates an alternate fee taking volume into account, and then charges the lower of the two.[3]

[1] NFA is the only registered futures association.

[2] *See* section 237 of the Futures Trading Act of 1982, 7 U.S.C. 16a, and 31 U.S.C. 9701. For a broader discussion of the history of Commission fees, *see* 52 FR 46070 (Dec. 4, 1987).

[3] 58 FR 42643 (Aug. 11, 1993) and 17 CFR part 1, app. B.

B. Overhead Rate

The fees charged by the Commission to the SROs are designed to recover program costs, including direct labor costs and overhead. The overhead rate is calculated by dividing total Commission-wide overhead direct program labor costs into the total amount of the Commission-wide overhead pool. For this purpose, direct program labor costs are the salary costs of personnel working in all Commission programs. Overhead costs generally consist of the following Commission-wide costs: Indirect personnel costs (leave and benefits), rent, communications, contract services, utilities, equipment, and supplies. This formula has resulted in the following overhead rates for the most recent three years (rounded to the nearest whole percent): 145 Percent for FY 2011, 161 percent for FY 2012, and 181 percent for FY 2013.

C. Conduct of SRO Rule Enforcement Reviews

Under the formula adopted by the Commission in 1993, the Commission calculates the fee to recover the costs of its rule enforcement reviews and examinations, based on the three-year average of the actual cost of performing such reviews and examinations at each SRO. The cost of operation of the Commission's SRO oversight program varies from SRO to SRO, according to the size and complexity of each SRO's program. The three-year averaging computation method is intended to smooth out year-to-year variations in cost. Timing of the Commission's reviews and examinations may affect costs—a review or examination may span two fiscal years and reviews and examinations are not conducted at each SRO each year.

As noted above, adjustments to actual costs may be made to relieve the burden on an SRO with a disproportionately large share of program costs. The Commission's formula provides for a reduction in the assessed fee if an SRO has a smaller percentage of United States industry contract volume than its percentage of overall Commission oversight program costs. This adjustment reduces the costs so that, as a percentage of total Commission SRO oversight program costs, they are in line with the pro rata percentage for that SRO of United States industry-wide contract volume.

The calculation is made as follows: The fee required to be paid to the Commission by each DCM is equal to the lesser of actual costs based on the three-year historical average of costs for that DCM or one-half of average costs incurred by the Commission for each DCM for the most recent three years, plus a pro rata share (based on average trading volume for the most recent three years) of the aggregate of average annual costs of all DCMs for the most recent three years. The formula for calculating the second factor is: 0.5a + 0.5 vt = current fee. In this formula, ''a'' equals the average annual costs, ''v'' equals the percentage of total volume across DCMs over the last three years, and ''t'' equals the average annual costs for all DCMs. NFA has no contracts traded; hence, its fee is based simply on costs for the most recent three fiscal years. This table summarizes the data used in the calculations of the resulting fee for each entity:

	Actual total costs			3-year average actual costs	3-year % of volume	Volume adjusted costs	FY 2014 assessed fee
	FY 2011	FY 2012	FY 2013				
CBOE Futures	$98,556	$29,278	$235,567	$121,134	0.66	$65,672	$65,672
Chicago Board of Trade	5,260	238,392	164,974	136,209	29.85	298,837	136,209
Chicago Mercantile Exchange	422,837	757,347	391,917	524,034	46.88	624,386	524,034
ELX Futures	.....	34,593	134,267	56,287	0.212	29,782	29,782
ICE Futures U.S.	17,624	221,813	360,223	199,886	6.08	146,957	146,957
Kansas City Board of Trade	30,976	34,335	559	21,957	0.17	12,331	12,331
Minneapolis Grain Exchange	88,790	60,897	220,975	123,554	0.04	62,122	62,122
NADEX North American	.....	11,293	101,252	37,515	0.000	18,758	18,758
New York Mercantile Exchange	136,565	7,411	135,316	93,098	15.41	165,638	93,098
NYSE LIFFE US	416,069	71,317	24,802	170,729	0.50	89,232	89,232
One Chicago	.....	55,755	128,599	61,452	0.176	32,085	32,085
Subtotal	1,216,678	1,522,431	1,898,452	1,545,854	100	1,545,799	1,210,279
National Futures Association	416,615	487,328	186,499	363,480	.....	.....	363,480
Total	1,633,293	2,009,759	2,084,950	1,909,334	.....	.....	1,573,760

An example of how the fee is calculated for one exchange, the Chicago Board of Trade, is set forth here:

a. Actual three-year average costs equal $136,209.

b. The alternative computation is: (.5) ($136,209) + (.5) (.298) ($1,545,854) = $298,837.

c. The fee is the lesser of a or b; in this case $136,209.

As noted above, the alternative calculation based on contracts traded is not applicable to NFA because it is not a DCM and has no contracts traded. The Commission's average annual cost for conducting oversight review of the NFA rule enforcement program during fiscal years 2011 through 2013 was $363,480 (one-third of $1,090,441). The fee to be paid by the NFA for the current fiscal year is $363,480.

II. Schedule of Fees

Fees for the Commission's review of the rule enforcement programs at the registered futures associations and DCMs regulated by the Commission are as follows:

	3-year average actual cost	2014 fee lesser of actual or calculated fee
CBOE Futures	$ 121,134	$ 65,672
Chicago Board of Trade	136,209	136,209
Chicago Mercantile Exchange	524,034	524,034
ELX Futures	56,287	29,782
ICE Futures U.S.	199,886	146,957
Kansas City Board of Trade	21,957	12,331
Minneapolis Grain Exchange	123,554	62,122
NADEX North American	37,515	18,758
New York Mercantile Exchange	93,098	93,098
NYSE LIFFE US	170,729	89,232
One Chicago	61,452	32,085
Subtotal	1,545,854	1,210,279
National Futures Association	363,480	363,480
Total	1,909,334	1,573,760

III. Payment Method

The Debt Collection Improvement Act (DCIA) requires deposits of fees owed to the government by electronic transfer of funds. *See* 31 U.S.C. 3720. For information about electronic payments, please contact Jennifer Fleming at (202) 418–5034 or *jfleming@cftc.gov,* or see the CFTC Web site at *www.cftc.gov,* specifically, *www.cftc.gov/cftc/cftcelectronicpayments.htm.*

Authority: 7 U.S.C. 16a.

Issued in Washington, DC, on October 10, 2014, by the Commission.

Christopher J. Kirkpatrick,

Secretary of the Commission.

[FR Doc. 2014–24624 Filed 10–16–14; 8:45 am]

BILLING CODE 6351–01–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No: CFPB–2014–0027]

Agency Information Collection Activities: Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Consumer Financial Protection Bureau (Bureau) is proposing a new information collection titled, ''Bridges to Financial Security: A Multi-site Demonstration Project.''

DATES: Written comments are encouraged and must be received on or before December 16, 2014 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Electronic: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552.
- *Hand Delivery/Courier:* Consumer Financial Protection Bureau (Attention: PRA Office), 1275 First Street NE., Washington, DC 20002.

Please note that comments submitted after the comment period will not be accepted. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or social security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at *www.regulations.gov.* Requests for additional information should be directed to the Consumer Financial Protection Bureau, (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552, (202) 435–9575, or email: *PRA@cfpb.gov.* Please do not submit comments to this mailbox.

SUPPLEMENTARY INFORMATION:

Title of Collection: Bridges to Financial Security: A Multi-site Demonstration Project.

OMB Control Number: 3170–XXXX.

Type of Review: New collection (Request for a new OMB control number).

Affected Public: Individuals or households.

Estimated Number of Respondents: 15,000.

Estimated Total Annual Burden Hours: 42,386.

Abstract: The Bureau, beginning in the winter of 2015, will launch a multi-site financial education demonstration project to provide one-on-one and group financial counseling/coaching services to individuals with disabilities transitioning into the workplace or already employed. The goal is twofold: (1) To improve the financial skills of approximately 15,000 individuals across the spectrum of disability to effectively navigate the financial marketplace, resulting in improved credit, reduced debt, and increased savings; and (2) to build the capacity of diverse multi-sector systems (non-disability and disability) in up to 14 cities to unite around the common purpose of building financial security for individuals with disabilities. Monthly qualitative reports and quantitative aggregated individual data will be collected from participating sites to document the design, growth and impact of up to 14 integrated diverse delivery models serving primarily low-income populations with disabilities.

Request for Comments: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on 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 Office of Management and Budget (OMB) approval. All comments will become a matter of public record.

Dated: October 9, 2014.

Ashwin Vasan,

Chief Information Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2014–24738 Filed 10–16–14; 8:45 am]

BILLING CODE 4810–AM–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No: CFPB–2014–0026]

Agency Information Collection Activities: Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Consumer Financial Protection Bureau (Bureau) is proposing a new information collection request titled, ''Consumer and College Credit Card Agreements.''

DATES: Written comments are encouraged and must be received on or before December 16, 2014 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- Electronic: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Mail: Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552.
- Hand Delivery/Courier: Consumer Financial Protection Bureau (Attention: PRA Office), 1275 First Street NE., Washington, DC 20002.

Please note that comments submitted after the comment period will not be accepted. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at *www.regulations.gov.* Requests for additional information should be directed to the Consumer Financial Protection Bureau, (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552, (202) 435–9575, or email: *PRA@cfpb.gov. Please do not submit comments to this mailbox.*

SUPPLEMENTARY INFORMATION:

Title of Collection: Consumer and College Credit Card Agreements.

OMB Control Number: 3170–XXXX.

Type of Review: Request for a new OMB control number for an existing collection without OMB approval.

Affected Public: Private sector.

Estimated Number of Respondents: 430.

Estimated Total Annual Burden Hours: 430.

Abstract: Sections 204 and 305 of the Credit Card Accountability Responsibility and Disclosure Act of 2009 (CARD Act) and 12 CFR 226.57(d) and 226.58 require card issuers to submit to the Consumer Financial Protection Bureau (CFPB):

- Agreements between the issuer and a consumer under a credit card account for an open-end consumer credit plan; and
- any college credit card agreements to which the issuer is a party and certain additional information regarding those agreements.

The data collections enable the CFPB to provide consumers with a centralized depository for consumer and college credit card agreements. It also presents information to the public regarding the arrangements between financial institutions and institutions of higher education. *Request For Comments:* Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on 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 Office of Management and Budget (OMB) approval. All comments will become a matter of public record.

Dated: October 9, 2014.

Ashwin Vasan,

Chief Information Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2014–24735 Filed 10–16–14; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 14–54]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 14–54 with attached transmittal, policy justification and sensitivity of technology.

Dated: October 14, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

OCT 06 2014

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 14-54, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Estonia for defense articles and services estimated to cost $55 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 14–54

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Estonia

(ii) *Total Estimated Value:*

Major Defense Equipment *	$42 million
Other	$13 million
Total	$55 million

* As defined in Section 47(6) of the Arms Export Control Act.

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* 350 Javelin Guided Missiles, 120 Command Launch Units (CLU) with Integrated Day/Thermal Sight, 102 Battery Coolant Units, 16 Enhanced Performance Basic Skills Trainers (EPBST), 102 Missile Simulation Rounds (MSR), spare and repair parts, rechargeable and non-rechargeable batteries, battery chargers and dischargers, support equipment, publications and technical data, personnel training and training equipment, U.S. Government and contractor representative engineering, technical and logistics support services, and other related logistics support.

(iv) *Military Department:* Army (UCG)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Annex attached.

(viii) *Date Report Delivered to Congress:* 06 October 2014

POLICY JUSTIFICATION

Estonia—Javelin Missiles

The Government of Estonia has requested a possible sale of 350 Javelin Guided Missiles, 120 Command Launch Units (CLU) with Integrated Day/Thermal Sight, 102 Battery Coolant Units, 16 Enhanced Performance Basic Skills Trainers (EPBST), 102 Missile Simulation Rounds (MSR), spare and repair parts, rechargeable and non-rechargeable batteries, battery chargers and dischargers, support equipment, publications and technical data, personnel training and training equipment, U.S. Government and contractor representative engineering, technical and logistics support services, and other related logistics support. The estimated cost is $55 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a NATO ally.

The proposed sale will improve Estonia's capability to meet current and future threats and provide greater security for its critical infrastructure. Estonia will use the enhanced capability to strengthen its homeland defense. Estonia will have no difficulty absorbing these missiles into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Raytheon/Lockheed Martin Javelin Joint Venture in Orlando, Florida and Tucson, Arizona. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any U.S. Government or contractor representatives to Estonia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 14–54

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The Javelin Weapon System is a medium-range, man-portable, shoulder-launched, fire-and-forget, anti-armor system. Javelin uses fire-and-forget technology which allows the gunner to fire and immediately relocate or take cover. Other features include top attack and direct fire modes, an advanced tandem warhead and imaging infrared seeker, target lock-on before launch, and soft launch from enclosures. The Javelin missile also has a minimum smoke motor thus decreasing its detection on the battlefield. The Javelin Training System consists of the following training devices: the missile simulation round, the basic skills trainer and the field tactical trainer, Javelin Weapon Effects Simulator (JAVWES), and tripod.

3. The Javelin Weapon System is comprised of two major tactical components, which include a reusable Command Launch Unit (CLU) and a round contained in a disposable launch tube assembly. The CLU incorporates an integrated day-night sight that provides a target engagement capability in adverse weather and countermeasure environments. The CLU may also be used in a stand-alone mode for battlefield surveillance and target detection. The CLU's thermal sight is a second generation Forward-Looking Infrared (FLIR) sensor operating in the 8–10 micron wavelength and has a 240 X 2 scanning array with a Dewar-coolant unit. To facilitate initial loading and subsequent updating of software, all on-board missile software is uploaded via the CLU after mating and prior to launch.

4. The Javelin Missile System hardware and the documentation are Unclassified. The missile software which resides in the CLU is considered sensitive. The sensitivity is primarily in the software programs which instruct the system how to operate in the presence of countermeasures. Programs are contained in the system in the form of microprocessors with Read Only Memory (ROM) maps, which do not provide the software program itself. The overall hardware is considered sensitive in that the modulation frequency and infrared wavelengths could be used in countermeasure development.

5. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

6. A determination has been made that the recipient country can provide the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification. Moreover, the benefits to be derived from this sale, as outlined in the Policy Justification, outweigh the potential damage that could result if the sensitive technology were revealed to unauthorized persons.

7. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Estonia.

[FR Doc. 2014–24737 Filed 10–16–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 14–47]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 14–47 with attached transmittal and policy justification.

Dated: October 14, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

OCT 06 2014

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 14-47, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Greece for defense articles and services estimated to cost $500 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

You will also find attached a certification as required by Section 620C(d) of the Foreign Assistance Act of 1961, as amended, that this action is consistent with the principles set forth in subsection 620C(b) of that Act as codified in section 2373 of title 22, United States Code.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Section 620C(d)

CERTIFICATION PURSUANT TO § 620C(d)
OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

Pursuant to Section 620C(d) of the Foreign Assistance Act of 1961, as amended (the Act), Executive Order 12163 and State Department Delegation of Authority No. 293-2, I hereby certify that the furnishing to Greece of the modification and reactivation of two (2) P-3B aircraft, and the upgrade of up to five (5) P-3B aircraft that will include structural Mid Life Upgrades (MLU), Phased Depot Maintenance (PDM), Mission Integration and Management Systems (MIMS), and new flight avionics is consistent with the principles contained in Section 620C(b) of the Act.

This certification will be made part of the notification to Congress under Section 36(b) of the Arms Export Control Act, as amended, regarding the proposed sale of the above-named articles and services and is based on the justification accompanying such notification, of which such justification constitutes a full explanation.

Rose Gottemoeller
Under Secretary of State
for Arms Control and International
Security

BILLING CODE 5001–06–C

Transmittal No. 14–47

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Greece

(ii) *Total Estimated Value:*

Major Defense Equipment *	$ 0 million
Other	$500 million
TOTAL	$500 million

* As defined in Section 47(6) of the Arms Export Control Act.

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* modification and reactivation of two (2) P–3B aircraft, and the upgrade of up to five (5) P–3B aircraft that will include structural Mid Life Upgrades (MLU), Phased Depot Maintenance (PDM), Mission Integration and Management Systems (MIMS), and new flight avionics. The MLU kits will provide service life extensions for 15,000 flight hours, spare and repair parts, repair and return, support equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor logistics, engineering, and technical support services, and other related elements of logistics and program support.

(iv) *Military Department:* Navy (GLI).

(v) *Prior Related Cases, if any:*

FMS case GAR-$570K–26Jun91
FMS case LAF-$64M–3Mar94
FMS case MCJ-$142K–21Apr97
FMS case MCU-$1M–21Sep00
FMS case GKY-$2M–26Aug05

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* 06 Oct 14

POLICY JUSTIFICATION

Greece—P–3B Aircraft Overhaul and Upgrade

The Government of Greece has requested a possible sale for modification and reactivation of two (2) P–3B aircraft, and the upgrade of up to five (5) P–3B aircraft that will include structural Mid Life Upgrades (MLU), Phased Depot Maintenance (PDM), Mission Integration and Management Systems (MIMS), and new flight avionics. The MLU kits will provide service life extensions for 15,000 flight hours, spare and repair parts, repair and return, support equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor logistics, engineering, and technical support services, and other related elements of logistics and program support. The estimated cost is $500 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a NATO ally.

The proposed sale for overhaul and upgrade would allow the Hellenic Navy (HN) to resume operations of its P–3B aircraft for land-based maritime patrol and reconnaissance, surveillance and protection of areas of national interest. The HN will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Lockheed Martin Aeronautics Company in Marietta, Georgia. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require multiple trips to Greece by U.S. Government and contractor representatives for a period of seven years for delivery, system checkout, training, and program reviews.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2014–24719 Filed 10–16–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 14–48]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 14–48 with attached transmittal, and policy justification.

Dated: October 14, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

OCT 7 2014

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 14-48, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Brazil for defense articles and services estimated to cost $150 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification

BILLING CODE 5001–06–C

Transmittal No. 14–48

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Brazil

(ii) *Total Estimated Value:*

Major Defense Equipment *	$ 0.1 million
Other	$149.9 million
TOTAL	$150.0 million

* as defined in Section 47(6) of the Arms Export Control Act.

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* three years of follow-on support for S–70B helicopters, which includes 1 Tactical Operational Flight Trainer, 5 AN/AVS–9 Night Vision Goggles, spare and repair parts, support equipment, tools and test equipment, personnel training and training equipment, publications and technical documentation, U.S. Government and contractor technical, engineering, and logistics support services, and other related elements of logistics and program support.

(iv) *Military Department:* Navy (SDE, Amd #5)

(v) *Prior Related Cases, if any:* FMS case SDE–$362M–10Jun08

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None.

(vii) *Sensitivity of Technology Contained in the Defense Article or*

Defense Services Proposed to be Sold: None

(viii) *Date Report Delivered to Congress:* 7 Oct 14

POLICY JUSTIFICATION

Brazil—S–70B Helicopter Follow-On Support

The Government of Brazil has requested a possible sale for three years of follow-on support for S–70B helicopters, which includes 1 Tactical Operational Flight Trainer, 5 AN/AVS–9 Night Vision Goggles, spare and repair parts, support equipment, tools and test equipment, personnel training and training equipment, publications and technical documentation, U.S. Government and contractor technical, engineering, and logistics support services, and other related elements of logistics and program support. The estimated cost is $150 million.

The proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of Brazil, which has been, and continues to be, an important force for regional stability and economic progress in South America.

The Government of Brazil will use the follow-on support to improve the level of training for its pilots and enhance the performance of its S–70 fleet. This support will increase Brazil's operational readiness.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

There are no principal contractors associated with this proposed sale. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require any additional U.S. Government or contractor representatives in Brazil. However, travel will be required on a temporary basis for program, technical, and management oversight and support requirements.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2014–24711 Filed 10–16–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 14–37]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 14–37 with attached transmittal and policy justification.

Dated: October 14, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

OCT 06 2014

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 14-37, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Brunei for defense articles and services estimated to cost $343 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification

Transmittal No. 14–37

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Brunei

(ii) *Total Estimated Value:*

Major Defense Equipment *	$147 million.
Other	$196 million.
Total	$343 million.

* As defined in Section 47(6) of the Arms Export Control Act.

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* 1 C–130J aircraft, 6 AE2100D3 turboprop engines (4 installed and 2 spares), Government Furnished Equipment, communication equipment, spare and repair parts, support and test equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor engineering, technical and logistics support services, and other related elements of logistical and program support.

(iv) *Military Department:* Air Force (SBB)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* 06 October 2014.

POLICY JUSTIFICATION

Brunei—C–130J Aircraft

The Government of Brunei has requested a sale of 1 C–130J aircraft, 6 AE2100D3 turboprop engines (4 installed and 2 spares), Government Furnished Equipment, communication equipment, spare and repair parts, support and test equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor engineering, technical and logistics support services, and other related elements of logistical and program support. The estimated cost is $343 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to strengthen the U.S.-Brunei relationship, which has been a force for regional stability and economic progress in Southeast Asia.

This proposed sale of a C–130J to Brunei will provide a critical capability to assist in Humanitarian Assistance and Disaster Relief missions. The aircraft will enable Brunei to provide aid and assistance in greater capacities to regional allies and partners in need. The aircraft will also provide the ability to execute maritime patrol missions and contribute to search and rescue missions in the region. Brunei should have no difficulty absorbing this aircraft into its inventory.

The proposed sale of this aircraft and support will not alter the basic military balance in the region.

The principal contractor will be Lockheed Martin-Aerospace in Marietta, Georgia. There are no known offset agreements in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Brunei.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2014–24715 Filed 10–16–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Threat Reduction Advisory Committee; Notice of Federal Advisory Committee Meeting

AGENCY: Office of the Under Secretary of Defense (Acquisition, Technology and Logistics), Department of Defense (DoD).

ACTION: Federal Advisory Committee meeting notice.

SUMMARY: The Department of Defense announces the following Federal advisory committee meeting of the Threat Reduction Advisory Committee (TRAC). This meeting will be closed to the public.

DATES: Tuesday, November 4, from 8:30 a.m. to 12:30 p.m. and 1:30 p.m. to 4:00 p.m. and Wednesday, November 5, 2014, from 8:30 a.m. to 3:30 p.m.

ADDRESSES: CENTRA Technology Inc., Ballston, Virginia on November 4 and CENTRA Technology Inc., Ballston, Virginia and the Pentagon, Arlington, Virginia on November 5.

FOR FURTHER INFORMATION CONTACT: Mr. William Hostyn, DoD, Defense Threat Reduction Agency J2/5/8R–AC, 8725 John J. Kingman Road, MS 6201, Fort Belvoir, VA 22060–6201. Email: *william.hostyn@dtra.mil.* Phone: (703) 767–4453. Fax: (703) 767–4206.

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (FACA) (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. The Committee will obtain, review and evaluate classified information related to the Committee's mission to advise on technology security, Combating Weapons of Mass Destruction (C–WMD), counterterrorism, and counterproliferation.

Agenda: On Tuesday, November 4, the TRAC will receive a CIA/DIA current classified intelligence update. Following the opening remarks and intelligence update, the members will receive two classified reports from the TRAC information gathering groups on the Nuclear Strategic Stability and Cooperative Threat Reduction, taskings received from the Under Secretary of Defense for Acquisition, Technology and Logistics and the Assistant Secretary of the Army for Nuclear, Chemical and Biological Defense. The TRAC was asked to examine and present recommendations to the sponsor on strategic implications to possible changes to the U.S. Nuclear arsenal on U.S. strategies and allied viewpoints. The TRAC was also tasked by the sponsor to examine the Cooperative Threat Reduction program as it currently operates and the implications to U.S. obligations of possible modifications or direction changes. The TRAC will then deliberate on the information and produce a recommendation. During a working lunch, the TRAC members will continue to discuss the information and develop recommendations for the sponsor. At the afternoon session, the members will receive two classified briefings on the Defense Threat Reduction Agency's Constellation Information Fusion Project and the development of framing questions to be used in the Terms of Reference for an upcoming classified review of North Korean weapons programs. The meeting will wrap up with a final discussion on the briefings of the day.

The TRAC will continue to meet on November 5, 2014. The TRAC will hold classified discussions to receive information gathered for the TRAC's tasking to evaluate and provide program recommendations for DoD's Global Health Security program, followed by an information presentation to the entire TRAC on potential effects of changes being considered to DoD's Chemical and Biological Defense Program.

The TRAC will provide an assessment on the program's ability to meet Congressional intent if the program is restructured. After deliberating and voting on the information provided to the entire committee by the information gathering groups, and approving the recommendations to be provided to the TRAC sponsor, the TRAC will then move to the Pentagon to continue the meeting and provide an executive outbrief to senior DoD leaders. The TRAC will then provide recommendations to DoD senior leaders on the Nuclear Strategic Stability and Chemical Biological Defense Program taskings, and an interim report of findings for the Global Health Security information gathering group. The session will conclude with a classified discussion on the way ahead and provide a classified senior leader briefing.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.155, the Department of Defense has determined that the meeting of the TRAC on November 4–5, 2014, shall be closed to the public. The Under Secretary of Defense for Acquisition, Technology and Logistics, in consultation with the DoD FACA Attorney, has determined in writing that the public interest requires all sessions of this meeting be closed to

the public because the discussions and sharing of information will be concerned with classified information and matters covered by 5 U.S.C. 552b(c)(1). Such classified matters are inextricably intertwined with the unclassified material and cannot reasonably be segregated into separate discussions without disclosing secret material.

Committee's Designated Federal Officer or Point of Contact: Mr. William Hostyn, DoD, Defense Threat Reduction Agency/J2/5/8R–ACP, 8725 John J. Kingman Road, MS 6201, Fort Belvoir, VA 22060–6201. Email: *william.hostyn@dtra.mil.* Phone: (703) 767–4453. Fax: (703) 767–4206.

Written Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of FACA, the public or interested organizations may submit written statements to the membership of the TRAC at any time regarding its mission or in response to the stated agenda of a planned meeting. Written statements should be submitted to the TRAC's Designated Federal Officer. The Designated Federal Officer's contact information is listed in the section immediately above or it can be obtained from the General Services Administration's FACA Database: *http://www.facadatabase.gov/committee/committee.aspx?cid=1663&aid=41.* Written statements that do not pertain to a scheduled meeting of the Committee may be submitted at any time. However, if individual comments pertain to a specific topic being discussed at a planned meeting, then these statements must be submitted no later than five business days prior to the meeting in question. The Designated Federal Officer will review all submitted written statements and provide copies to all committee members.

Dated: October 14, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–24717 Filed 10–16–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2014–OS–0143]

Privacy Act of 1974; System of Records

AGENCY: Defense Finance and Accounting Service, DoD.

ACTION: Notice to add a new System of Records.

SUMMARY: The Defense Finance and Accounting Service proposes to add a new system of records, T5210, entitled ''Account Management Provisioning System (AMPS)'' to its inventory of record systems subject to the Privacy Act of 1974, as amended. This system will maintain information operations to control and track access to controlled networks, computer systems, and databases. The records may also be used by law enforcements officials to identify the occurrence of and assist in the prevention of computer misuse and/or crime. Statistical data, with all personal identifiers removed, may be used by management for system efficiency, workload calculation, or reporting purposes.

DATES: Comments will be accepted on or before November 17, 2014. This proposed action will be effective on the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Outlaw, (317) 212–4591.

SUPPLEMENTARY INFORMATION: The Defense Finance and Accounting Service notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties Office Web site at *http://dpclo.defense.gov.*

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on November 28, 2012, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: October 14, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

T5210

SYSTEM NAME: ACCOUNT MANAGEMENT PROVISIONING SYSTEM (AMPS)

SYSTEM LOCATION:

Defense Logistics Agency (DLA), 8000 Jefferson Davis Highway, Richmond, VA 23237–0000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Defense Finance and Accounting Service (DFAS) civilian and military personnel requiring access to DFAS controlled networks, computer systems, and databases.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name; SSN (for individuals' not in possession of a Common Access Card (CAC) such as newly hired Federal employees); U.S. citizenship status (i.e., U.S. Citizen, Foreign National, other); physical and electronic address; work telephone numbers; office symbol; employee status; computer logon addresses, passwords, and user identification codes; type of access/permissions required; verification of need to know; dates of mandatory information assurance awareness training; and security clearance data. The system also captures details about programs, databases, functions, and sites accessed and/or used; dates and times of use; and information products created, received, or altered during use. The records may also contain details about access or functionality problems telephoned in for technical support along with resolution. For individuals who telecommute from home or a telework center, the records may contain the electronic address and telephone number at that location.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 133, Under Secretary of Defense for Acquisition, Technology, and Logistics, 18 U.S.C. 1029, Access Device Fraud; E.O. 10450, Security Requirements for Government Employees as amended; and E.O. 9397 (SSN), as amended.

PURPOSE(S):

To maintain information operations to control and track access to controlled networks, computer systems, and databases. The records may also be used by law enforcements officials to identify the occurrence of and assist in the prevention of computer misuse and/or crime. Statistical data, with all personal identifiers removed, may be used by management for system efficiency, workload calculation, or reporting purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 United States Code 552a(b) of the Privacy Act of 1974, as amended, these records contained therein may specifically be disclosed outside the Department of Defense as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD Blanket Routine Uses published at the beginning of the DFAS compilation of systems of records notices may apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on electronic storage media.

RETRIEVABILITY:

Records are retrieved by name or user identification code.

SAFEGUARDS:

Electronic records are maintained in a secure, limited access, or monitored work area accessible only to authorized personnel. Records are stored on computer systems employing software programs that monitor network traffic to identify unauthorized attempts to upload or change information. Access to computer systems is password and/or Public Key Infrastructure controlled, encrypted and Common Access Card (CAC) enabled.

RETENTION AND DISPOSAL:

Records are deleted when no longer needed for administrative, legal, audit, or other operational purposes. Records relating to contractor access are destroyed 3 years after contract completion or termination.

SYSTEM MANAGER(S) AND ADDRESS:

Mr. Walter Gooch, System Manager, Defense Logistics Agency (DLA), 8000 Jefferson Davis Highway, Richmond, VA 23237–5339. Ms. Kenna Robinett, Program Manager, Defense Finance and Accounting Service (DFAS), 3990 E. Broad Street, Columbus, OH 43218–2317.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Requests should contain individual's full name, SSN for verification, current address, and provide a reasonable description of what they are seeking.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this record system should address written inquiries to Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Request should contain individual's full name, SSN for verification, current address, and telephone number.

CONTESTING RECORD PROCEDURES:

Individuals seeking access to information about themselves contained in this record system should address written inquiries to Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Request should contain individual's full name, SSN for verification, current address, and telephone number.

RECORD SOURCE CATEGORIES:

From the individual concerned, and Department of Defense (DoD) Components.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2014–24765 Filed 10–16–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

Performance Review Board Membership

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: Notice is given of the names of members of a Performance Review Board for the Department of the Army.

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

FOR FURTHER INFORMATION CONTACT: Barbara Smith, Civilian Senior Leader Management Office, 111 Army Pentagon, Washington, DC 20310–0111.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5) of Title 5, U.S.C., requires each agency to establish, in accordance with regulations, one or more Senior Executive Service performance review boards. The boards shall review and evaluate the initial appraisal of senior executives' performance by supervisors and make recommendations to the appointing authority or rating official relative to the performance of these executives.

The Department of the Army Performance Review Board will be composed of a subset of the following individuals:

1. LTG Thomas P. Bostick, Commanding General, United States Army Corps of Engineers.
2. Mr. Robert S. Carter, Executive Technical Director/Deputy to the Commander, United States Army Test and Evaluation Command.
3. Ms. Gwendolyn R. DeFilippi, Director, Civilian Senior Leader Management Office, Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs).
4. Ms. Sue A. Engelhardt, Director of Human Resources, United States Army Corps of Engineers.
5. Mr. Kevin M. Fahey, Executive Director for Agile Acquisition, Office of the Assistant Secretary of the Army (Acquisition, Logistics and Technology).
6. Mr. Patrick K. Hallinan, Executive Director of the Army National Cemeteries Program, Dept of the Army.
7. Ms. Ellen M. Helmerson, Deputy Chief of Staff, G–1/4 (Personnel and Logistics), United States Army Training and Doctrine Command.
8. LTG Mary A. Legere, Deputy Chief of Staff, G–2, Office of the Deputy Chief of Staff, G–2.
9. Mr. Mark R. Lewis, Deputy Chief Management Officer, Office of the Under Secretary of the Army.
10. LTG Kevin W. Mangum, Deputy Commanding General/Chief of Staff, U.S. Army Training and Doctrine Command.
11. Mr. David Markowitz, Assistant Deputy Chief of Staff for Operations, G–3/5/7, Office of the Deputy Chief of Staff, G–3/5/7.
12. LTG Patricia E. McQuistion, Deputy Commanding General, United States Army Material Command.

13. Ms. Kathleen S. Miller, Assistant Deputy Chief of Staff, G–4, Office of the Deputy Chief of Staff, G–4.
14. Mr. John B. Nerger, Executive Deputy to the Commanding General, United States Army Materiel Command.
15. Mr. Levator Norsworthy Jr., Deputy General Counsel (Acquisition)/ Senior Deputy General Counsel, Office of the General Counsel.
16. Mr. Gerald B. O'Keefe, Administrative Assistant to the Secretary of the Army, Office of the Administrative Assistant to the Secretary of the Army.
17. Mr. Wimpy D. Pybus, Deputy Assistant Secretary of the Army for Acquisition, Policy and Logistics, Office of the Assistant Secretary of the Army (Acquisition, Logistics, and Technology).
18. Ms. Diane M. Randon, Deputy Assistant Chief of Staff for Installation Management, Office of the Assistant Chief of Staff for Installation Management.
19. Mr. Jeffrey N. Rapp, Assistant Deputy Chief of Staff, G–2 Office of the Deputy Chief of Staff, G–2.
20. Mr. J. Randall Robinson, Principal Deputy to the Assistant Secretary of the Army (Installations, Energy and Environment), Office of the Assistant Secretary of the Army (Installations and Environment).
21. Mr. Craig R. Schmauder, Deputy General Counsel (Installation, Environment and Civil Works), Office of the General Counsel.
22. Mr. Karl F. Schneider, Acting Assistant Secretary of the Army (Manpower and Reserve Affairs), Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs).
23. Mr. Matthew L. Scully, Deputy Chief of Staff G–8, United Stated Army Training and Doctrine Command.
24. Honorable Heidi Shyu, Assistant Secretary of the Army (Acquisition, Logistics and Technology), Office of the Assistant Secretary of the Army (Acquisition, Logistics and Technology).
25. MG Richard L. Stevens, Deputy Chief of Engineers/Deputy Commanding General, United States Army Corps of Engineers.
26. Mr. Lawrence Stubblefield, Deputy Assistant Secretary of the Army (Diversity and Leadership), Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs).
27. Mr. Donald C. Tison, Assistant Deputy Chief of Staff for Programs, G–8, Office of the Deputy Chief of Staff, G–8.
28. MG Peter D. Utley, Commanding General, United States Army Test and Evaluation Command.
29. GEN Dennis L. Via, Commanding General, United States Army Materiel Command.
30. Honorable Debra S. Wada, Assistant Secretary of the Army (Manpower and Reserve Affairs), Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs).
31. LTG Michael E. Williamson, Deputy Assistant Secretary of the Army (Acquisition, Logistics and Technology), Office of the Assistant Secretary of the Army (Acquisition, Logistics and Technology).

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2014–24626 Filed 10–16–14; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement for a Proposed: 76-Slip Mooring and Launching Facility With Associated Piers, Low-Profile Timber Bulkhead, Boat Ramp and Maintenance Dredging Within North Bay at 3701 South Sandpiper Road at Sandbridge in Virginia Beach, VA

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent.

SUMMARY: The U.S. Army Corps of Engineers (Corps) will prepare an Environmental Impact Statement (EIS) to evaluate project alternatives and the public interest review factors, as well as the effects on Back Bay National Wildlife Refuge for the proposed mooring and launching facility.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and the Draft Environmental Impact Statement (DEIS) can be answered by: Melissa Nash, U.S. Army Corps of Engineers, Norfolk District, 803 Front Street, Norfolk, VA 23510, (757) 201–7489 or email: *melissa.a.nash@usace.army.mil.*

SUPPLEMENTARY INFORMATION: 1. *Proposed Action:* Mr. Kenneth Douglas Wilkins is proposing the removal and reconstruction of an existing pier and twelve commercial (12) mooring slips to be used by the existing eco-tourism and rental operation; the proposed construction of sixty-four (64) new members-only slips with associated piers; construction of a boat ramp; installation of a non-backfilled bulkhead; as well as maintenance and new dredging at property located at 3701 South Sandpiper Road in the Sandbridge community of Virginia Beach, VA. In 2008, the Corps issued an Individual Permit for this facility under Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). Before the applicant began constructing the facility the permit was challenged in the U.S. District Court for the Eastern District of Virginia, which awarded summary judgment to the Corps and upheld the permit decision. However, the decision was appealed. In Friends of Back Bay v. U.S. Army Corps of Engineers, 681 F.3d 581 (4th Cir. 2012), the Fourth Circuit remanded this action to the Corps for the preparation of an EIS pursuant to the National Environmental Policy Act (NEPA). The applicant will be seeking a permit from the Corps for the originally proposed facility.

2. *Alternatives:* Alternatives which will be investigated include, but will not be limited to alternate onsite layouts, a combination of alternatives, and the no project alternative.

3. *Scoping Process:* An interagency scoping meeting will be held with State and federal agencies on October 22, 2014, and formal scoping comments will be requested by November 21, 2014. The significant issues identified thus far include potential impacts Back Bay National Wildlife Refuge, submerged aquatic vegetation and water quality.

4. *Public Scoping Meeting:* A Public Notice was issued on October 8, 2014 to inform the public about the Public Scoping meeting to be held on November 6, 2014. The Corps will use the comments received to assist in identifying the significant issues, which should be addressed in the DEIS.

5. *DEIS Availability:* The Corps estimates that the DEIS will be available to the public for review and comment around the end of 2015.

Dated: October 7, 2014.

Paul B. Olsen,

Colonel, U.S. Army, Commanding.

[FR Doc. 2014–24623 Filed 10–16–14; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2014–ICCD–0144]

Agency Information Collection Activities; Comment Request; Quick Response Information System (QRIS) 2015–2018 System Clearance

AGENCY: Institute of Education Sciences/ National Center for Education Statistics (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before December 16, 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–0144 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E103, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kashka Kubzdela 202–502–7411.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Quick Response Information System (QRIS) 2015–2018 System Clearance.

OMB Control Number: 1850–0733.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, or Tribal Government.

Total Estimated Number of Annual Responses: 104,004.

Total Estimated Number of Annual Burden Hours: 31,704.

Abstract: The National Center for Education Statistics (NCES) Quick Response Information System (QRIS) consists of the Fast Response Survey System (FRSS) and the Postsecondary Education Quick Information System (PEQIS). The QRIS currently conducts surveys under OMB generic clearance 1850–0733, which expires in May 2015. This submission requests approval to continue the current clearance conditions through 2018. FRSS primarily conducts surveys of the elementary/secondary sector (districts, schools) and public libraries. PEQIS conducts surveys of the postsecondary education sector. FRSS and PEQIS surveys are cleared under the QRIS generic clearance. The QRIS clearance is subject to the regular clearance process at OMB with a 60-day notice and a 30-day notice as part of the 120-day review period. Each individual FRSS or PEQIS survey is then subject to clearance process with an abbreviated clearance package, justifying the particular content of the survey, describing the sample design, the timeline for the survey activities, and the questionnaire. The review period for each individual survey is 45 days, including a 30-day **Federal Register** notice period. OMB will provide comments as soon after the end of the 30-day notice period as possible. This generic clearance request is for surveys of surveys of state education agencies, school districts, schools, postsecondary institutions, and libraries.

Dated: October 14, 2014.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–24704 Filed 10–16–14; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9918–06–Region 3]

Adequacy Status of the Submitted Maintenance Plans for the Delaware Portion of the Philadelphia-Wilmington-New Jersey 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standard Nonattainment Areas for Transportation Conformity Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy.

SUMMARY: In this notice, EPA is notifying the public that EPA has found that the Motor Vehicle Emissions Budgets (MVEBs) in the Delaware portion of the Philadelphia-Wilmington-New Jersey 1997 and 2006 fine particulate matter ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS) Maintenance Plans, submitted as a State Implementation Plan (SIP) revision by the Delaware Department of Natural Resources and Environmental Control (DNREC), are adequate for transportation conformity purposes.

DATE: This is effective on November 3, 2014.

FOR FURTHER INFORMATION CONTACT: Asrah Khadr, Environmental Engineer, Office of Air Program Planning (3AP30), United States Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103, (215) 814–2071; *khadr.asrah@epa.gov.*

SUPPLEMENTARY INFORMATION: Today's notice is simply an announcement of a finding that EPA has already made. EPA Region III sent a letter to the DNREC on September 12, 2014 stating that EPA has found that the MVEBs in the Maintenance Plans for budget years 2017 and 2025, submitted on December 12, 2012, are adequate for transportation conformity purposes. As a result of EPA's finding, the State of Delaware must use the 2017 and 2025 MVEBs from the December 12, 2012 Maintenance Plans for future conformity determinations in the Delaware portion of the Philadelphia-Wilmington-New

Jersey 1997 $PM_{2.5}$ NAAQS nonattainment area. Receipt of the submittal was announced on EPA's transportation conformity Web site. No comments were received. The findings letter is available at EPA's conformity Web site: *http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm.* The adequate direct PM and nitrogen oxides (NO_X) MVEBs are provided in Table 1.

TABLE 1—DELAWARE PORTION OF THE PHILADELPHIA-WILMINGTON-NEW JERSEY 1997 AND 2006 $PM_{2.5}$ NAAQS MAINTENANCE PLANS MVEBS FOR DIRECT PM AND NO_X

Budget years	Motor vehicle emissions budget for direct PM-tons per year	Mobile vehicle emissions budget for NO_X-tons per year
2017	199	6,273
2025	199	6,273

Transportation conformity is required by section 176(c) of the Clean Air Act (CAA). EPA's conformity rule requires that transportation plans, transportation improvement programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP's MVEBs are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). EPA described the process for determining the adequacy of submitted SIP budgets in a July 1, 2004 preamble starting at 69 FR 40038 and used the information in these resources in making this adequacy determination. Delaware did not provide emission budgets for sulfur dioxide (SO_2), volatile organic compounds (VOCs), or ammonia for the Delaware portion of the Philadelphia-Wilmington-New Jersey nonattainment area because it concluded that emissions of these precursors from motor vehicles are not significant contributors to the area's $PM_{2.5}$ air quality problem. The transportation conformity rule provision at 40 CFR 93.102(b)(2)(v) indicates that conformity does not apply for these precursors, due to the lack of MVEBs for these precursors and the State's conclusion that motor vehicle emissions of SO_2, VOCs, and ammonia do not contribute significantly to the area's $PM_{2.5}$ nonattainment problem. This provision of the transportation conformity rule predates and was not disturbed by the January 4, 2013 decision in the litigation on the $PM_{2.5}$ implementation rule.[1] EPA has preliminarily concluded that the State's decision to not include budgets for SO_2, VOCs, and ammonia is consistent with the requirements of the transportation conformity rule. That decision does not affect EPA's adequacy finding for the submitted direct PM and NO_X MVEBs for the Delaware portion of the Philadelphia-Wilmington-New Jersey nonattainment area.

Please note that an adequacy review is separate from EPA's SIP review process. The Maintenance Plans containing the 2017 and 2025 MVEBs were approved by EPA on August 5, 2014 (79 FR 45350). The MVEBs have been approved as part of the Delaware SIP, finding the MVEBs adequate makes them available for use for transportation conformity purposes.

Authority: 42 U.S.C. 7401–7671q.

Dated: October 1, 2014.

William C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2014–24726 Filed 10–16–14; 8:45 am]

BILLING CODE 6560–50–P

[1] EPA issued conformity regulations to implement the 1997 $PM_{2.5}$ NAAQS in July 2004 and May 2005 (69 FR 40004, July 1, 2004 and 70 FR 24280, May 6, 2005, respectively). Those actions were not part of the final rule recently remanded to EPA by the Court of Appeals for the District of Columbia in *NRDC* v. *EPA,* No. 08–1250 (Jan. 4, 2013), in which the Court remanded to EPA the implementation rule for the $PM_{2.5}$ NAAQS because it concluded that EPA must implement that NAAQS pursuant to the PM-specific implementation provisions of subpart 4 of Part D of Title I of the CAA, rather than solely under the general provisions of subpart 1.

ENVIROMENTAL PROTECTION AGENCY

[FRL–9918–07–Region 3]

Clean Air Act Operating Permit Program; Petition To Object to Title V Permits for Mettiki Coal, LLC; Maryland

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action.

SUMMARY: Pursuant to the Clean Air Act (CAA), the EPA Administrator signed an Order, dated September 26, 2014, granting a petition to object to a state operating permit issued by the Maryland Department of the Environment (MDE). The Order responds to a February 5, 2013 petition. The petition was submitted by the Environmental Integrity Project (EIP), as well as Benjamin Feldman, and Brenda and Shayne Lambert (Petitioners). This Order constitutes final action on that petition requesting that the Administrator object to the issuance of the proposed CAA title V permit.

ADDRESSES: Copies of the final Order, the petition, and all pertinent information relating thereto are on file at the following location: EPA, Region III, Air Protection Division (APD), 1650 Arch St., Philadelphia, Pennsylvania 19103. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view copies of the final Order, petition, and other supporting information. You may view the hard copies Monday through Friday, from 9 a.m. to 3 p.m., excluding Federal holidays. If you wish to examine these documents, you should make an appointment at least 24 hours before the visiting day. The final Order is also available electronically at the following Web site: *http://www.epa.gov/region07/air/title5/petitiondb/petitiondb.htm.*

FOR FURTHER INFORMATION CONTACT: David Talley, Air Protection Division, EPA Region III, telephone (215) 814–2117, or by email at *talley.david@epa.gov.*

SUPPLEMENTARY INFORMATION: The CAA affords EPA a 45-day period to review and object to, as appropriate, operating permits proposed by state permitting authorities. Section 505(b)(2) of the CAA authorizes any person to petition the EPA Administrator within 60 days after the expiration of this review period to object to a state operating permit if EPA has not done so. Petitions must be based only on objections raised with reasonable specificity during the public comment period, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or that the grounds for objection or other issue arose after the comment period.

The February 5, 2013 petition requested that the Administrator object to the proposed title V operating permit issued by MDE (Permit No. 24–023–0042), on the grounds that it did not contain testing and monitoring requirements sufficient to assure compliance with limits for sulfur dioxide (SO_2) and particulate matter (PM) emissions from the facility's thermal dryer.

The Order explains the reasons behind EPA's decision to grant the petition for objection.

Dated: October 3, 2014.

William C. Early,

Acting, Regional Administrator, Region III.

[FR Doc. 2014–24728 Filed 10–16–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9017–5]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/compliance/nepa/.*

Weekly Receipt of Environmental Impact Statements

Filed 10/06/2014 Through 10/10/2014 Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html.*

EIS No. 20140301, Draft EIS, FHWA, FL, SR 87 Connector, Comment Period Ends: 12/01/2014, Contact: Joseph Sullivan 850–553–2248.

EIS No. 20140302, Final EIS, FERC, TX, Corpus Christi LNG Project, Review Period Ends: 11/17/2014, Contact: Kandilarya Barakat 202–502–6365.

EIS No. 20140303, Final EIS, EPA, FL, Designation of an Ocean Dredged Material Disposal Site Offshore of Jacksonville, Review Period Ends: 11/17/2014, Contact: Christopher J. McArthur 404–562–9391.

EIS No. 20140304, Final EIS, USACE, CA, Berths 212–224 (YTI) Container Terminal Improvements Project, Review Period Ends: 11/17/2014, Contact: Theresa Stevens 805–585–2146.

Amended Notices

EIS No. 20140240, Draft Supplement, USACE, WA, Mount St. Helens Long-Term Sediment Management Plan, Comment Period Ends: 10/21/2014, Contact: Tina Teed 503–808–4960.

Revision to FR Notice Published 09/26/2014;

Extending Comment Period from 10/06/2014 to 10/21/2014.

Dated: October 14, 2014.

Dawn Roberts,

Management Analyst, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2014–24734 Filed 10–16–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9917–99–OA]

Notification of Two Public Teleconferences of the Science Advisory Board; Chemical Assessment Advisory Committee Augmented for the Review of EPA's Draft Trimethylbenzenes Assessment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office announces two public teleconferences of the SAB Chemical Assessment Advisory Committee Augmented for the Review of the Draft Trimethylbenzenes Assessment (CAAC–TMB Panel) to discuss its draft report concerning EPA's draft Integrated Risk Information System (IRIS) *Toxicological Review of Trimethylbenzenes* (August 2013 Revised External Review Draft).

DATES: The public teleconferences will be held on Wednesday November 5, 2014 and Friday November 7, 2014. The teleconferences will be held from 1:00 p.m. to 5:00 p.m. (Eastern Standard Time) on both days.

Location: The teleconferences will be conducted by telephone only.

FOR FURTHER INFORMATION CONTACT: Any member of the public who wants further information concerning the teleconferences may contact Mr. Thomas Carpenter, Designated Federal Officer (DFO), EPA Science Advisory Board (1400R), U.S. Environmental Protection Agency, 1300 Pennsylvania Avenue NW., Washington, DC 20460; via telephone/voice mail (202) 564–4885; fax (202) 565–2098; or email at *carpenter.thomas@epa.gov.* General information concerning the SAB can be found on the SAB Web site at *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION:

Background: Pursuant to the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App., notice is hereby given that the SAB CAAC TMB Panel will hold public teleconferences to discuss its draft report regarding the draft IRIS *Toxicological Review of Trimethylbenzenes* (August 2013 Revised External Review Draft) and enhancements the agency is implementing to the IRIS program. The EPA SAB Staff Office augmented the SAB CAAC with subject matter experts to provide advice through the chartered SAB regarding this IRIS assessment.

The SAB was established pursuant to 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 FACA. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

The SAB CAAC TMB Panel held a public meeting on June 17–June 19, 2014. The purpose of that meeting was to receive a briefing on the EPA's enhancements to the IRIS Program and develop responses to the peer review charge on the agency's draft IRIS *Toxicological Review of Trimethylbenzenes* (August 2013 Revised External Review Draft). The purpose of these public teleconferences is for the Panel to discuss its draft report peer reviewing the agency's draft toxicological review. The two public teleconferences will be conducted as one complete meeting, beginning on November 5, 2014 and continuing on November 7, 2014.

Availability of Meeting Materials: Additional background on this SAB activity, the teleconference agenda, draft report, and other materials for the teleconferences will be posted on the SAB Web site at *http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/IRIS%20Trimethylbenzenes?OpenDocument.*

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to EPA. Members of the public can submit relevant comments pertaining to the group conducting this SAB activity or meeting

materials. Input from the public to the SAB will have the most impact if it consists of comments that provide specific scientific or technical information or analysis for the SAB to consider. Members of the public wishing to provide comment should contact the Designated Federal Officer for the relevant advisory committee directly.

Oral Statements: In general, individuals or groups requesting an oral presentation at a public teleconference will be limited to three minutes per speaker. To be placed on the public speaker list for the November 5, 2014 teleconferences, interested parties should notify Mr. Thomas Carpenter, DFO, by email no later than October 28, 2012.

Written Statements: Written statements for these teleconferences should be received in the SAB Staff Office by the same deadlines given above for requesting oral comments. Written statements should be supplied to the DFO via email (acceptable file format: Adobe Acrobat PDF, MS Word, WordPerfect, MS PowerPoint, or Rich Text files in IBM–PC/Windows 98/2000/XP 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 Mr. Carpenter at the phone number or email address noted above, preferably at least ten days prior to the teleconferences, to give the EPA as much time as possible to process your request.

Dated: October 7, 2014.

Thomas H. Brennan,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2014–24744 Filed 10–16–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2014–0750; FRL–9918–04–ORD]

Human Studies Review Board; Notification of a Public Meeting

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The EPA Office of the Science Advisor announces a public meeting of the Human Studies Review Board to advise the Agency on the ethical and scientific reviews of EPA research with human subjects.

DATES: This public meeting will be held on November 5, 2014, from approximately 10:00 a.m. to approximately 3:00 p.m. Eastern Time. Comments may be submitted on or before noon (Eastern Time) on Wednesday, October 29, 2014.

ADDRESSES: The meeting will be conducted entirely on the Internet using Adobe Connect and a conference call line. The conference call line is 866–299–3188 and access code 2025647189. The Adobe Connect link is: *http://epa.connectsolutions.com/hsrb.* Enter the room as a guest providing your full name.

Comments: Submit your written comments, identified by Docket ID No. EPA–HQ–ORD–2014–0750, by one of the following methods:

Internet: http://www.regulations.gov: Follow the online instructions for submitting comments.

Email: ORD.Docket@epa.gov.

Mail: The EPA Docket Center EPA/DC, ORD Docket, Mail code: 28221T, 1200 Pennsylvania Avenue NW., Washington, DC 20460.

Hand Delivery: The EPA/DC Public Reading Room is located in the EPA Headquarters Library, Room Number 3334 in the EPA WJC West, at 1301 Constitution Avenue NW., Washington, DC 20460. The hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Time, Monday through Friday, excluding federal holidays. Please call (202) 566–1744 or email the ORD Docket at *ord.docket@epa.gov* for instructions. Updates to Public Reading Room access are available on the Web site *http://www.epa.gov/epahome/dockets.htm.*

Instructions: The Agency's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information or other information the disclosure of which is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any electronic storage media you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

FOR FURTHER INFORMATION CONTACT: Any member of the public who wishes to receive further information should contact Jim Downing at telephone number (202) 564–2468; fax: (202) 564–2070; email address: *downing.jim@epa.gov;* mailing address Environmental Protection Agency, Office of the Science Advisor, Mail code 8105R, 1200 Pennsylvania Avenue NW., Washington, DC 20460. General information concerning the EPA HSRB can be found on the EPA Web site at *http://www.epa.gov/hsrb.*

SUPPLEMENTARY INFORMATION:

Meeting access: Access to this Internet meeting is open to all at the information provided above.

Procedures for providing public input: Interested members of the public may submit relevant written or oral comments for the HSRB to consider during the advisory process. Additional information concerning submission of relevant written or oral comments is provided in Section I, ''Public Meeting'' under subsection D. ''How May I Participate in this Meeting?'' of this notice.

I. Public Meeting

A. Does this action apply to me?

This action is directed to the public in general. This Notice may, however, be of particular interest to persons who conduct or assess human studies, especially studies on substances

regulated by the EPA, or to persons who are, or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act or the Federal Insecticide, Fungicide, and Rodenticide Act. This notice might also be of special interest to participants of studies involving human subjects, or representatives of study participants or experts on community engagement. The Agency has not attempted to describe all the specific entities that may have interest in human subjects research. If you have any questions regarding this notice, consult Jim Downing listed under **FOR FURTHER INFORMATION CONTACT**.

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

In addition to using *regulations.gov*, you may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the ORD Docket, EPA/DC, in the Public Reading Room. The EPA/DC Public Reading Room is located in the EPA Headquarters Library, Room Number 3334 in the EPA WJC West, at 1301 Constitution Avenue NW., Washington, DC 20460. The hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Time, Monday through Friday, excluding federal holidays. Please call (202) 566–1744 or email the ORD Docket at *ord.docket@epa.gov* for instructions. Updates to Public Reading Room access are available on the Web site (*http://www.epa.gov/epahome/dockets.htm*). The Agency's position paper(s), charge/questions to the HSRB, and the meeting agenda will be available by the middle of October 2014. In addition, the Agency may provide additional background documents as the materials become available. You may obtain electronic copies of these documents, and other related documents that are available electronically, from the *regulations.gov* Web site and the EPA HSRB Web site at *http://www.epa.gov/hsrb/*. For questions on document availability, or if you do not have access to the Internet, consult Jim Downing listed under **FOR FURTHER INFORMATION.**

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

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data that you used to support your views.
4. Provide specific examples to illustrate your concerns and suggest alternatives.
5. To ensure proper receipt by the EPA, be sure to identify the Docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

D. How may I participate in this meeting?

You may participate in this meeting by following the instructions in this section. To ensure proper receipt by the EPA, it is imperative that you identify Docket ID number EPA–HQ–ORD–2014–0750 in the subject line on the first page of your request.

1. *Oral comments.* Requests to present oral comments during the conference call will be accepted up to Noon Eastern Time on Friday, October 31, 2014. To the extent that time permits, interested persons who have not pre-registered may be permitted by the Chair of the HSRB to present oral comments during the call. Each individual or group wishing to make brief oral comments to the HSRB is strongly advised to submit their request (preferably via email) to Jim Downing, listed under **FOR FURTHER INFORMATION CONTACT** no later than noon, Eastern Time, Friday, October 31, 2014, in order to be included on the meeting agenda and to provide sufficient time for the HSRB Chair and HSRB Designated Federal Official to review the meeting agenda to provide an appropriate public comment period. The request should identify the name of the individual making the presentation and the organization (if any) the individual will represent. Oral comments before the HSRB are generally limited to five minutes per individual or organization. Please note that this includes all individuals appearing either as part of, or on behalf of, an organization. While it is our intent to hear a full range of oral comments on the science and ethics issues under discussion, it is not our intent to permit organizations to expand the time limitations by having numerous individuals sign up separately to speak on their behalf. If additional time is available, further public comments may be possible.

2. *Written comments.* Submit your written comments prior to the meeting. For the Board to have the best opportunity to review and consider your comments as it deliberates on its report, you should submit your comments on or before noon (Eastern Time) on Wednesday, October 29, 2014. If you submit comments after this date, those comments will be provided to the Board members, but you should recognize that the HSRB members may not have adequate time to consider those comments prior to their discussion during the meeting. You should submit your comments using the instructions in Section I., under subsection C., ''What Should I Consider as I Prepare My Comments for the EPA?'' In addition, the agency also requests that persons submitting comments directly to the docket also provide a copy of their comments to Jim Downing listed under **FOR FURTHER INFORMATION CONTACT**. There is no limit on the length of written comments for consideration by the HSRB.

E. Background

The HSRB is a Federal advisory committee operating in accordance with the Federal Advisory Committee Act 5 U.S.C. App.2 § 9. The HSRB provides advice, information, and recommendations to the EPA on issues related to scientific and ethical aspects of human subjects research. The major objectives of the HSRB are to provide advice and recommendations on: (1) Research proposals and protocols; (2) reports of completed research with human subjects; and (3) how to strengthen EPA's programs for protection of human subjects of research. The HSRB reports to the EPA Administrator through the Agency's Science Advisor.

1. *Topics for discussion.* At its meeting on November 5, 2014, EPA's Human Studies Review Board will consider scientific and ethical issues surrounding these topics:

a. A new scenario design and associated protocol from the Agricultural Handler Exposure Task Force, LLC describing proposed research to monitor dermal and inhalation exposure of pesticide handlers who manually open containers of granular pesticide products and perform open pour loading of the granules into application equipment.

b. A published report by *Frampton et al.* (2002) of an intentional exposure human study measuring the effects of nitrogen dioxide exposure on airway and blood cells.

2. *Meeting minutes and reports.* Minutes of the meeting, summarizing the matters discussed and recommendations, if any, made by the advisory committee regarding such matters, will be released within 90 calendar days of the meeting. Such minutes will be available at *http://www.epa.gov/osa/hsrb/* and *http://www.regulations.gov.* In addition, information regarding the Board's final meeting report, will be found at *http://www.epa.gov/osa/hsrb/* or from the person listed under **FOR FURTHER INFORMATION CONTACT.**

Dated: October 9, 2014.

Robert Kavlock,

Interim Agency Science Advisor.

[FR Doc. 2014–24757 Filed 10–16–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2014–0639; FRL–9916–78]

Notice of Receipt of Requests for Amendments To Delete Uses in Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is issuing a notice of receipt of request for amendments by registrants to delete uses in certain pesticide registrations. FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be amended to delete one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any request in the **Federal Register**.

DATES: The deletions in Table 1 are effective November 17, 2014, because the registrants requested a waiver of the 180-day comment period, unless the Agency receives a written withdrawal request on or before November 17, 2014. The Agency will consider a withdrawal request postmarked no later than November 17, 2014. The deletions in Table 2 are effective April 15, 2015, unless the Agency receives a written withdrawal request on or before April 15, 2015. The Agency will consider a withdrawal request postmarked no later than April 15, 2015.

Users of these products who desire continued use on crops or sites being deleted should contact the applicable registrant in Table 1 before November 17, 2014, for the registrants that requested a waiver of the 180-day comment period. Users of these products who desire continued use on crops or sites being deleted should contact the applicable registrant in Table 2 before April 15, 2015.

ADDRESSES: Submit your withdrawal request, identified by docket identification (ID) number EPA–HQ–OPP–2014–0639, by one of the following methods:

- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

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

FOR FURTHER INFORMATION CONTACT: Christopher Green, Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 347–0367; email address: *green.christopher@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. Although this action may be of particular interest to persons who produce or use pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action.

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

The docket for this action, identified by docket ID number EPA–HQ–OPP–2014–0639, is available either electronically through *http://www.regulations.gov* or in hard copy at the OPP Docket in the EPA/DC, West William Jefferson Clinton 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. What action is the agency taking?

This notice announces receipt by the Agency of applications from registrants to delete uses in certain pesticide registrations. These registrations are listed in Table 1 & Table 2 of this unit by registration number, product name, active ingredient, and specific uses deleted.

TABLE 1—REQUESTS FOR AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

EPA registration No.	Product name	Active ingredient	Delete from label
264–343	Larvin Brand Technical Thiodicarb Insecticide.	Thiodicarb	Terrestrial food uses: Sweet corn, Leafy vegetables, Broccoli, Cabbage and Cauliflower; Terrestrial non-food uses: Ornamentals & Non-crop areas.
264–718	Spiromesifen Technical	Spiromesifen	Greenhouse tomatoes.
264–719	Oberon 2SC Insecticide/Miticide	Spiromesifen	Greenhouse tomatoes.
19713–600	Drexel Pendimethalin Technical	Pendimethalin	Grass grown for seed.
42750–230	Captan Technical	Captan	Adhesives, paints & plastics.
45728–12	Ziram Granuflo	Ziram	Blackberry.
46923–4	Copper Sulfate Fine Crystals	Copper sulfate pentahydrate	Wood treatment uses.

TABLE 1—REQUESTS FOR AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS—Continued

EPA registration No.	Product name	Active ingredient	Delete from label
65217–1	Biobor JF	1,3,2-Dioxaborinane, 2,2′-((1-methyl-1,3-propanediyl)bis(oxy))bis(4-methyl- & 1,3,2-Dioxaborinane, 2,2′oxybis(4,4,6-trimethyl-.	All wood preservative uses.
84229–16	Tide Technical Imidacloprid	Imidacloprid	Companion animal.
85678–8	Captan Technical	Captan	Indoor/Industrial uses in paints, plastics & adhesives.
85678–28	Captan Technical II	Captan	Indoor/Industrial uses in paints, plastics & adhesives.
87290–44	Willowood Azoxystrobin 2.08SC	Azoxystrobin	Post-harvest applications.

Users of these products in Table 1, who desire continued use on crops or sites being deleted should contact the applicable registrant before November 17, 2014, because the registrants requested a waiver of the 180-day comment period, to discuss withdrawal of the application for amendment.

This 30-day period will also permit interested members of the public to intercede with registrants prior to the Agency's approval of the deletion.

TABLE 2—REQUESTS FOR AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

EPA registration No.	Product name	Active ingredient	Delete from label
400–565	Omite 30W	Propargite	Non-bearing avocado use.
11678–1	Merpan Captan Technical	Captan	Paints, plastics, adhesives, turf (golf course) and sod farm.
19713–258	Drexel Captan Technical	Captan	Paints, plastics & adhesives.
19713–631	Drexel Captan Technical 97%	Captan	Coatings, paints, plastics & adhesives.
66330–24	Captan 4 Flowable	Captan	Turf.
66330–26	Captan 50 WP	Captan	Turf.
66330–29	Captan 80 WDG	Captan	Turf.
66330–31	Captan Technical	Captan	Turf, paints, plastics & adhesives.
66330–54	Captan Technical	Captan	Turf, paints, plastics & adhesives.
70506–297	UPI Captan Technical	Captan	Paints, plastics, adhesives & turf.
70506–299	Captan 80 WDG	Captan	Turf.

Users of these products in Table 2, who desire continued use on crops or sites being deleted should contact the applicable registrant before April 15, 2015 to discuss withdrawal of the application for amendment. This 180-day period will also permit interested members of the public to intercede with registrants prior to the Agency's approval of the deletion.

Table 3 of this unit includes the names and addresses of record for all registrants of the products listed in Table 1 and Table 2 of this unit, in sequence by EPA company number.

TABLE 3—REGISTRANTS REQUESTING AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

EPA company No.	Company name and address
264	Bayer CropScience, LP, 2 T.W. Alexander Drive, P.O. Box 12014, Research Triangle Park, NC 27709.
400	MacDermid Agricultural Solutions, Inc., c/o Chemtura Corporation, Agent Name: Keller & Heckman, LLP, 1001 G Street NW., Suite 500, Washington, DC 20001.
11678	Makhteshim Chemical Works, Ltd., Agent Name: Makhteshim Agan of North America, Inc., 3120 Highwoods Blvd., Suite 100, Raleigh, NC 27604.
19713	Drexel Chemical Company, 1700 Channel Drive, P.O. Box 13327, Memphis, TN 38113–0327.
42750	Albaugh, LLC, P.O. Box 2127, Valdosta, GA 31604–2127.
45728	Taminco US, Inc., Agent Name: VJP Consulting, Inc., 21320 Sweet Clover Place, Ashburn, VA 20147.
46923	Old Bridge Chemicals, Inc., Agent Name: Landis International, Inc., 3185 Madison Highway, P.O. Box 5126, Valdosta, GA 31603–5126.
65217	Hammonds Fuel Additives, Inc., Agent Name: Delta Analytical Corp., 12510 Prosperity Drive, Suite 160, Silver Spring, MD 20904.
66330	Arysta LifeScience North America, LLC, 15401 Weston Parkway, Suite 150, Cary, NC 27513.
70506	United Phosphorus, Inc., 630 Freedom Business Center, Suite 402, King of Prussia, PA 19406.
84229	Tide International USA, Inc., Agent Name: Pyxis Regulatory Consulting, Inc., 4110 136th St. NW., Gig Harbor, WA 98332.
85678	RedEagle International, LLC, Agent Name: Wagner Regulatory Associates, Inc., P.O. Box 640, Hockessin, DE 19707.
87290	Willowood, LLC, Agent Name: Wagner Regulatory Associates, Inc., P.O. Box 640, Hockessin, DE 19707–0640.

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

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be amended to delete one or more uses. The FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, the EPA Administrator may approve such a request.

IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for use deletion must submit the withdrawal in writing to Christopher Green using the methods in **ADDRESSES**. The Agency will consider written withdrawal requests postmarked no later than November 17, 2014, for the requests that the registrants requested to waive the 180-day comment period and no later than April 15, 2015, for the requests with a 180-day comment period.

V. Provisions for Disposition of Existing Stocks

The Agency has authorized the registrants to sell or distribute product under the previously approved labeling for a period of 18 months after approval of the revision, unless other restrictions have been imposed, as in special review actions.

Authority: 7 U.S.C. 136 *et seq.*

Dated: September 18, 2014.

Michael Hardy,

Acting Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2014–24646 Filed 10–16–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10470, Covenant Bank, Chicago, Illinois

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Covenant Bank, Chicago, Illinois (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Covenant Bank on February 15, 2013. 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: October 14, 2014.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–24718 Filed 10–16–14; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

The Commission gives notice that the following applicants have filed an application for an Ocean Transportation Intermediary (OTI) license as a Non-Vessel-Operating Common Carrier (NVO) and/or Ocean Freight Forwarder (OFF) pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. 40101). Notice is also given of the filing of applications to amend an existing OTI license or the Qualifying Individual (QI) for a licensee.

Interested persons may contact the Office of Ocean Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573, by telephone at (202) 523–5843 or by email at *OTI@fmc.gov.*

A.G. Cargo Import, Inc. (NVO & OFF), 350 North Sam Houston Pkwy. East, Suite 203, Houston, TX 77060; Officers: Justiniano J. Nunez, CEO (QI), Artemisia Vargo, Secretary, Application Type: New NVO & OFF License.

Aduamerica USA Corp. (NVO & OFF), 14944 SW 132 Avenue, Miami, FL 33186; Officer: David M. Gonzalez, CEO (QI), Application Type: New NVO & OFF License.

AMC Freight Forwarder Corp. (NVO & OFF), 2511 Pan Am Blvd., Elk Grove Village, IL 60007; Officers: Buyanbat Altangerel, President (QI), Rodger Wesolowski, Secretary, Application Type: New NVO & OFF License.

AMPAC Freight System, Inc (NVO), 19105 Santa Maria Avenue, Castro Valley, CA 94546; Officer: Pei-Ling (aka Peggy) Wen, President (QI), Application Type: New NVO License.

Anselm K. Nwankwo dba Anze Global Logistics (NVO & OFF), 45 Harrison Street, Suite A, Roslindale, MA 02131; Officer: Anselm K. Nwankwo, President (QI), Application Type: Business Structure Change to Anze Global Logistics & Shipping Inc.

Ark Shipping Line Limited Liability Company (NVO & OFF), 239 Albert Street, North Plainfield, NJ 07063; Officer: Fawwad Mohammad, Chief Executive Manager (QI), Application Type: Add OFF Service.

Bosgen Inc. (NVO & OFF), 16 Prescott Street, Suite 300, Wellesley, MA 02481; Officers: Jianfan Wang, President (QI), Jie Bai, Treasurer, Application Type: New NVO & OFF License.

Direct Global Shipping LLC (NVO & OFF), 10891 NW 34th Place, Coral Springs, FL 33065; Officer: Sean J. Alford, Member (QI), Application Type: New NVO & OFF License.

Global Voyage, LLC (OFF), 2567 North Forsyth Road, Orlando, FL 32807; Officers: Jocelyn C. Kassem, Manager/Member (QI), Bassel Kassem, Manager/Member, Application Type: New OFF License.

Intorvolca Logistic, LLC. (OFF), 11890 SW 8th Street, Penthouse 3 A–B, Miami, FL 33184; Officer: Javier A. Volcanes, Manager/Member (QI), Application Type: New OFF License.

Intransia World Wise Logistics Inc. (NVO), 2240 Palm Beach Lakes Blvd., Suite 300, West Palm Beach, FL 33409; Officer: Mehmet O. Elbir, President (QI), Application Type: New NVO License.

ISS Palumbo Houston LLC (OFF), 3340–B Greens Road, Suite B900, Houston, TX 77032; Officers: Ian Sanders-Park, Vice President of Operations, Filippo Palumbo, Manager/President, Application Type: New OFF License.

LavinStar America, Inc. (NVO & OFF), 485–C Route 1 South, Building C, Suite 130, Iselin, NJ 08830; Officers: Tervin M. Aranha, Executive Vice President (QI), Martin J. Aranha, President, Application Type: QI Change.

Maceachern Energy, LLC (OFF), 400 Clematis Street, Suite 207, West Palm Beach, FL 33401; Officers: Christina MacEachern, Managing Member (QI),

Christopher C. MacEachern, Managing Member, Application Type: New OFF License.

Marine Transport International USA LLC (NVO & OFF), 50 Harrison Street, Suite PH 441, Hoboken, NJ 07030; Officers: Carmella M. DePrimo, Manager (QI), Jody L. Cleworth, Member, Application Type: New NVO & OFF License.

Nigel Williams dba Caribbean Imports & Exports Services Ltd. (NVO & OFF), 1424 W. 24th Street, Houston, TX 77008; Officers: Nigel Williams, Sole Proprietor (QI), Application Type: New NVO & OFF License.

Janette Marlowe and Kathleen Smith dba Planet Shippers dba Project, Cargo USA Ltd (NVO & OFF), 11110 Bellaire Blvd., Second Floor, Suite 213, Houston, TX 77072; Officers: Kathleen P. Smith, Partner (QI), Janette M. Marlowe, Partner, Application Type: New NVO & OFF License.

By the Commission.

Dated: October 9, 2014.

Karen V. Gregory,

Secretary.

Pursuant to the Commission's direct rule (79 FR 56522), beginning October 20, 2014, these notices will no longer be posted in the **Federal Register**. After October 20, 2014, this information will be available on the Commission's Web site at *http:/www.fmc.gov,* see *OTI Licensing Updates.*

[FR Doc. 2014–24692 Filed 10–16–14; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act (PRA), pursuant to 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before December 16, 2014.

ADDRESSES: You may submit comments, identified by *FR GTU,* or *FR 2030, FR 2030a, FR 2056, FR 2086, FR 2086a, FR 2087,* or *FR 2083* 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 OMB 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 form in Room MP–500 of the Board's Martin Building (20th and C Streets NW.) between 9 a.m. and 5 p.m. on weekdays.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be made available on the Federal Reserve Board's public Web site at: *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Acting Clearance Officer—John Schmidt—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Request for Comment on Information Collection Proposals

The following information collections, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collections, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, 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 collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or start up costs and costs of operation, maintenance, and purchase of services to provide information.

Proposal To Approve Under OMB Delegated Authority the Extension for Three Years, Without Revision, of the Following Reports

1. *Report titles:* Registration Statement for Persons Who Extend Credit Secured by Margin Stock (Other Than Banks, Brokers, or Dealers); Deregistration Statement for Persons Registered Pursuant to Regulation U; Statement of Purpose for an Extension of Credit Secured by Margin Stock by a Person Subject to Registration Under Regulation U; Annual Report; Statement of Purpose for an Extension of Credit by a Creditor; and Statement of Purpose for an Extension of Credit Secured by Margin Stock.

Agency form numbers: FR G–1, FR G–2, FR G–3, FR G–4, FR T–4, FR U–1.

OMB control numbers: 7100–0011: FR G–1, FR G–2, FR G–4; 7100–0018: FR G–3; 7100–0019: FR T–4; 7100–0115: FR U–1.

Frequency: FR G–1, FR G–2, FR G–3, FR T–4, and FR U–1: on occasion; FR G–4: annual.

Reporters: Individuals and businesses.

Estimated annual reporting hours: 245 hours.

Estimated average hours per response: FR G–1: 2.5 hours; FR G–2: 15 minutes; FR G–3: 10 minutes; FR G–4: 2.0 hours; FR T–4: 10 minutes; FR U–1: 10 minutes.

Number of respondents: FR G–1: 52; FR G–2: 25; FR G–3: 6; FR G–4: 12; FR T–4: 4; FR U–1: 4.

General description of reports: This information collection is mandatory (15 U.S.C. 78g). In addition, the FR T–4 is required by Section 220.6 of Regulation T (12 CFR 220.6), the FR U–1 is required by Sections 221.3(c)(1)(i) and (2)(i) of Regulation U (12 CFR 221.3(c)(1)(i) and (2)(i)), and the FR G–1, G–2, G–3, and G–4 are required by Sections 221.3(b)(1), (2), and (3), and (c)(1)(ii) and (2)(ii) of Regulation U (12 CFR 221.3(b)(1), (2), and (3), and (c)(1)(ii) and (2)(ii)).

The FR G–1 and FR G–4 collect financial information, including a balance sheet, from nonbank lenders subject to Regulation U. Some of these lenders may be individuals or nonbank entities that do not make this information publicly available; release could therefore cause substantial harm to the competitive position of the respondent or result in an unwarranted invasion of personal privacy. In those cases, the information could be withheld under Exemption 4 or Exemption 6 of FOIA, 5 U.S.C. 552(b)(4) and (6), respectively. Confidentiality determinations must be made on a case by case basis. Because the FR T–4, FR U–1, and FR G–3 are not submitted to the Federal Reserve System, and the FR G–2 does not contain any information considered to be confidential, no confidentiality determination is necessary for these reports.

Abstract: The Securities Exchange Act of 1934 authorizes the Federal Reserve to regulate securities credit extended by brokers and dealers, banks, and other lenders. The purpose statements, FR T–4, FR U–1, and FR G–3, are recordkeeping requirements for brokers and dealers, banks, and other lenders, respectively, to document the purpose of their loans secured by margin stock. Margin stock is defined as (1) stocks that are registered on a national securities exchange or any over-the-counter security designated for trading in the National Market System, (2) debt securities (bonds) that are convertible into margin stock, and (3) shares of most mutual funds. Lenders other than brokers and dealers and banks must register and deregister with the Federal Reserve using the FR G–1 and FR G–2, respectively, and they must file an annual report (FR G–4) while registered. The Federal Reserve uses the data to identify lenders subject to Regulation U, to verify their compliance with the regulation, and to monitor margin credit.

2. *Report title:* Applications for Subscription to, Adjustment in the Holding of, and Cancellation of Federal Reserve Bank Stock.

Agency form number: FR 2030, FR 2030a, FR 2056, FR 2086, FR 2086a, FR 2087.

OMB control number: 7100–0042.

Frequency: On occasion.

Reporters: National, State Member, and Nonmember banks.

Estimated annual reporting hours: FR 2030: 2 hours; FR 2030a: 1 hour; FR 2056: 667 hours; FR 2086: 23 hours; FR 2086a: 40 hours; FR 2087: 1 hour.

Estimated average hours per response: .5 hours.

Number of respondents: FR 2030: 4; FR 2030a: 2; FR 2056: 1,333; FR 2086: 45; FR 2086a: 79; FR 2087: 1.

General description of report: These information collections are mandatory.

- FR 2030 and FR 2030a: Section 2 of the Federal Reserve Act [12 U.S.C. 222 and 282] and Sections 9 and 11(a) of the Federal Reserve Act [12 U.S.C. 248(a) and 321];
- FR 2056: Section 5 of the Federal Reserve Act [12 U.S.C. 287] and Sections 11(a) and (i) of the Federal Reserve Act [12 U.S.C. 248(a) and (i)];
- FR 2086: Section 5 of the Federal Reserve Act [12 U.S.C. 287] and Sections 11(a) and (i) of the Federal Reserve Act [12 U.S.C. 248(a) and (i)];
- FR 2086a: Section 9 of the Federal Reserve Act [12 U.S.C. 321], Section 5 of the Federal Reserve Act [12 U.S.C. 287], and Section 11(a) of the Federal Reserve Act [12 U.S.C. 248(a)]; and
- FR 2087: Section 6 of the Federal Reserve Act [12 U.S.C. 288] and Sections 11(a) and (i) of the Federal Reserve Act [12 U.S.C. 248 (a) and (i)].

The information solicited in these application forms is not considered confidential, but applicants may request that parts of the forms be kept confidential. Any request for confidential treatment of information must be accompanied by a detailed justification for confidentiality. For example, a justification for confidential treatment of business information under exemption 4 of the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)(4), should demonstrate that substantial harm would result from public release of the information. Submissions of these forms may also be exempt under exemption 6 of FOIA, 5. U.S.C. 552(b)(6), if a submitter identifies information of a personal nature the disclosure of which would result in a clearly unwarranted invasion of personal privacy. Additionally, exemption 8 of FOIA, 5 U.S.C. 552(b)(8) may apply to the extent the reported information is contained in or related to examination reports. Each request for confidentiality that is received by a submitter of these forms will need to be reviewed on a case-by-case basis.

Abstract: These application forms are required by the Federal Reserve Act and Regulation I. These forms must be used by a new or existing member bank (including a national bank) to request the issuance, and adjustment in, or cancellation of Federal Reserve Bank stock. The forms must contain certain certifications by the applicants, as well as certain other financial and shareholder data that is needed by the Federal Reserve to process the request.

3. *Report title:* Application for Membership in the Federal Reserve System.

Agency form number: FR 2083, 2083A, 2083B, and 2083C.

OMB control number: 7100–0046.

Frequency: On occasion.

Reporters: Newly organized banks that seek to become state member banks, or existing banks or savings institutions that seek to convert to state member bank status.

Estimated annual reporting hours: 184 hours.

Estimated average hours per response: 4 hours.

Number of respondents: 46.

General description of report: This information collection is mandatory (Section 9 of the Federal Reserve Act [12 U.S.C. 321, 322, and 333]). The information solicited in this application form is not considered confidential, but applicants may request that parts of the form be kept confidential. Any request for confidential treatment of information must be accompanied by a detailed justification for confidentiality. For example, a justification for confidential treatment of business information under exemption 4 of the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)(4), should demonstrate that substantial harm would result from public release of the information. Submissions of this form may also be exempt under exemption 6 of FOIA, 5. U.S.C. 552(b)(6), if a submitter identifies

information of a personal nature the disclosure of which would result in a clearly unwarranted invasion of personal privacy. Additionally, exemption 8 of FOIA, 5 U.S.C. 552(b)(8) may apply to the extent the reported information is contained in or related to examination reports. Each request for confidentiality that is received by a submitter of this form will need to be reviewed on a case-by-case basis.

Abstract: The application for membership is a required one-time submission that collects the information necessary for the Federal Reserve to evaluate the statutory criteria for admission of a new or existing state bank into membership in the Federal Reserve System. The application collects managerial, financial, and structural data.

Board of Governors of the Federal Reserve System, October 14, 2014.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2014–24690 Filed 10–16–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 13, 2014.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Country Bancorporation,* Crawfordsville, Iowa; to acquire 100 percent of the voting shares of Lone Tree Service Company, Lone Tree, Iowa, and thereby indirectly acquire Farmers and Merchants Savings Bank, Iowa City, Iowa.

Board of Governors of the Federal Reserve System, October 14, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–24712 Filed 10–16–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies; Correction

This notice corrects a notice (FR Doc. 2014–24235) published on page 61308 of the issue for Friday, October 10, 2014.

Under the Federal Reserve Bank of New York heading, the entry for Sumitomo Mitsui Financial Group, Inc. and Sumitomo Mitsui Banking Corporation, both in Tokyo, Japan, is revised to read as follows:

1. *Sumitomo Mitsui Financial Group, Inc., and Sumitomo Mitsui Banking Corporation,* both of Tokyo, Japan; to acquire at least an additional 10 percent, for a total of 19.9 percent of the voting shares of The Bank of East Asia, Limited, Hong Kong S.A.R., Peoples Republic of China, and thereby indirectly acquire additional voting shares of The Industrial and Commercial Bank Of China (USA), N.A., New York, New York.

Comments on this application must be received by November 6, 2014.

Board of Governors of the Federal Reserve System, October 14, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–24713 Filed 10–16–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 3:30 p.m. on Wednesday, October 22, 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 Web cast from a link available on the Board's public Web site. *You do not need to register to view the Web cast 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 October 21, 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 Credit Risk Retention Rule under Section 941 of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

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 Web cast recording and a transcript of the meeting will be available after the meeting on the Board's public Web site *http://www.federalreserve.gov/about thefed/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: October 15, 2014.

Margaret M. Shanks,

Deputy Secretary of the Board.

[FR Doc. 2014–24874 Filed 10–15–14; 4:15 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1630–N]

Medicare Program; The Advisory Panel on Hospital Outpatient Payment (HOP Panel) Spring Meeting, March 9–10, 2015

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice announces the spring meeting of the Advisory Panel on Hospital Outpatient Payment (the Panel) for 2015. The purpose of the Panel is to advise the Secretary of the Department of Health and Human Services (DHHS) (the Secretary) and the Administrator of the Centers for Medicare & Medicaid Services (CMS) (the Administrator) on the clinical integrity of the Ambulatory Payment Classification (APC) groups and their associated weights, and hospital outpatient therapeutic services supervision issues.

DATES: *Meeting Dates:* The first semi-annual meeting in 2015 is scheduled for the following dates and times. The times listed in this notice are Eastern Time (ET) and are approximate times; consequently, the meetings may be shorter than or last longer than the times listed in this notice, but will not begin before the posted times:

- Monday, March 9, 2015, 9 a.m. to 5 p.m. ET
- Tuesday, March 10, 2014, 9 a.m. to 5 p.m. ET

Meeting Information Updates

The actual meeting hours and days will be posted in the agenda. As information and updates regarding the onsite, webcast, and teleconference meeting, and agenda become available, they will be posted to the CMS Web site at: *http://cms.gov/Regulations-and-Guidance/Guidance/FACA/Advisory PanelonAmbulatoryPayment ClassificationGroups.html*

Deadlines

Deadline for Presentations and Comments

Presentations and Comments can be submitted by email only. Presentations or comments and form CMS–20017 must be in the Designated Federal Official's (DFO's) email inbox (*APCPanel@cms.hhs.gov*) by 5 p.m. ET, Friday, February 6, 2015. Presentations and comments that are not received by the due date will be considered late and will not be included on the agenda. (See below for submission instructions for electronic submissions.)

Meeting Registration Timeframe: Monday, January 19, 2015 through Friday, February 20, 2015 at 5 p.m. ET.

Participants planning to attend this meeting in person must register online, during the above specified timeframe at: *https://www.cms.gov/apps/events/default.asp.* On this Web page, double click the ''Upcoming Events'' hyperlink, and then double click the ''HOP Panel'' event title link and enter the required information. Include any requests for special accommodations.

Note: Participants who do not plan to attend this meeting in person should not register. No registration is required for participants who plan to view the meeting via webcast.

In commenting, please refer to file code CMS–1630–N. Because of staff and resource limitations, we cannot accept comments and presentations by facsimile (FAX) transmission or hard copy.

Meeting Location, Webcast, and Teleconference

The meeting will be held in the Auditorium, CMS Central Office, 7500 Security Boulevard, Woodlawn, Maryland 21244–1850. Alternately, the public may either view this meeting via a webcast or listen by teleconference. During the scheduled meeting, webcasting is accessible online at: *http://cms.gov/live.* Teleconference dial-in information will appear on the final meeting agenda, which will be posted on the CMS Web site when available at: *http://cms.gov/Regulations-and-Guidance/Guidance/FACA/Advisory PanelonAmbulatoryPayment ClassificationGroups.html*

FOR FURTHER INFORMATION CONTACT:

Designated Federal Official (DFO):

Carol Schwartz, DFO, 7500 Security Boulevard, Mail Stop: C4–04–25, Woodlawn, MD 21244–1850.

Phone: (410) 786–3985.

Email: *APCPanel@cms.hhs.gov.*

Send email copies to the following address:

Email: *APCPanel@cms.hhs.gov.*

News Media: Representatives must contact our Public Affairs Office at (202) 690–6145.

Advisory Committees' Information Lines: The phone number for the CMS Federal Advisory Committee Hotline is (410) 786–3985.

Web Sites

For additional information on the Panel and updates to the Panel's

activities, we refer readers to view our Web site at: *http://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/AdvisoryPanelonAmbulatoryPaymentClassificationGroups.html*.

Information about the Panel and its membership in the Federal Advisory Committee Act (FACA) database are also located at: *http://facadatabase.gov/*.

SUPPLEMENTARY INFORMATION:

I. Background

The Secretary of the Department of Health and Human Services (DHHS) (the Secretary) is required by section 1833(t)(9)(A) of the Social Security Act (the Act) and section 222 of the Public Health Service Act (PHS Act) to consult with an expert outside the Advisory Panel on Hospital Outpatient Payment (the Panel) regarding the clinical integrity of the Ambulatory Payment Classification (APC) groups and relative payment weights. The Panel is governed by the provisions of the Federal Advisory Committee Act (Pub. L. 92–463), as amended (5 U.S.C. Appendix 2), to set forth standards for the formation and use of advisory panels.

The Charter provides that the Panel shall meet up to 3 times annually. We consider the technical advice provided by the Panel as we prepare the proposed and final rules to update the outpatient prospective payment system (OPPS).

II. Agenda

The agenda for the March 9, 2015 through March 10, 2015 meeting will provide for discussion and comment on the following topics as designated in the Panel's Charter:

- Addressing whether procedures within an APC group are similar both clinically and in terms of resource use.
- Evaluating APC group weights.
- Reviewing the packaging of OPPS services and costs, including the methodology and the impact on APC groups and payment.
- Removing procedures from the inpatient-only list for payment under the OPPS.
- Using single and multiple procedure claims data for CMS' determination of APC group weights.
- Addressing other technical issues concerning APC group structure.
- Recommending the appropriate supervision level (general, direct, or personal) for individual hospital outpatient therapeutic services.

The Agenda will be posted on the Centers for Medicare & Medicaid Services (CMS) Web site approximately one week before the meeting.

III. Presentations

The presentation subject matter must be within the scope of the Panel designated in the Charter. Any presentations outside of the scope of this Panel will be returned or requested for amendment. Unrelated topics include, but are not limited to, the conversion factor, charge compression, revisions to the cost report, pass-through payments, correct coding, new technology applications (including supporting information/documentation), provider payment adjustments, supervision of hospital outpatient diagnostic services and the types of practitioners that are permitted to supervise hospital outpatient services. The Panel may not recommend that services be designated as nonsurgical extended duration therapeutic services.

The Panel may use data collected or developed by entities and organizations, other than DHHS and CMS in conducting its review. We recommend organizations submit data for CMS staff and the Panel's review.

All presentations are limited to 5 minutes, regardless of the number of individuals or organizations represented by a single presentation. Presenters may use their 5 minutes to represent either one or more agenda items.

All presentations will be shared with the public. Presentations may not contain any pictures, illustrations, or personally identifiable information.

In order to consider presentations and/or comments, we will need to receive the following information by email only. We cannot accept hardcopy submittals.

1. An *email copy* of the presentation sent to the DFO mailbox, *APCPanel@cms.hhs.gov*

2. Form *CMS–20017* with complete contact information that includes name, address, phone number, and email addresses for all presenters and a contact person that can answer any questions and or provide revisions that are requested for the presentation.

- Presenters must clearly explain the actions that they are requesting CMS to take in the appropriate section of the form. A presenter's relationship with the organization that they represent must also be clearly listed.
- The form is now available through the CMS Forms Web site. The Uniform Resource Locator (URL) for linking to this form is as follows: *http://www.cms.hhs.gov/cmsforms/downloads/cms20017.pdf*.

IV. Oral Comments

In addition to formal oral presentations, which are limited to 5 minutes total per presentation, there will be an opportunity during the meeting for public oral comments, which will be limited to 1 minute for each individual and a total of 3 minutes per organization.

V. Meeting Attendance

The meeting is open to the public; however, attendance is limited to space available. Priority will be given to those who pre-register, and attendance may be limited based on the number of registrants and the space available.

Persons wishing to attend this meeting, which is located on Federal property, must register by following the instructions in the ''*Meeting Registration Timeframe*'' section of this notice. A confirmation email will be sent to the registrants shortly after completing the registration process.

VI. Security, Building, and Parking Guidelines

The following are the security, building, and parking guidelines:

- Persons attending the meeting, including presenters, must be pre-registered and on the attendance list by the prescribed date.
- Individuals who are not pre-registered in advance may not be permitted to enter the building and may be unable to attend the meeting.
- Attendees must present a government issued photo identification to the Federal Protective Service or Guard Service personnel before entering the building. Without a current, valid photo identification, persons may not be permitted entry to the building.
- Security measures include inspection of vehicles, inside and out, at the entrance to the grounds.
- All persons entering the building must pass through a metal detector.
- All items brought into CMS including personal items, for example, laptops and cell phones are subject to physical inspection.
- The public may enter the building 30 to 45 minutes before the meeting convenes each day.
- All visitors must be escorted in areas other than the lower and first-floor levels in the Central Building.
- The main-entrance guards will issue parking permits and instructions upon arrival at the building.
- Foreign nationals visiting any CMS facility require prior approval. If you are a foreign national and wish to attend the meeting onsite, in addition to registering for the meeting, you must also send a separate email to *APCPanel@cms.hhs.gov* prior to the close of registration to request authorization to attend as a foreign national.

VII. Special Accommodations

Individuals requiring special accommodations must include the request for these services during registration.

VIII. Panel Recommendations and Discussions

The Panel's recommendations at any Panel meeting generally are not final until they have been reviewed and approved by the Panel on the last day of the meeting, before the final adjournment. These recommendations will be posted to our Web site after the meeting.

IX. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995.

Dated: October 7, 2014.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2014–24755 Filed 10–16–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2004–N–0451]

Food and Drug Administration Modernization Act of 1997: Modifications to the List of Recognized Standards, Recognition List Number: 037

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a publication containing modifications the Agency is making to the list of standards FDA recognizes for use in premarket reviews (''FDA Recognized Consensus Standards''). This publication, entitled ''Modifications to the List of Recognized Standards, Recognition List Number: 037'' (''Recognition List Number: 037''), will assist manufacturers who elect to declare conformity with consensus standards to meet certain requirements for medical devices.

DATES: Submit either electronic or written comments concerning this document at any time. See section VII for the effective date of the recognition of standards announced in this document.

ADDRESSES: An electronic copy of Recognition List Number: 037 is available on the Internet at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/Standards/ucm123792.htm*. See section VI for electronic access to the searchable database for the current list of FDA recognized consensus standards, including Recognition List Number: 037 modifications and other standards related information.

Submit written requests for single copies of the document entitled ''Modifications to the List of Recognized Standards, Recognition List Number: 037'' to the Division of Industry and Consumer Education, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4613, Silver Spring, MD 20993–0002. Send two self-addressed adhesive labels to assist that office in processing your request, or fax your request to 301–847–8149.

Submit electronic comments on this document to *http://www.regulations.gov*. Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Scott A. Colburn, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 3632, Silver Spring, MD 20993, 301–796–6287, *standards@cdrh.fda.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Section 204 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) amended section 514 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360d). Amended section 514 allows FDA to recognize consensus standards developed by international and national organizations for use in satisfying portions of device premarket review submissions or other requirements.

In a notice published in the **Federal Register** of February 25, 1998 (63 FR 9561), FDA announced the availability of a guidance entitled ''Recognition and Use of Consensus Standards.'' The notice described how we would implement our standard recognition program and provided the initial list of recognized standards.

Modifications to the initial list of recognized standards, as published in the **Federal Register**, can be accessed at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/Standards/ucm123792.htm*.

These notices describe the addition, withdrawal, and revision of certain standards recognized by FDA. The Agency maintains HTML and PDF versions of the list of FDA Recognized Consensus Standards. Both versions are publicly accessible at the Agency's Internet site. See section VI of this document for electronic access information. Interested persons should review the supplementary information sheet for the standard to understand fully the extent to which FDA recognizes the standard.

II. Modifications to the List of Recognized Standards, Recognition List Number: 037

FDA is announcing the addition, withdrawal, correction, and revision of certain consensus standards the Agency will recognize for use in premarket submissions and other requirements for devices. We will incorporate these modifications in the list of FDA Recognized Consensus Standards in the Agency's searchable database. We will use the term ''Recognition List Number: 037'' to identify these current modifications.

In Table 1, we describe the following modifications: (1) The withdrawal of standards and their replacement by others, if applicable, (2) the correction of errors made by FDA in listing previously recognized standards, and (3) the changes to the supplementary information sheets of recognized standards that describe revisions to the applicability of the standards.

TABLE 1—MODIFICATIONS TO THE LIST OF RECOGNIZED STANDARDS

Old recognition No.	Replacement recognition No.	Title of standard [1]	Change
A. General I (ES/EMC)			
5–90		ISO 15223–1 Second edition 2012–07–01 Medical devices—Symbols to be used with medical device labels, labeling, and information to be supplied—Part 1: General requirements.	Extent of recognition.
5–91		AAMI/ANSI/ISO 15223–1:2012 Medical devices—Symbols to be used with medical devices labels, labeling, and information to be supplied—Part 1: General requirements.	Extent of recognition.
B. General II (ES/EMC)			
19–1		IEC 60601–1–2 Edition 3: 2007–03 Medical Electrical Equipment—Part 1–2: General Requirements for Basic Safety and Essential Performance—Collateral Standard: Electromagnetic Compatibility—Requirements and Tests.	Extent of recognition and transition period.
19–2		ANSI/AAMI/IEC 60601–1–2:2007/(R)2012 Medical Electrical Equipment—Part 1–2: General requirements for basic safety and essential performance—Collateral Standard: Electromagnetic compatibility—requirements and tests.	Extent of recognition and transition period.
19–8		IEC 60601–1–2 Edition 4.0 2014–02 Medical electrical equipment—Part 1–2: General requirements for basic safety and essential performance—Collateral Standard: Electromagnetic disturbances—Requirements and tests.	Transition period extended.
C. In Vitro Diagnostics			
7–246		CLSI POCT12–A3 Point-of-Care Blood Glucose Testing in Acute and Chronic Care Facilities; Approved Guideline—Third Edition.	Withdrawn.

[1] All standard titles in this table conform to the style requirements of the respective organizations.

III. Listing of New Entries

In Table 2 of this document, FDA provides the listing of new entries and consensus standards added as modifications to the list of recognized standards under Recognition List Number: 037.

TABLE 2—NEW ENTRIES TO THE LIST OF RECOGNIZED STANDARDS

Recognition No.	Title of standard [1]	Reference No. and date
A. General II (ES/EMC)		
19–12	Medical electrical equipment—Part 1–2: General requirements for basic safety and essential performance—Collateral Standard: Electromagnetic disturbances—Requirements and tests.	ANSI/AAMI/IEC 60601–1–2:2014.
19–13	Secondary cells and batteries containing alkaline or other non-acid electrolytes—Safety requirements for portable sealed secondary cells, and for batteries made from them, for use in portable applications [Including: Corrigendum 1 (2013)].	IEC 62133 Edition 2.0 2012–12.
B. OB–GYN/Gastroenterology		
9–95	Enteral Feeding Catheters and Enteral Giving Sets for Single Use and their Connectors—Design and Testing.	EN 1615:2000.
9–96	Catheters Other Than Intravascular Catheters—Test Methods for Common Properties.	EN 1618:1997.

[1] All standard titles in this table conform to the style requirements of the respective organizations.

IV. List of Recognized Standards

FDA maintains the Agency's current list of FDA recognized consensus standards in a searchable database that may be accessed directly at FDA's Internet site at *http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfStandards/search.cfm*. FDA will incorporate the modifications and revisions described in this notice into the database and, upon publication in the **Federal Register**, this recognition of

consensus standards will be effective. FDA will announce additional modifications and revisions to the list of recognized consensus standards, as needed, in the **Federal Register** once a year, or more often if necessary. Beginning with Recognition List 033, FDA no longer announces minor revisions to the list of recognized consensus standards such as technical contact person, devices affected, processes affected, Code of Federal Regulations citations, and product codes.

V. Recommendation of Standards for Recognition by FDA

Any person may recommend consensus standards as candidates for recognition under section 514 of the FD&C Act by submitting such recommendations, with reasons for the recommendation, to *standards@cdrh.fda.gov*. To be properly considered, such recommendations should contain, at a minimum, the following information: (1) Title of the standard, (2) any reference number and date, (3) name and address of the national or international standards development organization, (4) a proposed list of devices for which a declaration of conformity to this standard should routinely apply, and (5) a brief identification of the testing or performance or other characteristics of the device(s) that would be addressed by a declaration of conformity.

VI. Electronic Access

You may obtain a copy of ''Guidance on the Recognition and Use of Consensus Standards'' by using the Internet. The Center for Devices and Radiological Health (CDRH) maintains a site on the Internet for easy access to information including text, graphics, and files that you may download to a personal computer with access to the Internet. Updated on a regular basis, the CDRH home page, *http://www.fda.gov/MedicalDevices,* includes a link to standards-related documents including the guidance and the current list of recognized standards. After publication in the **Federal Register**, this notice announcing ''Modification to the List of Recognized Standards, Recognition List Number: 037'' will be available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/Standards/ucm123792.htm*.

You may access ''Guidance on the Recognition and Use of Consensus Standards,'' and the searchable database for ''FDA Recognized Consensus Standards'' at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/Standards*.

VII. Submission of Comments and Effective Date

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov*. FDA will consider any comments received in determining whether to amend the current listing of modifications to the list of recognized standards, Recognition List Number: 037. These modifications to the list of recognized standards are effective upon publication of this notice in the **Federal Register**.

Dated: October 10, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–24714 Filed 10–16–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis NIAAA Member Conflict Applications—Biomedical Sciences.

Date: October 28, 2014.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant proposals.

Place: NIAAA, 5635 Fishers Lane; Room 2085, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Ranga Srinivas, Ph.D., Chief, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, NIH, 5365 Fishers Lane; Room 2085, Rockville, MD 20852, (301) 451–2067, *srinivar@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis NIAAA Member Conflict Applications—Epidemiology & Behavioral Sciences.

Date: October 30, 2014.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant proposals.

Place: NIAAA, 5635 Fishers Lane; Room 2085, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Ranga Srinivas, Ph.D., Chief, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, NIH, 5365 Fishers Lane; Room 2085, Rockville, MD 20852, (301) 451–2067, *srinivar@mail.nih.gov*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis NIAAA Member Conflict Applications—Treatment and Health Services.

Date: November 5, 2014.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant proposals.

Place: NIAAA, 5635 Fishers Lane; Room 2085, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Ranga Srinivas, Ph.D., Chief, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, NIH, 5365 Fishers Lane; Room 2085, Rockville, MD 20852, (301) 451–2067, *srinivar@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 92.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Supports Awards, National Institutes of Health, HHS)

Dated: October 14, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–24790 Filed 10–16–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; 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 Mental Health Special Emphasis Panel; Effectiveness of Treatment, Prevention, and Services Interventions (R01/R01 Collaboratives).

Date: November 7, 2014.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Karen Gavin-Evans, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Boulevard, Room 6153, MSC 9606, Bethesda, MD 20892, 301–451–2356, *gavinevanskm@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Fellowships and Dissertation Grants.

Date: November 10, 2014.

Time: 11:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Marcy Ellen Burstein, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6143, MSC 9606, Bethesda, MD 20892–9606, 301–443–9699, *bursteinme@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel; NIH Pathway to Independence Awards (K99).

Date: November 10, 2014.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Rebecca Steiner Garcia, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6149, MSC 9608, Bethesda, MD 20892–9608, 301–443–4525, *steinerr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: October 14, 2014.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–24791 Filed 10–16–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2014–0060]

Agency Information Collection Activities: Case Assistance Form (Ombudsman Form DHS–7001 and Instructions)

AGENCY: Office of the Citizenship and Immigration Services Ombudsman, DHS.

ACTION: 60-Day Notice and request for comments; Extension without change of a currently approved collection, 1601–0004.

SUMMARY: The Department of Homeland Security, Office of Inspector General, Office of Audits, will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35).

DATES: Comments are encouraged and will be accepted until December 16, 2014. This process is conducted in accordance with 5 CFR 1320.1

ADDRESSES: You may submit comments, identified by docket number DHS–2014–0060, by one of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Please follow the instructions for submitting comments.
- Email: *dhs.pra@hq.dhs.gov.* Please include docket number DHS–2014–0060 in the subject line of the message .

SUPPLEMENTARY INFORMATION: The Citizenship and Immigration Services (CIS) Ombudsman was created under section 452 of the Homeland Security Act of 2002 (Public Law 107–296) to: (1) Assist individuals and employers in resolving problems with the U.S. Citizenship and Immigration Services (USCIS); (2) to identify areas in which individuals and employers have problems in dealing with USCIS; and (3) to the extent possible, propose changes in the administrative practices of USCIS to mitigate problems. This form is used by an applicant who is experiencing problems with USCIS during the processing of an immigration benefit.

The information collected on this form will allow the CIS Ombudsman to identify the problem such as: (1) A case problem which is a request for information about a case that was filed with USCIS (''case problem''); or (2) the identification of a systemic issue that may or may not pertain to an individual case which the individual, attorney or employer is seeking to bring to the attention of the CIS Ombudsman (''trend'').

For case problems, the CIS Ombudsman will refer case specific issues to the Customer Assistance Office for USCIS for further research, and review.

For trends received, the CIS Ombudsman notes the systemic issue identified in the correspondence which may or may not be incorporated into future recommendations submitted to the Director of USCIS pursuant to section 452(d)(4) of Public Law 107–296.

The use of this form provides the most efficient means for collecting and processing the required data. The CIS Ombudsman is now employing the use of information technology in collecting and processing information by offering the option for electronic submission of the DHS Form 7001 through the Ombudsman Case Assistance Online System. Per PRA requirements, a fillable PDF version of the form is provided on the Ombudsman's Web site. The PDF form can be completed online, printed out and sent to the Ombudsman's office at the address indicated on the form. It is noted on the form that using the paper method can result in significant processing delays for the Ombudsman's office to provide the requested case assistance. After approval of the changes to form detailed in this supporting statement, the online form will be updated and posted on the Ombudsman's Web site at *http://www.dhs.gov/case-assistance* for electronic online submission of the form.

The assurance of confidentiality provided to the respondents for this information collection is provided by: (a) The CIS Ombudsman statute and mandate as established by Homeland Security Act Section 452; (b) the Privacy Impact Assessment for the Office of the Citizenship & Immigration Services Ombudsman (CISOMB) Virtual

Ombudsman System (March 19, 2010) and the (c) Systems of Records Notice: 9110–9B Department of Homeland Security, Office of the Secretary [Docket No. DHS–2009–0146] Privacy Act of 1974; Department of Homeland Security Citizenship and Immigration Services Ombudsman—001 Online Ombudsman Form DHS–7001 System of Records. The DHS Privacy Office will receive the entire package of documents for this information collection to assure authorization for renewal of the collection.

The CISOMB Form DHS–7001 and the Online Ombudsman Form DHS–7001 system is constructed in compliance with all applicable DHS Privacy Office, DHS CIO, DHS Records Management, and OMB regulations regarding data collection, use, storage, and retrieval. The proposed public use data collection system is therefore intended to be distributed for public use primarily by electronic means with limited paper distribution and processing of paper forms.

The CISOMB Form DHS–7001 (PDF) and the Online Ombudsman Form DHS–7001 (Ombudsman Case Assistance Online System) has been constructed in compliance with regulations and authorities under the purview of the DHS Privacy Office, DHS CIO, DHS Records Management, and OMB regulations regarding data collection, use, sharing, storage, information security and retrieval of information.

In accordance with the Privacy Act of 1974, the Department of Homeland Security is giving notice that it proposes to renew the Department of Homeland Security system of records notice titled, ''Department of Homeland Security Citizenship and Immigration Services Ombudsman—001 Online Ombudsman Form DHS–7001 and Ombudsman Case Assistance Online System of Records.'' This system of records will continue to ensure the efficient and secure processing of information to aid the Citizenship and Immigration Services Ombudsman in providing assistance to individuals, employers, and their representatives in resolving problems with U.S. Citizenship and Immigration Services; identify areas in which individuals, employers, and their representatives have problems working with U.S. Citizenship and Immigration Services; and to the extent possible, propose changes to mitigate problems pursuant to 6 U.S.C. 272. This system will continue to be included in the Department of Homeland Security's inventory of record systems.

There has been an increase of 6,200 in the estimated annual burden hours previously reported for this information collection. The increase in burden hours is a reflection of agency estimates. There is no change in the information being collected, however there have been cosmetic changes to the form including punctuation, formatting, sequencing of information, and text changes to make the form more understandable and streamlined for use by respondents. The number of response fields has been reduced from 13 to 12 and arranged in a way that streamlines completion, submission and processing of the form.

The title of the form has changed from ''Case Problem Submission Worksheet (CIS Ombudsman Form DHS–7001)'' to ''Case Assistance Form (Ombudsman Form DHS–7001)''. The name of the system has changed from ''Virtual Ombudsman System'' to ''Ombudsman Case Assistance Online''. The following narrative explains the changes made on the form and the corresponding instructions:

The ORIGINAL 7001 form had the sections arranged in the following order:

1—Name: Please identify the individual or employer encountering difficulties with USCIS (applicant/beneficiary/petitioner).

2—Contact Information: Please provide information on the individual or employer encountering difficulties with USCIS (applicant/beneficiary/petitioner).

3—Date of Birth.

4—Country of Birth and Citizenship.

5—Alien Registration Number (A-Number); The A-number appears in the following format: A123–456–789.

6—Person Preparing This Form: Please indicate who is completing this form.

7—Applications/Petitions Filed: List all applications and/or petitions pending with USCIS related to your case inquiry.

8—Type of Immigration Benefit: Please provide the type of immigration benefit sought from USCIS.

9—Reason for Inquiry: Please indicate if any of the options apply. Provide a description in section 10;

10—Description: Describe the difficulties experienced with USCIS. Attach additional pages if needed.

11—Prior Actions Taken: Check all that apply: Please describe the response USCIS provided and attach any relevant correspondence.

12—Consent: If you are the beneficiary of an immigration petition, consent of the individual who submitted the petition on your behalf is required. The petitioner must sign.

13—Attorney or Accredited Representative: Please complete this section if you are an attorney, a representative of an organization, an accredited representative, or anyone else preparing this form on behalf of the individual or employer encountering difficulties with USCIS.

The AMENDED 7001 has the sections arranged in the following order:

1. Name: Please identify the name of the individual or employer (applicant/beneficiary/petitioner) encountering or difficulties with USCIS. Do not enter the attorney/law firm's name here.

2. Date of Birth: Country of Birth: Country of Citizenship:

3. Alien Registration Number (A-Number); The A-number appears in the following format: A123–456–789.

4. Contact Information: Please provide the contact information of the individual or employer (applicant/beneficiary/petitioner) encountering difficulties with USCIS. Please include the primary E-Mail address for the Ombudsman to provide updates.

5. Applications/Petitions Filed: List all applications and/or petitions pending with USCIS related to your case inquiry.

6. Type of Immigration Benefit Sought: Please provide the type of immigration benefit sought from USCIS.

7. Reason for Inquiry/Case Assistance Request: Check all that apply. Provide a description in section 8 and add documentation related to your inquiry.

8. Description of your Case Problem: Describe the difficulties experienced with USCIS including all responses USCIS provided. Attach relevant correspondence concerning actions taken to resolve the issue before submitting with the Ombudsman's Office including: Receipt notices; requests for evidence; decisions; notices and any other correspondence from USCIS about your case. Attach additional pages if needed.

9. Prior Actions Taken to Remedy the Problem: Check all that apply and provide the additional information requested for each selection in the space provided. Note that if selecting Option a ''Visited USCIS My Case Status at *www.uscis.gov''*, you must indicate what additional actions (b through g) were taken to remedy the problem before submitting the form to the Ombudsman.

a. Visited USCIS My Case Status at *www.uscis.gov and*

b. Contacted the National Customer Service Center (NCSC) for information and/or assistance regarding this case at their toll-free number 1–800–375–5283. Provide SRMT Number:

c. Attended an InfoPass Appointment with USCIS. Provide InfoPass Number:

d. Sent an Email to USCIS. Provide date Email sent: Provide USCIS Email address:

e. Contacted a U.S. Government Department or Agency for assistance. Provide name and contact information:

f. Contacted a U.S. Congressional Representative for assistance. Provide name and contact information:

g. Other. Please describe.

10. Person Preparing This Form: Please indicate who is completing this form.

11. Attorney or Accredited Representative: Please complete this section if you are an attorney, a representative of an organization, an accredited representative, or anyone else preparing this form on behalf of the individual or employer encountering difficulties with USCIS. Please attach copy of your Form G–28.

12. Consent: Please note that if you are the beneficiary of an immigration petition, consent of the individual or employer that submitted the petition on your behalf is required. The petitioner must sign.

The instructions have been updated to reflect the electronic submission options as detailed in the previous paragraphs.

Instructions for electronic submission will be posted on the CIS Ombudsman Web site at *www.dhs.gov/cisombudsman.* The electronic version of the form will be developed by DHS OCIO (Office of the Chief Information Officer) based upon the approved version of the amended 7001 as described herein.

There is no change in the terms of clearance from the previously approved collection have been addressed by updates to the: (a) Privacy Impact Assessment for the Office of the Citizenship & Immigration Services Ombudsman (CISOMB) Virtual Ombudsman System (March 19, 2010); and the (b) Systems of Records Notice: 9110–9B Department of Homeland Security, Office of the Secretary [Docket No. DHS–2009–0146] Privacy Act of 1974; Department of Homeland Security Citizenship and Immigration Services Ombudsman—001 Virtual Ombudsman System (March 2010) to reflect the name change to Online Ombudsman Form DHS–7001 System of Records.

The Office of Management and Budget is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Analysis

Agency: Office of the Citizenship and Immigration Services Ombudsman, DHS.

Title: Case Assistance Form (Ombudsman Form DHS–7001 and Instructions).

OMB Number: 1601–0004.

Frequency: Annually.

Affected Public: Individuals or household.

Number of Respondents: 8,800.

Estimated Time Per Respondent: 1 hour.

Total Burden Hours: 8,800.

Dated: October 6, 2014.

Carlene C. Ileto,

Executive Director, Enterprise Business Management Office.

[FR Doc. 2014–24770 Filed 10–16–14; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5750–N–42]

Federal Property Suitable as Facilities to Assist the Homeless

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

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, and suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Ritta, Ms. Theresa M. Ritta, Chief Real Property Branch, the Department of Health and Human Services, Room 5B–17, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–6672 (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time,

HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Ann Marie Oliva at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *Navy:* Mr. Steve Matteo, Department of the Navy, Asset Management Division, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave. SW., Suite 1000, Washington, DC 20374; (202) 685–9426 (This is not a toll free number).

Dated: October 2, 2014.

Brian P. Fitzmaurice,

Director, Division of Community Assistance, Office of Special Needs Assistance Programs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 10/17/2014

Unsuitable Properties

Building

California

Building 21134,
Storage Warehouse
Marine Corps Air Station Miramar
San Diego CA
Landholding Agency: Navy
Property Number: 77201440006
Status: Excess
Comments: property located in Military runway clear zone; public access denied & no alternative method to gain access w/out compromising national security.
Reasons: Within airport runway clear zone; Secured Area

Building 21131,
Storage Warehouse
Marine Corps Air Station Miramar
San Diego CA
Landholding Agency: Navy
Property Number: 77201440007
Status: Excess
Comments: property located in Military runway clear zone; public access denied & no alternative method to gain access w/out compromising national security.
Reasons: Within airport runway clear zone; Secured Area

[FR Doc. 2014–24687 Filed 10–16–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2014–N214; 40120–1112–0000–F2]

Receipt of Applications for Endangered Species Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

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 a Federal permit is issued that allows such activities. The ESA requires that we invite public comment before issuing these permits.

DATES: We must receive written data or comments on the applications at the address given below by *November 17, 2014.*

ADDRESSES: Documents and other information submitted with the 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 the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, GA 30345 (Attn: David Dell, Permit Coordinator).

FOR FURTHER INFORMATION CONTACT: Angela Romito, 10(a)(1)(A) Permit Coordinator, telephone 404–679–7101; facsimile 404–678–7081.

SUPPLEMENTARY INFORMATION: The public is invited to comment on the following applications for permits to conduct certain activities with endangered and threatened species under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and our regulations in the Code of Federal Regulations (CFR) at 50 CFR 17. This notice is provided under section 10(c) of the Act.

If you wish to comment, you may submit comments by any one of the following methods. You may mail comments to the Fish and Wildlife Service's Regional Office (see **ADDRESSES** section) or send them via electronic mail (email) to: *permitsR4ES@fws.gov.* Please include your name and return address in your email message. If you do not receive a confirmation from the Fish and Wildlife Service that we have received your email message, contact us directly at the telephone number listed above (see **FOR FURTHER INFORMATION CONTACT**). Finally, you may hand-deliver comments to the Fish and Wildlife Service office listed above (see **ADDRESSES**).

Before including your address, telephone number, email address, or other personal identifying information in your comments, 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 comments to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Permit Applications

Permit Application Number: TE 083085–2

Applicant: Eric Menges, Venus, Florida

The applicant requests authorization to take (remove or reduce to possession parts) of the pygmy fringe tree (*Chionanthus pygmaeus*), scrub buckwheat (*Eriogonum longifolium* var. *gnaphalifolium*), Britton's beargrass (*Nolina brittoniana*), Lewton's milkwort (*Polygala lewtonii*), scrub plum (*Prunus geniculata*), and Florida ziziphus (*Ziziphus celata*), for the purpose of conducting research and recovery activities on federally managed lands in Highlands County, Florida.

Permit Application Number: TE 102418–2

Applicant: Paul Catlett, Starke, Florida

The applicant requests authorization to renew his permit to take (monitor nests, capture, band, release, collect nonviable eggs, and install artificial cavities) red-cockaded woodpeckers (*Picoides borealis*) while conducting presence/absence surveys and population management activities at Camp Blanding Joint Training Center in Starke, Florida.

Permit Application Number: TE 142294–3

Applicant: William Holimon, Little Rock, Arkansas

The applicant requests authorization to renew his permit to take (harass) red-cockaded woodpeckers (*Picoides borealis*) for the purposes of constructing and monitoring artificial nest cavities and restrictors; for capturing, banding, and translocating birds; and for monitoring populations and nest cavities in Ashley, Monroe, Bradley, and Drew Counties, Arkansas.

Permit Application Number: TE–1

Applicant: Carl Dick, Bowling Green, Kentucky

The applicant requests authorization to renew his permit to take (acoustical monitoring, enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair samples, band, transmitter, light-tag, and wing-punch) Indiana bats (*Myotis sodalis*), gray bats (*Myotis grisescens*), Virginia big-eared bats (*Corynorhinus townsendii virginianus*), Ozark big-eared bats (*Corynorhinus townsendii ingens*), Hawaiian hoary bats (*Lasiurus cinereus semotus*), lesser long-nosed bats (*Leptonycteriscurasoae yerbabuenae*), and Mexican long-nosed bats (*Leptonycteris nivalis*) while conducting presence/absence surveys, studies to document habitat use, and population monitoring throughout the species' respective ranges.

Permit Application Number: TE 38397A–1

Applicant: Dr. Kathryn Craven, Savannah, Georgia

The applicant requests authorization to renew her permit to take (harass, excavate hatched nests, collect hatched eggs, dead embryos and hatchlings) loggerhead sea turtles (*Caretta caretta*), green sea turtles (*Chelonia mydas*), Kemp's Ridley sea turtles (*Lepidochelys kempii*), leatherback sea turtles (*Dermochelys coriacea*), and hawksbill sea turtles (*Eretmochelys imbricata*) while monitoring nest success and conducting scientific research in Georgia.

Permit Application Number: TE 206784–2

Applicant: William Bailey, Searcy, Arkansas

The applicant requests authorization to renew his permit to take (capture, tag, translocate, release, and hold) American burying beetles (*Nicrophorus americanus*) for the purpose of survey and collection throughout the species' range in Arkansas and Oklahoma.

Permit Application Number: TE 178643–2

Applicant: Jeffery West, Columbia, South Carolina

The applicant requests authorization to renew his permit to take (capture and temporarily hold for identification) the Carolina heelsplitter (*Lasmigona decorata*) while conducting presence/absence surveys in North Carolina and South Carolina.

Permit Application Number: TE 25612A–1

Applicant: Stephen Samoray, Nashville, Tennessee

The applicant requests authorization to renew his permit to take (acoustical monitoring, enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair samples, band, transmitter, light-tag, wing-punch) Indiana bats (*Myotis sodalis*), gray bats (*Myotis grisescens*), Virginia big-eared bats (*Corynorhinus townsendii virginianus*), and Ozark big-eared bats (*Corynorhinus townsendii ingens*), while conducting presence/absence surveys, studies to document habitat use, and population monitoring throughout the species' respective ranges.

Permit Application Number: TE 28597A–1

Applicant: Joseph Alderman, Hillsborough, North Carolina

The applicant requests authorization to renew his permit to take (harass, capture, handle, and release) the following species: Carolina heelsplitter (*Lasmigona decorata*), Appalachian elktoe (*Alasmidonta raveneliana*), tar river spinymussel (*Elliptio steinstansana*), dwarf wedgemussel (*Alasmidonta heterodon*), James spinymussel (*Pleurobema collina*), little wing pearlymussel (*Pegias fabula*), and Cape Fear shiner (*Notropis mekistocholas*), for the purpose of conducting presence/absence surveys in North Carolina, South Carolina, and Virginia.

Permit Application Number: TE 087176–3

Applicant: David Eisenhour, Morehead, Kentucky

The applicant requests authorization to renew his permit to take (harass, capture, identify, release) blackside dace (*Phoxinus cumberlandensis*) while conducting presence/absence surveys in Kentucky and Tennessee.

Permit Application Number: TE 43704A–1

Applicant: David Saugey, Jessieville, Arkansas

The applicant requests authorization to renew his permit to take (acoustical monitoring, enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair samples, band, transmitter, light-tag, wing-punch) Indiana bats (*Myotis sodalis*), gray bats (*Myotis grisescens*), Virginia big-eared bats (*Corynorhinus townsendii virginianus*), and Ozark big-eared bats (*Corynorhinus townsendii ingens*), while conducting presence/absence surveys, studies to document habitat use, and population monitoring throughout the respective species' ranges.

Permit Application Number: TE 065756–3

Applicant: John Alderman, Pittsboro, North Carolina

The applicant requests authorization to renew his permit to take (capture, identify, and release) the following plant species: Southern acornshell (*Epioblasma othcaloogensis),* purple bankclimber (*Elliptoideus sloatianus*), Cumberland bean (*Villosa trabalis*), purple bean (*Villosa perpurpurea*), green blossom (*Epioblasma torulosa gubernaculum*), tubercled blossom (*Epioblasma torulosa torulosa*), turgid blossom (*Epioblasma turgidula*), yellow blossom (*Epioblasma florentina florentina*), white catspaw (*Epioblasma obliquata perobliqua*), clubshell (*Pleurobema clava*), black clubshell (*Pleurobema curtum*), ovate clubshell (*Pleurobema perovatum*), Southern clubshell (*Pleurobema decisum*), Cumberlandian combshell (*Epioblasma brevidens*), Southern combshell (*Epioblasma penita*), upland combshell (*Epioblasma metastriata*), Appalachian elktoe (*Alasmidonta raveneliana*), Cumberland elktoe (*Alasmidonta atropurpurea*), fanshell (*Cyprogenia stegaria*), Arkansas fatmucket (*Lampsilis powellii*), Alabama Heelsplitter (*Potamilus inflatus*), Carolina Heelsplitter (*Lasmigona decorate*), Higgins eye (*Lampsilis higginsii*), triangular kidneyshell (*Ptychobranchus greenii*), Alabama lampmussel (*Lampsilis virescens*), pale lilliput (*Toxolasma cylindrellus*), winged mapleleaf (*Quadrula fragosa*), Alabama moccasinshell (*Medionidus acutissimus*), Coosa moccasinshell (*Medionidus parvulus*), gulf

moccasinshell (*Medionidus penicillatus*), Ochlocknee moccasinshell (*Medionidus simpsonianus*), Appalachian monkeyface (*Quadrula sparsa*), Cumberland monkeyface (*Quadrula intermedia*), orangenacre mucket (*Lampsilis perovalis*), pink mucket (*Lampsilis abrupta*), oyster mussel (*Epioblasma capsaeformis*), scaleshell mussel (*Leptodea leptodon*), Louisiana pearlshell (*Margaritifera hembeli*), birdwing pearlymussel (*Conradilla caelata*), cracking pearlymussel (*Hemistena lata*), Curtis pearlymussel (*Epioblasma florentina curtisii*), dromedary pearlymussel (*Dromus dromas*), littlewing pearlymussel (*Pegias fabula*), Cumberland pigtoe (*Pleurobema gibberum*), dark pigtoe (*Pleurobema furvum*), finerayed pigtoe (*Fusconaia cuneolus*), flat pigtoe (*Pleurobema marshalli*), Georgia pigtoe (*Pleurobema hanleyianum*), heavy pigtoe (*Pleurobema taitianum*), oval pigtoe (*Pleurobema pyriforme*), rough pigtoe (*Pleurobema plenum*), shiny pigtoe (*Fusconaia cor*), Southern pigtoe (*Pleurobema georgianum*), orangefoot pimpleback (*Plethobasus cooperianus*), fat pocketbook (*Potamilus capax*), finelined pocketbook (*Lampsilis altilis*), Ouachita rock pocketbook (*Arkansia wheeleri*), shinyrayed pocketbook (*Lampsilis subangulata*), speckled pocketbook (*Lampsilis streckeri*), purple cat's paw (*Epioblasma obliquata obliquata*), rough rabbitsfoot (*Quadrula cylindrica strigillata*), northern riffleshell (*Epioblasma torulosa rangiana*), tan riffleshell (*Epioblasma florentina walkeri* (=*E. walkeri*), Ring pink (*Obovaria retusa*), Chipola slabshell (*Elliptio chipolaensis*), James spinymussel (*Pleurobema collina*), Tar River spinymussel (*Elliptio steinstansana*), stirrupshell (*Quadrula stapes*), fat three-ridge (*Amblema neislerii*), white wartyback, (*Plethobasus cicatricosus*), dwarf wedgemussel (*Alasmidonta heterodon*), and Altamaha spinymussel (*Elliptio spinosa*). The take would occur while the applicant engaged in conducting presence/absence surveys and translocations in North Carolina, South Carolina, Georgia, Kentucky, Tennessee, Florida, and Arkansas.

Permit Application Number: TE 97394A–2

Applicant: Zackary Couch, Pleasureville, Kentucky

The applicant requests authorization to take (acoustical monitoring, enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair samples, band, transmitter, light-tag, wing-punch) Indiana bats (*Myotis sodalis*), gray bats (*Myotis grisescens*), Northern long eared bats (*Myotis septentrionalis*), and Virginia big eared bats (*Corynorhinus townsendii virginianus*), while conducting presence/absence surveys, studies to document habitat use, and population monitoring throughout the species' ranges.

Permit Application Number: TE 139474–7

Applicant: Dennis Ford, Little Rock, Arkansas

The applicant requests authorization to take (harass) the American burying beetle (*Nicrophorus americanus*) while conducting research activities in Arkansas, Oklahoma, Kansas, and Texas.

Permit Application Number: TE 63633A–3

Applicant: David Evers, Gorham, Maine

The applicant requests authorization to take (acoustical monitoring, enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair samples, band, transmitter, light-tag, wing-punch) northern long-eared bats (*Myotis septentrionalis*) while conducting presence/absence surveys in Illinois, Indiana, Massachusetts, Virginia, Minnesota, North Carolina, South Carolina, Pennsylvania, West Virginia, and Missouri.

Permit Application Number: TE 13910A–2

Applicant: Terry Derting, Murray, Kentucky

The applicant requests authorization to renew his permit to take (acoustical monitoring, enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair samples, band, transmitter, light-tag, wing-punch, and selectively euthanize for white nose syndrome testing) Indiana bats (*Myotis sodalis*), gray bats (*Myotis grisescens*), Virginia big eared bats (*Corynorhinus townsendii virginianus*), Ozark big-eared bats (*Corynorhinus townsendii ingens*), and northern long eared bats (*Myotis septentrionalis*), while conducting presence/absence surveys and studies to document habitat use in Georgia, Tennessee, Kentucky, Ohio, Indiana, and West Virginia.

Permit Application Number: TE 084047–4

Applicant: Maria Zondervan, Maitland, Florida

The applicant requests authorization to take (harass) the red-cockaded woodpecker (*Picoides borealis*) and Florida scrub jay (*Aphelocoma coerulescens*) for the purposes of constructing and monitoring artificial nest cavities and restrictors; for capturing, banding, and the translocation of birds; and for monitoring populations and nest cavities on lands managed by the St. John's River Management District in Florida.

Permit Application Number: TE 092854–2

Applicant: Samuel Van Hook, Babson Park, Florida

The applicant requests authorization to take (harass and insert artificial nest cavities) red-cockaded woodpeckers (*Picoides borealis*) while conducting status surveys and habitat enhancement activities in Florida.

Permit Application Number: TE 091705–3

Applicant: Peter White, Chapel Hill, North Carolina

The applicant requests authorization to possess (collect seeds, spores, sporocarps, cuttings, vegetative material) *Amaranthus pumilus* (sea beach amaranth), *Amphianthus pusillus* (little amphianthus), *Arabis serotina* (shale-barren rockcress), *Carex lutea* (golden sedge), *Clematis socialis* (Alabama leather-flower), *Echinacea laevigata* (smooth-purple coneflower), *Geum adiatum* (Appalachian avens), *Gymnoderma lineare* (rock gnome lichen), *Helianthus schweinitzii* (Schweinitz's sunflower), *Hexastylis naniflora* (dwarf-flowered hartleaf), *Hudsonia montana* (mountain golden-heartleaf), *Isoetes melanospora* (black-spore quillwort), *Isoetes tegetiformans* (Merlin's-grass), *Liatris helleri* (Heller's gayfeather), *Lysimachia asperulaefolia* (rough- leaved loosestrife), *Oxypolis canbyi* (Canby's dropwort), *Pityopsis ruthii* (Ruth's golden aster), *Ptilimnium nodosum* (harparella), *Rhus michauxii* (Michaux's sumac), *Sagittaria fasciculata* (bunched arrowhead), *Sagittaria secundifolia* (little river arrowhead), *Sarracenia jonesii* (mountain sweet pitcher-plant), *Sarracenia oreophila* (green pitcher-plant), *Scutellaria montana* (largeflower skullcap), *Solidago spithamaea* (blue ridge goldenrod), *Spiraea virginiana* (Virginia spirea), *Thalictrum cooleyi*

(Cooley's meadowrue), *Trifolium stoloniferum* (running buffalo clover), sensitive joint-vetch (*Aeschynomene virginica*), Virginia round-leaf birch (*Betula uber*), Roan Mountain bluet (*Hedyotis purpurea* var. *montana*), swamp pink (*Helonias bullata*), American chaffseed (*Schwalbea americana*), and white irisette (*Sisyrinchium dichotomum*), throughout the species' ranges on federally managed lands in North Carolina, South Carolina, Tennessee, Georgia, Alabama, Florida, West Virginia, Virginia, and Maryland.

Permit Application Number: TE 119937–3

Applicant: Susan Loeb, Clemson, South Carolina

The applicant requests authorization to take (acoustical monitoring, enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair samples, band, transmitter, light-tag, wing-punch) Indiana bats (*Myotis sodalis*), gray bats (*Myotis grisescens*), and northern long-eared bats (*Myotis septentrionalis*), while conducting presence/absence surveys, studies to document habitat use, and population monitoring in North and South Carolina, Tennessee, and Kentucky.

Permit Application Number: TE 129703–5

Applicant: Mitch Green, Frankfort, Kentucky

The applicant requests authorization to renew his existing permit to take (acoustical monitoring, enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair samples, band, transmitter, light-tag, wing-punch, and selectively euthanize for white nose syndrome testing) Indiana bats (*Myotis sodalis*), gray bats (*Myotis grisescens*), northern long-eared bats (*Myotis septentrionalis*), and Virginia big-eared bats (*Corynorhinus townsendii virginianus*) while conducting presence/absence surveys, studies to document habitat use, and population monitoring in Tennessee, Kentucky, and Alabama. The applicant also requests authorization to take (harass) the clubshell (*Pleurobema clava*), scaleshell (*Leptodea leptodon*), and northern riffleshell (*Epioblasma torulosa rangiana*) while conducting presence/absence surveys in North Carolina, Alabama, and West Virginia.

Permit Application Number: TE 38519A–1

Applicant: Joshua Hofkes, Tallahassee, Florida

The applicant requests authorization to take (harass, capture, and translocate) gopher tortoise (*Gopherus polyphemus*) for the purpose of conducting population surveys and removing tortoises from development sites to suitable alternative habitat in Louisiana, Mississippi, and Alabama.

Permit Application Number: TE 810274–11

Applicant: Peter Droppelman, Louisville, Kentucky

The applicant requests authorization to take (acoustical monitoring, enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair samples, band, transmitter, light-tag, and wing-punch, Indiana bats (*Myotis sodalis*), gray bats (*Myotis grisescens*), Virginia big eared bats (*Corynorhinus townsendii virginianus*), northern long eared bats (*Myotis septentrionalis*), and Ozark big-eared bats (*Corynorhinus townsendii ingens*) while conducting presence/absence surveys and studies to document habitat use in the following States: Alabama, Arkansas, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Vermont, Virginia, West Virginia, Illinois, Indiana, Iowa, Michigan, Missouri, and Ohio.

Permit Application Number: TE 71613A–1

Applicant: Gary McCracken, Knoxville, Tennessee

The applicant requests authorization to permittee is authorized to take (acoustical monitoring, enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair and fecal samples, conduct radio-telemetry, and PIT-tag) Indiana bats (*Myotis sodalis*), northern long-eared bats (*Myotis septentrionalis*), and gray bats (*Myotis grisescens*) while conducting presence/absence surveys and studies to document habitat use in Tennessee, Missouri, and the Fern and Sauta caves in Jackson County, Alabama.

Permit Application Number: TE 108584–6

Applicant: Tim Nehus, Lebanon, Tennessee

The applicant requests authorization to take (capture, hold temporarily, release, and translocate) Nashville crayfish (*Orconectes shoupi*), birdwing pearlymussel (*Conradilla caelata*), oyster mussel (*Epioblasma capsaeformis*), tan riffleshell (*Epioblasma walkeri*), Cumberland monkeyface (*Quadrula intermedia*), orangefoot pimpleback (*Plethobasus cooperianus*), Cumberland elktoe (*Alasmidonta atropurpurea*), Appalachian elktoe (*Alasmidonta raveneliana*), fanshell (*Cyprogenia stegaria* (*irrorata*)), dromedary pearlymussel (*Dromus dromus*), Cumberlandian combshell (*Epioblasma brevidens*), yellow-blossom pearlymussel (*Epioblasma florentina*), upland combshell (*Epioblasma metastriata*), Southern acornshell (*Epioblasma othcaloogensis*), green-blossom pearlymussel (*Epioblasma torulosa gubernaculum*), tuberculed-blossom pearlymussel (*Epioblasma torulosa torulosa*), turgid-blossom pearlymussel (*Epioblasma turgidula*), purple catspaw (*Epioblasma obliquata*), fine-lined pocketbook (*Lampsilis altilis*), pink mucket pearlymussel (*Lampsilis abrupta*), Alabama lampmussel (*Lampsilis virescens*), Alabama moccasinshell (*Medionidus acutissimus*), Coosa moccasinshell (*Medionidus parvulus*), ring-pink mussel (*Obovaria retusa*), little-wing pearlymussel *(Pegias fabula*), white warty-back (*Plethobasus cicatricosus*), clubshell (*Pleurobema clava*), Southern clubshell (*Pleurobema decisum*), Southern pigtoe (*Pleurobema georgianum*), Cumberland pigtoe (*Pleurobema gibberum*), ovate clubshell (*Pleurobema perovatum*), rough pigtoe (*Pleurobema plenum*), triangular kidneyshell (*Ptychobranchus greeni*), rough rabbitsfoot (*Quadrula cylindrica strigillata*), winged mapleleaf (*Quadrula fragosa*), Appalachian monkeyface (*Quadrula sparsa*), pale lilliput (*Toxolasma cylindrellus*), Cumberland bean pearlymussel (*Villosa trabalis*), purple bean (*Villosa perpurpurea*), blue shiner (*Cyprinella caerulea*), slender chub (*Erimystax cahni*), slackwater darter (*Etheostoma boschungi*), duskytail darter (*Etheostoma percnurum*), jewel darter (*Etheostoma* sp.), boulder darter (*Etheostoma wapiti*), spotfin chub (*Cyprinella monacha*), palezone shiner (*Notropis albizonatus*), smoky madtom (*Noturus baileyi*), yellowfin madtom (*Noturus flavipinnis*), pygmy madtom (*Noturus stanauli*),

amber darter (*Percina antesella*), Conasauga logperch (*Percina jenkinsi*), snail darter (*Percina tanasi*), and blackside dace (*Phoxinus cumberlandensis*), while conducting presence and absence studies and translocation activities throughout the species' ranges in the State of Tennessee.

Permit Application Number: TE 41910B–0

Applicant: Scott Rush, Starkville, Mississippi

The applicant requests authorization to take (acoustical monitoring, enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair samples, band, transmitter, light-tag, and wing-punch) Indiana bats (*Myotis sodalis*), gray bats (*Myotis grisescens*), and northern long eared bats (*Myotis septentrionalis*) while conducting presence/absence surveys and studies to document habitat use in Mississippi.

Permit Application Number: TE 37951B–0

Applicant: Michael LaVoie, Cherokee, North Carolina

The applicant requests authorization to take (acoustical monitoring, enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair samples, band, attach transmitters, light-tag, wing-punch, and selectively euthanize for white nose syndrome testing) Indiana bats (*Myotis sodalis*) in Jackson, Swain, Graham, and Cherokee Counties in North Carolina, while conducting presence/absence surveys, studies to document habitat use, and population monitoring.

Permit Application Number: TE 37967B–0

Applicant: Matthew Grilliot, Opelika, Alabama

The applicant requests authorization to take (acoustical monitoring, enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect blood, fecal, and hair samples, band, attach transmitters, light-tag, and wing-punch) Indiana bats (*Myotis sodalis*), gray bats (*Myotis grisescens*), Virginia big-eared bats (*Corynorhinus townsendii virginianus*), and Ozark big-eared bats (*Corynorhinus townsendiiingens*) while conducting presence/absence surveys and other research activities throughout the species' ranges in Arkansas, Alabama, Tennessee, Georgia, and Kentucky.

Permit Application Number: TE 37900B–0

Applicant: Sarah Lauerman, Gainesville, Florida

The applicant requests authorization to take (harass, nest monitor, capture, band, and translocate) red-cockaded woodpeckers (*Picoides borealis*) for the purposes of constructing and monitoring artificial nest cavities and restrictors; for capturing, banding, and translocation of birds; and for monitoring populations and nest cavities in Osceola National Forest.

Permit Application Number: TE 37524B–0

Applicant: Kathy Heym, Tampa Florida

The applicant requests authorization to take (hold for veterinary) loggerhead sea turtles (*Caretta caretta*), green sea turtles (*Chelonia mydas*), Kemp's Ridley sea turtles (*Lepidochelys kempii*), leatherback sea turtles (*Dermochelys coriacea*), hawksbill sea turtles (*Eretmochelys imbricata*), and Olive ridley sea turtles (*Lepidochelys olivacea*) at the Florida Aquarium located in Tampa, Florida.

Permit Application Number: TE 37666B–0

Applicant: Jessica Allen, Bronx, New York

The applicant requests authorization to take (collect squamules) rock gnome lichens (*Gymnoderma lineare*) for the purpose of conducting population genetics research in the Great Smoky Mountains National Park, the Blue Ridge Parkway, Pisgah National Forest, and Nantahala National Forest, North Carolina.

Permit Application Number: TE 37663B–0

Applicant: Rebecca Ijames, Central City, Kentucky

The applicant requests authorization to take (acoustical monitoring, enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair samples, band, attach transmitters, light-tag, and wing-punch) Indiana bats (*Myotis sodalis*), gray bats (*Myotis grisescens*), and northern long eared bats (*Myotis septentrionalis*) while conducting presence/absence surveys and studies to document habitat use in Kentucky, Indiana, Tennessee, Ohio, and Missouri.

Permit Application Number: TE 37652B–0

Applicant: Bambi Teague, Asheville, North Carolina

The applicant requests authorization take (harass) the following species: Carolina Northern flying squirrel (*Glaucomys sabrinus coloratus*), Virginia big-eared bat (*Corynorhinus townsendii virginianus*), Indiana bats (*Myotis sodalis*), gray bats (*Myotis grisescens*), bog turtle (*Clemmys muhlenbergii*), Roanoke logperch (*Percina rex*), spruce-fir moss spider (*Microhexura montivaga*), and Mitchell's satyr (*Neonympha mitchellii*) for the purposes of conducting population studies throughout the species' ranges in Virginia and North Carolina.

Permit Application Number: TE 37530B–0

Applicant: Kelly Morrison, Nashville, Tennessee

The applicant requests authorization to take (capture, identify, hold temporarily, release, and translocate) Nashville crayfish (*Orconectes shoupi*) for the purpose of minimizing effects of development projects on individual specimens in Davidson and Williamson Counties, Tennessee.

Permit Application Number: TE 37661B–0

Applicant: William McCartney, Morton, Mississippi

The applicant requests authorization to take (acoustical monitoring, enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair samples, band, attach transmitters, light-tag, and wing-punch) Indiana bats (*Myotis sodalis*) and northern long-eared bats (*Myotis septentrionalis*) while conducting presence/absence surveys and studies to document habitat use in Louisiana.

Permit Application Number: TE 105674–2

Applicant: Stephen Shurter, White Oak Conservation Holdings LLC, Yulee, Florida

The applicant requests authorization to take (harass, maintain in captivity, and release) Mississippi sandhill cranes (*Grus canadensis pulla*) throughout the species' range in Mississippi.

Permit Application Number: TE 39433B–0

Applicant: Linda Edwards, Smyrna, Georgia

The applicant requests authorization to take (capture, hold temporarily, and release) the bog turtle (*Glyptemys muhlenbergii*), eastern indigo snake (*Drymarchon couperi*), gopher tortoise (*Gopherus polyphemus*), and spotted turtle (*Clemmys guttata*) for the purpose of conducting presence/absence surveys in Georgia.

Permit Application Number: TE 171518–1

Applicant: Norman L. Wagoner, Ouachita National Forest, Hot Springs, Arkansas

The applicant requests authorization to take (survey, capture, band, radio-tag, translocate, and install artificial structures) the red-cockaded woodpecker (*Picoides borealis*) for the purposes of constructing and monitoring artificial nest cavities and restrictors; for capturing, banding, and translocating birds; and for monitoring populations and nest cavities in Oklahoma and Arkansas.

Permit Application Number: TE 070846–3

Applicant: Jeffrey Walters, Virginia Tech, Blacksburg, Virginia

The applicant requests authorization to take (monitor nests, capture, band, radio-tag, collect blood, construct cavities, and translocate) red-cockaded woodpeckers (*Picoides borealis*) for the purposes of banding juveniles and adults, monitoring populations and nest cavities, and for conducting basic research and recovery activities in Florida, North Carolina, and South Carolina.

Permit Application Number: TE 084054–3

Applicant: James Orr, URS Corporation, Franklin, Tennessee

The applicant requests authorization to take (capture, identify, release, and translocate) Nashville crayfish (*Orconectes shoupi*) and Anthony's river snail (*Athernia anthonyi*) while conducting presence/absence surveys, population estimates, age class determination, and relocation activities in Alabama and Tennessee.

Permit Application Number: TE 41705B–0

Applicant: John Mulvena, Naples Zoo Inc. Naples, Florida

The applicant requests authorization to take (possess) the Florida panther (*Puma concolor coryi*) for the purposes of rehabilitation and public education at the Naples Zoo in Caribbean Gardens, Naples, Florida.

Permit Application Number: TE 056510–5

Applicant: Joseph Pechmann, Western Carolina University, Cullowhee, North Carolina

The applicant requests authorization to renew his existing permit to take (capture, examine, measure, mark, tag, and temporarily hold) dusky gopher frogs (*Rana sevosa)* for the purpose of conducting studies to evaluate habitat requirements.

Permit Application Number: TE 061005–3

Applicant: Rickard Myers, International Carnivorous Plant Society Inc. Walnut Creek, California

The applicant requests authorization to sell in interstate commerce seeds of cultivated green pitcher-plant (*Sarracenia oreophil*), Alabama cane break pitcher-plant (*Sarracenia rubra spp. alabamensis*), mountain sweet pitcher-plant (*Sarracenia rubra spp. jonesii*), and Godrey's butterwort (*Pinquicula ionantha*) for propagation throughout the United States.

Permit Application Number: TE 40178B–0

Applicant: Eric Washington, Lexington, Kenkucky

The applicant requests authorization to take (acoustical monitoring, enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair samples, band, transmitter, light-tag, and wing-punch) Indiana bats (*Myotis sodalis*), gray bats (*Myotis grisescens*), and northern long-eared bat (*Myotis septentrionalis*) while conducting presence/absence surveys and studies to document habitat use throughout the species' ranges.

Permit Application Number: TE 045109–4

Applicant: Jack Killgore, US Army ERDC WES, Vicksburg, Mississippi

The applicant requests authorization to renew his permit to take (capture, hold temporarily, relocate, and release) pallid sturgeon (*Scaphirhynchus albus*) for the purposes of implementing recovery activities in in the lower Mississippi River from the mouth of the Missouri River to the mouth of the Mississippi River.

Permit Application Number: TE 41966B–0

Applicant: Nicole McCaskill, Sandhills State Forest, Patrick, South Carolina

The applicant requests authorization to take (harass, nest monitor, capture, band, and translocate) the red-cockaded woodpecker (*Picoides borealis*) for the purposes of constructing and monitoring artificial nest cavities and restrictors; for capturing, banding, and translocating birds; and for monitoring populations and nest cavities in South Carolina's Sand Hills State Forest.

Permit Application Number: TE 102324–2

Applicant: Thomas Dickinson, Catena Group, Hillsborough, North Carolina

The applicant requests authorization to renew his permit to take (collect relict shells, capture, identify, photograph, and release) James spinymussel (*Pleurobema collina*), tar spinymussel (*Elliptio steinstansana*), dwarf-wedge mussel (*Alasmidonta heterodon*), Carolina heelsplitter (*Lasmigona decorata*), Appalachian elktoe (*Alasmidonta raveneliana*), littlewing pearlymussel (*Pegias fabula*), oyster mussel (*Epioblasma capsaeformis*), and Cumberland bean (*Villosa trabalis*), while conducting presence/absence surveys throughout the species' ranges in Georgia, North Carolina, and South Carolina.

Permit Application Number: TE 040423–4

Applicant: Kevin Roe, Iowa State University, Ames, Iowa

The applicant request authorization to take (capture, photograph, examine, remove small appendages (swimmerettes), and release) Kentucky cave shrimp (*Palaemonias ganteri*) for the purposes of conducting phylogenetic studies in Mammoth Cave National Park, Kentucky.

Permit Application Number: TE 033469–5

Applicant: Larry Wood, McClellanville, South Carolina

The applicant requests authorization to renew his permit to take (harass) red-cockaded woodpeckers (*Picoides borealis*) for the purposes of constructing and monitoring artificial nest cavities and restrictors; for capturing, banding, and translocating

birds; and for monitoring populations and nest cavities in South Carolina, North Carolina, Virginia, Georgia, Florida, Alabama, Arkansas, Texas, Louisiana, and Mississippi.

Permit Application Number: TE 066980–4

Applicant: Brandon Rutledge, JW Jones Ecological Research Center, Newton, Georgia

The applicant requests authorization to take (harass) red-cockaded woodpeckers (*Picoides borealis*) for the purposes conducting restoration and genetic research activities at the JW Jones Ecological Research Center in Newton, Georgia.

Permit Application Number: TE 43261B–0

Applicant: Ann Altman, South Carolina Department of Transportation, Columbia, South Carolina

The applicant requests authorization to take (harass) James spinymussel (*Pleurobema collina*), tar spinymussel (*Elliptio steinstansana*), dwarf-wedge mussel (*Alasmidonta heterodon*), Carolina heelsplitter (*Lasmigona decorata*), Atlantic pigtoe (*Fusconaia masoni*), Brook floater (*Alsmidonta varicose*), Carolina creekshell (*Villosa vaugnhiana*), green floater (*Lasmigona subviridis*), Savanna Lilliput (*Taxolasma pullus*), and yellow lampmussel (*Lampsilis cariosa*) for the purpose of conducting presence/absence surveys in North Carolina and South Carolina.

Permit Application Number: TE 43264B–0

Applicant: Nicole Riddle, South Carolina Department of Transportation, Columbia, South Carolina

The applicant requests authorization to (take) James spinymussel (*Pleurobema collina*), tar spinymussel (*Elliptio steinstansana*), dwarf-wedge mussel (*Alasmidonta heterodon*), Carolina heelsplitter (*Lasmigona decorata*), Atlantic pigtoe (*Fusconaia masoni*), Brook floater (*Alsmidonta varicose*), Carolina creekshell (*Villosa vaugnhiana*) green floater (*Lasmigona subviridis*), Savannah lilliput (*Taxolasma pullus*), and yellow lampmussel (*Lampsilis cariosa*) for the purpose of conducting presence/absence surveys in North Carolina and South Carolina.

Permit Application Number: TE 100012–2

Applicant: Michael Reynolds, Share the Beach, Gulf Shores, Alabama

The applicant requests authorization to renew his permit to take (monitor, photograph, excavate and relocate nests, temporarily hold nestlings, and release nestlings) green (*Chelonia mydas*), Kemp's ridley (*Lepidochelys kempi*), and loggerhead (*Caretta caretta*) sea turtles while monitoring and protecting nests, throughout the species' ranges on the Alabama Gulf Coast in Baldwin and Mobile Counties, Alabama.

Permit Application Number: TE 016270–9

Applicant: Michael Barron, US Army, Fort Benning, Georgia

The applicant requests authorization to renew his permit to take (harass) endangered red-cockaded woodpeckers (*Picoides borealis*) for the purposes of constructing and monitoring artificial nest cavities and restrictors; for capturing, banding, and translocation of birds; and for monitoring populations and nest cavities at the Fort Benning Army Base and throughout species' range as coordinated with the U.S. Fish and Wildlife Service.

Permit Application Number: TE 132772–1

Applicant: John Moran, US Forest Service, Montgomery, Alabama

The applicant requests authorization to take (capture examine, and release) the following species: Cahaba shiner (*Notropis cahabae*), Cumberlandian Combshell (*Epioblasma brevidens*), upland Combshell (*Epioblasma metastriata*), southern acornshell (*Epioblasma othcaloogensis*), Coosa moccasinshell (*Medionidus parvulus*), southern clubshell (*Pleurobema decisum*), dark pigtoe (*Pleurobema furvum*), southern pigtoe (*Pleurobema geogianum*), ovate clubshell (*Pleurobema perovatum*), triangular kidneyshell (*Ptychobranchus greenii*), flat pebblesnail (*Lepyrium showalteri*), lacy elimia (*Elimia crenatella*), cylindrical lioplax (*Lioplax cyclostomaformis*), Tulotoma snail (*Tulotoma magnifica*), rush darter (*Etheostoma phytophilum*), southern sandshell (*Hamiota oustralis*), Alabama pearlshell (*Margaritifera marrianae*), fuzzy pigtoe (*Pieurobema strodeanum*), and Southern kidneyshell (*Ptychobranchus jonesi*), for the purposes of conducting land management and basic research activities throughout the species' ranges on National Forests in Alabama.

Permit Application Number: TE 386424A–1

Applicant: Kenneth Meyer, Avian Research and Conservation Institute, Gainesville, Florida

The applicant requests authorization to take (capture, weigh, measure, examine, collect blood and tissues, sex, band, attach scientific devices, release, and salvage) everglades snail kites (*Rostrhamus sociabilis plumbeus*) for the purpose of scientific study and to determine potential contaminant levels in the following Florida counties: Osceola, Polk, Glades, Palm Beach, Hendry, Broward, Miami-Dade, Monroe, and Collier.

Permit Application Number: TE 069754–5

Applicant: Gerald Dinkins, Dinkins Biological Consulting, Powell, Tennessee

The applicant requests authorization to take (harass, capture, handle, identify, release, translocate live specimens, and collect relict shells): 211 species of mussels, while conducting presence/absence surveys in Georgia, Alabama, Tennessee, North Carolina, Kentucky, Virginia, West Virginia, Indiana, Illinois, Missouri, Ohio, Iowa, Minnesota, Wisconsin, Michigan, Arkansas, Pennsylvania, South Carolina, and Maryland.

Permit Application Number: TE 069754–5

Applicant: James Godwin, Auburn University, Auburn, Alabama

The applicant requests authorization to renew his permit to take (capture, harass, handle, mark, collect tissue and bodily fluid samples, attach/insert scientific devices, relocate, and release) the Alabama red-bellied turtle (*Pseudemys alabamensis*), eastern indigo snake (*Drymarchon couperi*), flattened musk turtle (*Sternotherus depressus*), gopher tortoise (*Gopherus Polyphemus*), and red hills salamander (*Phaeognathus hubrichti*) in Alabama and Mississippi.

Permit Application Number: TE 47720B–0

Applicant: Hector Perez, University of Florida, Gainesville, Florida

The applicant requests authorization to take (harvest immature fruits) Harper's beauty (*Harperocallis flava*) from Apalachicola National Forest, Liberty County, Florida, for the purpose of cultivating seedlings at the University of Florida Plant Science Greenhouse Facility in Liberty County, Florida. Cultivated seedlings will be

reintroduced to Apalachicola National Forest to aid in recovery and provide information on the germination ecology and seedling establishment of Harper's Fairy.

Permit Application Number: TE 816862–7

Applicant: Joseph Settles, Young and Settles, Winchester, Kentucky

The applicant requests authorization to take (capture, identify, tag, and release) northern long-eared bats (*Myotis septentrionalis*), Virginia big-eared bats (*Plecotus townsendii virginianus*), Indiana bats (*Myotis sodalis*), gray bats (*Myotis grisescens*), and 29 species of freshwater mussels, for the purpose of conducting presence/absence surveys studies to document habitat use throughout each species' respective range in reference to bats, and in the State of Kentucky in reference to mussels.

Permit Application Number: TE 94704A–1

Applicant: Dorothy Brown, Alpharetta, Georgia

The applicant requests authorization to take (acoustical monitoring, enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair samples, band, transmitter, light-tag, and wing-punch) Indiana bats (*Myotis sodalis*), gray bats (*Myotis grisescens*), and northern long-eared bats (*Myotis Septentrionalis*) while conducting presence/absence surveys and studies to document habitat use in North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi, Kentucky, Virginia, Maryland, West Virginia, Indiana, Ohio, Arkansas, Missouri, Illinois. The applicant also requests authorization to take (capture, handle, tag, and release) Carolina northern flying squirrel (*Glaucomys sabrinus coloratus*) and bog turtle (*Clemmys muhlenbergii*) for the same purposes and states listed above.

Permit Application Number: TE 070800–4

Applicant: Ecological Services Inc., Roswell, Georgia

The applicant requests authorization to take (capture and release) 45 species of freshwater mussels, 11 species of snails, 20 species of freshwater fish, and 22 species of plants for the purpose of conducting presence/absence surveys in Georgia.

Permit Application Number: TE 48579B–0

Applicant: J. Erik Alford, Ecological Solutions, Roswell, Georgia

The applicant requests authorization to take (acoustical monitoring, enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair and tissue samples, swab for white nose syndrome, band, transmitter, light-tag, and wing-punch) Indiana bats (*Myotis sodalis*), gray bats (*Myotis grisescens*), and northern long-eared bats (*Myotis Septentrionalis*) while conducting presence/absence surveys and studies to document habitat use in Georgia.

Dated: October 9, 2014.

Michael Oetker,

Acting Regional Director, Region 4.

[FR Doc. 2014–24702 Filed 10–16–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NERO–CACO–16911; PPNECACOS0, PPMPSD1Z.YM0000]

Notice of Meeting for Cape Cod National Seashore Advisory Commission

AGENCY: National Park Service, Interior.

ACTION: Meeting Notice.

SUMMARY: This notice sets forth the date of the 296th meeting of the Cape Cod National Seashore Advisory Commission.

DATES: The public meeting of the Cape Cod National Seashore Advisory Commission will be held on Monday, November 17, 2014, at 1:00 p.m. (EASTERN).

ADDRESSES: The Commission members will meet in the conference room at park headquarters, 99 Marconi Site Road, Wellfleet, Massachusetts 02667.

The 296th meeting of the Cape Cod National Seashore Advisory Commission will take place on Monday, November 17, 2014, at 1:00 p.m., in the meeting room at Headquarters, 99 Marconi Station Road, in Wellfleet, Massachusetts to discuss the following:

1. Adoption of Agenda
2. Approval of Minutes of Previous Meeting (September 29, 2014)
3. Reports of Officers
4. Reports of Subcommittees
   - Update of Pilgrim Nuclear Plant Emergency Planning Subcommittee
5. Superintendent's Report
   - Nauset Spit Update
   - Kiteboarding Update
   - Shorebird Management Planning
   - National Park Service Centennial
   - Healthy Parks, Healthy People
   - Improved Properties/Town Bylaws
   - Herring River Wetland Restoration
   - Highlands Center Update
   - Ocean Stewardship Topics—Shoreline Change
   - Climate Friendly Parks
6. Old Business
   - Continue Discussion of NSTAR Spraying Plans, Clearing Alternatives and Utility Right-of-Ways
   - Live Lightly Campaign Progress Report
7. New Business
   - Presentation of Draft Section 208 Water Quality Plan Update for Cape Cod and CCNS Comments (Possible Vote)
   - Outer Cape Bike Trail Master Plan Update
8. Date and Agenda for Next Meeting
9. Public Comment
10. Adjournment

FOR FURTHER INFORMATION CONTACT: Further information concerning the meeting may be obtained from George E. Price, Jr., Superintendent, Cape Cod National Seashore, 99 Marconi Site Road, Wellfleet, MA 02667, or via telephone at (508) 771–2144.

SUPPLEMENTARY INFORMATION: The Commission was reestablished pursuant to Public Law 87–126, as amended by Public Law 105–280. The purpose of the Commission is to consult with the Secretary of the Interior, or her designee, with respect to matters relating to the development of Cape Cod National Seashore, and with respect to carrying out the provisions of sections 4 and 5 of the Act establishing the Seashore.

The meeting is open to the public. It is expected that 15 persons will be able to attend the meeting in addition to Commission members. Interested persons may make oral/written presentations to the Commission during the business meeting or file written statements. Such requests should be made to the park superintendent prior to the meeting. Before including your address, telephone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: October 14, 2014.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2014–24808 Filed 10–16–14; 8:45 am]

BILLING CODE 4310–EE–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2014–0069; MMAA104000]

Modifications to the Bid Adequacy Procedures

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Notification of procedural change and clarification of definitions.

SUMMARY: The Bureau of Ocean Energy Management (BOEM) is giving notice of its intent to change a criterion and to clarify selected definitions in its existing Bid Adequacy Procedures for ensuring receipt of Fair Market Value (FMV) on Outer Continental Shelf (OCS) oil and gas leases. In particular, BOEM proposes to remove the ''Number of Bids Rule'' that is currently applicable in Phase 1 of the Bid Adequacy Procedures. A copy of current procedures, ''Modifications to the Bid Adequacy Procedures,'' published at 64 FR 37560 on July 12, 1999, can be obtained from the BOEM Web site at *http://www.boem.gov/Oil-and-Gas-Energy-Program/Leasing/Regional-Leasing/Gulf-of-Mexico-Region/Bid-Adequacy-Procedures.aspx.* BOEM invites comments during a 45-day comment period following publication of this notice.

DATES: Comments can be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* (Docket ID: BOEM–2014–0069) or postmarked no later than December 1, 2014. All comments received or postmarked during the comment period will be made publically available in the docket. BOEM will consider all comments and intends to publish the revised Bid Adequacy Procedures prior to or in conjunction with the Central Gulf of Mexico Planning Area Lease Sale 235 Final Notice of Sale.

ADDRESSES: You may submit comments, identified by the docket number, by any of the following methods:

- *Federal rulemaking portal: http://www.regulations.gov.* Follow the instruction for submitting comments.
- *Mail:* Department of the Interior, Bureau of Ocean Energy Management, Economics Division, Attention: Marshall Rose, 381 Elden Street, MS–3310, Herndon, Virginia 20170–4817.

Public Availability of Comments

Before including your name, 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.

FOR FURTHER INFORMATION CONTACT: Dr. Marshall Rose, Chief, Economics Division, at (703) 787–1536. The revised Bid Adequacy Procedures are described below.

SUPPLEMENTARY INFORMATION: In the first phase of its tract evaluation procedures for OCS oil and gas lease sales, BOEM considers the number and characteristics of bids received on a tract to help determine whether the tract's high bid can be accepted without further evaluation. BOEM is proposing to eliminate these factors of consideration from the initial part of the tract evaluation and bid acceptance process.

What is the regulatory authority for BOEM's procedures to accept or reject high bids on tracts?

The FMV procedures used to determine the adequacy of the high bids received for OCS oil and gas leases clarify the steps involved in the authorized officer's decisions on bid awards set forth in BOEM regulations at 30 CFR 556.47.

What definitions apply to these procedures?

BOEM is proposing to revise several bid adequacy definitions in its Bid Adequacy Procedures guidelines for clarity. These changes do not alter the fundamental meaning or application of these terms to the Bid Adequacy Procedures.

Bid Adequacy Procedures are the guidelines followed by BOEM in determining which high bids to accept and reject following receipt and opening of bids in an OCS oil and gas lease sale.

Number of Bids Rule is one of the criteria employed in Phase 1 of the Bid Adequacy Procedures to determine whether to accept a tract's high bid without a further BOEM evaluation in Phase 2. Under this rule, the high bid on Confirmed and Wildcat tracts receiving three-or-more Qualified Bids may be accepted as representative of FMV if: (1) The third highest Qualified Bid on a tract is within 50 percent of the tract's highest Qualified Bid, and (2) the tract's highest Qualified Bid per acre is within the top 75 percent of all high Qualified Bids per acre for all tracts receiving three-or-more Qualified Bids within the tract's designated water depth category. (See ''Modifications to the Bid Adequacy Procedures,'' **Federal Register**, Volume 64, No. 132, July 12, 1999, Pps. 37560–37562, at *http://www.boem.gov/Oil-and-Gas-Energy-Program/Leasing/Regional-Leasing/Gulf-of-Mexico-Region/Bid-Adequacy-Procedures.aspx.*)

Mean Range of Values (MROV) is BOEM's estimate of the dollar measure of a tract's expected net present value, assuming that tract is leased in the current sale. It reflects the maximum amount a bidder could afford to pay as a cash bonus for the tract while expecting to earn a specified after-tax rate of return. The calculation of the MROV considers exploration and economic risk, sales value, exploration, development and production costs, royalties, and corporate income taxes allowing for depreciation of certain capital investments and depletion of the cash bonus as estimated by the MROV.

Delay-adjusted Mean Range of Values (DMROV) is BOEM's estimate of the amount of a tract's high bonus bid needed in the current sale which, when added to the present value of anticipated royalties from accepting the tract's high bid and leasing the tract, equals the discounted sum of the tract's expected high bonus bid and present value of anticipated royalties in the next sale if the high bid is rejected and the tract re-offered and sold in that next sale. The MROV estimated by BOEM for the tract in the next sale is used as the proxy for the next sale's high bid on the tract, under projected economic, engineering and geologic conditions, including potential drainage. If the high bonus bid in the current sale exceeds the DMROV, then the present value of leasing receipts from selling the tract in the current sale are expected to be greater than those from rejecting the tract's high bid in the current sale and selling the tract in the next sale.

Revised Arithmetic Measure (RAM) is BOEM's representation of the average ''bid'' on certain tracts, and includes in its calculation all Qualified Bids on the tract that are equal to at least 25 percent of the tract's high bid, as well as the MROV for the tract as estimated by BOEM.

Unusual Bidding Patterns typically refers to a situation in which two or more companies bid on some tracts or subset of tracts far more often or less often than would normally be expected.

Legal Bids are those bids that comply with the applicable regulations (30 CFR part 256) and the Notice of Sale, e.g., bids that, among other things, are at least equal to the specified minimum bid level. Any bids that fail to comply with the applicable regulations and Notice of Sale are returned to the bidder.

Qualified Bids are ''Legal Bids'' that are not disqualified by BOEM for violating anti-competitive bidding practices.

Confirmed Tract is a previously leased tract having a well(s) that encountered hydrocarbons and may have produced. It contains some oil and/or gas resources, the volume of which may or may not be known.

Development Tract is a tract that has nearby productive (past or currently capable) wells with indicated hydrocarbons and that is not interpreted to have a productive reservoir extending under the tract. There should be evidence supporting the interpretation that at least part of the tract is on the same general structure as the proven productive well.

Drainage Tract is a tract that (1) is currently being drained by a producing well on a nearby leased tract, or (2) could be drained by a currently-non-producing well that is capable of producing oil or gas on a nearby leased tract if the well were placed on production. The reservoir from which the nearby well is currently producing or capable of producing is interpreted to extend with producible hydrocarbon resources to the tract that is subject to drainage.

Wildcat Tract is a tract that has neither nearby productive (past or currently capable) wells, nor is interpreted to have a productive reservoir extending under the tract. It has high geologic risk in addition to sparse well control.

Water Depth Category is a classification of sea level depth, currently specified in the Gulf of Mexico for bid adequacy purposes as being either: (1) Less than 400 meters; or (2) 400 meters or more. If different classifications subsequently are used for a Gulf of Mexico sale, they will be described in the Final Notice of Sale. Tracts offered in a sale held outside the Gulf of Mexico will be considered to reside in the same, single water depth category encompassing the entire sale area, unless specified otherwise in the Final Notice of Sale.

Viable Tract is a tract considered by BOEM to have the potential capability of being explored, developed and produced profitably. Viable Tracts are those located on a prospect for which the risk-weighted, most-probable resource size equals or exceeds that of nearby proxies that were deemed economic in the relevant cost regime and at similar anticipated future prices. The probability of success used in determining the risk-weighted, most-probable resource size is at or below the highest level anticipated for any economically positive tract or prospect that received a bid in the current sale, was evaluated by BOEM, and is located in the same cost regime.

Non-viable Tract is a tract considered by BOEM not to have the potential capability of being explored, developed and produced profitably. Non-viable Tracts are: (1) Tracts that received bids but that are not associated with any discernible prospect or geophysical anomaly that might indicate hydrocarbon presence; or (2) tracts located over known prospects that are judged to offer sub-economic quantities of risked resources. The latter include tracts that are located on a prospect for which the most probable risked resource size is less than or equal to that of nearby proxies that were deemed uneconomic for the relevant cost regime and at similar anticipated future prices. Determination by BOEM of whether a tract is non-viable involves a rigorous assessment of whether or not the tract is likely to be profitable, but not a calculation of the tract's precise monetary value.

Phase 1 is the first phase of the two-phased Bid Adequacy Procedures applied in each sale to ensure that the government receives the FMV for the offshore oil and gas lease rights that it sells. In Phase 1, a tract's high bid may be accepted as representative of FMV if the tract passes the Number of Bids Rule or if the tract is classified as Confirmed or Wildcat and judged to be non-viable by BOEM. If application of either of these criteria does not result in the tract's acceptance in Phase 1, the tract is passed to Phase 2 for further evaluation.

Phase 2 is the second phase of the Bid Adequacy Procedures. In Phase 2, Viable Tracts and associated prospects are subjected to a complete geological review and economic evaluation for the purpose of establishing the FMV of received bids. BOEM conducts an individual economic evaluation of each tract that is passed to Phase 2, resulting in the generation of certain measures of tract value represented by the MROV, DMROV and RAM. The high bid typically is considered for acceptance if it exceeds any one of these three measures.

What procedural change is being proposed?

BOEM is proposing that the Number of Bids Rule in Phase 1 would no longer apply under the revised Bid Adequacy Procedures. Instead, the high bid on a Confirmed or Wildcat Tract could be accepted in Phase 1 only if BOEM judges the tract to be non-viable. Tracts not accepted in Phase 1, and hence subject to further evaluation in Phase 2, would include Confirmed and Wildcat Tracts that BOEM judges to be Viable, along with all Drainage and Development Tracts. Consistent with current practice, all tracts included in Phase 2 evaluations will be subject to a full-scale review for the purpose of determining bid adequacy. For a description of the current guidelines, see ''Modifications to the Bid Adequacy Procedures,'' **Federal Register**, Volume 64, No. 132, July 12, 1999, Pps. 37560–37562, at *http://www.boem.gov/Oil-and-Gas-Energy-Program/Leasing/Regional-Leasing/Gulf-of-Mexico-Region/Bid-Adequacy-Procedures.aspx.*

What problem is being addressed by the proposed procedural change?

Periodically, BOEM reviews its Bid Adequacy Procedures in light of its mandate to ensure receipt of FMV for the lease rights it sells. In a recent review of the performance of its Bid Adequacy Procedures, BOEM identified some potential weaknesses in one part of its procedures for determining whether to accept the high bid on certain tracts as being representative of FMV. Under its existing procedures, BOEM accepts the high bids on some Confirmed and Wildcat Tracts following application of the Number of Bids Rule. Consequently, the accepted tracts are not subject to further consideration of bid adequacy based on evaluation of their underlying tract values in comparison to the high bids. In such cases, BOEM does not have the opportunity to evaluate in Phase 1 whether the accepted tracts have the potential to be economically profitable, or to determine based on its own individual tract evaluation in Phase 2 whether the high bids adequately reflect the economic value of these tracts. As a result, the early bid acceptance of certain tracts in Phase 1, based solely on bidding information, precludes BOEM from conducting specific, in-depth evaluations of tracts that might have substantial economic value, potentially in excess of the accepted high bid.

This situation is exacerbated when BOEM has in its possession substantial geologic, engineering and economic information that could facilitate

estimation of the underlying economic value of these tracts. In such cases, the resulting economic value determined by BOEM could be sufficient to lead to a decision to reject the high bid. In a subset of these cases, the resulting rejection and subsequent reoffering of the tract in the next sale might produce a considerable increase in lease revenues.

Once a tract is accepted under the Number of Bids Rule, BOEM does not commonly conduct an economic evaluation of that tract, so it cannot know with certainty whether such an evaluation would have led to the rejection of the high bid. Additionally, since the tract is not rejected, BOEM does not have empirical data revealing what a subsequent high bid would have been if the tract's original high bid had been rejected and the tract reoffered in the next sale.

Nevertheless, BOEM identified several recent instances where the Number of Bids Rule fell slightly short of accepting the high bid, and the affected tracts were subsequently rejected after BOEM conducted its economic evaluations and applied its Bid Adequacy Procedures in Phase 2. In a few of these cases, BOEM found that upon reoffering, the high bids on the actual previously rejected tracts rose substantially. But, had the nature of the actual bidding varied only slightly among competing bidders, BOEM might have accepted the original high bids under the Number of Bids Rule, and by doing so would have thereby inadvertently forgone the additional cash bonus bid amounts it received upon the actual reoffering of those tracts with rejected high bids. Ensuring that the American taxpayer receives fair and appropriate value is an important goal of the proposed procedural change.

What concerns may exist about possibly removing the Number of Bids Rule?

The removal of the Number of Bids Rule eliminates reliance by BOEM on certain competitive market forces in the determination of FMV in Phase 1. However, BOEM will continue to consider competitive market forces in making bid adequacy determinations through application of the RAM in Phase 2. Beginning in 2000, BOEM has accepted through application of the RAM criterion, approximately two-thirds of both the number and high bid amounts of Confirmed and Wildcat Tracts with the following characteristics: Received three or more Qualified Bids, were passed to Phase 2, and, had high bids less than the applicable tract's MROV. This finding confirms that even without the Number of Bids Rule, BOEM will continue to capture the effects of competitive market forces in its Bid Adequacy Procedures because the RAM is retained as part of those revised procedures. The RAM is an effective means for incorporating market forces in BOEM's Bid Adequacy Procedures and is unaffected by the proposed change in those procedures.

How would this proposed procedural change affect the content of phase 1 & phase 2 of the Bid Adequacy Procedures?

Under current procedures, certain tracts may have their high bids accepted in Phase 1 if they are (1) subjected to and pass the Number of Bids Rule, or (2) determined to be non-viable by BOEM. All other tracts are sent to Phase 2 for further evaluation. Removing the Number of Bids Rule will eliminate category (1) above. Henceforth, only the high bids on Confirmed and Wildcat Tracts determined by BOEM to be non-viable may be accepted in Phase 1. Moreover, elimination of the Number of Bids Rule will not affect any existing evaluation procedures and criteria employed in Phase 2.

BOEM does not intend to make any other substantive changes to the Bid Adequacy Procedures at this time. If the proposed change in procedures or some variation thereof is adopted, BOEM intends to publish the complete and revised Bid Adequacy Procedures prior to, or in conjunction with, the Central Gulf of Mexico Planning Area Lease Sale 235 Final Notice of Sale in early 2015.

Questions for Respondents

1. Will removing the Number of Bids Rule alter your typical bidding behavior?

2. What adverse effects do you envision from removing the Number of Bids Rule?

3. Can you offer any alternatives or refinements for ensuring receipt of FMV that you deem superior to removing the Number of Bids Rule?

Dated: October 14, 2014.

Walter D. Cruickshank,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2014–24727 Filed 10–16–14; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[MMAA 104000]

Notice of Availability of the Proposed Notice of Sale (NOS) for Central Gulf of Mexico Planning Area (CPA) Outer Continental Shelf (OCS) Oil and Gas Lease Sale 235 (CPA Sale 235)

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Notice of availability of the proposed notice of CPA Sale 235.

SUMMARY: BOEM announces the availability of the Proposed NOS for proposed CPA Sale 235. This Notice is published pursuant to 30 CFR 556.29(c) as a matter of information to the public. With regard to oil and gas leasing on the OCS, the Secretary of the Interior, pursuant to section 19 of the OCS Lands Act, provides affected States the opportunity to review the Proposed NOS. The Proposed NOS sets forth the proposed terms and conditions of the sale, including minimum bids, royalty rates, and rental rates.

DATES: Affected States may comment on the size, timing, and location of proposed CPA Sale 235 within 60 days following their receipt of the Proposed NOS. The Final NOS will be published in the **Federal Register** at least 30 days prior to the date of bid opening. Bid opening currently is scheduled for March 18, 2015.

SUPPLEMENTARY INFORMATION: The Proposed NOS for CPA Sale 235 and a Proposed NOS Package containing information essential to potential bidders may be obtained from the Public Information Unit, Gulf of Mexico Region, Bureau of Ocean Energy Management, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394. Telephone: (504) 736–2519. The Proposed NOS and Proposed NOS Package also are available on BOEM's Web site at *http://www.boem.gov/Sale-235/.*

Agency Contact: Robert Samuels, Chief, Leasing Division, *Robert.Samuels@boem.gov.*

Dated: October 14, 2014.

Walter D. Cruickshank,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2014–24729 Filed 10–16–14; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received an amended complaint entitled *Certain Personal Transporters, Components Thereof, and Manuals Therefor, DN 3032;* the Commission is soliciting comments on any public interest issues raised by the amended complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(b)).

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the amended complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *EDIS,*[1] and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at *USITC.*[2] The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *EDIS.*[3] Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received an amended complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Segway, Inc. and DEKA Products Limited Partnership. The amended complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain personal transporters, components thereof, and manuals therefor. The amended complaint names as respondents PowerUnion (Beijing) Tech Co. Ltd. of China; UPTECH Robotics Technology Co., Ltd. of China; Beijing Universal Pioneering Robotics Co., Ltd. of China; Beijing Universal Pioneering Technology Co., Ltd. of China; Ninebot Inc. (China) of China; Ninebot Inc. (USA) of Newark, DE; Shenzhen INMOTION Technologies Co., Ltd. of China; Robstep Robot Co., Ltd. of China; FreeGo High-Tech Corporation Limited of China; Freego USA, LLC of Sibley, IA; Tech in the City of Honolulu, HI; Roboscooters.com of Laurel Hill, NC; and EcoBoomer Co. Ltd. of Malibu, CA. The complainant requests that the Commission issue a general exclusion order, a limited exclusion order and cease and desist orders.

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3032'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *Electronic Filing Procedures*[4]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on *EDIS.*[5]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: October 14, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–24705 Filed 10–16–14; 8:45 am]

BILLING CODE 7020–02–P

[1] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[2] United States International Trade Commission (USITC): *http://edis.usitc.gov.*

[3] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[4] Handbook for Electronic Filing Procedures: *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf.*

[5] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–523 and 731–TA–1259 (Preliminary)]

Boltless Steel Shelving Units Prepackaged for Sale From China

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)) (''the Act''), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from China of boltless steel shelving units prepackaged for sale (''boltless steel shelving''), 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 sold in the United States at less than fair value (''LTFV'') and that are allegedly subsidized by the Government of China.

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (''Commerce'') of affirmative preliminary determinations in the investigations under sections 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. 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 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 the investigations.

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

Background

On August 26, 2014, petitions were filed with the Commission and Commerce by Edsal Manufacturing Co., Inc., Chicago, Illinois, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV and subsidized imports of boltless steel shelving from China. Accordingly, effective August 26, 2014, the Commission instituted countervailing duty investigation No. 701–TA–523 and antidumping duty investigation No. 731–TA–1259 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of September 2, 2014 (79 FR 52040). The conference was held in Washington, DC, on September 16, 2014, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on October 10, 2014. The views of the Commission are contained in USITC Publication 4495 (October 2014), entitled *Boltless Steel Shelving Units Prepackaged for Sale from China.*

By order of the Commission.

Issued: October 10, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–24650 Filed 10–16–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–884]

Certain Consumer Electronics With Display and Processing Capabilities; Commission Determination Not to Review an Initial Determination Granting Intervenor Status to Google, Inc.

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ'') initial determination (''ID'') (Order No. 6) granting Google Inc.'s (''Google'') motion to intervene in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–2301. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on August 21, 2014, based on a Complaint filed by Enterprise Systems Technologies S.a.r.l. of Luxembourg (''Enterprise''). 79 *FR* 49537–38 (Aug. 21, 2014). The Complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of communications or computing devices and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 5,870,610 (''the '610 patent''); 6,594,366; 6,691,302 (''the '302 patent''); and 7,454,201 (''the '201 patent''). The Complaint further alleges the existence of a domestic industry. The Commission's Notice of Investigation named several respondents, including HTC Corporation of Taoyuan, Taiwan and HTC America, Inc. of Bellevue, Washington (collectively ''HTC''); LG Electronics, Inc. of Seoul, Republic of Korea, LG Electronics U.S.A., Inc. of Englewood Cliffs, New Jersey, and LG Electronics MobileComm U.S.A., Inc. of San Diego, California (collectively ''LG''); and Samsung Electronics Co., Ltd of Seoul, Republic of Korea, Samsung Electronics America, Inc. of Ridgefield Park, New Jersey, and Samsung Telecommunications America, L.L.C. of Richardson, Texas (collectively ''Samsung''). The Office of Unfair Import Investigations was also named as a party to the investigation.

On August 28, 2014, Google moved to intervene in the investigation with respect to the '302, '610, and '201

patents. The motion noted that none of the named respondents opposed Google's proposed intervention. On September 3, 2014, Enterprise filed a response to Google's motion, indicating that it does not oppose the motion given Google's assurance that it will not object to or oppose any discovery sought by Enterprise on the basis of intervenor status and on the condition that Google participate fully in discovery as if it were a named respondent. On September 8, 2014, the Commission investigative attorney filed a response indicating no opposition to Google's motion.

On September 9, 2014, the ALJ issued the subject ID, granting intervenor status to Google pursuant to section 210.19 of the Commission's Rules of Practice and Procedure (19 CFR 210.19). The ALJ found that Google's motion is timely and that Google has an interest in the investigation because Google products and services are identified in the Complaint in connection with the accused devices of HTC, LG, and Samsung. The ALJ also noted that the interests of those respondents will be centered on their own respective accused devices rather than on the particularities of the Android platform or Google's proprietary products and services. The ALJ found, therefore, that denying Google the opportunity to intervene could impair or impede Google's ability to protect its interest which would not be adequately represented by the existing parties. The ALJ further found no evidence that Google's intervention will unduly delay or prejudice the adjudication of the original parties' rights.

No petitions for review of the subject ID were filed.

The Commission has determined not to review the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: October 10, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–24638 Filed 10–16–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–895]

Certain Multiple Mode Outdoor Grills and Parts Thereof; Notice of Request for Statements on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the presiding administrative law judge has issued a Final Initial Determination and Recommended Determination on Remedy and Bonding in the above-captioned investigation. The Commission is soliciting comments on public interest issues raised by the recommended relief, specifically a limited exclusion order and/or cease and desist orders against certain infringing multiple mode outdoor grills and parts thereof imported by The Brinkmann Corporation of Dallas; Texas; Outdoor Leisure Products, Incorporated of Neosho, Missouri; Academy Ltd., d/b/a/Academy Sports + Outdoors of Katy, Texas; Dongguan Kingsun Enterprises Co., Ltd. of Hengli Town, Dongguan City, China; and Ningbo Huige Outdoor Products Co. of Fenghua City, Zhejiang Province, China; Char-Broil, LLC of Columbus, Georgia; and Keesung Manufacturing Co., Ltd. of Guangzhou 511475, China. This notice is soliciting public interest comments from the public only. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2392. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that if the Commission finds a violation it shall exclude the articles concerned from the United States:

> unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is interested in further development of the record on the public interest in these investigations. Accordingly, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the administrative law judge's Recommended Determination on Remedy and Bonding issued in this investigation on October 9, 2014. Comments should address whether issuance of a limited exclusion order and/or a cease and desist order in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the recommended orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the recommended exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the limited exclusion order and/or cease and desist order would impact consumers in the United States.

Written submissions must be filed no later than by close of business on Wednesday, November 5, 2014.

Persons filing written submissions must file the original document

electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number (''Inv. No. 895'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_ filing.pdf*). Persons with questions regarding filing should contact the Secretary, (202) 205–2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with the any confidential filing. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.50).

By order of the Commission.

Issued: October 10, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–24642 Filed 10–16–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–14–036]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: October 23, 2014 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: none.
2. Minutes.
3. Ratification List.
4. Vote in Inv. Nos. 731–TA–1229 and 1230 (Final) (Monosodium Glutamate from China and Indonesia). The Commission is currently scheduled to complete and file its determinations and views of the Commission on November 4, 2014.
5. Vote in Inv. Nos. 701–TA–505 and 731–TA–1231, 1232, 1235, and 1237 (Final) (Grain-Oriented Electrical Steel from China, Czech Republic, Korea, and Russia). The Commission is currently scheduled to complete and file its determinations and views of the Commission on November 4, 2014.
6. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: October 15, 2014.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2014–24894 Filed 10–15–14; 4:15 pm]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–14–035]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: October 22, 2014 at 9:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: none.
2. Minutes.
3. Ratification List.
4. Vote in Inv. No. 731–TA–1012 (Second Review) (Certain Frozen Fish Fillets from Vietnam). The Commission is currently scheduled to complete and file its determinations and views of the Commission on October 30, 2014.
5. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: October 15, 2014.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2014–24892 Filed 10–15–14; 4:15 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Comment Request for Information Collection for the Evaluation of the Youth CareerConnect Grant Program, New Collection

AGENCY: Office of the Assistant Secretary for Policy, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, 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 requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents is properly assessed. Currently, the Department of Labor is soliciting comments concerning the collection of data about the Evaluation of the Youth CareerConnect (YCC) Grant Program [SGA/DFA PY–13–01]. A copy of the proposed Information Collection Request (ICR) can be obtained by contacting the office listed in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee's section below on or before December 7, 2014.

ADDRESSES: You may submit comments by either one of the following methods: Email: *ChiefEvaluationOffice@dol.gov;* Mail or Courier: Chief Evaluation Office, OASP, U.S. Department of Labor, Room S–2312, 200 Constitution Avenue NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Molly Irwin by telephone at 202–693–5091 (this is not a toll-free number) or by email at *ChiefEvaluationOffice@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The proposed information collection activities described in this notice will provide data for an impact and implementation evaluation of the Youth CareerConnect program. In spring 2014, the Employment and Training Administration (ETA) in the U.S. Department of Labor (DOL) awarded a total of $107 million to 24 grantees to implement the YCC program. The program is a high school based initiative aimed at improving students' college and career readiness in particular employment sectors. The programs are redesigning the high school experience through partnerships with colleges and employers to provide skill-developing and work-based learning opportunities to help students prepare for jobs in high-demand occupations.

The evaluation will address three main research questions: (1) What was the impact of the YCC programs on students' short-term outcomes? (2) How were the YCC programs implemented? and (3) Did the effectiveness of YCC programs vary by student and grantee characteristics? The impact study will employ a randomized controlled trial (RCT) to estimate program effectiveness and will be carried out in a subset of YCC grantees. The implementation study will draw on data gathered from all YCC grantees.

This **Federal Register** Notice provides the opportunity to comment on four proposed data collection instruments that will be used in the YCC evaluation:

(1) *Parental consent and student assent forms.* For the impact study, active consent will be obtained from a parent, guardian, or other adult who has responsibility for students in sites recruited for the impact study. Additionally, students for whom written parental consent has been obtained will be asked to assent to data collection.

(2) *Baseline Information Forms (BIFs)* will be completed by students and parents. The student BIF will collect information on experiences at school, behavior in school, activities, employment experience, and plans for future education. The parent BIF will collect information on household characteristics and education expectations for their children. BIFs will also provide detailed contact information to be used to locate participants for the follow-up survey. Whenever possible, BIFs will be integrated into the application process to limit respondent burden.

(3) *Grantee survey.* A grantee survey will provide information about all grantees funded for YCC programs. It will collect details on service delivery models, staffing, staff development, partnerships, and the implementation of the main program elements.

(4) *Site visit protocols.* Site visits will occur at three points in time and will collect information on program design, implementation, and challenges, as well as how program models change over time.

A future information collection request will include a 36-month follow up survey of members of the treatment and control groups.

II. Review Focus

Currently, DOL is soliciting comments concerning the above data collection for the evaluation of YCC. DOL is particularly interested in comments that do the following:

- Evaluate whether the proposed collection of information is necessary for the proper performance functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's burden estimate of the proposed information collection, 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 (for example, permitting electronic submissions of responses).

III. Current Actions

At this time, DOL is requesting clearance for the parental consent and student assent forms, student and parent BIFs, grantee surveys, and site visit protocols.

Type of Review: New collection.

Title: Youth Career Connect (YCC) grant program.

OMB Number: OMB Control Number 1205–0NEW.

ESTIMATED TOTAL BURDEN HOURS

Respondents	Number of respondents	Number of responses per respondent	Average burden time per response (minutes)	Total burden hours
Consent, Assent, and Baseline Enrollment Forms				
Students (including assent)	[a] 4,000	1	18	1,200
Parents (including consent)	[a] 4,000	1	10	667
YCC Staff	[b] 50	80	5	333
Grantee Survey and Site Visits				
Grantee survey	24	2	30	24
Site visits:				
Round 1:				
Staff	[c] 170	1	60	170
Students	[c] 60	1	60	60
Round 2:				
Staff	[c] 170	1	30	85
Students	[c] 60	1	60	60
Round 3:				
Staff	[c] 170	1	30	85
Students	[c] 60	1	60	60
Total	8,764	90	.....	2,744

[a] The figures correspond to 200 treatment and 200 control group students in each of 10 study sites.
[b] The figures assume 5 staff members at each of 10 sites.
[c] Assumes 17 staff and 6 students are interviewed at each of 10 sites.

Affected Public: Students and parents applying for YCC program, YCC program staff, and students in YCC program.

Form(s): Total annual respondents: 4,000 students; 4,000 parents; and 244 staff.

Annual Frequency: One time for the consent, assent, and BIFs, one time for each round of site visits, and two times for the grantee survey.

Comments submitted in response to this comment request 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: October 8, 2014.

James H. Moore, Jr.,

Deputy Assistant Secretary for Policy, U.S. Department of Labor.

[FR Doc. 2014–24676 Filed 10–16–14; 8:45 am]

BILLING CODE 4510–23–P

MILLENNIUM CHALLENGE CORPORATION

[MCC FR 14–08]

Notice of Entering Into a Compact With the Republic of El Salvador

AGENCY: Millennium Challenge Corporation.

ACTION: Notice.

SUMMARY: In accordance with Section 610(b)(2) of the Millennium Challenge Act of 2003 (22 U.S.C. 7701–7718), the Millennium Challenge Corporation (MCC) is publishing a summary of the Millennium Challenge Compact between the United States of America, acting through the Millennium Challenge Corporation, and the Republic of El Salvador. Representatives of the United States Government and El Salvador executed the Compact documents on September 30, 2014. The complete text of the Compact has been posted at *http://www.mcc.gov/documents/agreements/compact-112906-elsalvador.pdf.*

Dated: October 14, 2014.

Thomas G. Hohenthaner,

Acting Vice President and General Counsel, Millennium Challenge Corporation.

Summary of Millennium Challenge Compact With the Republic of El Salvador

1. Overview

The Millennium Challenge Corporation (''MCC'') has signed a five-year, $277 million compact with the Republic of El Salvador aimed at reducing poverty and accelerating economic growth (the ''Compact''). The Compact is intended to assist the Government of El Salvador (''GoES'') to strengthen the investment climate, enhance the role of public-private partnerships in delivering key services, and improve the country's productivity and competitiveness in international markets. Through intensive policy reforms and an integrated set of investments in the institutional capital, human capital, and physical capital of El Salvador, MCC expects that the Compact will help set the foundation for lasting economic growth and poverty reduction.

2. Background

This Compact will build on GoES reforms and initiatives and is informed by consultations with over 200 businesses. First, the Compact will invest in the institutional capital of El Salvador in order to enhance the investment climate by streamlining the regulatory environment and supporting the implementation of public-private partnerships. Second, the Compact will support policy reforms and invest in human capital to improve education quality and better match workforce skills with the demands of the labor market. Third, the Compact will invest in physical capital to reduce logistics and transportation costs by improving key road segments and border infrastructure in major transport corridors.

The Compact's three projects represent a total investment of $365.2 million, of which MCC will contribute $277 million, and the GoES will commit $88.2 million—a 32 percent matching contribution that is well above the 15 percent country contribution required for second compacts with lower-middle income countries.

3. Program Overview and Budget

Below is a summary describing the components of the Compact. The budget and expected impacts are preliminary based on due diligence and project appraisal.

COMPACT BUDGET OVERVIEW

Project	MCC Funding	GoES Funding	Total investment	Portion of budget (percent)
	Millions of US$			
Investment Climate Project	42.4	50.0	92.4	25.3
Human Capital Project	100.7	15.0	115.7	31.7
Logistical Infrastructure Project	109.6	15.7	125.3	34.3
Monitoring and Evaluation	4.3	.....	4.3	1.2
Program Administration	20.0	7.5	27.5	7.5
Total	$277.0	$88.2	$365.2	100

4. Summary of Projects and Activities

Investment Climate Project

The constraints to economic growth analysis and consultations with investors identified excessive ''red tape'' and discretionary application of rules as negatively affecting the investment climate in El Salvador. Firms also identified the need for key public infrastructure to increase productivity, but tight fiscal constraints and weak institutional capacity limit the ability of the GoES to provide such infrastructure. The Investment Climate Project seeks to address these deficiencies in El Salvador's investment climate by improving the regulatory environment and the GoES's capacity to provide key public services in partnership with the private sector through the following two activities:

- The Regulatory Improvement Activity will prioritize and promote investment climate reforms with the goal of creating a more efficient and profitable business environment. MCC will support the development of an institutional framework and system, including an independent institution

focused on continuous regulatory improvement and the prioritization and implementation of a select set of reforms. The reforms will focus on areas critical to El Salvador's competitiveness in international markets and may include trade facilitation, border crossing and customs procedures, environmental permitting, and harmonization of municipal and national regulations. The regulatory improvement institution will also consider the extent to which regulations can be improved to reduce the potential for corruption. In designing and implementing reforms, the institution will ensure that the proposed reforms are consistent with the GoES's obligations under international trade and investment agreements, including the Dominican Republic-Central America Free Trade Agreement. As part of the activity, the GoES will commit to review, simplify and potentially eliminate regulations early in the Compact implementation process. Such concrete demonstrations of high level commitment to the reform process will be necessary to achieve a dramatic change in the perceptions of the business climate in El Salvador.

- The Partnership Development Activity seeks to enable the GoES to partner with private enterprise in innovative ways to provide critical public services in the face of tight fiscal constraints. The GoES has recently passed several laws to facilitate private investment and trade. Most notably, the GoES legislature unanimously passed a law in May 2013 and subsequent reforms in May 2014 to facilitate public-private partnerships (''PPPs'') in the provision of key public services. MCC will invest in capacity building to properly develop, implement, and monitor such partnerships under this law. MCC will make available funding for transaction advisory services to develop and tender PPPs for two key infrastructure projects. Projects currently under review are the expansion of the El Salvador International Airport and a wind farm. MCC and the GoES are also sponsoring the El Salvador Investment Challenge (''ESIC''), a program to more efficiently and transparently allocate limited GoES resources to public goods needed to support private investment in the international trade of goods and services. The ESIC generated 74 investment project proposals in its initial call for proposals, of which 13 are being evaluated for the next phase of development. The GoES plans to institutionalize the ESIC as an instrument for attracting private investment and will contribute up to $50 million to the ESIC during the term of the Compact.

The estimated economic rate of return (''ERR'') for the Investment Climate Project is 18.56 percent, using a weighted estimate of the calculated ERRs for each activity.

Human Capital Project

The quality of education in El Salvador is below what the country requires to be competitive in world markets. The Human Capital Project is designed to improve the quality of education and to better match the supply of skills of students coming out of secondary school with the demand of a labor market oriented towards international trade. The project consists of the following two activities:

- The Education Quality Activity supports complementary interventions to provide Salvadoran students the benefits of competency-based education, increased classroom time, teachers trained in requisite subject-matters and pedagogical skills, and an institutional and physical environment conducive to learning. MCC's investment will strengthen the national education system by reforming the laws, policies, and operations that govern continuous professional development for teachers, student assessment, and information systems. The activity will strengthen and expand the implementation of the full-time inclusive school model, which increases classroom time from 25 to 40 hours per week, in an estimated 400 schools grouped in 45–55 clusters, focusing resources on grades 7–12. The curriculum improvement component will focus on English, mathematics, science and information technology, and other 21st century skills.
- The Technical, Vocational Education and Training (''TVET'') System Reform Activity seeks to harmonize the skills supplied by private and public TVET providers with the skills demanded by the labor market. The activity will strengthen the national TVET governance system by supporting legal, policy, and operational reforms within the system. MCC will support the establishment of a public entity governed by a board comprised of an equal number of public and private sector representatives to provide the legal and institutional framework for an integrated TVET system. The activity will also fund TVET curricula development with participation from the private sector, career counseling, and job-matching services. It will also fund the establishment of a framework and standards for accreditation of TVET training organizations and certification of teachers and students. The activity will also strengthen the capacity of the TVET system for identifying labor market trends that will inform the strategic direction of the TVET system, including the establishment of a monitoring and evaluation (''M&E'') framework and a labor market observatory.

The estimated ERR for the Human Capital Project is 11.35 percent.

Logistical Infrastructure Project

The constraints analysis identified transportation and logistics as main factors contributing to the productivity and competitiveness of Salvadoran exports. Consultations with businesses during Compact development also highlighted certain transportation and logistics deficiencies, including the need to expand and rehabilitate key road segments in the coastal zone of El Salvador. The Logistical Infrastructure Project is comprised of two activities designed to reduce logistical and transportation costs and relieve bottlenecks at critical sections along the logistical corridor that connects the main border crossing with Honduras at El Amatillo, the Ports of La Union and Acajutla, and the international airport:

- The Coastal Highway Expansion Activity seeks to relieve congestion at the most transited segment (27 kilometers) of El Salvador's coastal highway by expanding this road from two to four lanes. The coastal highway is one of the two most important logistical corridors in the country and connects the country's major logistical nodes along the Southern coastal zone of the country, including its two sea ports (La Union and Acajutla) and the international airport.
- The Border Crossing Infrastructure Activity seeks to relieve the freight and passenger traffic congestion at the border crossing into Honduras at El Amatillo by improving a 5.7 kilometer road leading to the border and modernizing the border-crossing facilities on the Salvadoran side. MCC will invest in the construction of control stations at the border, including buildings, internal access and connecting roads, parking areas, water and sanitation, and other infrastructure components that may be necessary for the effective functioning of these stations.

The estimated ERR for the Logistical Infrastructure Project is 20.31 percent, using a weighted estimate of the calculated ERRs for each activity.

5. Program Logic, Expected Results, and Beneficiaries

In order for El Salvador to be competitive and raise productivity in internationally-traded goods and services, the factors of production in El Salvador must be competitive on world markets. Those factors include human capital, physical capital, and often logistics/transportation. The institutional environment can also affect productivity. As a result, the Compact takes a multi-pronged approach to enhance El Salvador's competitiveness in these factors of productivity.

By streamlining the business environment, improving the quality of education, and reducing transportation and logistics costs, MCC's investments are intended to increase the productivity of current firms involved in the trade of international goods and services, which is expected to increase current production (and subsequently, employment). Firms are then expected to invest new revenues in more productive technology to realize greater returns on future production. Higher employment and output are expected over time through this self-reinforcing feedback loop which is enabled by greater productivity in traded goods and services.

The expected beneficiaries of the Regulatory Improvement Activity are the firms operating in El Salvador (currently more than 25,000) that will experience cost savings as a result of regulatory reforms. The potential expansion of the El Salvador International Airport under the Partnership Development Activity is expected to decrease delays and travel costs for travelers, while the wind farm project would increase the GoES's ability to attract investment for renewable energy. The beneficiaries of the ESIC are expected to be those firms whose proposals are selected for grant funding, workers who realize net income gains associated with employment as a result of the projects, and third parties who benefit from the public investment.

MCC expects the Human Capital Project to directly benefit students in grades 7–12 in general and technical education, who realize higher incomes as a result of more years of education. In particular, the project is expected to contribute to preventing or postponing the dropout of approximately 176,000 students. Direct beneficiaries of the TVET System Reform Activity are expected to be TVET students who receive higher incomes as a result of receiving skills that are better matched to labor market needs. Additional beneficiaries of the project include students who do not attend a full-time inclusive school but receive increased incomes as a result of improved quality of education that result from the implementation of reforms at the national level. Communities may also experience reductions in crime as a result of the full-time inclusive school model, due to increased permanence in school and lowered social vulnerability of students.

The beneficiaries for the Logistical Infrastructure Project are the estimated 171,159 individuals living within five kilometers of either side of the project sites. Because of the nature of the activities as key logistical thoroughfares, benefits in the form of reduced vehicle operating costs and travel time are expected to accrue to individuals and firms that travel along those corridors.

6. 2006 El Salvador Compact Update and Sustainability Information

In November 2006, the Millennium Challenge Corporation signed a five-year, $460.94 million compact (the ''2006 Compact'') with the GoES to improve the economic opportunities of Salvadorans through strategic investments in agricultural production, rural business development, education, and transportation infrastructure. The 2006 Compact consisted of the following three projects:

1. The Connectivity Project, to reduce travel cost and time within the Northern Zone,

2. The Human Development Project, to increase the human and physical capital of residents of the Northern Zone and further employment and business opportunities, and

3. The Productive Development Project, to increase production and employment through technical assistance, credit guarantees, and capital investments.

The 2006 Compact entered into force on September 20, 2007 and closed on September 20, 2012.

Key Achievements of the Compact are as follows:

• Connectivity Project: A total of 223.32 kilometers of road, including three large bridges, and 20 smaller bridges were constructed in northern El Salvador to help improve connectivity for farmers and local producers with the rest of the country. This east-west road in the north stretches close to the borders with Guatemala to the west and Honduras to the east, and the improvements have reduced travel time across the Northern Zone from 12 hours to 6.5 hours.

• Human Development Project:

Electrification: An estimated 35,412 households now have electricity in their homes, thanks to the installation of new power lines and solar power systems, helping to increase the percentage of households with electricity connections in the Northern Zone from 78 percent in 2007 to 90 percent in 2011.

Water and Sanitation: MCC funded about 272 kilometers of water pipes as part of the 2006 Compact's investment in water and basic sanitation that helped connect 7,624 households to potable water.

Education: MCC funded the construction of a new technical community college, improvements to a teacher training center, and the expansion and rehabilitation of 20 high schools. The rehabilitation of the high schools alone is expected to benefit more than 9,700 students every year.

• Productive Development Project: MCC funding assisted an estimated 17,500 producers through the provision of training, seeds, equipment, and technical assistance. The project provided 30 loans to small and medium-sized businesses in the Northern Zone to develop new or expand investments in the agriculture, tourism and handicrafts value chains. These loans totaled $5.7 million, of which approximately 20 percent went to women-owned businesses.

Sustainability:

Although no contribution was required from El Salvador during the implementation of the 2006 Compact, the GoES contributed substantially in parallel to the Compact to enhance the success of the program.

The Connectivity Project: In the final year of compact implementation (2012), the GoES also carried out two road maintenance reforms, increasing annual road maintenance funding by about $26 million (~37% increase). At the end of the five years, the GoES allocated an additional $13 million to complete two remaining segments of the Northern Transnational Highway. During the four-month closure period, all activities under the 2006 Compact were successfully completed.

The Human Development Project's activities were extensions of existing GoES programs, built on the National Plan for Education 2021 and designed to strengthen and install permanent capacities in key Salvadoran ministries and institutions. In addition, the Ministry of Education agreed to fund infrastructure and equipment maintenance and continued an agreement with the Gloria de Kriete Foundation to fund scholarship for secondary education through 2014.

The Productive Development Project was designed to transition producers to higher-profit activities, generate new investment, expand markets and sales, and create new jobs in ways that stimulate sustainable economic growth and poverty reduction. Actions accomplished to ensure sustainability of investments made under the Productive Development Project included the establishment of contracts between beneficiaries and supported cooperatives and major retailers for the purchase of horticulture and dairy products. The Ministry of Agriculture also incorporated the project's beneficiaries into its national Family Agriculture Plan, its signature agriculture extension service aimed at improving the profitability of individual and small and medium-sized producers.

Environmental and Social Sustainability:

As part of an effort to ensure environmental and social sustainability, all Projects included consultations with the public regarding various aspects of their implementation. The design of the Projects, including their major activities, was included in a strategic environmental assessment that was completed prior to implementation. The sustainability of the projects was also enhanced by the institutional capacity building and training in environmental management acquired through the close cooperation among the environmental units of the implementing agencies, the Millennium Challenge Account (MCA), and MCC. The Salvadoran Ministry of Environment (MARN) received Compact funding support to offset the additional regulatory costs associated with the Projects. Over the course of the Compact, collaboration improved between MARN and the environment units of the implementing agencies.

The GoES and private sector and civil society organizations have consistently worked to ensure the sustainability of the 2006 Compact and we expect them to continue to support these investments going forward.

[FR Doc. 2014–24773 Filed 10–16–14; 8:45 am]

BILLING CODE 9211–03–P

NATIONAL SCIENCE FOUNDATION

Federal-Commercial Spectrum Data; Workshop

AGENCY: The National Coordination Office (NCO) for Networking and Information Technology Research and Development (NITRD).

ACTION: Notice—Federal-Commercial Spectrum Data: Understanding Information Exchange Needs, Issues, and Approaches.

FOR FURTHER INFORMATION CONTACT: Wendy Wigen at 703–292–4873 or *wigen@nitrd.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

DATES: October 21, 2014.

SUMMARY: Representatives from Federal research agencies, private industry, and academia will identify R&D in the area of spectrum data requirements that will promote progress toward more efficient spectrum utilization and sharing.

SUPPLEMENTARY INFORMATION:

Overview

The Wireless Spectrum Research and Development Senior Steering Group (WSRD SSG) will hold its next workshop, Federal-Commercial Spectrum Data: Understanding Information Exchange Needs, Issues, and Approaches, on October 21, from 8:30 a.m.–5:30 p.m., at the National Science Foundation, 4201 Wilson Blvd. Room I–1235, Arlington, VA. Dynamic information sharing and management creates innovative opportunities in many areas including network and business intelligence, devices, applications, public safety operations and security; but developing the next generation of spectrum management tools is complex. It requires consensus among stakeholders on several important issues such as: The purpose of collecting and sharing information, the type and minimal amount of data needed, how to get it into the SAS, the necessary level of security, and enforcement.

The NTIA and the FCC are increasing their efforts to identify and make available new spectral bands with the understanding that this will necessitate the use of spectrum sharing techniques. To ensure success, it is critical to first determine the spectrum data requirements of the stakeholders in order to create new policy and develop new techniques and procedures for dynamic spectrum usage. The event agenda and information about the webcast will be available the week of the event at: *http://www.nitrd.gov/nitrdgroups/index.php?title=Wireless_Spectrum_Research_and_Development_(WSRD)#title*

Background

The Presidential Memorandum, *Presidential Memorandum on Unleashing the Wireless Broadband Revolution (http://www.whitehouse.gov/the-press-office/presidential-memorandum-unleashing-wireless-broadband-revolution),* released on June 14, 2013, directed the implementation of ''policies for sharing with authorized non-federal parties of classified, sensitive, or proprietary data regarding assignments, utilization of spectrum, system configurations, business plans, and other information''. The Presidential Council of Advisors on Science and Technology (PCAST) released a report (*http://www.whitehouse.gov/sites/default/files/microsites/ostp/pcast_spectrum_report_final_july_20_2012.pdf*) in July 2012 that advocated setting up Spectrum Access System (SAS) databases, with a uniform interface analogous to the Internet's Domain Naming System (DNS), to provide federal information and access restrictions.

Over the past three years, the WSRD has held a series of workshops that addressed the challenge defined in these documents. Information gathered from this workshop will be instrumental in helping the WSRD SSG develop recommendations that will be released in a workshop report prepared for the Office of Science and Technology Policy.

Submitted by the National Science Foundation for the National Coordination Office (NCO) for Networking and Information Technology Research and Development (NITRD) on October 14, 2014.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2014–24741 Filed 10–16–14; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Computer and Information Science and Engineering: Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name: Advisory Committee for Computer and Information Science and Engineering (CISE) (1115).

Date/Time: November 13, 2014: 12:30 p.m. to 5:30 p.m., November 14, 2014: 8:30 a.m. to 12:30 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Suite 1235, Arlington, Virginia 22230.

Type of Meeting: Open.

Contact Person: Carmen Whitson, National Science Foundation, 4201 Wilson Boulevard, Suite 1105,

Arlington, Virginia 22230; Telephone 703/292–8900.

Purpose of Meeting: To advise NSF on the impact of its policies, programs and activities on the CISE community. To provide advice to the Assistant Director for CISE on issues related to long-range planning, and to form ad hoc subcommittees and working groups to carry out needed studies and tasks.

Agenda:

Overview and update of CISE budget and activities

Working group breakout session: Growing number of students enrolled in computer science and engineering courses

Presentation and discussion of the CISE Committee of Visitors report

Panel discussion on data science activities

Discussion with NSF Director, Dr. France Córdova

Closing remarks and wrap-up.

Dated: October 10, 2014.

Suzanne Plimpton,

Acting, Committee Management Officer.

[FR Doc. 2014–24691 Filed 10–16–14; 8:45 am]

BILLING CODE 7555–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2014–67; Order No. 2213]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning a modification of Global Reseller Expedited Package Contracts 4 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* October 21, 2014.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Filings
III. Ordering Paragraphs

I. Introduction

On October 8, 2014, the Postal Service filed notice that it has agreed to a Modification to the existing Global Reseller Expedited Package Contracts 4 negotiated service agreement approved in this docket.[1] In support of its Notice, the Postal Service includes a redacted copy of the Modification and a certification of compliance with 39 U.S.C. 3633(a), as required by 39 CFR 3015.5. *Id.* Attachments 1 and 2.

The Postal Service also filed the unredacted Modification and supporting financial information under seal. The Postal Service seeks to incorporate by reference the Application for Non-Public Treatment originally filed in this docket on August 8, 2014 for the protection of information that it has filed under seal. *Id.* at 1–2.

The Modification replaces Annexes 1 and 2 of the agreement. Annex 1 is Prices for Priority Mail Express International and Priority Mail International Tendered within Specific 3 Digit ZIP Codes. Annex 2 is Prices for Priority Mail Express International and Priority Mail International Tendered from all ZIP Codes other than those Specified in Annex 1.

The Postal Service intends for the rates in the Modification to become effective November 1, 2014. *Id.* at 1.

II. Notice of Filings

The Commission invites comments on whether the changes presented in the Postal Service's Notice are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR 3015.5, and 39 CFR part 3020, subpart B. Comments are due no later than October 21, 2014. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Kenneth R. Moeller to represent the interests of the general public (Public Representative) in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission reopens Docket No. CP2014–67 for consideration of matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, the Commission appoints Kenneth R. Moeller to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments are due no later than October 21, 2014.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2014–24693 Filed 10–16–14; 8:45 am]

BILLING CODE 7710–FW–P

[1] Notice of the United States Postal Service of Filing Modification to Global Reseller Expedited Package Contracts 4 Contract Negotiated Service Agreement, October 8, 2014 (Notice).

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–31281; File No. 812–14226]

SunAmerica Series Trust, et al.; Notice of Application

October 10, 2014.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application pursuant to Section 6(c) of the Investment Company Act of 1940, as amended (the ''1940 Act'' or ''Act''), seeking exemptions from Sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) thereunder.

Applicants: SunAmerica Series Trust, Seasons Series Trust, Anchor Series Trust, VALIC Company I, and VALIC Company II (each referred to herein as a ''Trust,'' and collectively as the ''Trusts''), SunAmerica Asset Management LLC (formerly, SunAmerica Asset Management Corp. (''SAAMCo''), and The Variable Annuity Life Insurance Company (''VALIC'') (together with SAAMCo and the Trusts, the ''Applicants'').

Summary of Application: Applicants request an order granting exemptions from Sections 9(a), 13(a), 15(a), and 15(b) of the Act and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) thereunder, in cases where a life insurance company separate account supporting variable life insurance contracts (''VLI Account'') holds shares of an existing portfolio of a Trust (an ''Existing Fund'') or a ''Future Fund,''[1] as defined below (any Existing Fund or Future Fund is referred to herein as a ''Fund'', and collectively as the ''Funds''), and one or more of the following other types of investors also hold shares of the Funds: (1) any life insurance company separate account supporting variable annuity contracts,

[1] As used herein, a ''Future Fund'' is any investment company (or investment portfolio or series thereof), other than an Existing Fund, designed to be sold to VA Accounts and/or VLI Accounts and to which the Applicants or their affiliates may in the future serve as investment advisers, investment subadvisers, investment managers, administrators, principal underwriters, or sponsors.

whether or not registered as an investment company with the Commission (a ''VA Account''), (2) any VLI Account, whether or not registered as an investment company with the Commission, (3) the investment adviser or any subadviser to a Fund or affiliated persons of the investment adviser or subadviser (representing seed money investments in the Fund) (''Advisers''), (4) any general account of an insurance company depositor of VA Accounts and/or VLI Accounts (representing seed money investments in the Fund) (''General Account''); and/or (5) any qualified group pension or group retirement plan administered by a trustee outside the separate account context (a ''Plan'' or ''Qualified Plan'').

DATES: *Filing Date:* The application was filed on October 25, 2013, and amended and restated on January 30, 2014, and September 4, 2014.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission 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 November 4, 2014, and should be accompanied by proof of service on Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants, AIG Life and Retirement c/o Mark Matthes, Associate General Counsel, 2919 Allen Parkway, 4th Floor, Houston, TX 77019.

FOR FURTHER INFORMATION CONTACT: Sonny Oh, Senior Counsel, or Joyce M. Pickholz, Branch Chief, Disclosure Review Office (Insured Investments), Division of Investment Management at (202) 551–6795.

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.htm,* or by calling (202) 551–8090.

Applicants' Representations

1. SunAmerica Series Trust was formed as a Massachusetts business trust on September 11, 1992, and is registered under the Act as an open-end management investment company (Reg. File No. 811–07238). The Trust is a series investment company as defined by Rule 18f–2 under the Act and is currently comprised of forty (40) Funds. The Trust issues a separate series of shares of beneficial interest for each of its Funds and has filed a registration statement under the Securities Act of 1933, as amended (the ''1933 Act'') on Form N–1A (Reg. File No. 33–52742) to register such shares. The Trust may establish additional Funds in the future and additional classes of shares for such Funds. Shares of the Funds of the SunAmerica Series Trust are not and will not be offered to the general public.

2. Seasons Series Trust was formed as a Massachusetts business trust on October 10, 1995, and is registered under the Act as an open-end management investment company (Reg. File No. 811–07725). The Trust is a series investment company as defined by Rule 18f–2 under the Act and is currently comprised of twenty-one (21) Funds. The Trust issues a separate series of shares of beneficial interest for each of its Funds and has filed a registration statement under the 1933 Act on Form N–1A (Reg. File No. 333–08653) to register such shares. The Trust may establish additional Funds in the future and additional classes of shares for such Funds. Shares of the Funds of the Seasons Series Trust are not and will not be offered to the general public.

3. Anchor Series Trust was formed as a Massachusetts business trust on August 26, 1983, and is registered under the Act as an open-end management investment company (Reg. File No. 811–03836). The Trust is a series investment company as defined by Rule 18f–2 under the Act and is currently comprised of eight (8) Funds. The Trust issues a separate series of shares of beneficial interest for each of its Funds and has filed a registration statement under the 1933 Act on Form N–1A (Reg. File No. 2–86188) to register such shares. The Trust may establish additional Funds in the future and additional classes of shares for such Funds. Shares of the Funds of the Anchor Series Trust are not and will not be offered to the general public.

4. VALIC Company I (''VC I'') was formed as a Maryland corporation on December 7, 1984 and is registered under the Act as an open-end management investment company (Reg. File No. 811–03738). VC I is a series investment company as defined by Rule 18f–2 under the Act and is currently comprised of thirty-four (34) separate Funds. VC I issues a separate series of shares for each of its Funds and has filed a registration statement under the 1933 Act on Form N–1A (Reg. File No. 2–83631) to register such shares. VC I may establish additional Funds in the future and additional classes of shares for such Funds. Shares of the Funds of VC I are not and will not be offered to the general public.

5. VALIC Company II (''VC II'') was organized as a Delaware statutory trust on May 6, 1998, and is registered under the Act as an open-end management investment company (Reg. File No. 811–08789). VC II is a series investment company as defined by Rule 18f–2 under the Act and is currently comprised of fifteen (15) separate Funds. VC II issues a separate series of shares of beneficial interest for each of its Funds and has filed a registration statement under the 1933 Act on Form N–1A (Reg. File No. 333–53589) to register such shares. VC II may establish additional Funds in the future and additional classes of shares for such Funds. Shares of the Funds of VC II are not and will not be offered to the general public.

6. SAAMCo serves as the investment adviser and manager for all the Funds of the SunAmerica Series Trust, Seasons Series Trust, and Anchor Series Trust and serves as the subadviser to certain Funds of VC I and VC II. SAAMCo is an indirectly and wholly owned subsidiary of American International Group, Inc. (''AIG'').

7. VALIC serves as the investment adviser to VC I and VC II and is a stock life insurance company originally organized as The Variable Annuity Life Insurance Company of America, located in Washington, DC and re-organized under the laws of the state of Texas on August 20, 1968. VALIC is an indirectly and wholly owned subsidiary of AIG and is registered as an investment adviser under the Advisers Act.

8. The Funds propose to offer their shares to VLI Accounts and VA Accounts of various life insurance companies (each a ''Participating Insurance Company,'' and collectively, the ''Participating Insurance Companies'') to serve as an investment medium to support variable life insurance contracts (''VLI Contracts'') and variable annuity contracts (''VA Contracts'') (together, ''Variable Contracts'') issued through such VLI and VA Accounts. Each VLI Account and VA Account is or will be established as a segregated asset account by a Participating Insurance Company pursuant to the insurance law of the insurance company's state of domicile. As such, the assets of each will be the property of the Participating Insurance

Company, and that portion of the assets of such a VLI or VA Account equal to the reserves and other contract liabilities with respect to the VLI or VA Account will not be chargeable with liabilities arising out of any other business that the insurance company may conduct. The income, gains and losses, realized or unrealized, from such a VLI or VA Account's assets will be credited to or charged against the VLI or VA Account without regard to other income, gains or losses of the Participating Insurance Company. If a VLI Account or VA Account is registered as an investment company, it will be a ''separate account'' as defined by Rule 0–1(e) (or any successor rule) under the Act and will be registered as a unit investment trust. For purposes of the Act, the Participating Insurance Company that establishes such a registered VLI Account or VA Account is the depositor and sponsor of the VLI or VA Account as those terms have been interpreted by the Commission with respect to variable life insurance and variable annuity separate accounts.

9. The Participating Insurance Companies are currently American General Life, The United States Life Insurance Company in the City of New York (''USLIC''), and VALIC. Each Participating Insurance Company is an indirect subsidiary of AIG. Various other life insurance companies that are not affiliated persons of American General Life, USLIC, and VALIC may be, or in the future become, Participating Insurance Companies. At the current time, the following VLI Accounts and VA Accounts of American General Life, USLIC, and VALIC invest in one or more of the Trusts: American General Life: Separate Account 8, Separate Account 101, Separate Account 102, Separate Account A, Separate Account D, Separate Account II, Separate Account IV, Separate Account VA–2, Separate Account VL–R, Separate Account VL–U LIS, Separate Account VUL, and A.G. Separate Account A; USLIC: Separate Account USL VA–R, Separate Account USL VL–R and Separate Account USL B; and VALIC: Separate Account A.

10. Each Fund will sell its shares to VLI Accounts and VA Accounts only if each Participating Insurance Company sponsoring such a VLI Account or VA Account enters into a participation agreement with the Fund. The participation agreements define or will define the relationship between each Fund and each Participating Insurance Company and memorialize or will memorialize, among other matters, the fact that, except where the agreement specifically provides otherwise, the Participating Insurance Company will remain responsible for establishing and maintaining any VLI Account or VA Account covered by the agreement and for complying with all applicable requirements of state and federal law pertaining to such VLI and VA Accounts and to the sale and distribution of Variable Contracts issued through such VLI and VA Accounts. The role of each Fund under this arrangement, with regard to the federal securities laws, will consist of offering and selling shares of the Fund to the VLI Accounts and VA Accounts and fulfilling any conditions that the Commission may impose in granting the requested order.

11. The use of a common management investment company (or investment portfolio thereof) as an investment medium for both VLI Accounts and VA Accounts of the same Participating Insurance Company, or of two or more insurance companies that are affiliated persons of each other, is referred to herein as ''mixed funding.'' The use of a common management investment company (or investment portfolio thereof) as an investment medium for VLI Accounts and/or VA Accounts of two or more Participating Insurance Companies that are not affiliated persons of each other, is referred to herein as ''shared funding.''

12. Applicants propose that each Fund offer and sell its shares directly to Plans and assert that Federal tax law permits investment companies such as the Funds to increase their net assets by selling shares to Plans.

13. Plans may invest in shares of an investment company as the sole investment under the Plan, or as one of several investments. Plan participants may or may not be given an investment choice depending on the terms of the Plan itself. The trustees or other fiduciaries of a Plan may vote investment company shares held by the Plan in their own discretion or, if the applicable Plan so provides, vote such shares in accordance with instructions from participants in such Plan. Applicants have no control over whether trustees or other fiduciaries of Plans, rather than participants in the Plans, have the right to vote under any particular Plan. Each Plan must be administered in accordance with the terms of the Plan and as determined by its trustee or trustees.

14. Applicants propose that any Fund may also sell shares to its Adviser. The Treasury Regulations permit such sales as long as the return on shares held by an Adviser is computed in the same manner as shares held by VLI Accounts and VA Accounts, the Adviser does not intend to sell the shares to the public, and sales to the Adviser are only made in connection with the creation or management of the Fund for the purpose of providing seed money for the Fund.

15. Applicants propose that any Fund may also sell shares to a General Account of a Participating Insurance Company. The Treasury Regulations permit such sales as long as the return on shares held by a General Account is computed in the same manner as for shares held by VLI Accounts and VA Accounts and the Participating Insurance Company does not intend to sell the shares to the public.

16. The use of a common management investment company (or investment portfolio thereof) as an investment medium for VLI Accounts, VA Accounts, Plans, Advisers, and General Accounts is referred to herein as ''extended mixed funding.''

Applicants' Legal Analysis

1. Section 9(a)(3) of the Act makes it unlawful for any company to serve as an investment adviser or principal underwriter of any investment company, including a unit investment trust, if an affiliated person of that company is subject to disqualification enumerated in Section 9(a)(1) or (2) of the Act. Sections 13(a), 15(a), and 15(b) of the Act have been deemed by the Commission to require ''pass-through'' voting with respect to an underlying investment company's shares.

2. Rules 6e–2(b)(15) and 6e–3(T)(b)(15) under the Act provide partial exemptions from Sections 9(a), 13(a), 15(a), and 15(b) of the Act to VLI Accounts supporting certain VLI Contracts and to their life insurance company depositors under limited circumstances, as described in the application. Therefore, VLI Accounts, their depositors and their principal underwriters may not rely on the exemptions provided by Rules 6e–2(b)(15) and 6e–3(T)(b)(15) if shares of the Fund are held by a VLI Account through which flexible premium VLI Contracts are issued, a VLI Account of an unaffiliated Participating Insurance Company, a General Account of a Participating Insurance Company, an Adviser, any VA Account, or a Plan. Accordingly, Applicants request an order of the Commission granting exemptions from Sections 9(a), 13(a), 15(a), and 15(b) of the Act, and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) thereunder, to the extent necessary to permit a scheduled premium VLI Account to hold shares of Funds when one or more of the following types of investors also hold shares of the Funds: (1) VA Accounts and VLI Accounts

(supporting scheduled premium or flexible premium VLI Contracts) of affiliated and unaffiliated Participating Insurance Companies, (2) General Accounts, (3) Advisers, or (4) Plans.

3. Applicants maintain that there is no public policy reason why VLI Accounts and their Participating Insurance Company depositors (or principal underwriters) should not be able to rely on the exemptions provided by Rules 6e–2(b)(15) and 6e–3(T)(b)(15) just because shares of Funds held by the VLI Accounts are also held by VA Accounts, other VLI Accounts, an Adviser, a General Account, or a Qualified Plan. Rather, Applicants assert that the proposed sale of Fund shares to Qualified Plans, Advisers, and General Accounts may allow for the development of larger pools of assets, resulting in the potential for greater investment and diversification opportunities and for decreased expenses at higher asset levels resulting in greater cost efficiencies. Similarly, Applicants believe that the proposed sale of Fund shares to Advisers and General Accounts of Participating Insurance Companies for seed money may result in the creation of more Funds as investment options for certain VA Contracts and VLI Contracts than would otherwise be the case.

4. For the reasons explained below, Applicants have concluded that investments by Qualified Plans, Advisers, and General Accounts in the Funds should not increase the risk of material irreconcilable conflicts between owners of VLI Contracts and other types of investors or between owners of VLI Contracts issued by unaffiliated Participating Insurance Companies.

5. Consistent with the Commission's authority under Section 6(c) of the 1940 Act to grant exemptive orders to a class or classes of persons and transactions, Applicants request exemptions for a class consisting of Participating Insurance Companies and their VA and VLI Accounts investing in the Funds, as well as their principal underwriters.

6. Section 6(c) of the 1940 Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act, or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. The Applicants submit that the exemptions requested are 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. Accordingly, the Applicants hereby request that the Commission issue an order under Section 6(c) of the 1940 Act for the exemptions requested herein.

7. Section 9(a)(3) of the 1940 Act provides, among other things, that it is unlawful for any company to serve as investment adviser or principal underwriter of any registered open-end investment company if an affiliated person of that company is subject to a disqualification enumerated in Sections 9(a)(1) or (2). Rules 6e–2(b)(15)(i) and (ii) and Rules 6e–3(T)(b)(15)(i) and (ii) under the Act provide exemptions from Section 9(a) under certain circumstances, subject to the limitations discussed above on mixed funding, extended mixed funding, and shared funding. These exemptions limit the application of the eligibility restrictions to affiliated individuals or companies that directly participate in management or administration of the underlying investment company.

8. Rules 6e–2(b)(15)(iii) and 6e–3(T)(b)(15)(iii) under the 1940 Act provide exemptions from pass-through voting requirements with respect to several significant matters, assuming the limitations on mixed funding, extended mixed funding, and shared funding are observed. Rules 6e–2(b)(15)(iii)(A) and 6e–3(T)(b)(15)(iii)(A) provide that the insurance company may disregard the voting instructions of its variable life insurance contract owners with respect to the investments of an underlying investment company, or any contract between such an investment company and its investment adviser, when required to do so by an insurance regulatory authority (subject to the provisions of paragraphs (b)(5)(i) and (b)(7)(ii)(A) of Rules 6e–2 and 6e–3(T)).

9. Rules 6e–2(b)(15)(iii)(B) and 6e–3(T)(b)(15)(iii)(A)(2) provide that an insurance company may disregard the voting instructions of variable life insurance contract owners if such owners initiate any change in an underlying investment company's investment policies, principal underwriter or any investment adviser (provided that disregarding such voting instructions is reasonable and subject to the other provisions of paragraphs (b)(5)(ii), (b)(7)(ii)(B) and (b)(7)(ii)(C) of Rules 6e–2 and 6e–3(T)).

10. Both Rule 6e–2 and Rule 6e–3(T) generally recognize that a variable life insurance contract is primarily a life insurance contract containing many important elements unique to life insurance contracts and subject to extensive state insurance regulation. In adopting subparagraph (b)(15)(iii) of these Rules, the Commission implicitly recognized that state insurance regulators have authority, pursuant to state insurance laws or regulations, to disapprove or require changes in investment policies, investment advisers, or principal underwriters.

11. Applicants represent that the sale of Fund shares to Qualified Plans, Advisers, and General Accounts will not have any impact on the exemptions requested herein regarding the disregard of pass-through voting rights. Shares sold to Plans will be held by such Plans. The exercise of voting rights by Plans, whether by trustees, participants, beneficiaries, or investment managers engaged by the Plans, does not raise the type of issues respecting disregard of voting rights that are raised by VLI Accounts. With respect to Plans, which are not registered as investment companies under the 1940 Act, there is no requirement to pass through voting rights to Plan participants. Indeed, to the contrary, applicable law expressly reserves voting rights associated with Plan assets to certain specified persons.

12. Similarly, the sale of Fund shares to an Adviser and to the General Accounts of Participating Insurance Companies will not have any impact on the exemptions requested herein regarding the disregard of pass-through voting rights. The exercise of voting rights by Advisers and the General Accounts of Participating Insurance Companies does not raise the type of issues respecting disregard of voting rights that are raised by VLI Accounts. Neither Advisers nor General Accounts are registered as investment companies under the Act, and are not subject to any pass-through voting requirements.

13. Applicants recognize that the Commission's primary concern with respect to mixed funding, extended mixed funding, and shared funding issues is the potential for irreconcilable conflicts between the interests of owners of variable life insurance contracts and those of other investors in an open end investment company serving as an investment vehicle for such contracts. The prohibitions on mixed and shared funding might reflect concern regarding possible different investment motivations among investors. When Rule 6e–2 was first adopted, variable annuity separate accounts could invest in mutual funds whose shares were also offered to the general public. However, now, under the Internal Revenue Code of 1986, as amended (the ''Code''), any underlying

funds, including a Fund, that sells shares to VA Accounts or VLI Accounts, would, in effect, be precluded from also selling its shares to the public. Consequently, the Funds may not sell their shares to the public.

14. Applicants assert that the rights of an insurance company or a state insurance regulator to disregard the voting instructions of owners of Variable Contracts is not inconsistent with either mixed funding or shared funding. Applicants argue that the National Association of Insurance Commissioners Variable Life Insurance Model Regulation (the ''NAIC Model Regulation'') suggests that it is unlikely that insurance regulators would find an underlying fund's investment policy, investment adviser or principal underwriter objectionable for one type of Variable Contract but not another type.

15. Applicants assert that shared funding by unaffiliated insurers, in this respect, is no different than the use of the same investment company as the funding vehicle for affiliated insurers, which Rules 6e–2(b)(15) and 6e–3(T)(b)(15) permit. Affiliated insurers may be domiciled in different states and be subject to differing state law requirements. Affiliation does not reduce the potential, if any exists, for differences in state regulatory requirements. In any event, the conditions set forth below are designed to safeguard against, and provide procedures for resolving, any adverse effects that differences among state regulatory requirements may produce. If a particular state insurance regulator's decision conflicts with the majority of other state regulators, then the affected Participating Insurance Company will be required to withdraw its separate account investments in the relevant Fund. This requirement will be provided for in the Participation Agreement that will be entered into by Participating Insurance Companies with the relevant Fund.

16. Rules 6e–2(b)(15) and 6e–3(T)(b)(15) give Participating Insurance Companies the right to disregard the voting instructions of VLI Contract owners in certain circumstances. This right derives from the authority of state insurance regulators over VLI Accounts and VA Accounts. Under Rules 6e–2(b)(15) and 6e–3(T)(b)(15), a Participating Insurance Company may disregard VLI Contract owner voting instructions only with respect to certain specified items. Affiliation does not eliminate the potential, if any exists, for divergent judgments as to the advisability or legality of a change in investment policies, principal underwriter or investment adviser initiated by such Contract owners. The potential for disagreement is limited by the requirements in Rules 6e–2 and 6e–3(T) that the Participating Insurance Company's disregard of voting instructions be reasonable and based on specific good faith determinations.

17. A particular Participating Insurance Company's disregard of voting instructions, nevertheless, could conflict with the voting instructions of a majority of VLI Contract owners. The Participating Insurance Company's action possibly could be different than the determination of all or some of the other Participating Insurance Companies (including affiliated insurers) that the voting instructions of VLI Contract owners should prevail, and either could preclude a majority vote approving the change or could represent a minority view. If the Participating Insurance Company's judgment represents a minority position or would preclude a majority vote, then the Participating Insurance Company may be required, at the relevant Fund's election, to withdraw its VLI Accounts' and VA Accounts' investments in the relevant Fund. No charge or penalty will be imposed as a result of such withdrawal. This requirement will be provided for in the Participation Agreement entered into by the Participating Insurance Companies with the relevant Fund.

18. Applicants argue that there is no reason why the investment policies of a Fund would or should be materially different from what these policies would or should be if the Fund supported only VA Accounts or VLI Accounts supporting flexible premium or scheduled premium VLI Contracts. Each type of insurance contract is designed as a long-term investment program.

19. Each Fund will be managed to attempt to achieve its specified investment objective, and not favor or disfavor any particular Participating Insurance Company or type of insurance contract. There is no reason to believe that different features of various types of Variable Contracts will lead to different investment policies for each or for different VLI Accounts and VA Accounts. The sale of Variable Contracts and ultimate success of all VA Accounts and VLI Accounts depends, at least in part, on satisfactory investment performance, which provides an incentive for each Participating Insurance Company to seek optimal investment performance.

20. Furthermore, no single investment strategy can be identified as appropriate to a particular Variable Contract. Each ''pool'' of VLI Contract and VA Contract owners is composed of individuals of diverse financial status, age, insurance needs and investment goals. A Fund supporting even one type of Variable Contract must accommodate these diverse factors in order to attract and retain purchasers. Permitting mixed and shared funding will provide economic support for the continuation of the Funds. Mixed and shared funding will broaden the base of potential Variable Contract owner investors, which may facilitate the establishment of additional Funds serving diverse goals.

21. Applicants do not believe that the sale of the shares to Qualified Plans, Advisers, and General Accounts will increase the potential for material irreconcilable conflicts of interest between or among different types of investors. In particular, Applicants see very little potential for such conflicts beyond those that would otherwise exist between owners of VLI Contracts and VA Contracts. Applicants submit that either there are no conflicts of interest or that there exists the ability by the affected parties to resolve such conflicts consistent with the best interests of VLI Contract owners, VA Contract owners, and Plan participants.

22. Applicants considered whether there are any issues raised under the Code, Treasury Regulations, or Revenue Rulings thereunder if VA Accounts, VLI Accounts, Advisers, General Accounts and Qualified Plans all invest in the same Fund. However, the Applicants have concluded that neither the Code, nor the Treasury Regulations nor Revenue Rulings thereunder, present any inherent conflicts of interest if VA Accounts, VLI Accounts, Advisers, General Accounts and Qualified Plans all invest in the same Fund.

23. Applicants note that, while there are differences in the manner in which distributions from VLI Accounts, VA Accounts, and Plans are taxed, these differences have no impact on the Funds. When distributions are to be made, and a VLI Account, VA Account, or Plan is unable to net purchase payments to make distributions, the VLI Account, VA Account, or Plan will redeem shares of the relevant Fund at its net asset value in conformity with Rule 22c–1 under the 1940 Act (without the imposition of any sales charge) to provide proceeds to meet distribution needs. A Participating Insurance Company will then make distributions in accordance with the terms of its Variable Contracts, and a Plan will then make distributions in accordance with the terms of the Plan.

24. Applicants considered whether it is possible to provide an equitable

means of giving voting rights to all Variable Contract owners, Qualified Plans, Advisers and General Accounts, and determined that it is possible. In connection with any meeting of Fund shareholders, the soliciting Fund will inform each Participating Insurance Company (with respect to its VLI Accounts, VA Accounts and General Account), Adviser, and Qualified Plan of its share holdings and provide other information necessary for such shareholders to participate in the meeting (*e.g.,* proxy materials). Each Participating Insurance Company then will solicit voting instructions from owners of VLI Contracts and VA Contracts in accordance with Rules 6e–2 or 6e–3(T), or Section 12(d)(1)(E)(iii)(aa) of the Act, as applicable, and its Participation Agreement with the relevant Fund. Shares of a Fund that are held by an Adviser or a General Account will generally be voted in the same proportion as all votes cast on behalf of all Variable Contract owners having voting rights. However, an Adviser or General Account will vote its shares in such other manner as may be required by the Commission or its staff. Shares held by Plans will be voted in accordance with applicable law. The voting rights provided to Plans with respect to the shares would be no different from the voting rights that are provided to Plans with respect to shares of mutual funds sold to the general public. Furthermore, if a material irreconcilable conflict arises because of a Plan's decision to disregard Plan participant voting instructions, if applicable, and that decision represents a minority position or would preclude a majority vote, the Plan may be required, at the election of the relevant Fund, to withdraw its investment in the Fund, and no charge or penalty will be imposed as a result of such withdrawal.

25. Applicants do not believe that the veto power of state insurance commissioners over certain potential changes to Fund investment objectives approved by Variable Contract owners creates conflicts between the interests of such owners and the interests of Plan participants, Advisers or General Accounts. Applicants note that a basic premise of corporate democracy and shareholder voting is that not all shareholders may agree with a particular proposal. Their interests and opinions may differ, but this does not mean that inherent conflicts of interest exist between or among such shareholders or that occasional conflicts of interest that do occur between or among them are likely to be irreconcilable.

26. Although Participating Insurance Companies may have to overcome regulatory impediments in redeeming shares of a Fund held by their VLI and VA Accounts, the Plans and the participants in participant-directed Plans can make decisions quickly and redeem their shares in a Fund and reinvest in another investment company or other funding vehicle without impediments, or as is the case with most Plans, hold cash pending suitable investment. As a result, conflicts between the interests of Variable Contract owners and the interests of Plans and Plan participants can usually be resolved quickly since the Plans can, on their own, redeem their Fund shares. Advisers and General Accounts can similarly redeem their shares of a Fund and make alternative investments at any time.

27. Finally, Applicants considered whether there is a potential for future conflicts of interest between Participating Insurance Companies and Plans created by future changes in the tax laws. Applicants do not see any greater potential for material irreconcilable conflicts arising between the interests of Variable Contract owners and Plan participants from future changes in the federal tax laws than that which already exists between VLI Contract owners and VA Contract owners.

28. Applicants recognize that the foregoing is not an all-inclusive list, but rather is representative of issues that they believe are relevant to this application. Applicants believe that the discussion contained herein demonstrates that the sale of Fund shares to Plans would not increase the risk of material irreconcilable conflicts between the interests of Plan participants and Variable Contract owners or other investors. Further, Applicants submit that the use of the Funds with respect to Plans is not substantially dissimilar from each Fund's current and anticipated use, in that Plans, like VLI Accounts and VA Accounts, are generally long-term investors.

29. Applicants assert that permitting a Fund to sell its shares to an Adviser or to a General Account will enhance management of each Fund without raising significant concerns regarding material irreconcilable conflicts among different types of investors.

30. Various factors have limited the number of insurance companies that offer Variable Contracts. These factors include the costs of organizing and operating a funding vehicle, certain insurers' lack of experience with respect to investment management, and the lack of name recognition by the public of certain insurance companies as investment experts. In particular, some smaller life insurance companies may not find it economically feasible, or within their investment or administrative expertise, to enter the Variable Contract business on their own. Use of the Funds as a common investment vehicle for Variable Contracts would reduce or eliminate these concerns. Mixed and shared funding should also provide several benefits to owners of Variable Contracts by eliminating a significant portion of the costs of establishing and administering separate underlying funds.

31. Applicants state that Participating Insurance Companies will benefit not only from the investment and administrative expertise of the Funds' Adviser, but also from the potential cost efficiencies and investment flexibility afforded by larger pools of funds. Mixed and shared funding also would permit a greater amount of assets available for investment by a Fund, thereby promoting economies of scale, by permitting increased safety through greater diversification, or by making the addition of new Funds more feasible. Therefore, making the Funds available for mixed and shared funding will encourage more insurance companies to offer Variable Contracts. This should result in increased competition with respect to both Variable Contract design and pricing, which can in turn be expected to result in more product variety. Applicants also assert that sale of shares in a Fund to Plans, in addition to VLI Accounts and VA Accounts, will result in an increased amount of assets available for investment in a Fund. This may benefit Variable Contract owners by promoting economies of scale, permitting increased safety of investments through greater diversification, and making the addition of new Funds more feasible.

32. Applicants also submit that, regardless of the type of shareholder in a Fund, an Adviser is or would be contractually and otherwise obligated to manage the Fund solely and exclusively in accordance with that Fund's investment objectives, policies and restrictions, as well as any guidelines established by the applicable Trust's board of trustees or directors (a ''Board''). Thus, each Fund will be managed in the same manner as any other mutual fund.

33. Applicants assert that sales of Fund shares, as described above, will not have any adverse federal income tax

consequences to other investors in such a Fund.

34. In addition, Applicants note that the Commission has issued numerous orders permitting mixed funding, extended mixed funding, and shared funding. Therefore, granting the exemptions requested herein is in the public interest and, as discussed above, will not compromise the regulatory purposes of Sections 9(a), 13(a), 15(a), or 15(b) of the Act or Rules 6e-2 or 6e-3(T) thereunder.

Applicants' Conditions

Applicants agree that the Commission order requested herein shall be subject to the following conditions:

1. A majority of the Board of each Trust will consist of persons who are not ''interested persons'' of the Trust (''disinterested directors/trustees''), as defined by Section 2(a)(19) of the 1940 Act, and the rules thereunder, and as modified by any applicable orders of the Commission, except that if this condition is not met by reason of death, disqualification or bona fide resignation of any trustee or trustees, then the operation of this condition will be suspended: (a) for a period of 90 days if the vacancy or vacancies may be filled by the Board, (b) for a period of 150 days if a vote of shareholders is required to fill the vacancy or vacancies, or (c) for such longer period as the Commission may prescribe by order upon application or by future rule.

2. The Board of each Trust will monitor its respective Funds for the existence of any material irreconcilable conflict between and among the interests of the owners of all VLI Contracts and VA Contracts and participants of all Plans investing in the Fund, and determine what action, if any, should be taken in response to such conflicts. A material irreconcilable conflict may arise for a variety of reasons, including: (a) An action by any state insurance regulatory authority; (b) a change in applicable federal or state insurance, tax, or securities laws or regulations, or a public ruling, private letter ruling, no-action or interpretive letter, or any similar action by insurance, tax or securities regulatory authorities; (c) an administrative or judicial decision in any relevant proceeding; (d) the manner in which the investments of the Fund are being managed; (e) a difference in voting instructions given by VA Contract owners, VLI Contract owners, and Plans or Plan participants; (f) a decision by a Participating Insurance Company to disregard the voting instructions of contract owners; or (g) if applicable, a decision by a Plan to disregard the voting instructions of Plan participants.

3. Participating Insurance Companies (on their own behalf, as well as by virtue of any investment of General Account assets in a Fund), any Adviser to a Fund, and any Plan that executes a Participation Agreement upon its becoming an owner of 10% or more of the net assets of a Fund (collectively, ''Participants'') will report any potential or existing conflicts to the relevant Board. Each Participant will be responsible for assisting the Board in carrying out the Board's responsibilities under these conditions by providing the Board with all information reasonably necessary for the Board to consider any issues raised. This responsibility includes, but is not limited to, an obligation by each Participating Insurance Company to inform the Board whenever Variable Contract owner voting instructions are disregarded, and, if pass-through voting is applicable, an obligation by each trustee for a Plan to inform the Board whenever it has determined to disregard Plan participant voting instructions. The responsibility to report such information and conflicts, and to assist the Board, will be a contractual obligation of all Participating Insurance Companies under their Participation Agreement with a Trust, and these responsibilities will be carried out with a view only to the interests of the Variable Contract owners. The responsibility to report such information and conflicts, and to assist the Board, also will be contractual obligations of all Plans under their Participation Agreement with a Trust, and such agreements will provide that these responsibilities will be carried out with a view only to the interests of Plan participants.

4. If it is determined by a majority of the Board of a Trust, or a majority of the disinterested directors/trustees of the Board, that a material irreconcilable conflict exists, then the relevant Participant will, at its expense and to the extent reasonably practicable (as determined by a majority of the disinterested directors/trustees), take whatever steps are necessary to remedy or eliminate the material irreconcilable conflict, up to and including: (a) Withdrawing the assets allocable to some or all of their VLI Accounts or VA Accounts from the Fund and reinvesting such assets in a different investment vehicle including another Fund; (b) in the case of a Participating Insurance Company, submitting the question as to whether such segregation should be implemented to a vote of all affected Variable Contract owners and, as appropriate, segregating the assets of any appropriate group (*i.e.,* VA Contract owners or VLI Contact owners of one or more Participating Insurance Companies) that votes in favor of such segregation, or offering to the affected Contract owners the option of making such a change; (c) withdrawing the assets allocable to some or all of the Plans from the affected Fund and reinvesting them in a different investment medium; and (d) establishing a new registered management investment company or managed separate account. If a material irreconcilable conflict arises because of a decision by a Participating Insurance Company to disregard Variable Contract owner voting instructions, and that decision represents a minority position or would preclude a majority vote, then the Participating Insurance Company may be required, at the election of the Trust, to withdraw such Participating Insurance Company's VA Account and VLI Account investments in the Fund, and no charge or penalty will be imposed as a result of such withdrawal. If a material irreconcilable conflict arises because of a Plan's decision to disregard Plan participant voting instructions, if applicable, and that decision represents a minority position or would preclude a majority vote, the Plan may be required, at the election of the Trust, to withdraw its investment in the Fund, and no charge or penalty will be imposed as a result of such withdrawal. The responsibility to take remedial action in the event of a Board determination of a material irreconcilable conflict and to bear the cost of such remedial action will be a contractual obligation of all Participants under their Participation Agreement with a Trust, and these responsibilities will be carried out with a view only to the interests of Variable Contract owners or, as applicable, Plan participants.

For purposes of this Condition 4, a majority of the disinterested directors/trustees of the Board of each Trust will determine whether or not any proposed action adequately remedies any material irreconcilable conflict, but, in no event, will the Fund or its Adviser be required to establish a new funding vehicle for any Variable Contract or Plan. No Participating Insurance Company will be required by this Condition 4 to establish a new funding vehicle for any Variable Contract if any offer to do so has been declined by vote of a majority of the Contract owners materially and adversely affected by the material irreconcilable conflict. Further, no Plan will be required by this Condition 4 to establish a new funding vehicle for the Plan if: (a) A majority of the Plan

participants materially and adversely affected by the irreconcilable material conflict vote to decline such offer, or (b) pursuant to documents governing the Plan, the Plan trustee makes such decision without a Plan participant vote.

5. The Board of each Trust's determination of the existence of a material irreconcilable conflict and its implications will be made known in writing promptly to all Participants.

6. Participating Insurance Companies will provide pass-through voting privileges to all Variable Contract owners whose Contracts are issued through registered VLI Accounts or registered VA Accounts for as long as required by the Act as interpreted by the Commission. However, as to Variable Contracts issued through VA Accounts or VLI Accounts not registered as investment companies under the Act, pass-through voting privileges will be extended to owners of such Contracts to the extent granted by the Participating Insurance Company. Accordingly, such Participating Insurance Companies, where applicable, will vote the shares of each Fund held in their VLI Accounts and VA Accounts in a manner consistent with voting instructions timely received from Variable Contract owners. Participating Insurance Companies will be responsible for assuring that each of their VLI and VA Accounts investing in a Fund calculates voting privileges in a manner consistent with all other Participating Insurance Companies investing in that Fund.

The obligation to calculate voting privileges as provided in this application shall be a contractual obligation of all Participating Insurance Companies under their Participation Agreement with the Trust. Each Participating Insurance Company will vote shares of each Fund held in its VLI or VA Accounts for which no timely voting instructions are received, as well as shares held by its General Account or otherwise attributed to it, in the same proportion as those shares for which voting instructions are received. Each Plan will vote as required by applicable law, governing Plan documents and as provided in this application.

7. As long as the Act requires pass-through voting privileges to be provided to Variable Contract owners or the Commission interprets the Act to require the same, a Fund's Adviser or any General Account will vote their shares of the Fund in the same proportion as all votes cast on behalf of all Variable Contract owners having voting rights; provided, however, that such an Adviser or General Account shall vote its shares in such other manner as may be required by the Commission or its staff.

8. Each Fund will comply with all provisions of the Act requiring voting by shareholders (which, for these purposes, shall be the persons having a voting interest in its shares), and, in particular, the Fund will either provide for annual meetings (except to the extent that the Commission may interpret Section 16 of the Act not to require such meetings) or comply with Section 16(c) of the Act (although each Fund is not, or will not be, one of those trusts of the type described in Section 16(c) of the Act), as well as with Section 16(a) of the Act and, if and when applicable, Section 16(b) of the Act. Further, each Fund will act in accordance with the Commission's interpretations of the requirements of Section 16(a) with respect to periodic elections of directors/trustees and with whatever rules the Commission may promulgate thereto.

9. A Fund will make its shares available to the VLI Accounts, VA Accounts, and Plans at or about the time it accepts any seed capital from its Adviser or from a General Account of a Participating Insurance Company.

10. Each Fund has notified, or will notify, all Participants that disclosure regarding potential risks of mixed and shared funding may be appropriate in VLI Account and VA Account prospectuses or Plan documents. Each Fund will disclose, in its prospectus that: (a) Shares of the Fund may be offered to both VA Accounts and VLI Accounts and, if applicable, to Plans, (b) due to differences in tax treatment and other considerations, the interests of various Variable Contract owners participating in the Fund and the interests of Plan Participants investing in the Fund, if applicable, may conflict, and (c) the Trust's Board will monitor events in order to identify the existence of any material irreconcilable conflicts and to determine what action, if any, should be taken in response to any such conflicts.

11. If and to the extent Rule 6e–2 and Rule 6e–3(T) under the Act are amended, or proposed Rule 6e–3 under the Act is adopted, to provide exemptive relief from any provision of the Act, or the rules thereunder, with respect to mixed or shared funding, on terms and conditions materially different from any exemptions granted in the order requested in this application, then each Fund and/or Participating Insurance Companies, as appropriate, shall take such steps as may be necessary to comply with Rules 6e–2 or 6e–3(T), as amended, or Rule 6e–3, to the extent such rules are applicable.

12. Each Participant, at least annually, shall submit to the Board of each Trust such reports, materials or data as the Board reasonably may request so that the directors/trustees of the Board may fully carry out the obligations imposed upon the Board by the conditions contained in this application. Such reports, materials and data shall be submitted more frequently if deemed appropriate by the Board of a Trust. The obligations of the Participants to provide these reports, materials and data to the Board, when it so reasonably requests, shall be a contractual obligation of all Participants under their Participation Agreement with the Trust.

13. All reports of potential or existing conflicts received by the Board of each Trust, and all Board action with regard to determining the existence of a conflict, notifying Participants of a conflict and determining whether any proposed action adequately remedies a conflict, will be properly recorded in the minutes of the Board or other appropriate records, and such minutes or other records shall be made available to the Commission upon request.

14. Each Fund will not accept a purchase order from a Plan if such purchase would make the Plan an owner of 10 percent or more of the net assets of the Fund unless the Plan executes an agreement with the Fund governing participation in the Fund that includes the conditions set forth herein to the extent applicable. A Plan will execute an application containing an acknowledgement of this condition at the time of its initial purchase of shares.

Conclusion

For all of the reasons explained above, Applicants submit that the exemptions requested are 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.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–24684 Filed 10–16–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31282; 812–14279]

New Mountain Finance Corporation, et al.; Notice of Application

October 10, 2014.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 18(a) and 61(a) of the Act.

APPLICANTS: New Mountain Finance Corporation (the ''Company''), New Mountain Finance Adviser BDC, L.L.C. (the ''Investment Adviser''), New Mountain Finance SBIC G.P., L.L.C. (the ''General Partner''), and New Mountain Finance SBIC, L.P. (''New Mountain SBIC'').

SUMMARY OF THE APPLICATION: The Company requests an order to permit it to adhere to a modified asset coverage requirement.

DATES: The application was filed on February 18, 2014, and amended on June 25, 2014, and September 4, 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 November 4, 2014, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants: Robert A. Hamwee, New Mountain Finance Corporation, 787 Seventh Avenue, 48th Floor, New York, NY 10019.

FOR FURTHER INFORMATION CONTACT: David Joire, Senior Counsel, at (202) 551–6866, or James M. Curtis, Branch Chief, at (202) 551–6712 (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 Company, a Delaware corporation, is an externally managed, non-diversified, closed-end management investment company that has elected to be regulated as a business development company (''BDC'') under the Act.[1] The Company's investment objective is to generate current income and capital appreciation through the sourcing and origination of debt securities at all levels of the capital structure, including first and second lien debt, notes, bonds and mezzanine securities. The Investment Adviser, a Delaware limited liability company, is the investment adviser to the Company. The Investment Adviser is registered under the Investment Advisers Act of 1940.

2. New Mountain SBIC, a Delaware limited partnership, received approval for a license from the Small Business Administration (''SBA'') to operate as a small business investment company (''SBIC'') under the Small Business Investment Act of 1958 (''SBIA''). New Mountain SBIC is excluded from the definition of investment company by section 3(c)(7) of the Act. The General Partner is the sole general partner of New Mountain SBIC and the Company is the sole member of the General Partner. The Company is the sole limited partner of New Mountain SBIC. The Company, directly or indirectly through the General Partner, wholly owns New Mountain SBIC.

Applicants' Legal Analysis

1. The Company requests an exemption pursuant to section 6(c) of the Act from the provisions of sections 18(a) and 61(a) of the Act to permit it to adhere to a modified asset coverage requirement with respect to any direct or indirect wholly-owned subsidiary of the Company that is licensed by the SBA to operate under the SBIA as a SBIC and relies on Section 3(c)(7) for an exemption from the definition of ''investment company'' under the Act (each, a ''SBIC Subsidiary'').[2] Applicants state that companies operating under the SBIA, such as the SBIC Subsidiary, will be subject to the SBA's substantial regulation of permissible leverage in their capital structure.

2. Section 18(a) of the Act prohibits a registered closed-end investment company from issuing any class of senior security or selling any such security of which it is the issuer unless the company complies with the asset coverage requirements set forth in that section. Section 61(a) of the Act makes section 18 applicable to BDCs, with certain modifications. Section 18(k) exempts an investment company operating as an SBIC from the asset coverage requirements for senior securities representing indebtedness that are contained in section 18(a)(1)(A) and (B).

3. Applicants state that the Company may be required to comply with the asset coverage requirements of section 18(a) (as modified by section 61(a)) on a consolidated basis because the Company may be deemed to be an indirect issuer of any class of senior security issued by New Mountain SBIC or another SBIC Subsidiary. Applicants state that applying section 18(a) (as modified by section 61(a)) on a consolidated basis generally would require that the Company treat as its own all assets and any liabilities held directly either by itself, by New Mountain SBIC, or by another SBIC Subsidiary. Accordingly, the Company requests an order under section 6(c) of the Act exempting the Company from the provisions of section 18(a) (as modified by section 61(a)), such that senior securities issued by each SBIC Subsidiary that would be excluded from its individual asset coverage ratio by Section 18(k) if it were itself a BDC would also be excluded from the Company's consolidated asset coverage ratio.

4. Section 6(c) of the Act, in relevant part, permits the Commission to exempt any transaction or class of transactions from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants state that the requested relief satisfies the section 6(c) standard. Applicants contend that, because the SBIC

[1] Section 2(a)(48) defines a BDC to be any closed-end investment company that operates for the purpose of making investments in securities described in section 55(a)(1) through 55(a)(3) of the Act and makes available significant managerial assistance with respect to the issuers of such securities.

[2] All existing entities that currently intend to rely on the order are named as applicants. Any other existing or future entity that may rely on the order in the future will comply with the terms and condition of the order.

Subsidiary would be entitled to rely on section 18(k) if it were a BDC, there is no policy reason to deny the benefit of that exemption to the Company.

Applicants' Condition

Applicants agree that any order granting the requested relief will be subject to the following condition:

The Company will not itself issue or sell any senior security and the Company will not cause or permit New Mountain SBIC or any other SBIC Subsidiary to issue or sell any senior security of which the Company, New Mountain SBIC or any other SBIC Subsidiary is the issuer except to the extent permitted by Section 18 (as modified for BDCs by Section 61); provided that, immediately after the issuance or sale of any such senior security by any of the Company, New Mountain SBIC or any other SBIC Subsidiary, the Company, individually and on a consolidated basis, shall have the asset coverage required by Section 18(a) (as modified by Section 61(a)). In determining whether the Company, New Mountain SBIC and any other SBIC Subsidiary on a consolidated basis have the asset coverage required by Section 18(a) (as modified by Section 61(a)), any senior securities representing indebtedness of New Mountain SBIC or another SBIC Subsidiary if that SBIC Subsidiary has issued indebtedness that is held or guaranteed by the SBA shall not be considered senior securities and, for purposes of the definition of ''asset coverage'' in Section 18(h), shall be treated as indebtedness not represented by senior securities.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–24685 Filed 10–16–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–31268A; File No. 812–14250]

Managed Portfolio Series, et al.; Notice of Application

October 15, 2014.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') seeking exemptions from sections 9(a), 13(a), 15(a), and 15(b) of the Act and rules 6e–2(b)(15) and 6e–3(T)(b)(15) thereunder.

APPLICANTS: Managed Portfolio Series (the ''Trust''), U.S. Bancorp Fund Services, LLC (''USBFS''), and Tortoise Capital Advisors, L.L.C. (''Tortoise'').

SUMMARY OF APPLICATION: Applicants request an order under section 6(c) of the Act granting exemptions from the provisions of sections 9(a), 13(a), 15(a), and 15(b) of the Act and rules 6e–2(b)(15) and 6e–3(T)(b)(15) (or any comparable provisions of a permanent rule that replaces rule 6e–3(T)) thereunder to permit an existing series of the Trust, Tortoise VIP MLP & Pipeline Portfolio (''Existing Variable Fund''), and/or any Future Variable Fund [1] to be sold to and held by: (i) Separate accounts registered as investment companies or separate accounts that are not registered as investment companies under the Act pursuant to exemptions from registration under section 3(c) of the Act that fund variable annuity contracts (''VA Accounts'') and variable life insurance contracts (''VLI Accounts'') (VA Accounts and VLI Accounts together ''Separate Accounts'') issued by both affiliated life insurance companies and unaffiliated life insurance companies (''Participating Insurance Companies''); (ii) trustees of qualified group pension or group retirement plans (''Qualified Plans'') outside the Separate Account context; (iii) investment adviser(s) or affiliated person(s) of the investment adviser(s) (each an ''Adviser'') to a Variable Fund for the purpose of providing seed capital to a series of a Variable Fund; and (iv) general accounts (''General Accounts'') of insurance company depositors of VA Accounts and/or VLI Accounts.

DATES: Filing Date: The application was filed on December 13, 2013, and amended on July 23, 2014 and September 11, 2014.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission 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 October 31, 2014 and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants: Angela Pingel, Esq., U.S. Bancorp Fund Services, LLC, 615 East Michigan Street, Milwaukee, WI 53202.

FOR FURTHER INFORMATION CONTACT: Courtney S. Thornton, Senior Counsel, or David P. Bartels, Branch Chief (Division of Investment Management, Chief Counsel's Office) at 202–551–6821.

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.htm,* or by calling (202) 551–8090.

Applicants' Representations

1. The Trust was organized as a Delaware statutory trust on January 27, 2011, and is registered under the Act as an open-end management investment company (Reg. File No. 811–22525). The Trust is a series investment company as defined by Rule 18f–2 under the Act and currently is comprised of 24 series (including the Existing Variable Fund) managed by 16 different advisers and two sub-advisers. The Trust has registered two classes of shares of the Existing Variable Fund under the Securities Act of 1933 (the ''1933 Act'') (Reg. File No. 333–172080) on Form N–1A. The Trust may establish Future Variable Funds and additional classes of shares for any of the Variable Funds. Shares of the Variable Funds will not be offered to the general public. The application seeks exemptive relief only for the Existing Variable Fund and any Future Variable Fund, as defined herein, but does not seek exemptive relief for the remaining 23 current series because they are not designed to be sold to VA Accounts and/or VLI Accounts.

2. Tortoise is the investment adviser to the Existing Variable Fund as well as the investment adviser to three other series of the Trust. Tortoise is a Delaware limited liability company and is registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act''). Subject to the authority of the Board of Trustees of the Trust (''Board''), Tortoise will oversee

[1] As used herein, a ''Future Variable Fund'' is any investment company (or investment portfolio or series thereof), other than the Existing Variable Fund, designed to be sold to VA Accounts or VLI Accounts and for which USBFS or any of its affiliates serves in the future as investment adviser, subadviser, manager, administrator, principal underwriter, or sponsor. The Existing Variable Fund and any Future Variable Fund is referred to herein as a ''Variable Fund,'' and collectively, as the ''Variable Funds.''

the investment operations of the Existing Variable Fund, including the purchase, retention and disposition of securities in accordance with the Existing Variable Fund's investment objective.

3. USBFS is a Wisconsin limited liability company. Subject to the supervision of the Board, USBFS provides administration, fund accounting and transfer agent services to the existing series of the Trust, and is proposed to provide the same services to the Existing Variable Fund and Future Variable Funds of the Trust. USBFS may provide individuals to serve as officers of the Trust, which officers may be directors, officers or employees of USBFS or its affiliates. USBFS is paid a fee for its services, which may consist of a base fee, a per account fee and/or an asset based fee.

4. The Existing Variable Fund proposes, and Future Variable Funds will propose, to offer their shares to Separate Accounts of Participating Insurance Companies to serve as investment media to support variable life insurance contracts (''VLI Contracts'') and variable annuity contracts (''VA Contracts,'' together with VLI Contracts, ''Variable Contracts'') issued through such accounts.[2] Each Separate Account is or will be established as a segregated asset account by a Participating Insurance Company pursuant to the insurance law of the insurance company's state of domicile. As such, the assets of each will be the property of the Participating Insurance Company, and that portion of the assets of such Separate Account equal to the reserves and other contract liabilities with respect to the Separate Account will not be chargeable with liabilities arising out of any other business that the insurance company may conduct. The income, gains and losses, realized or unrealized from such Separate Account's assets will be credited to or charged against the Separate Account without regard to other income, gains or losses of the Participating Insurance Company. If a VLI Account or VA Account is registered as an investment company, it will be a ''separate account'' as defined by Rule 0–1(e) (or any successor rule) under the Act and will be registered as a unit investment trust. For purposes of the Act, the Participating Insurance Company that establishes such a registered VLI Account or VA Account is the depositor and sponsor of the Separate Account as those terms have been interpreted by the Commission with respect to variable life insurance and variable annuity separate accounts.

5. The Variable Funds will sell their shares to Separate Accounts only if each Participating Insurance Company sponsoring such Separate Account enters into a participation agreement with the Variable Funds (''Participation Agreement''). The Participation Agreements define or will define the relationship between each Variable Fund and each Participating Insurance Company and memorialize or will memorialize, among other matters, the fact that, except where the agreement specifically provides otherwise, the Participating Insurance Company will remain responsible for establishing and maintaining any Separate Account covered by the agreement and for complying with all applicable requirements of state and federal law pertaining to such accounts and to the sale and distribution of Variable Contracts issued through such Separate Accounts. The role of the Variable Funds under this arrangement, with regard to the federal securities laws, will consist of offering and selling shares of the Variable Funds to the Separate Accounts and fulfilling any conditions that the Commission may impose in granting the requested order.

6. The use of a common management investment company (or series thereof) as an investment medium for both VLI Accounts and VA Accounts of the same Participating Insurance Company, or of two or more insurance companies that are affiliated persons of each other, is referred to herein as ''mixed funding.'' The use of a common management investment company (or investment portfolio thereof) as an investment medium for VLI Accounts and/or VA Accounts of two or more Participating Insurance Companies that are not affiliated persons of each other is referred to herein as ''shared funding.''

7. Applicants propose that the Existing Variable Fund and any Future Variable Funds may offer their shares directly to Qualified Plans, the respective Variable Fund's Adviser, and the General Accounts of Participating Insurance Companies.

8. The use of a common management investment company (or series thereof) as an investment medium for VLI Accounts, VA Accounts, Qualified Plans, Advisers and General Accounts is referred to herein as ''extended mixed funding.''

Applicants' Legal Analysis

1. Section 9(a) of the 1940 Act makes it unlawful for any company to serve as an investment adviser or principal underwriter of any investment company, including a unit investment trust, if an affiliated person of that company is subject to disqualification enumerated in Section 9(a)(1) or (2) of the Act. Sections 13(a), 15(a), and 15(b) of the 1940 Act have been deemed by the Commission to require ''pass-through'' voting with respect to an underlying investment company's shares.

2. Rules 6e–2(b)(15) and 6e–3(T)(b)(15) under the Act provide partial exemptions from Sections 9(a), 13(a), 15(a), and 15(b) of the Act to VLI Accounts organized as unit investment trusts (''UITs'') supporting certain VLI Contracts and to their life insurance company depositors under limited circumstances, as described in the application. VLI Accounts, their depositors and their principal underwriters may not rely on the exemptions provided by Rules 6e–2(b)(15) and 6e–3(T)(b)(15) if shares of the Fund are held by a VLI Account through which certain VLI Contracts are issued, a VLI Account of an unaffiliated Participating Insurance Company, an unaffiliated investment adviser, any VA Account, a Qualified Plan or a General Account. Accordingly, Applicants request an order of the Commission granting exemptions from Sections 9(a), 13(a), 15(a), and 15(b) of the Act and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) (and any comparable permanent rule) thereunder to permit shares of a Variable Fund to be sold to and held by: (i) VA Accounts and VLI Accounts issued by both affiliated and unaffiliated Participating Insurance Companies; (ii) trustees of Qualified Plans; (iii) a Variable Fund's Adviser for the purpose of providing seed capital to the Variable Fund; and (iv) General Accounts.

3. Applicants maintain that there is no policy reason for the sale of Variable Fund shares to Qualified Plans, Advisers or General Accounts to prohibit or otherwise limit a Participating Insurance Company from relying on the relief provided by Rules 6e–2(b)(15) and 6e–3(T)(b)(15). Nonetheless, Rule 6e–2 and Rule 6e–3(T) each specifically provides that the relief granted thereunder is available only where shares of the underlying fund are offered exclusively to insurance company separate accounts. In this regard, applicants request exemptive relief to the extent necessary to permit shares of the Variable Funds to be sold to Qualified Plans, Advisers and General Accounts while allowing Participating Insurance Companies and their VA Accounts and VLI Accounts to enjoy the benefits of the relief granted under Rule 6e–2(b)(15) and Rule 6e–

[2] There is currently only one participating insurance company, a variable annuity separate account.

3(T)(b)(15). Applicants note that if the Variable Funds were to sell their shares only to Qualified Plans, exemptive relief under Rule 6e–2 and Rule 6e–3(T) would not be necessary. The relief provided for under Rule 6e–2(b)(15) and Rule 6e–3(T)(b)(15) does not relate to Qualified Plans, Advisers, or General Accounts or to a registered investment company's ability to sell its shares to such purchasers.

4. Applicants are not aware of any reason for excluding Separate Accounts and investment companies engaged in shared funding from the exemptive relief provided under Rules 6e–2(b)(15) and 6e–3(T)(b)(15), or for excluding Separate Accounts and investment companies engaged in mixed funding from the exemptive relief provided under Rule 6e–2(b)(15). Similarly, applicants are not aware of any reason for excluding Participating Insurance Companies from the exemptive relief requested because the Variable Funds may also sell their shares to Qualified Plans, Advisers and General Accounts. Rather, applicants submit that the proposed sale of shares of the Variable Funds to these purchasers may allow for the development of larger pools of assets resulting in the potential for greater investment and diversification opportunities, and for decreased expenses at higher asset levels resulting in greater cost efficiencies.

5. For the reasons explained below, Applicants have concluded that investment by Qualified Plans, Advisers and General Accounts in the Variable Funds should not increase the risk of material irreconcilable conflicts between owners of VLI Contracts and other types of investors or between owners of VLI Contracts issued by unaffiliated Participating Insurance Companies.

6. Consistent with the Commission's authority under Section 6(c) of the Act to grant exemptive orders to a class or classes of persons and transactions, applicants request exemptions for a class consisting of Participating Insurance Companies and their separate accounts investing in the Existing Variable Fund and Future Variable Funds, as well as their principal underwriters, that currently invest, or in the future will invest, in the Variable Funds.

7. Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act, or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants submit that the exemptions requested are 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.

8. Section 9(a)(3) of the Act provides, among other things, that it is unlawful for any company to serve as investment adviser or principal underwriter of any registered open-end investment company if an affiliated person of that company is subject to a disqualification enumerated in sections 9(a)(1) or (2). Rules 6e–2(b)(15)(i) and (ii) and rules 6e–3(T)(b)(15)(i) and (ii) under the Act provide exemptions from section 9(a) under certain circumstances, subject to the limitations discussed above on mixed funding, extended mixed funding and shared funding. These exemptions limit the application of the eligibility restrictions to affiliated individuals or companies that directly participate in management of the underlying investment company.

9. Rules 6e–2(b)(15)(iii) and 6e–3(T)(b)(15)(iii) under the Act provide exemptions from pass-through voting requirements with respect to several significant matters, assuming the limitations on mixed funding, extended mixed funding and shared funding are observed. Rules 6e–2(b)(15)(iii)(A) and 6e–3(T)(b)(15)(iii)(A) provide that the insurance company may disregard the voting instructions of its variable life insurance contract owners with respect to the investments of an underlying investment company, or any contract between such an investment company and its investment adviser, when required to do so by an insurance regulatory authority (subject to the provisions of paragraphs (b)(5)(i) and (b)(7)(ii)(A) of Rules 6e–2 and 6e–3(T)).

10. Applicants represent that the sale of Variable Fund shares to Qualified Plans, Advisers or General Accounts will not have any impact on the exemptions requested herein regarding the disregard of pass-through voting rights. Shares sold to Qualified Plans will be held by such Qualified Plans. The exercise of voting rights by Qualified Plans, whether by trustees, participants, beneficiaries, or investment managers engaged by the Qualified Plans, does not raise the type of issues respecting disregard of voting rights that are raised by VLI Accounts. With respect to Qualified Plans, which are not registered as investment companies under the Act, there is no requirement to pass through voting rights to Qualified Plan participants. Indeed, to the contrary, applicable law expressly reserves voting rights associated with Qualified Plan assets to certain specified persons as disclosed in the application.

11. Similarly, Advisers and General Accounts are not subject to any pass-through voting rights. Accordingly, unlike the circumstances surrounding Separate Account investments in shares of the Variable Funds, the issue of the resolution of any material irreconcilable conflicts with respect to voting is not present with respect to Advisers or General Accounts of Participating Insurance Companies.

12. Applicants recognize that the prohibitions on mixed and shared funding might reflect concern regarding possible different investment motivations among investors. When Rule 6e–2 was first adopted, variable annuity separate accounts could invest in mutual funds whose shares were also offered to the general public. However, now, under the Internal Revenue Code of 1986 (''Code''), any underlying fund, including the Variable Funds, that sells shares to VA Accounts or VLI Accounts, would, in effect, be precluded from also selling its shares to the public. Consequently, the Funds may not sell their shares to the public.

13. Applicants assert that the rights of an insurance company or a state insurance regulator to disregard the voting instructions of owners of Variable Contracts is not inconsistent with either mixed funding or shared funding. Applicants state that The National Association of Insurance Commissioners Variable Life Insurance Model Regulation (the ''NAIC Model Regulation'') suggests that it is unlikely that insurance regulators would find an underlying fund's investment policy, investment adviser or principal underwriter objectionable for one type of Variable Contract but not another type.

14. Applicants assert that shared funding by unaffiliated insurance companies does not present any issues that do not already exist where a single insurance company is licensed to do business in several or all states. A particular state insurance regulator could require action that is inconsistent with the requirements of other states in which the insurance company offers its contracts. However, the fact that different insurers may be domiciled in different states does not create a significantly different or enlarged problem. Shared funding by unaffiliated insurers, in this respect, is no different than the use of the same investment

company as the funding vehicle for affiliated insurers, which Rules 6e–2(b)(15) and 6e–3(T)(b)(15) permit. Affiliated insurers may be domiciled in different states and be subject to differing state law requirements. Affiliation does not reduce the potential, if any exists, for differences in state regulatory requirements. Applicants state that, in any event, the conditions set forth below are designed to safeguard against, and provide procedures for resolving, any adverse effects that differences among state regulatory requirements may produce. If a particular state insurance regulator's decision conflicts with the majority of other state regulators, then the affected Participating Insurance Company will be required to withdraw its separate account investments in the relevant Variable Fund. This requirement will be provided for in the Participation Agreement that will be entered into by Participating Insurance Companies with the relevant Variable Fund.

15. Rules 6e–2(b)(15) and 6e–3(T)(b)(15) give Participating Insurance Companies the right to disregard the voting instructions of VLI Contract owners in certain circumstances. This right derives from the authority of state insurance regulators over Separate Accounts. Under Rules 6e–2(b)(15) and 6e–3(T)(b)(15), a Participating Insurance Company may disregard VLI Contract owner voting instructions only with respect to certain specified items. Affiliation does not eliminate the potential, if any exists, for divergent judgments as to the advisability or legality of a change in investment policies, principal underwriter or investment adviser initiated by such VLI Contract owners. The potential for disagreement is limited by the requirements in Rules 6e–2 and 6e–3(T) that the Participating Insurance Company's disregard of voting instructions be reasonable and based on specific good faith determinations.

16. A particular Participating Insurance Company's disregard of voting instructions, nevertheless, could conflict with the voting instructions of a majority of VLI Contract owners. The Participating Insurance Company's action possibly could be different than the determination of all or some of the other Participating Insurance Companies (including affiliated insurers) that the voting instructions of VLI Contract owners should prevail, and either could preclude a majority vote approving the change or could represent a minority view. If the Participating Insurance Company's judgment represents a minority position or would preclude a majority vote, then the Participating Insurance Company may be required, at the relevant Variable Fund's election, to withdraw its Separate Accounts' investments in the relevant Variable Fund. No charge or penalty will be imposed as a result of such withdrawal. This requirement will be provided for in the participation agreement entered into by the Participating Insurance Companies with the relevant Variable Fund.

17. Applicants assert that there is no reason why the investment policies of a Variable Fund would or should be materially different from what these policies would or should be if the Variable Fund supported only VA Accounts or VLI Accounts supporting flexible premium or scheduled premium VLI Contracts. Each type of insurance contract is designed as a long-term investment program.

18. Each Variable Fund will be managed to attempt to achieve its specified investment objective, and not favor or disfavor any particular Participating Insurance Company or type of insurance contract. Applicants assert that there is no reason to believe that different features of various types of Variable Contracts will lead to different investment policies for each or for different VLI Accounts and VA Accounts. The sale of Variable Contracts and ultimate success of all VA Accounts and VLI Accounts depends, at least in part, on satisfactory investment performance, which provides an incentive for each Participating Insurance Company to seek optimal investment performance.

19. Furthermore, no single investment strategy can be identified as appropriate to a particular Variable Contract. Each ''pool'' of VLI Contract and VA Contract owners is composed of individuals of diverse financial status, age, insurance needs and investment goals. A Variable Fund supporting even one type of Variable Contract must accommodate these diverse factors in order to attract and retain purchasers. Applicants state that permitting mixed and shared funding will provide economic support for the continuation of the Variable Funds. Applicants state further that mixed and shared funding will broaden the base of potential Variable Contract owner investors, which may facilitate the establishment of additional Variable Funds serving diverse goals.

20. Applicants do not believe that the sale of the shares to Qualified Plans, Advisers or General Accounts will increase the potential for material irreconcilable conflicts of interest between or among different types of investors. In particular, applicants see very little potential for such conflicts beyond those that would otherwise exist between owners of VLI Contracts and VA Contracts. Applicants submit that either there are no conflicts of interest or that there exists the ability by the affected parties to resolve such conflicts consistent with the best interests of VLI Contract owners, VA Contract owners and Qualified Plan participants.

21. Applicants state that they considered whether there are any issues raised under the Code, Treasury Regulations, or Revenue Rulings thereunder, if Qualified Plans, Separate Accounts, Advisers and General Accounts all invest in the same Variable Fund. Applicants have concluded that neither the Code, nor the Treasury Regulations nor Revenue Rulings thereunder present any inherent conflicts of interest if Qualified Plans, VA Accounts, VLI Accounts, Advisers and General Accounts all invest in the same Variable Fund.

22. Applicants note that, while there are differences in the manner in which distributions from separate accounts and Qualified Plans are taxed, these differences have no impact on the Variable Funds. When distributions are to be made, and a Separate Account or Qualified Plan is unable to net purchase payments to make distributions, the Separate Account or Qualified Plan will redeem shares of the relevant Variable Fund at its net asset values in conformity with rule 22c–1 under the Act (without the imposition of any sales charge) to provide proceeds to meet distribution needs. A Participating Insurance Company will then make distributions in accordance with the terms of its Variable Contracts, and a Qualified Plan will then make distributions in accordance with the terms of the Qualified Plan.

23. Applicants state that they considered whether it is possible to provide an equitable means of giving voting rights to Variable Contract owners, Qualified Plans, Advisers and General Accounts. In connection with any meeting of Variable Fund shareholders, the Variable Fund will inform each Participating Insurance Company (with respect to its Separate Accounts and General Account), Adviser(s), and Qualified Plan of its share holdings and provide other information necessary for such shareholders to participate in the meeting (e.g., proxy materials). Each Participating Insurance Company then will solicit voting instructions from owners of VLI Contracts and VA Contracts in accordance with rules 6e–2 or 6e–3(T), or section 12(d)(1)(E)(iii)(aa) of the Act, as applicable, and its Participation

Agreement with the relevant Variable Fund. Shares of a Variable Fund that are held by an Adviser or a General Account will generally be in the same proportion as all votes cast on behalf of all Variable Contract owners having voting rights. However, an Adviser or General Account will vote its shares in such other manner as may be required by the Commission or its staff. Shares held by Qualified Plans will be voted in accordance with applicable law. The voting rights provided to Qualified Plans with respect to the shares would be no different from the voting rights that are provided to Qualified Plans with respect to shares of mutual funds sold to the general public. Furthermore, if a material irreconcilable conflict arises because of a Qualified Plan's decision to disregard Qualified Plan participant voting instructions, if applicable, and that decision represents a minority position or would preclude a majority vote, the Qualified Plan may be required, at the election of the relevant Variable Fund, to withdraw its investment in the Variable Fund, and no charge or penalty will be imposed as a result of such withdrawal.

24. Applicants do not believe that the ability of a Variable Fund to sell its shares to a Qualified Plan, Adviser or General Account gives rise to a senior security as defined by section 18(g) of the Act. Regardless of the rights and benefits of participants under Qualified Plans or owners of Variable Contracts, VLI Accounts, VA Accounts, Qualified Plans, Advisers and General Accounts only have, or will only have, rights with respect to their respective shares of a Variable Fund. These parties can only redeem such shares at net asset value. No shareholder of a class of the Variable Fund has any preference over any other shareholder of the class with respect to distribution of assets or payment of dividends.

25. Applicants do not believe that the veto power of state insurance commissioners over certain potential changes to Variable Fund investment objectives approved by Variable Contract owners creates conflicts between the interests of such owners and the interests of Qualified Plan participants, Advisers or General Accounts. Applicants note that a basic premise of corporate democracy and shareholder voting is that not all shareholders may agree with a particular proposal. Their interests and opinions may differ, but this does not mean that inherent conflicts of interest exist between or among such shareholders or that occasional conflicts of interest that do occur between or among them are likely to be irreconcilable.

26. Although Participating Insurance Companies may have to overcome regulatory impediments in redeeming shares of a Variable Fund held by their Separate Accounts, applicants state that the Qualified Plans and participants in participant-directed Qualified Plans can make decisions quickly and redeem their shares in a Variable Fund and reinvest in another investment company or other funding vehicle without impediments, or as is the case with most Qualified Plans, hold cash pending suitable investment. As a result, conflicts between the interests of Variable Contract owners and the interests of Qualified Plans and Qualified Plan participants can usually be resolved quickly since the Qualified Plans can, on their own, redeem their Variable Fund shares. Advisers and General Accounts can similarly redeem their shares of a Variable Fund and make alternative investments at any time.

27. Finally, applicants state that they considered whether there is a potential for future conflicts of interest between Participating Insurance Companies and Qualified Plans created by future changes in the tax laws. Applicants do not see any greater potential for material irreconcilable conflicts arising between the interests of Variable Contract owners and Plan participants from future changes in the federal tax laws than that which already exists between VLI Contract owners and VA Contract owners.

28. Applicants recognize that the foregoing is not an all-inclusive list, but rather is representative of issues that they believe are relevant to this application. Applicants believe that the sale of Variable Fund shares to Qualified Plans would not increase the risk of material irreconcilable conflicts between the interests of Qualified Plan participants and Variable Contract owners or other investors. Further, applicants submit that the use of the Variable Funds with respect to Qualified Plans is not substantially dissimilar from each Variable Fund's current and anticipated use, in that Qualified Plans, like Separate Accounts, are generally long-term investors.

29. Applicants assert that permitting a Variable Fund to sell its shares to an Adviser for the purpose of obtaining seed money or to the General Account of a Participating Insurance Company will enhance management of each Variable Fund without raising significant concerns regarding material irreconcilable conflicts among different types of investors.

30. Applicants assert that various factors have limited the number of insurance companies that offer Variable Contracts. These factors include the costs of organizing and operating a funding vehicle, certain insurers' lack of experience with respect to investment management, and the lack of name recognition by the public of certain insurance companies as investment experts. In particular, some smaller life insurance companies may not find it economically feasible, or within their investment or administrative expertise, to enter the Variable Contract business on their own. Applicants state that use of the Variable Funds as a common investment vehicle for Variable Contracts would reduce or eliminate these concerns. Mixed and shared funding should also provide several benefits to owners of Variable Contracts by eliminating a significant portion of the costs of establishing and administering separate underlying funds.

31. Applicants state that the Participating Insurance Companies will benefit not only from the investment and administrative expertise of the Variable Fund's Adviser, but also from the potential cost efficiencies and investment flexibility afforded by larger pools of funds. Therefore, making the Variable Funds available for mixed and shared funding will encourage more insurance companies to offer Variable Contracts. This should result in increased competition with respect to both Variable Contract design and pricing, which can in turn be expected to result in more product variety. Applicants also assert that sale of shares in a Variable Fund to Qualified Plans, in addition to VLI Accounts and VA Accounts, will result in an increased amount of assets available for investment in a Variable Fund.

32. Applicants also submit that, regardless of the type of shareholder in a Variable Fund, an Adviser is or would be contractually and otherwise obligated to manage the Variable Fund solely and exclusively in accordance with the Variable Fund's investment objectives, policies and restrictions, as well as any guidelines established by the Variable Fund's Board.

33. Applicants assert that sales of Variable Fund shares, as described above, will not have any adverse federal income tax consequences to other investors in such a Variable Fund.

34. In addition, applicants assert that granting the exemptions requested herein is in the public interest and, as discussed above, will not compromise the regulatory purposes of sections 9(a),

13(a), 15(a), or 15(b) of the Act or rules 6e–2 or 6e–3(T) thereunder.

Applicants' Conditions

Applicants agree that the Commission order requested herein shall be subject to the following conditions:

1. A majority of the Board of each Variable Fund will consist of persons who are not ''interested persons'' of the Variable Fund, as defined by Section 2(a)(19) of the Act, and the rules thereunder, and as modified by any applicable orders of the Commission, except that if this condition is not met by reason of death, disqualification or bona fide resignation of any trustee or trustees, then the operation of this condition will be suspended: (a) for a period of 90 days if the vacancy or vacancies may be filled by the Board; (b) for a period of 150 days if a vote of shareholders is required to fill the vacancy or vacancies; or (c) for such longer period as the Commission may prescribe by order upon application, or by future rule.

2. The Board will monitor a Variable Fund for the existence of any material irreconcilable conflict between and among the interests of the owners of all VLI Contracts and VA Contracts and participants of all Qualified Plans investing in the Variable Fund, and determine what action, if any, should be taken in response to such conflicts. A material irreconcilable conflict may arise for a variety of reasons, including: (a) an action by any state insurance regulatory authority; (b) a change in applicable federal or state insurance, tax, or securities laws or regulations, or a public ruling, private letter ruling, no-action or interpretive letter, or any similar action by insurance, tax or securities regulatory authorities; (c) an administrative or judicial decision in any relevant proceeding; (d) the manner in which the investments of the Variable Fund are being managed; (e) a difference in voting instructions given by VA Contract owners, VLI Contract owners, and Qualified Plans or Qualified Plan participants; (f) a decision by a Participating Insurance Company to disregard the voting instructions of contract owners; or (g) if applicable, a decision by a Qualified Plan to disregard the voting instructions of Qualified Plan participants.

3. Participating Insurance Companies (on their own behalf, as well as by virtue of any investment of General Account assets in a Variable Fund), the Advisers, and any Qualified Plan that executes a participation agreement upon its becoming an owner of 10% or more of the assets of a Variable Fund (collectively, ''Participants'') will report any potential or existing conflicts to the Board. Each Participant will be responsible for assisting the Board in carrying out the Board's responsibilities under these conditions by providing the Board with all information reasonably necessary for the Board to consider any issues raised. This responsibility includes, but is not limited to, an obligation by each Participating Insurance Company to inform the Board whenever Variable Contract owner voting instructions are disregarded, and, if pass-through voting is applicable, an obligation by each trustee for a Qualified Plan to inform the Board whenever it has determined to disregard Qualified Plan participant voting instructions. The responsibility to report such information and conflicts, and to assist the Board, will be a contractual obligation of all Participating Insurance Companies under their Participation Agreement with a Variable Fund, and these responsibilities will be carried out with a view only to the interests of the Variable Contract owners. The responsibility to report such information and conflicts, and to assist the Board, also will be contractual obligations of all Qualified Plans under their participation agreement with a Variable Fund, and such agreements will provide that these responsibilities will be carried out with a view only to the interests of Qualified Plan participants.

4. If it is determined by a majority of the Board, or a majority of the disinterested trustees of the Board, that a material irreconcilable conflict exists, then the relevant Participant will, at its expense and to the extent reasonably practicable (as determined by a majority of the disinterested trustees), take whatever steps are necessary to remedy or eliminate the material irreconcilable conflict, up to and including: (a) withdrawing the assets allocable to some or all of their VLI Accounts or VA Accounts from the Variable Fund and reinvesting such assets in a different investment vehicle, including another Variable Fund; (b) in the case of a Participating Insurance Company, submitting the question as to whether such segregation should be implemented to a vote of all affected Variable Contract owners and, as appropriate, segregating the assets of any appropriate group (i.e., VA Contract owners or VLI Contact owners of one or more Participating Insurance Companies) that votes in favor of such segregation, or offering to the affected Contract owners the option of making such a change; (c) withdrawing the assets allocable to some or all of the Qualified Plans from the affected Variable Fund and reinvesting them in a different investment medium; and (d) establishing a new registered management investment company or managed separate account. If a material irreconcilable conflict arises because of a decision by a Participating Insurance Company to disregard Variable Contract owner voting instructions, and that decision represents a minority position or would preclude a majority vote, then the Participating Insurance Company may be required, at the election of the Variable Fund, to withdraw such Participating Insurance Company's VLI Account and VA Account investments in the Variable Fund, and no charge or penalty will be imposed as a result of such withdrawal. If a material irreconcilable conflict arises because of a Qualified Plan's decision to disregard Qualified Plan participant voting instructions, if applicable, and that decision represents a minority position or would preclude a majority vote, the Qualified Plan may be required, at the election of the Variable Fund, to withdraw its investment in the Variable Fund, and no charge or penalty will be imposed as a result of such withdrawal. The responsibility to take remedial action in the event of a Board determination of a material irreconcilable conflict and to bear the cost of such remedial action will be a contractual obligation of all Participants under their participation agreement with a Variable Fund, and these responsibilities will be carried out with a view only to the interests of Variable Contract owners or, as applicable, Qualified Plan participants.

For purposes of this condition 4, a majority of the disinterested trustees of the Board will determine whether or not any proposed action adequately remedies any material irreconcilable conflict, but, in no event, will the Variable Fund or its investment adviser be required to establish a new funding vehicle for any Variable Contract or Qualified Plan. No Participating Insurance Company will be required by this condition 4 to establish a new funding vehicle for any Variable Contract if any offer to do so has been declined by vote of a majority of the Variable Contract owners materially and adversely affected by the material irreconcilable conflict. Further, no Qualified Plan will be required by this condition 4 to establish a new funding vehicle for the Qualified Plan if: (a) a majority of the Qualified Plan participants materially and adversely affected by the irreconcilable material conflict vote to decline such offer, or (b)

pursuant to documents governing the Qualified Plan, the Qualified Plan trustee makes such decision without a Qualified Plan participant vote.

5. The determination by the Board of the existence of a material irreconcilable conflict and its implications will be made known in writing promptly to all Participants.

6. Participating Insurance Companies will provide pass-through voting privileges to all Variable Contract owners whose Variable Contracts are issued through registered VLI Accounts or registered VA Accounts for as long as the Commission continues to interpret the Act as requiring such pass-through voting privileges. However, as to Variable Contracts issued through VA Accounts or VLI Accounts not registered as investment companies under the Act, pass-through voting privileges will be extended to owners of such Variable Contracts to the extent granted by the Participating Insurance Company. Accordingly, such Participating Insurance Companies, where applicable, will vote the shares of each Variable Fund held in their VLI Accounts and VA Accounts in a manner consistent with voting instructions timely received from Variable Contract owners. Participating Insurance Companies will be responsible for assuring that each of their VLI and VA Accounts investing in a Variable Fund calculates voting privileges in a manner consistent with all other Participating Insurance Companies investing in that Variable Fund.

7. The obligation to calculate voting privileges as provided in this application shall be a contractual obligation of all Participating Insurance Companies under their Participation Agreement with the Variable Fund. Each Participating Insurance Company will vote shares of each Variable Fund held in its Separate Accounts for which no timely voting instructions are received, as well as shares held in its General Account or otherwise attributed to it, in the same proportion as those shares for which voting instructions are received. Each Qualified Plan will vote as required by applicable law, governing Qualified Plan documents and as provided in this application.

8. As long as the Commission continues to interpret the Act as requiring that pass-through voting privileges be provided to Variable Contract owners, a Variable Fund Adviser or any General Account will vote its respective shares of the Variable Fund in the same proportion as all votes cast on behalf of all Variable Contract owners having voting rights; provided, however, that such Adviser or General Account shall vote its shares in such other manner as may be required by the Commission or its staff.

9. Each Variable Fund will comply with all provisions of the Act requiring voting by shareholders (which, for these purposes, shall be the persons having a voting interest in its shares), and, in particular, the Variable Fund will either provide for annual meetings (except to the extent that the Commission may interpret Section 16 of the Act not to require such meetings) or comply with Section 16(c) of the Act (although the Trust is not, or will not be, one of those trusts of the type described in Section 16(c) of the Act), as well as with Section 16(a) of the Act and, if and when applicable, Section 16(b) of the Act. Further, each Variable Fund will act in accordance with the Commission's interpretations of the requirements of Section 16(a) with respect to periodic elections of trustees and with whatever rules the Commission may promulgate thereunder.

10. A Variable Fund will make its shares available to the VLI Accounts, VA Accounts, and Qualified Plans at or about the time it accepts any seed capital from its Adviser, or from the General Account of a Participating Insurance Company.

11. Each Variable Fund has notified, or will notify, all Participants that disclosure regarding potential risks of mixed and shared funding may be appropriate in VLI Account and VA Account prospectuses or Qualified Plan documents. Each Variable Fund will disclose, in its prospectus that: (a) shares of the Variable Fund may be offered to both VA Accounts and VLI Accounts and, if applicable, to Qualified Plans; (b) due to differences in tax treatment and other considerations, the interests of various Variable Contract owners participating in the Variable Fund and the interests of Qualified Plan participants investing in the Variable Fund, if applicable, may conflict; and (c) the Trust's Board will monitor events in order to identify the existence of any material irreconcilable conflicts and to determine what action, if any, should be taken in response to any such conflicts.

12. If and to the extent Rule 6e–2 and Rule 6e–3(T) under the Act are amended, or proposed Rule 6e–3 under the Act is adopted, to provide exemptive relief from any provision of the Act, or the rules thereunder, with respect to mixed or shared funding, on terms and conditions materially different from any exemptions granted in the order requested in this application, then each Variable Fund and/or Participating Insurance Companies, as appropriate, shall take such steps as may be necessary to comply with Rules 6e–2 or 6e–3(T), as amended, or Rule 6e–3, to the extent such rules are applicable.

13. Each Participant, at least annually, shall submit to the Board such reports, materials or data as the Board reasonably may request so that the trustees may fully carry out the obligations imposed upon the Board by the conditions contained in this application. Such reports, materials and data shall be submitted more frequently if deemed appropriate by the Board. The obligations of the Participants to provide these reports, materials and data to the Board, when it so reasonably requests, shall be a contractual obligation of all Participants under their participation agreement with the Variable Fund.

14. All reports of potential or existing conflicts received by a Board, and all Board action with regard to determining the existence of a conflict, notifying Participants of a conflict and determining whether any proposed action adequately remedies a conflict, will be properly recorded in the minutes of the Board or other appropriate records, and such minutes or other records shall be made available to the Commission upon request.

15. Each Variable Fund will not accept a purchase order from a Qualified Plan if such purchase would make the Qualified Plan an owner of 10 percent or more of the assets of the Variable Fund unless the Qualified Plan executes an agreement with the Variable Fund governing participation in the Variable Fund that includes the conditions set forth herein to the extent applicable. A Qualified Plan will execute an application containing an acknowledgement of this condition at the time of its initial purchase of shares.

Conclusion

Applicants submit, for all of the reasons explained above, that the exemptions requested are 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.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Kevin O'Neill,

Deputy Secretary.

[FR Doc. 2014–24877 Filed 10–15–14; 4:15 pm]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73339; File No. SR–FINRA–2014–006]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Approving Proposed Rule Change, as Modified by Amendment No. 1, Relating to Per Share Estimated Valuations for Unlisted DPP and REIT Securities

October 10, 2014.

I. Introduction

On January 31, 2014, Financial Industry Regulatory Authority, Inc. (''FINRA'') (f/k/a National Association of Securities Dealers, Inc. (''NASD'')) filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend provisions in the NASD and FINRA rulebooks addressing per share estimated valuations for unlisted direct participation program (''DPP'') and real estate investment trust (''REIT'') securities. In particular, FINRA proposes revising NASD Rule 2340 (Customer Account Statements) to modify the requirements relating to the inclusion of a per share estimated value for unlisted DPP and REIT securities on a customer account statement and FINRA Rule 2310 (Direct Participation Programs) to modify the requirements applicable to members' participation in a public offering of DPP or REIT securities.

The proposed rule change was published for comment in the **Federal Register** on February 19, 2014.[3] The Commission received eighteen (18) comment letters in response to the Notice of Filing.[4] On March 14, 2014, FINRA extended the time period in which the Commission must approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change to May 20, 2014. On May 20, 2014, the Commission issued an order instituting proceedings pursuant to Section 19(b)(2)(B) of the Act [5] to determine whether to approve or disapprove the proposed rule change. The order was published for comment in the **Federal Register** on May 27, 2014.[6] The Commission received six (6) comment letters in response to the Proceedings Order.[7]

On July 11, 2014, FINRA filed a letter responding to comments and Amendment No. 1 to the proposed rule change.[8] A notice of the amendment was published for comment in the **Federal Register** on July 22, 2014.[9] The Commission received six (6) comment letters in response to the Notice of Amendment.[10] On September 16, 2014, FINRA filed a letter responding to these comments.[11]

This order approves the proposed rule change, as modified by Amendment No. 1.

II. Description of the Proposal, as Modified by Amendment No. 1

A. Proposed Revisions to NASD Rule 2340 (Customer Account Statements)

FINRA proposes to amend NASD Rule 2340 to require general securities members to include in customer account statements a per share estimated value for an unlisted DPP or REIT security, developed in a manner reasonably designed to ensure that the per share estimated value is reliable, as well as to make related disclosures.[12] FINRA also proposes two methodologies for calculating the per share estimated value for a DPP or REIT security that would be deemed to have been developed in a manner reasonably designed to ensure that it is reliable: (1) The net investment methodology; and (2) the appraised value methodology.[13] Each methodology is described in greater detail below, along with other proposed revisions.

1. Net Investment Methodology

Under the proposal, the net investment methodology would reflect the ''net investment'' disclosed in the issuer's most recent periodic or current

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Exchange Act Release No. 71545 (Feb. 12, 2014), 79 FR 9535 (Feb. 19, 2014) (Notice of Filing of Proposed Rule Change Relating to Per Share Estimated Valuations for Unlisted DPP and REIT Securities) (''Notice of Filing''). The comment period closed on March 12, 2014.

[4] Letters to Elizabeth Murphy, Secretary, SEC, from Mark Goldberg, Chairman, Investment Program Association, dated February 5, 2014; David T. Bellaire, Esq., Executive Vice President and General Counsel, Financial Services Institute, dated February 5, 2014; Mark Kosanke, President, Real Estate Investment Securities Association, dated February 11, 2014; Steven A. Wechsler, President and Chief Executive Officer, National Association of Real Estate Investment Trusts, dated February 14, 2014; Jeff Johnson, Chief Executive Officer, Dividend Capital Diversified Property Fund Inc., dated February 28, 2014; Michael Crimmins, Chief Executive Officer and Managing Director, KBS Capital Markets Group, dated February 28, 2014; Scott Ilgerfritz, Immediate Past-President, Public Investors Arbitration Bar Association, dated March 11, 2014; Thomas Price, Managing Director, Securities Industry and Financial Markets Association, dated March 12, 2014; Steve Morrison, Senior Vice President and Associate Counsel, LPL Financial, dated March 12, 2014; Jacob Frydman, Chairman and Chief Executive Officer, United Realty Trust Incorporated, dated March 12, 2014; Dechert LLP, dated March 12, 2014; David Hirschmann, President and Chief Executive Officer, Center for Capital Markets Competitiveness, U.S. Chamber of Commerce, dated March 12, 2014; Steven A. Wechsler, President and Chief Executive Officer, National Association of Real Estate Investment Trusts, dated March 12, 2014; Kirk Montgomery, Head of Regulatory Affairs, CNL Financial Group, LLC, dated March 12, 2014; Mark Goldberg, Chairman, Investment Program Association, dated March 12, 2014; David T. Bellaire, Esq., Executive Vice President and General Counsel, Financial Services Institute, dated March 12, 2014; Martel Day, Principal, NLR Advisory Services, LLC, dated March 12, 2014; and Mark Kosanke, President, Real Estate Investment Securities Association, dated March 12, 2014. Comment letters are available at *www.sec.gov.*

The Commission discussed these comments in the Proceedings Order. *See infra* note 6.

[5] 15 U.S.C. 78s(b)(2)(B).

[6] Exchange Act Release No. 72193 (May 20, 2014), 79 FR 30217 (May 27, 2014) (Order Instituting Proceedings to Determine Whether to Approve or Disapprove a Proposed Rule Change Relating to Per Share Estimated Valuations for Unlisted DPP and REIT Securities) (''Proceedings Order''). The comment period closed on June 26, 2014.

[7] Letters to Elizabeth Murphy, Secretary, SEC, from Kenneth Mills, dated June 24, 2014; Jason Doss, President, Public Investors Arbitration Bar Association, dated June 25, 2014; Mark Kosanke, President, Real Estate Investment Securities Association, dated June 26, 2014; Thomas F. Price, Managing Director, Operations, Technology and BCP, Securities Industry and Financial Markets Association, dated June 26, 2014; David T. Bellaire, Executive Vice President and General Counsel, Financial Services Institute, dated June 26, 2014; and Peter Peters, dated July 15, 2014. Comment letters are available at *www.sec.gov.*

[8] Letter to Kevin O'Neill, Deputy Secretary, SEC, from Matthew E. Vitek, Associate General Counsel, FINRA, dated July 11, 2014 (''FINRA's First Response Letter''). FINRA's First Response Letter is available at *www.sec.gov.*

[9] Exchange Act Release No. 72626 (July 16, 2014); 79 FR 42590 (July 22, 2014) (Notice of Filing of Amendment No. 1 to Proposed Rule Change Relating to Per Share Estimated Valuations for Unlisted DPP and REIT Securities) (''Notice of Amendment''). The comment period closed on August 12, 2014.

[10] Letters to Elizabeth Murphy, Secretary, SEC, from Mark Goldberg, Chairman, Investment Program Association, dated July 28, 2014 (''IPA Letter''); Steven A. Wechsler, President and Chief Executive Office, National Association of Real Estate Investment Trusts, dated August 12, 2014 (''NAREIT Letter''); Frederick P. Baerenz, President and Chief Executive Officer, AOG Wealth Management, dated August 12, 2014 (''AOG Letter''); Daniel R. Gilbert, Chief Investment and Operating Officer, NorthStar Asset Management Group, Inc., dated August 12, 2014 (''NorthStar Letter''); David T. Bellaire, Executive Vice President and General Counsel, Financial Services Institute, dated August 12, 2014 (''FSI Letter''); and Andrea Seidt, President, North American Securities Administrators Association, Inc., and Commissioner, Ohio Division of Securities, dated August 22, 2014 (''NASAA Letter''). Comment letters are available at *www.sec.gov.*

[11] Letter to Brent J. Fields, Secretary, SEC, from Matthew E. Vitek, Associate General Counsel, FINRA, dated September 16, 2014 (''FINRA's Second Response Letter''). FINRA's Second Response Letter is available at *www.sec.gov.*

[12] *See* Proposed NASD Rule 2340(c).

[13] *See* Proposed NASD Rule 2340(c)(1).

report. More specifically, the proposal would require ''net investment'' to be based on the ''amount available for investment'' percentage in the ''Estimated Use of Proceeds'' section of the offering prospectus; [14] alternatively, where ''amount available for investment'' is not provided, the proposal would require ''net investment'' to be based on another equivalent disclosure that reflects the estimated percentage deduction from the aggregate dollar amount of securities registered for sale to the public of sales commissions, dealer manager fees, and estimated issuer offering and organization expenses.[15]

The proposal would not require the calculation of ''net investment'' to involve the deduction from the per share estimated value of ''over-distributions.'' [16] The proposal would, however, require members that use the net investment methodology to provide a per share estimated value for a DPP or REIT security to disclose in the customer account statement the following statement: ''IMPORTANT—Part of your distribution includes a return of capital. Any distribution that represents a return of capital reduces the estimated per share value shown on your account statement.'' [17] The proposal would require the member to disclose this statement prominently and in proximity to the disclosure of distributions and the per share estimated value.[18]

In addition, the proposal would clarify that when an issuer provides a range of amounts available for investment, the proposal would allow a general securities member to use the maximum offering percentage unless the member has reason to believe that such percentage is unreliable. If the member has reason to believe that it is unreliable, the member must use the minimum offering percentage.[19]

Finally, the proposal would allow a member to use the net investment methodology at any time before 150 days following the second anniversary of the breaking of escrow.[20]

2. Appraised Value Methodology

Under the proposal, the appraised value methodology would consist of the appraised valuation disclosed in the issuer's most recent periodic or current report. More specifically, the proposal would require: (1) That the valuation be based on valuations of the assets and liabilities of the DPP or REIT; and (2) that those valuations: (a) Be performed at least annually; (b) be conducted by, or with the material assistance or confirmation of, a third-party valuation expert or service; and (c) be derived from a methodology that conforms to standard industry practice. The proposal would allow a member to use the appraised value methodology at any time.[21]

The proposed rule change would, however, provide a different requirement for DPPs subject to the Investment Company Act of 1940 (''1940 Act'') (*e.g.,* business development companies). Specifically, FINRA acknowledged that business development companies that fall under the definitions of DPP are subject to the 1940 Act, which already requires the issuer to determine and publish its net asset value on a regular basis.[22] Thus, for these DPPs, the proposed rule would require the appraised value methodology to be consistent with the valuation requirements of the 1940 Act and the rules thereunder.[23]

3. General Disclosures

The proposal would also require members to include specific disclosures on customer account statements that provide a per share estimated value for a DPP or REIT security (calculated using either the net investment methodology or the appraised value methodology). In particular, the proposal would require a member to include disclosures stating that the DPP or REIT security is not listed on a national securities exchange, is generally illiquid, and that, even if a customer is able to sell the security, the price received may be less than the per share estimated value provided in the statement.[24]

B. Proposed Revisions to FINRA Rule 2310 (Direct Participation Programs)

FINRA also proposes to amend FINRA Rule 2310(b)(5) to prohibit a member from participating in a public offering of the securities of a REIT or DPP unless the issuer of the DPP or REIT has agreed to disclose:

(1) A per share estimated value of the DPP or REIT security that is: (a) Developed in a manner reasonably designed to ensure it is reliable, and (b) disclosed in the DPP's or REIT's periodic reports filed pursuant to Sections 13(a) or 15(d) of the Act; an explanation of the method by which the value was developed; and the date of the valuation; and

(2) a per share estimated value of the DPP or REIT security that is: (a) Based on valuations of the assets and liabilities of the DPP or REIT performed at least annually by, or with the material assistance or confirmation of, a third-party valuation expert or service; (b) derived from a methodology that conforms to standard industry practice; and (c) disclosed in the DPP's or REIT's periodic reports filed pursuant to Sections 13(a) or 15(d) of the Act within 150 days following the second anniversary of breaking escrow (and in each annual report thereafter); and a concomitant written opinion or report by the issuer, delivered at least annually to the member that explains the scope of the review, the valuation methodology used, and the basis for the reported value.

The proposed rule change would, however, except DPPs subject to the 1940 Act from the requirements of proposed Rule 2310(b)(5). As stated above, FINRA acknowledged that such DPPs are subject to an existing regulatory framework (the 1940 Act) that already requires the issuer of their securities to determine and publish their net asset value on a regular basis.[25]

C. Technical Change

FINRA also proposes making a change to its Rules Manual to conform to the other revisions discussed above by deleting FINRA Rule 5110(f)(2)(L) (Corporate Financing Rule—Underwriting Terms and Arrangements). That paragraph currently provides that it is unfair and unreasonable for a member or person associated with a member to participate in a public offering of a REIT unless the trustee will disclose in each annual report distributed to investors a per share estimated value of the trust securities, the methodology by which it

[14] ''This disclosure is typically included in the prospectus for REIT offerings and is described in the SEC's Securities Act Industry Guide 5 (Preparation of registration statements relating to interests in real estate limited partnerships).'' Notice of Filing at note 12.

[15] *See* Proposed NASD Rule 2340(c)(1)(A).

[16] *See* Notice of Filing at note 20 (generally describing ''over-distributions'' as a return of investor capital as a distribution rather than the use of that capital to generate return on investment); *see also* Notice of Amendment (clarifying that ''over-distributions'' should be excluded from the calculation of ''net investment'').

[17] *See* Proposed NASD Rule 2340(c)(2)(A).

[18] *Id.*

[19] *See* Proposed NASD Rule 2340(c)(1)(A).

[20] *See Id. See also* Notice of Filing at note 11 (stating that ''[g]enerally, offering proceeds are placed in escrow until the minimum conditions of the offering are met, at which time the issuer is permitted to access the offering proceeds'').

[21] *See* Proposed NASD Rule 2340(c)(1)(B).

[22] *See* Notice of Amendment.

[23] *See* Proposed NASD Rule 2340(c)(1)(B).

[24] *See* Proposed NASD Rule 2340(c)(2)(B).

[25] *See* Notice of Amendment.

was developed, and the date of the data used to develop the value.

The text of the proposed rule change is available at the principal office of FINRA, on FINRA's Web site at *http://www.finra.org,* and at the Commission's Public Reference Room.

III. Description of Comments on the Proposal, as Amended, and FINRA's Response

A. Comments

As stated above, the Commission received six (6) comment letters in response to the Proceedings Order.[26] Those commenters generally reiterated concerns expressed in response to the Notice of Filing.

In addition, the Commission received six (6) comment letters in response to the Notice of Amendment.[27] Four (4) of these commenters fully supported the proposal.[28] Two (2) other commenters, however, raised concerns (discussed below).[29]

One of the concerned commenters supported aspects of the proposal.[30] This commenter, however, encouraged rejecting the proposal's requirement for members to report initial share prices, stating that substituting ''a flawed share pricing system with a different flawed pricing system is apt to lead to confusion rather than clarity.'' [31] This commenter also suggested that market forces are sufficiently driving improvements in the unlisted DPP and REIT industry, noting changes in fee structures.[32]

The second concerned commenter also supported aspects of the proposal.[33] This commenter, however, opposed the following other aspects of the proposal:

(1) The commenter opposed excluding over-distribution from the valuation calculation under the net investment methodology, stating that excluding it would decrease the accuracy and transparency of the disclosed values of DPP and REIT securities.[34]

(2) The commenter also expressed concern that members could use the net investment methodology's requirements concerning offering and organization expenses to manipulate valuation of DPP and REIT securities.[35]

(3) In addition, the commenter recommended that FINRA require disclosure of the identity of the third-party valuation expert or service used to obtain a valuation under the appraised value methodology and clarify that such third-party must be independent.

(4) Finally, the commenter opposed the extension of the effective date of the proposal, as amended, stating that ''industry should not need an additional year-and-a-half to make the necessary changes'' and ''[investors] should not be forced to wait another year for more transparent price reporting.'' [36]

B. FINRA's Response

In its response letter, FINRA stated that it has considered the concerns raised by the two concerned commenters.[37] FINRA also stated, however, that it believes that the proposal, as amended, ''significantly improves the transparency of the per share estimated value of DPP and REIT securities on customer account statements.'' [38] Accordingly, FINRA declined making any additional changes in response to commenters' concerns but stated that it would ''continue to monitor practices in this area to determine whether additional changes are necessary.'' [39]

IV. Discussion and Commission Findings

The Commission has carefully considered the proposal, as amended; the comments received; and FINRA's responses to the comments. Based on its review of the record, the Commission finds that the proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association.[40] In particular, the Commission finds that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act, which requires, among other things, that FINRA's rules be designed to prevent fraudulent and manipulative acts and practices; promote just and equitable principles of trade; and, in general, protect investors and the public interest.[41]

The proposal, as amended, is designed to address longstanding concerns with the current industry practice of displaying a DPP or REIT security's immutable offering price as its per share estimated value on customer account statements throughout the offering period (which can last several years),[42] despite the fact that the value of the DPP or REIT security fluctuates. FINRA's proposed rule change would require members to include in customer account statements per share estimated values of unlisted DPP and REIT securities that are developed in a manner reasonably designed to ensure they are reliable. The Commission believes that the proposal would, therefore, greatly improve the accuracy and transparency of the value of DPP and REIT securities and, in turn, better protect the investing public.

As discussed above, the Commission received eighteen (18) comment letters in response to the Notice of Filing, six (6) comment letters in response to the Proceedings Order, six (6) comment letters in response to the Notice of Amendment, and two (2) response letters from FINRA. The Commission appreciates the points raised by the commenters, and the Commission believes that FINRA responded appropriately to their concerns.[43] The

[26] *See supra* note 7.

[27] *See supra* note 10.

[28] FSI Letter, IPA Letter, NAREIT Letter, and NorthStar Letter.

[29] AOG Letter and NASAA Letter.

[30] AOG Letter (stating that ''providing sponsor companies with a formula and timeline . . . for appraising and reporting the values [other than the initial value] of non-traded REITS is very valuable'' and ''[providing] broker-dealers assurance that they can rely on those values is also very helpful'').

[31] *Id.*

[32] *Id.*

[33] NASAA Letter (stating that ''[r]equiring securities to be valued on the customer account statement enhances transparency to the customer'').

[34] *See supra* note 16 and surrounding text.

[35] *See supra* note 19 and surrounding text.

[36] NASAA Letter.

[37] FINRA's Second Response Letter. *See, e.g.,* FINRA's First Response Letter (summarizing and responding to commenters' concerns about calculating over-distributions); FINRA's First Response Letter (proposed NASD Rule 2340(c)(1)(A) (stating that if a member has reason to believe that the maximum offering percentage is unreliable, the member must use the minimum offering percentage); FINRA's First Response Letter (extending the effective date to provide industry participants sufficient time to make adjustments to product structures and any necessary operational changes, as well as to limit the impact of the amended proposal on current offerings); and proposed NASD Rule 2340(c)(1)(B) (stating that the valuation expert or service must be a third-party).

[38] FINRA's Second Response Letter.

[39] *Id.*

[40] In approving the proposal, as amended, the Commission has considered the impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

See, e.g., Proceedings Order at 7 (noting commenters' concern about the potential economic impact of the proposal, as originally proposed; *also* FINRA's First Response Letter, which provided a detailed economic impact statement in response to those commenters). The Commission has received no additional public comment on the potential economic impact of the proposed rule change, as amended.

[41] 15 U.S.C. 78o–3(b)(6).

[42] *See* Notice of Filing at note 8 and surrounding text (stating that ''Rule 415(a)(5) under the Securities Act of 1933 ('Securities Act') provides that certain types of securities offerings, including continuous offerings of DPPs and REITs, may continue for no more than three years from the initial effective date of the registration statement. Under Rule 415(a)(6), the SEC may declare another registration statement for a DPP or REIT effective such that an offering can continue for another three-year offering period'').

[43] FINRA did not directly respond to the commenter's recommendation to require disclosure of the name of the third-party expert or service for purposes of proposed NASD Rule 2340(c)(1)(B). The

Continued

Commission notes that, while one commenter on the amended proposal suggested market forces should be sufficient to drive improvements in the unlisted DPP and REIT industry,[44] given current industry practice with respect to disclosure of DPP and REIT values, the Commission believes that FINRA's amended proposal is warranted.

Also, given commenters' concern regarding the complexity of calculating over-distributions, the Commission supports FINRA's amended approach of requiring enhanced disclosure surrounding them. More specifically, the Commission believes that, at this time, this approach would improve investor awareness and understanding in a practical manner.

In addition, one commenter on the amended proposal expressed concern that members could use the net investment methodology's requirements concerning offering and organization expenses to manipulate DPP and REIT values.[45] Under the amended proposal, however, if a member has reason to believe a calculation of the offering and organization expenses using the maximum offering percentage is unreliable, the member must use the minimum offering percentage.[46]

The same commenter further recommended that FINRA require disclosure of the identity of the service used to obtain a valuation under the appraised value methodology and clarify that such service must be independent.[47] Regarding disclosure of the valuation service's identity, the Commission notes that this information may be available through an issuer's prospectus. Regarding the independence of the service, the amended proposal requires the use of a ''third-party valuation expert,'' which both the Commission and FINRA interpret as being an independent entity.[48]

Finally, the commenter opposed the extension of the effective date under the amended proposal, stating that investors should not have to wait for more transparent price reporting.[49] FINRA extended the effective date, however, to provide industry participants sufficient time to make adjustments to product structures and any necessary operational changes, as well as to limit the impact of the amended proposal on current offerings.[50]

In sum, the Commission believes that the proposal, as amended, represents a significant improvement to current industry practice concerning the disclosure of the value of unlisted DPP and REIT securities. As amended, the proposal would help ensure that investors receive more accurate information regarding the nature and worth of their holdings of DPP and REIT securities. While the Commission believes that this outcome would improve accuracy and transparency and, consequently, investor protection, it will continue to monitor the activity in this market for potential abuses.

For the reasons stated above, the Commission finds that the proposed rule change, as amended, is consistent with the Act and the rules and regulations thereunder.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[51] that the proposed rule change (SR–FINRA–2014–006), as modified by Amendment No. 1, be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[52]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–24681 Filed 10–16–14; 8:45 am]

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Commission notes, however, that this information may be available in an issuer's prospectus.

[44] AOG Letter.

[45] NASAA Letter.

[46] *See* FINRA's First Response Letter.

[47] *Id.*

[48] *See, e.g.,* FINRA's First Response Letter (discussing the economic impact of requiring ''independent valuations'').

[49] NASAA Letter.

[50] FINRA's First Response Letter.

[51] 15 U.S.C. 78s(b)(2).

[52] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73342; File No. SR–NYSEArca–2014–114]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To List and Trade Shares of the iShares Interest Rate Hedged 0–5 Year High Yield Bond ETF, iShares Interest Rate Hedged 10+ Year Credit Bond ETF, and the iShares Interest Rate Hedged Emerging Markets Bond ETF Under NYSE Arca Equities Rule 8.600

October 10, 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 September 29, 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 the Substance of the Proposed Rule Change

The Exchange proposes to list and trade the following under NYSE Arca Equities Rule 8.600 (''Managed Fund Shares''): iShares Interest Rate Hedged 0–5 Year High Yield Bond ETF; iShares Interest Rate Hedged 10+ Year Credit Bond ETF; and the iShares Interest Rate Hedged Emerging Markets Bond ETF. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade shares (''Shares'') of the following under NYSE Arca Equities Rule 8.600, which governs the listing and trading of Managed Fund Shares:[4] iShares Interest Rate Hedged 0–5 Year High Yield Bond

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78s(b)(1).

[3] 17 CFR 240.19b–4.

[4] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Investment Company Units, listed and traded on the Exchange under NYSE Arca Equities Rule 5.2(j)(3), seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

ETF; iShares Interest Rate Hedged 10+ Year Credit Bond ETF; and the iShares Interest Rate Hedged Emerging Markets Bond ETF (each, a ''Fund'' and collectively, the ''Funds''). The Shares of the Funds will be offered by iShares U.S. ETF Trust (the ''Trust'').[5] The Trust is registered with the Commission as an open-end management investment company.[6] BlackRock Fund Advisors (''BFA'') will serve as the investment adviser to the Funds (the ''Adviser''). BFA is an indirect wholly-owned subsidiary of BlackRock, Inc. BlackRock Investments, LLC (the ''Distributor'') will be the principal underwriter and distributor of the Funds' Shares. State Street Bank and Trust Company (the ''Administrator'', ''Custodian'' or ''Transfer Agent'') will serve as administrator, custodian and transfer agent for the Funds.

Commentary .06 to Rule 8.600 provides that, if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio. Commentary .06 further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the open-end fund's portfolio.[7] Commentary .06 to Rule 8.600 is similar to Commentary .03(a)(i) and (iii) to NYSE Arca Equities Rule 5.2(j)(3); however, Commentary .06 in connection with the establishment of a ''fire wall'' between the investment adviser and the broker-dealer reflects the applicable open-end fund's portfolio, not an underlying benchmark index, as is the case with index-based funds. The Adviser is not registered as a broker-dealer but is affiliated with multiple broker-dealers and has implemented a ''fire wall'' with respect to such broker-dealers regarding access to information concerning the composition and/or changes to a Fund's portfolio. In the event (a) the Adviser or any sub-adviser registers as a broker-dealer or becomes newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer, or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel or its broker-dealer affiliate regarding access to information concerning the composition and/or changes to a portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

iShares Interest Rate Hedged 0–5 Year High Yield Bond ETF

According to the High Yield Bond Registration Statement, the Fund will seek to mitigate the interest rate risk of a portfolio composed of U.S. dollar-denominated, high yield corporate bonds with remaining maturities of less than five years. The Fund will seek to achieve its investment objective by investing, under normal circumstances,[8] at least 80% of its net assets in U.S. dollar-denominated high yield corporate bonds with remaining maturities of less than five years, in one or more investment companies (exchange-traded and non-exchange-traded) that principally invest in high yield bonds, in U.S. Treasury securities (or cash equivalents), and by taking short positions in U.S. Treasury futures, other interest rate futures contracts, and interest rate swaps.[9]

According to the High Yield Bond Registration Statement, the Fund intends to initially invest a substantial portion of its assets in one underlying fund, the iShares 0–5 Year High Yield Corporate Bond ETF (the ''Underlying High Yield Corporate Bond Fund''). The Fund will attempt to mitigate the interest rate risk primarily through the use of U.S. Treasury futures contracts and interest rate swaps. The Fund may also take short positions in other interest rate futures contracts, including but not limited to, Eurodollar and Federal Funds futures. The Fund will invest only in futures contracts that are traded on an exchange that is a member of the Intermarket Surveillance Group (''ISG'') or with which the Exchange has in place a comprehensive surveillance sharing agreement.[10]

BFA will utilize a model-based proprietary investment process to assemble an investment portfolio comprised of (i) long positions in the Underlying High Yield Corporate Bond Fund, (ii) long positions in U.S. dollar-denominated high yield corporate bonds, (iii) long positions in U.S. Treasury securities and (iv) short positions in U.S. Treasury futures, other interest rate futures contracts, and interest rate swaps. The short positions are expected to have, in the aggregate, approximately equivalent duration to the underlying securities in the Underlying High Yield Corporate Bond Fund and to the high yield corporate bonds. By taking these short positions, BFA will seek to mitigate the potential impact of rising interest rates on the performance of the Underlying High Yield Corporate Bond Fund and the

[5] The Commission has previously approved listing and trading on the Exchange of a number of actively managed funds under Rule 8.600. *See, e.g.,* Securities Exchange Act Release Nos. 57801 (May 8, 2008), 73 FR 27878 (May 14, 2008) (SR–NYSEArca–2008–31) (order approving Exchange listing and trading of twelve actively-managed funds of the WisdomTree Trust); 72138 (May 9, 2014), 79 FR 27958 (May 15, 2014) (File No. SR–NYSEArca–2014–23) (order approving Exchange listing and trading of shares of the iShares Interest Rate Hedged Corporate Bond ETF and iShares Interest Rate Hedged High Yield Bond ETF).

[6] The Trust is registered under the 1940 Act. On December 6, 2013, the Trust filed with the Commission a registration statement on Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a) and under the 1940 Act relating to the iShares Interest Rate Hedged 0–5 Year High Yield Bond ETF (''High Yield Bond Registration Statement''); iShares Interest Rate Hedged 10+ Year Credit Bond ETF (''Credit Bond Registration Statement''); and the iShares Interest Rate Hedged Emerging Markets Bond ETF (''Emerging Markets Bond Registration Statement'' and, together with the High Yield Bond Registration Statement and the Credit Bond Registration Statement, the ''Registration Statements'') (File Nos. 333–179904 and 811–22649). The description of the operation of the Trust and the Funds herein is based, in part, on the Registration Statements. In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. *See* Investment Company Act Release No. 29571 (File No. 812–13601) (''Exemptive Order'').

[7] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[8] The term ''under normal circumstances'' includes, but is not limited to, the absence of extreme volatility or trading halts in the equity markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance.

[9] Futures will be exchange traded, and swaps will be centrally cleared. All derivatives will be collateralized.

[10] *See* note 27, *infra.*

high yield corporate bonds (conversely also limiting the potential positive impact of falling interest rates). The short positions will not be intended to mitigate other factors influencing the price of high yield bonds, such as credit risk, which may have a greater impact than rising or falling interest rates. Relative to a long-only investment in the same high yield bonds, the Fund's investment strategy is designed to outperform in a rising interest rate environment and underperform in a falling interest rate environment.

iShares Interest Rate Hedged 10+ Year Credit Bond ETF

According to the Credit Bond Registration Statement, the Fund will seek to mitigate the interest rate risk of a portfolio composed of investment-grade U.S. corporate bonds and U.S. dollar-denominated bonds, including those of non-U.S. corporations and governments, with remaining maturities greater than ten years. The Fund will seek to achieve its investment objective by investing, under normal circumstances, at least 80% of its net assets in investment-grade U.S. corporate bonds and U.S. dollar-denominated bonds, including those of non-U.S. corporations and governments, with remaining maturities greater than ten years, in one or more investment companies (exchange-traded and non-exchange-traded) that principally invest in investment-grade bonds, in U.S. Treasury securities (or cash equivalents), and by taking short positions in U.S. Treasury futures, other interest rate futures contracts, and interest rate swaps.[11]

According to the Credit Bond Registration Statement, the Fund intends to initially invest a substantial portion of its assets in one underlying fund, the iShares 10+ Year Credit Bond ETF (the ''Underlying Credit Bond Fund''). The Fund will attempt to mitigate the interest rate risk primarily through the use of U.S. Treasury futures contracts and interest rate swaps. The Fund may also invest in other interest rate futures contracts, including but not limited to, Eurodollar and Federal Funds futures. The Fund will invest only in futures contracts that are traded on an exchange that is a member of the ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

BFA will utilize a model-based proprietary investment process to assemble an investment portfolio comprised of (i) long positions in the Underlying Credit Bond Fund, (ii) long positions in U.S. dollar-denominated investment-grade corporate bonds, (iii) long positions in U.S. Treasury securities, and (iv) short positions in U.S. Treasury futures, other interest rate futures contracts, and interest rate swaps. The short positions are expected to have, in the aggregate, approximately equivalent duration to the underlying securities in the Underlying Credit Bond Fund and to the investment-grade corporate bonds. By taking these short positions, BFA will seek to mitigate the potential impact of rising interest rates on the performance of the Underlying Credit Bond Fund and the investment-grade corporate bonds (conversely also limiting the potential positive impact of falling interest rates). The short positions are not intended to mitigate other factors influencing the price of investment-grade bonds, such as credit risk, which may have a greater impact than rising or falling interest rates. Relative to a long-only investment in the same investment-grade bonds, the Fund's investment strategy is designed to outperform in a rising interest rate environment and underperform in a falling interest rate environment.

Shares Interest Rate Hedged Emerging Markets Bond ETF

According to the Emerging Markets Bond Registration Statement, the Fund will seek to mitigate the interest rate risk of a portfolio composed of U.S. dollar-denominated, emerging market bonds. The Fund will seek to achieve its investment objective by investing, under normal circumstances, at least 80% of its net assets in U.S. dollar-denominated emerging market bonds, in one or more investment companies (exchange-traded and non-exchange-traded) that principally invest in emerging market bonds, in U.S. Treasury securities (or cash equivalents), and by taking short positions in U.S. Treasury futures, other interest rate futures contracts, and interest rate swaps.[12]

According to the Emerging Markets Bond Registration Statement, the Fund intends to initially invest a substantial portion of its assets in one underlying fund, the iShares J.P. Morgan USD Emerging Markets Bond ETF (the ''Underlying Emerging Markets Bond Fund''). The Fund will attempt to mitigate the interest rate risk primarily through the use of U.S. Treasury futures contracts and interest rate swaps. The Fund may also take short positions in other interest rate futures contracts, including but not limited to, Eurodollar and Federal Funds futures. The Fund will invest only in futures contracts that are traded on an exchange that is a member of the ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. The Underlying Emerging Markets Bond Fund may invest in non-U.S. securities, emerging markets securities and debt instruments.

BFA will utilize a model-based proprietary investment process to assemble an investment portfolio comprised of (i) long positions in the Underlying Emerging Markets Bond Fund, (ii) long positions in U.S. dollar-denominated emerging market bonds, (iii) long positions in U.S. Treasury securities, and (iv) short positions in U.S. Treasury futures, other interest rate futures contracts, and interest rate swaps. The short positions are expected to have, in the aggregate, approximately equivalent duration to the underlying securities in the Underlying Emerging Markets Bond Fund and to the emerging market bonds. By taking these short positions, BFA will seek to mitigate the potential impact of rising interest rates on the performance of the Underlying Emerging Markets Bond Fund and the emerging market bonds (conversely also limiting the potential positive impact of falling interest rates). The short positions are not intended to mitigate other factors influencing the price of emerging market bonds, such as credit risk, which may have a greater impact than rising or falling interest rates. Relative to a long-only investment in the same emerging market bonds, the Fund's investment strategy is designed to outperform in a rising interest rate environment and underperform in a falling interest rate environment.

Other Investments

While each Fund, under normal circumstances, will invest at least 80% of its net assets in its investments as described above, a Fund may directly invest in certain other investments, as described below. The Funds may temporarily depart from its normal investment process,[13] provided that the alternative, in the opinion of BFA, is consistent with a Fund's investment objective and is in the best interest of a Fund. However, BFA will not seek to actively time market movements.

A Fund may hold up to an aggregate amount of 15% of its net assets in

[11] *See* note 9, *supra.*

[12] *See* note 9, *supra.*

[13] Circumstances under which a Fund may temporarily depart from its normal investment process include, but are not limited to, extreme volatility or trading halts in the equity markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance.

illiquid assets (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser, consistent with Commission guidance.[14] Each Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of a Fund's net assets are held in illiquid assets. Illiquid assets include assets subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.[15]

Each Fund may invest in repurchase and reverse repurchase agreements. A repurchase agreement is an instrument under which the purchaser (*i.e.,* a Fund or an ''Underlying Fund'' [16]) acquires the security and the seller agrees, at the time of the sale, to repurchase the security at a mutually agreed upon time and price, thereby determining the yield during the purchaser's holding period. Reverse repurchase agreements involve the sale of securities with an agreement to repurchase the securities at an agreed-upon price, date and interest payment and have the characteristics of borrowing.

Each Fund may invest in money market instruments on an ongoing basis to provide liquidity or for other reasons. Money market instruments are generally short-term investments that may include but are not limited to: (i) Shares of money market funds (including those advised by BFA or otherwise affiliated with BFA); (ii) obligations issued or guaranteed by the U.S. government, its agencies or instrumentalities (including government-sponsored enterprises); (iii) negotiable certificates of deposit (''CDs''), bankers' acceptances, fixed-time deposits and other obligations of U.S. and non-U.S. banks (including non-U.S. branches) and similar institutions; (iv) commercial paper rated, at the date of purchase, ''Prime-1'' by Moody's® Investors Service, Inc., ''F–1'' by Fitch Inc., or ''A–1'' by Standard & Poor's® (''S&P®''), or if unrated, of comparable quality as determined by BFA; (v) non-convertible corporate debt securities (*e.g.,* bonds and debentures) with remaining maturities at the date of purchase of not more than 397 days and that satisfy the rating requirements set forth in Rule 2a–7 under the 1940 Act; and (vi) short-term U.S. dollar-denominated obligations of non-U.S. banks (including U.S. branches) that, in the opinion of BFA, are of comparable quality to obligations of U.S. banks which may be purchased by a Fund. Any of these instruments may be purchased on a current or forward-settled basis. Time deposits are non-negotiable deposits maintained in banking institutions for specified periods of time at stated interest rates.

A Fund may invest in options that are traded on a U.S. or non-U.S. exchange and that reference U.S. Treasury securities. To the extent that a Fund invests in options, not more than 10% of such investment would be in options whose principal trading market is not a member of ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement.

A Fund or the Underlying Funds may invest in debt securities of non-U.S. issuers and may invest in privately-issued debt securities.

Each Fund will be classified as a ''diversified'' investment company under the 1940 Act.[17]

Each Fund will not purchase the securities of issuers conducting their principal business activity in the same industry if, immediately after the purchase and as a result thereof, the value of a Fund's investments in that industry would equal or exceed 25% of the current value of a Fund's total assets, provided that this restriction does not limit a Fund's: (i) Investments in securities of other investment companies; (ii) investments in securities issued or guaranteed by the U.S. government, its agencies or instrumentalities; (iii) investments in securities of state, territory, possession or municipal governments and their authorities, agencies, instrumentalities or political subdivisions; or (iv) investments in repurchase agreements collateralized by any such obligations.[18]

Each Fund intends to qualify for and to elect treatment as a separate regulated investment company (''RIC'') under Subchapter M of the Internal Revenue Code.[19]

Each Fund's investments will be consistent with its investment objective.

The Shares

The Shares will conform to the initial and continued listing criteria under NYSE Arca Equities Rule 8.600. The Exchange represents that, for initial and/or continued listing, the Funds will be in compliance with Rule 10A–3 [20] under the Act, as provided by NYSE Arca Equities Rule 5.3. A minimum of 100,000 Shares for each Fund will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the net asset value (''NAV'') per Share of each Fund will be calculated daily and that the NAV and the Disclosed Portfolio as defined in NYSE Arca Equities Rule 8.600(c)(2) will be made available to all market participants at the same time.

Creation and Redemption of Shares

According to the Registration Statements, each Fund will issue and redeem Shares on a continuous basis at NAV only in large specified numbers of Shares called a ''Creation Unit''.

The consideration for purchase of Creation Units of each Fund generally will consist of the in-kind deposit of a designated portfolio of securities (including any portion of such securities for which cash may be substituted) (*i.e.,* the Deposit Securities (as defined

[14] In reaching liquidity decisions, the Adviser may consider factors including: The frequency of trades and quotes for the security; the number of dealers wishing to purchase or sell the security and the number of other potential purchasers; dealer undertakings to make a market in the security; the nature of the security and the nature of the marketplace in which it trades (*e.g.,* the time needed to dispose of the security, the method of soliciting offers and the mechanics of transfer); any legal or contractual restrictions on the ability to transfer the security or asset; significant developments involving the issuer or counterparty specifically (*e.g.,* default, bankruptcy, etc.) or the securities markets generally; and settlement practices, registration procedures, limitations on currency conversion or repatriation, and transfer limitations (for foreign securities or other assets).

[15] The Commission has stated that long-standing Commission guidelines have required open-end funds to hold no more than 15% of their net assets in illiquid securities and other illiquid assets. *See* Investment Company Act Release No. 28193 (March 11, 2008), 73 FR 14618 (March 18, 2008), footnote 34. *See also,* Investment Company Act Release No. 5847 (October 21, 1969), 35 FR 19989 (December 31, 1970) (Statement Regarding ''Restricted Securities''); Investment Company Act Release No. 18612 (March 12, 1992), 57 FR 9828 (March 20, 1992) (Revisions of Guidelines to Form N–1A). A fund's portfolio security is illiquid if it cannot be disposed of in the ordinary course of business within seven days at approximately the value ascribed to it by the fund. *See* Investment Company Act Release No. 14983 (March 12, 1986), 51 FR 9773 (March 21, 1986) (adopting amendments to Rule 2a–7 under the 1940 Act); Investment Company Act Release No. 17452 (April 23, 1990), 55 FR 17933 (April 30, 1990) (adopting Rule 144A under the Securities Act of 1933).

[16] Each of the Underlying High Yield Corporate Bond Fund, Underlying Credit Bond Fund, and Underlying Emerging Markets Bond Fund, are referred to herein as an ''Underlying Fund,'' or, collectively, the ''Underlying Funds''.

[17] The diversification standard is set forth in Section 5(b)(1) of the 1940 Act.

[18] *See* Form N–1A, Item 9. The Commission has taken the position that a fund is concentrated if it invests more than 25% of the value of its total assets in any one industry. *See, e.g.,* Investment Company Act Release No. 9011 (October 30, 1975), 40 FR 54241 (November 21, 1975).

[19] 26 U.S.C. 851 *et seq.*

[20] 17 CFR 240.10A–3.

below)) and the Cash Component (as defined below) computed as described below. Together, the Deposit Securities and the Cash Component constitute the ''Fund Deposit,'' which will be applicable (subject to possible amendment or correction) to creation requests received in proper form. The Fund Deposit represents the minimum initial and subsequent investment amount for a Creation Unit of a Fund.

The Cash Component will be an amount equal to the difference between the NAV of the Shares (per Creation Unit) and the ''Deposit Amount,'' which is an amount equal to the market value of the Deposit Securities, and serves to compensate for any differences between the NAV per Creation Unit and the Deposit Amount.

BFA will make available through the National Securities Clearing Corporation (''NSCC'') on each business day, prior to the opening of business on the Exchange, the list of names and the required number or par value of each Deposit Security and the amount of the Cash Component to be included in the current Fund Deposit (based on information as of the end of the previous business day) for the applicable Fund. Such Fund Deposit is applicable, subject to any adjustments as described below, in order to effect purchases of Creation Units of Shares of a Fund until such time as the next-announced Fund Deposit is made available.

The identity and number or par value of the Deposit Securities may change pursuant to changes in the composition of a Fund's portfolio and as rebalancing adjustments and corporate action events occur from time to time. The composition of the Deposit Securities may also change in response to adjustments to the weighting or composition of the component securities constituting a Fund's portfolio.

The portfolio of securities required for purchase of a Creation Unit may not be identical to the portfolio of securities a Fund will deliver upon redemption of Fund Shares. The Deposit Securities and Fund Securities (as defined below), as the case may be, in connection with a purchase or redemption of a Creation Unit, generally will correspond *pro rata* to the securities held by such Fund.

Each Fund reserves the right to permit or require the substitution of a ''cash in lieu'' amount to be added to the Cash Component to replace any Deposit Security that may not be available in sufficient quantity for delivery or that may not be eligible for transfer through the Depository Trust Company (''DTC'') or through the continuous net settlement system of the NSCC. Each Fund also reserves the right to permit or require a ''cash in lieu'' amount in certain other circumstances, including circumstances in which (i) the delivery of the Deposit Security by the authorized participant would be restricted under applicable securities laws or (ii) the delivery of the Deposit Security to the authorized participant would result in the disposition of the Deposit Security by the authorized participant becoming restricted under applicable securities laws, or in certain other situations. The Adviser represents that, to the extent the Trust permits or requires a ''cash in lieu'' amount, such transactions will be effected in the same manner or in an equitable manner for all authorized participants.

Creation Units may be purchased only by or through a DTC participant that has entered into an authorized participant agreement (as described in the Registration Statements) with the Distributor. Except as noted below, all creation orders must be placed for one or more Creation Units and must be received by the Distributor in proper form no later than the closing time of the regular trading session of the Exchange (normally 4 p.m., Eastern time) in each case on the date such order is placed in order for creation of Creation Units to be effected based on the NAV of Shares of a Fund as next determined on such date after receipt of the order in proper form. Orders requesting substitution of a ''cash in lieu'' amount generally must be received by the Distributor no later than 4 p.m., Eastern time. On days when the Exchange or other markets close earlier than normal, a Fund may require orders to create Creation Units to be placed earlier in the day. A Fund may also require orders to create Creation Units to be placed earlier in the day, as approved by the Trust's Board of Directors (''Board'') and as disclosed to investors. A standard creation transaction fee will be imposed to offset the transfer and other transaction costs associated with the issuance of Creation Units.

Shares of a Fund may be redeemed only in Creation Units at their NAV next determined after receipt of a redemption request in proper form by the Distributor and only on a business day. BFA will make available through the NSCC, prior to the opening of business on the Exchange on each business day, the designated portfolio of securities (including any portion of such securities for which cash may be substituted) that will be applicable (subject to possible amendment or correction) to redemption requests received in proper form on that day (''Fund Securities''). Fund Securities received on redemption may not be identical to Deposit Securities that are applicable to creations of Creation Units.

Unless cash redemptions are available or specified for a Fund, the redemption proceeds for a Creation Unit generally will consist of a specified amount of cash, Fund Securities, plus additional cash in an amount equal to the difference between the NAV of the Shares being redeemed, as next determined after the receipt of a request in proper form, and the value of the specified amount of cash and Fund Securities, less a redemption transaction fee. Each Fund currently will redeem Shares for Fund Securities, but each Fund reserves the right to utilize a ''cash'' option for redemption of Shares.

A standard redemption transaction fee will be imposed to offset transfer and other transaction costs that may be incurred by a Fund.

Redemption requests for Creation Units of a Fund must be submitted to the Distributor by or through an authorized participant no later than 4 p.m. Eastern time on any business day (or such earlier time as approved by the Board and as disclosed to investors), in order to receive that day's NAV. The authorized participant must transmit the request for redemption in the form required by a Fund to the Distributor in accordance with procedures set forth in the authorized participant agreement.

Determination of Net Asset Value

According to the Registration Statements, the NAV of each Fund normally will be determined once each business day, generally as of the regularly scheduled close of business of the New York Stock Exchange (''NYSE'') (normally 4 p.m., Eastern time) on each day that the NYSE is open for trading, based on prices at the time of closing, provided that (a) any Fund assets or liabilities denominated in currencies other than the U.S. dollar will be translated into U.S. dollars at the prevailing market rates on the date of valuation as quoted by one or more data service providers, and (b) U.S. fixed-income assets may be valued as of the announced closing time for trading in fixed-income instruments in a particular market or exchange. The NAV of each Fund may be determined, and the Underlying Funds may be valued, at such earlier time as approved by the Board and as disclosed to investors. The NAV per Share of each Fund will be calculated by dividing the value of the net assets of each Fund (*i.e.,* the value of its total assets less total liabilities) by the total number of outstanding Shares

of a Fund, generally rounded to the nearest cent.

The value of the securities and other assets and liabilities held by each Fund will be determined pursuant to valuation policies and procedures approved by the Board.

Except as described below, each Fund will value fixed-income portfolio securities, including money market instruments and U.S. government securities, using prices provided directly from one or more broker-dealers, market makers, or independent third-party pricing services which may use matrix pricing and valuation models, as well as recent market transactions for the same or similar assets, to derive values. Certain money market instruments with maturities of 60 days or less will generally be valued on the basis of amortized cost. Repurchase agreements and reverse repurchase agreements generally will be valued at par.

Exchange-traded options are [sic] generally will be valued at the mean of the last bid and ask prices as quoted on the exchange or the board of trade on which such options are traded. Futures contracts, including U.S. Treasury futures contracts, will be valued at their last sale price or settle price as of the close of the applicable exchange.

Swap agreements and other derivatives will generally be valued based upon quotations from market makers or by a pricing service in accordance with valuation procedures approved by the Board.

Investments in other investment companies will be valued using market valuations. Investment companies that are exchange traded will generally be valued using the last reported official closing price or last trading price on the exchange or other market on which the fund is primarily traded at the time of valuation. Investment companies that are not exchange traded will be valued at their net asset value.

Generally, trading in U.S. Treasury futures, non-U.S. securities, U.S. government securities, money market instruments and certain fixed-income securities is substantially completed each day at various times prior to the close of business on the NYSE. The values of such securities used in computing the NAV of each Fund will be determined as of such times.

When market quotations are not readily available or are believed by BFA to be unreliable, each Fund's investments will be valued at fair value. Fair value determinations will be made by BFA in accordance with policies and procedures approved by the Trust's Board. BFA may conclude that a market quotation is not readily available or is unreliable if a security or other asset or liability does not have a price source due to its lack of liquidity, if a market quotation differs significantly from recent price quotations or otherwise no longer appears to reflect fair value, where the security or other asset or liability is thinly traded, or where there is a significant event subsequent to the most recent market quotation. A ''significant event'' is an event that, in the judgment of BFA, is likely to cause a material change to the closing market price of the asset or liability held by a Fund.

Availability of Information

The Funds' Web site (*www.ishares.com*), which will be publicly available prior to the public offering of Shares, will include a form of the prospectus for a Fund that may be downloaded. The Funds' Web site will include additional quantitative information updated on a daily basis, including, for the Funds, (1) the prior business day's reported closing price, NAV and mid-point of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''),[21] and a calculation of the premium and discount of the Bid/Ask Price against the NAV, and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, each Fund will disclose on its Web site the Disclosed Portfolio that will form the basis for such Fund's calculation of NAV at the end of the business day.[22]

On a daily basis, a Fund will disclose for each portfolio security or other financial instrument of each Fund the following information on the Funds' Web site: Ticker symbol (if applicable), name of security or financial instrument, number of shares (if applicable) and dollar value of securities and financial instruments held in the portfolio, and percentage weighting of the security and financial instrument in the portfolio. The Web site information will be publicly available at no charge.

In addition, a basket composition file, which includes the security names and share quantities required to be delivered in exchange for each Fund's Shares, together with estimates and actual cash components, will be publicly disseminated daily prior to the opening of the NYSE via NSCC. The basket represents one Creation Unit of a Fund.

Investors can also obtain the Trust's Statement of Additional Information (''SAI''), each Fund's Shareholder Reports, and the Trust's Form N–CSR and Form N–SAR, filed twice a year. The Trust's SAI and Shareholder Reports are available free upon request from the Trust, and those documents and the Form N–CSR and Form N–SAR may be viewed on-screen or downloaded from the Commission's Web site at *www.sec.gov.* Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last sale information for the Shares of each Fund and the shares of the Underlying Funds and any exchange-traded funds held by each Fund will be available via the Consolidated Tape Association (''CTA'') high-speed line. Quotation and last sale information for U.S. exchange-listed options contracts cleared by the Options Clearing Corporation will be available via the Options Price Reporting Authority. In addition, the Indicative Optimized Portfolio Value (''IOPV''),[23] which is the Portfolio Indicative Value as defined in NYSE Arca Equities Rule 8.600(c)(3), will be widely disseminated at least every 15 seconds during the Core Trading Session by one or more major market data vendors.[24] The

[21] The Bid/Ask Price of each Fund will be determined using the mid-point of the highest bid and the lowest offer on the Exchange as of the time of calculation of a Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Funds and their service providers.

[22] Under accounting procedures followed by the Funds, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T+1''). Accordingly, the Funds will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

[23] According to the Registration Statements, the IOPV calculations will be estimates of the value of each Fund's NAV per Share using market data converted into U.S. dollars at the current currency rates. The IOPV price will be based on quotes and closing prices from the securities' local market and may not reflect events that occur subsequent to the local market's close. Premiums and discounts between the IOPV and the market price may occur. This should not be viewed as a ''real-time'' update of the NAV per Share of the Funds, which will be calculated only once a day. The quotations of certain Fund holdings may not be updated during U.S. trading hours if such holdings do not trade in the United States.

[24] Currently, it is the Exchange's understanding that several major market data vendors display and/or make widely available IOPVs taken from CTA or other data feeds.

dissemination of the IOPV, together with the Disclosed Portfolio, will allow investors to determine the value of the underlying portfolio of each Fund on a daily basis and to provide a close estimate of that value throughout the trading day. The intra-day, closing and settlement prices of exchange-traded portfolio assets, including investment companies, money market instruments, futures and options will be readily available from the securities exchanges and futures exchanges trading such securities and futures, as the case may be, automated quotation systems, published or other public sources, or on-line information services such as Bloomberg or Reuters. Such price information on fixed income portfolio securities, including money market instruments, and other Fund assets traded in over-the-counter markets including bonds and money market instruments is available from major broker-dealer firms or market data vendors, as well as from automated quotation systems, published or other public sources, or online information services.

Additional information regarding the Trust and the Shares, including investment strategies, risks, creation and redemption procedures, fees, portfolio holdings disclosure policies, distributions and taxes is included in the Registration Statements. All terms relating to the Funds that are referred to, but not defined in, this proposed rule change are defined in the Registration Statements.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Funds.[25] Trading in Shares of a Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments comprising the Disclosed Portfolio of a Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of a Fund may be halted.

[25] *See* NYSE Arca Equities Rule 7.12.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Shares will trade on the NYSE Arca Marketplace from 4 a.m. to 8 p.m. Eastern time in accordance with NYSE Arca Equities Rule 7.34 (Opening, Core, and Late Trading Sessions). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Equities Rule 7.6, Commentary .03, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing surveillance procedures administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[26] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.

The Exchange's current trading surveillance focuses on detecting securities trading outside their normal patterns. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares of the Funds, exchange-traded equity securities, futures and options contracts with other markets and other entities that are members of the ISG, and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares of the Funds, exchange-traded equity securities, futures and options contracts from such markets and other entities. In addition, The Exchange may obtain information regarding trading in the Shares of the Funds, exchange-traded equity securities, futures and options contracts from ISG member markets or markets with which the Exchange has in place a comprehensive surveillance sharing agreement.[27] In addition, FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income instruments reported to FINRA's Trade Reporting and Compliance Engine (''TRACE'').

With respect to its exchange-traded equity securities investments, a Fund will invest only in equity securities that trade in markets that are members of the ISG or are parties to a comprehensive surveillance sharing agreement with the Exchange. To the extent that a Fund invests in options, not more than 10% of such investment would be in options whose principal trading market is not a member of ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement. The Fund will invest only in futures contracts that are traded on an exchange that is a member of the ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit (''ETP'') Holders in an Information Bulletin (''Bulletin'') of the special characteristics and risks associated with trading the Shares. Specifically, the Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Unit aggregations (and that Shares are not individually redeemable); (2) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated IOPV will not be calculated or publicly disseminated; (4) how information regarding the IOPV and Disclosed Portfolio for a Fund is disseminated; (5) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the

[26] FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[27] For a list of the current members of ISG, see *www.isgportal.org.* The Exchange notes that not all components of the Disclosed Portfolio for a Fund may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

confirmation of a transaction; and (6) trading information.

In addition, the Bulletin will reference that each Fund is subject to various fees and expenses described in the Registration Statements. The Bulletin will discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. The Bulletin will also disclose that the NAV for the Shares will be calculated after 4 p.m. Eastern time each trading day.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) [28] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 8.600. The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. The Adviser has implemented a ''fire wall'' with respect to its affiliated broker-dealers regarding access to information concerning the composition and/or changes to a Fund's portfolio. FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares of the Funds, exchange-traded equity securities, futures and options contracts with other markets and other entities that are members of the ISG, and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares of the Funds, exchange-traded equity securities, futures and options contracts from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares of the Funds as well as underlying equity securities, futures and options contracts from ISG member markets or markets with which the Exchange has in place a comprehensive surveillance sharing agreement. A Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser. With respect to its exchange-traded equity securities investments, a Fund will invest only in equity securities that trade in markets that are members of the ISG or are parties to a comprehensive surveillance sharing agreement with the Exchange. To the extent that a Fund invests in options, not more than 10% of such investment would be in options whose principal trading market is not a member of ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share of each Fund will be calculated daily and that the NAV and the Disclosed Portfolio for each Fund will be made available to all market participants at the same time. In addition, a large amount of information is publicly available regarding the Funds and the Shares, thereby promoting market transparency. Moreover, the IOPV will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Exchange's Core Trading Session. On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Funds will disclose on their Web site the Disclosed Portfolio that will form the basis for a Fund's calculation of NAV at the end of the business day. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotation and last sale information will be available via the CTA high-speed line. The Web site for the Funds will include a form of the prospectus for the Funds and additional data relating to NAV and other applicable quantitative information. Moreover, prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Trading in Shares of a Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, and trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of a Fund may be halted. In addition, as noted above, investors will have ready access to information regarding a Fund's holdings, the IOPV, the Disclosed Portfolio, and quotation and last sale information for the Shares.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of additional types of actively-managed exchange-traded products that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares of the Funds, exchange-traded equity securities, futures and options contracts with other markets and other entities that are members of the ISG, and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares of the Funds, exchange-traded equity securities, futures and options contracts from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares of the Funds, exchange-traded equity securities, futures and options contracts from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, as noted above, investors will have ready access to information regarding a Fund's holdings, the IOPV, the Disclosed Portfolio, and quotation and last sale information for the Shares. The proposed rule change would benefit investors by providing them with additional choices of transparent and tradable products.

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 purpose of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of other actively-managed exchange-traded products that hold fixed income securities and will enhance competition among market participants, to the benefit of investors and the marketplace.

[28] 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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will: (a) By order approve or disapprove such proposed rule change; or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an Email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2014–114 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2014–114. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 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–NYSEArca–2014–114 and should be submitted on or November 7, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–24683 Filed 10–16–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73340; File No. SR–FINRA–2014–042]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Implementation Date of Market Participant Identifier Requirements for Alternative Trading Systems

October 10, 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 October 2, 2014, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to postpone until February 2, 2015, the implementation date of the requirement that alternative trading systems (''ATSs'') use unique market participant identifiers (''MPIDs'') when reporting order and trade information to FINRA.

The proposed rule change does not make any changes to the text of FINRA rules.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, Proposed Rule Change

1. Purpose

On January 17, 2014, the Commission approved SR–FINRA–2013–042, a proposed rule change to (i) adopt Rule 4552 to require ATSs to report to FINRA weekly volume information and number of trades regarding securities transactions within the ATS; and (ii) amend Rules 6160, 6170, 6480, and 6720 to require each ATS to acquire and use a single, unique MPID when reporting information to FINRA.[4] Rule 4552 was implemented on May 12, 2014, and the MPID requirement for ATSs is currently scheduled to be implemented on November 10, 2014.[5] The proposed rule change postpones the implementation date for ATSs to

[29] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] *See* Securities Exchange Act Release No. 71341 (January 17, 2014), 79 FR 4213 (January 24, 2014) (Order Approving SR–FINRA–2013–042). On April 3, 2014, FINRA filed with the Commission for immediate effectiveness a proposed rule change to amend Rules 6160, 6170, 6480, and 6720 to permit an ATS that trades both TRACE-Eligible Securities and equity securities (OTC Equity Securities or NMS stocks) to use two MPIDs, rather than a single unique MPID, if each MPID is used exclusively for either TRACE-Eligible Securities or equity securities. *See* Securities Exchange Act Release No. 71911 (April 9, 2014), 79 FR 21316 (April 15, 2014).

[5] *See Regulatory Notice* 14–07 (February 2014).

comply with the new MPID requirement until February 2, 2015.

At the time FINRA filed SR–FINRA–2013–042, FINRA recognized that ''given the potential systems changes required by the MPID requirement, FINRA will provide additional time for firms to implement the MPID requirement.'' [6] Because of the time necessary to make many of these systems changes, FINRA also noted in its response to comments on SR–FINRA–2013–042 that ''FINRA believes increased transparency in the over-the-counter market is necessary and beneficial and can be more readily achieved through reporting requirements before the MPID requirement is implemented. Consequently, FINRA declines to eliminate the reporting requirement from the first phase of the Proposal but reaffirms its commitment to reassessing its need following implementation of the MPID requirement.'' [7] The self-reporting requirements in Rule 4552 were implemented on May 12, 2014, and FINRA began publishing ATS data on June 2, 2014; consequently, the transparency benefits of the new self-reporting rule are already in place, and ATS volume information is currently available on FINRA's Web site.[8]

For the past several months, FINRA staff has been discussing implementation issues arising with the MPID requirement with various ATSs and industry trade groups. In large part, these issues involved specific, detailed scenarios ATSs must program for to report trades to a FINRA trade reporting facility or to report order information to FINRA's Order Audit Trail System (''OATS''). In response to these inquiries, FINRA published written guidance for ATSs on trade reporting and OATS reporting on September 15, 2014.[9] As part of this guidance, FINRA clarified ATSs' trade reporting obligations regarding the appropriate indication of MPIDs in various trade reporting scenarios, the use of tape and non-tape reports for ATS transactions, the capacity of ATSs on trade reports, and the inclusion of short sale indicators on trade reports.

Members have requested that FINRA postpone the implementation date for the ATS MPID requirement so that members can ensure that their trade reports and OATS reports comply with this guidance. FINRA believes that it would be beneficial to postpone the implementation date by approximately three months to provide firms with sufficient time to incorporate this guidance into their coding for the MPID requirement. A postponement should help ensure that firms are consistently reporting similar information to FINRA and that FINRA's audit trail information is correct and reliable. FINRA believes that, if additional time is not provided, firms may not be ready to comply with the new guidance by November 10, 2014, and FINRA's audit trail could be less accurate as a result.

FINRA has filed the proposed rule change for immediate effectiveness. The effective date and the implementation date will be the date of filing, October 2, 2014.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[10] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes postponing the implementation date of the ATS MPID requirement by three months will provide firms with sufficient time to incorporate FINRA's new trade reporting and OATS guidance into their coding for the MPID requirement. This additional time should help ensure that firms are reporting information to FINRA so that FINRA's audit trail information is consistent, correct, and reliable. FINRA believes that, if additional time is not provided, firms may not be ready to comply with the new guidance and FINRA's audit trail could be less accurate. Inconsistent reporting of ATS order and trade information could also adversely affect FINRA's ability to rely on automated surveillance patterns to detect potential misconduct.

B. Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. FINRA believes that extending the implementation date of the new ATS MPID requirement will provide firms with needed additional time so that they can better comply with recently-issued FINRA guidance on an ATS's trade reporting and OATS obligations.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 [11] and Rule 19b–4(f)(6) thereunder.[12]

FINRA has requested that the Commission waive the 30-day operative delay, so that the proposed rule change would be operative on filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. By making the proposed rule change operative immediately FINRA's ATS members can immediately be afforded notice of the additional time available for compliance with the MPID requirement. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.[13]

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.

[6] Securities Exchange Act Release No. 70676 (October 11, 2013), 78 FR 62862, 62856 (October 22, 2013) (Notice of Filing of SR–FINRA–2013–042).

[7] Letter from Brant K. Brown, Associate General Counsel, FINRA, to Elizabeth Murphy, Secretary, SEC, dated January 15, 2014, at 7.

[8] FINRA has created a page on its Web site dedicated to the new ATS requirements, including a link to the ATS data reported pursuant to Rule 4552. *See www.finra.org/ats.*

[9] *See www.finra.org/Industry/Compliance/Market Transparency/ATS/FAQ/.*

[10] 15 U.S.C. 78*o*–3(b)(6).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change along with a brief description and 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.

[13] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2014–042 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR–FINRA–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 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FINRA–2014–042 and should be submitted on or before November 7, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–24682 Filed 10–16–14; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73338; File No. SR–CBOE–2014–076]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend a Pilot Program

October 10, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 3, 2014, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend a pilot program. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On February 8, 2013, the Exchange received approval of a rule change that established a Pilot Program that allows the Exchange to list options on the S&P 500 Index whose exercise settlement value is derived from closing prices on the last trading day prior to expiration (''SPXPM'').[3] On July 31, 2013, the Exchange received approval of a rule change that amended the Pilot Program to allow the Exchange to list options on the Mini-SPX Index (''XSP'') whose exercise settlement value is derived from closing prices on the last trading day prior to expiration (''P.M.-settled'')[4] (together, SPXPM and P.M.-settled XSP to be referred to herein as the ''Pilot Products'').[5] In January 2014, the Exchange filed a proposed rule change that extended the pilot period from February 8, 2014 to November 3, 2014.[6] The Exchange hereby proposes to extend the duration of this pilot period to end on May 3, 2016.

During the course of the Pilot Program and in support of the extension of the Pilot Program, the Exchange has submitted to the Commission reports regarding the Pilot Program which detail the Exchange's experience with the Pilot Program, pursuant to the SPXPM Approval Order and the P.M.-settled XSP Approval Order. Specifically, the Exchange has submitted a Pilot Program report to the Commission (the ''annual report''). The annual report has contained an analysis of volume, open interest, and trading patterns. The analysis examines trading in Pilot Products as well as trading in the securities that comprise the underlying index. In addition, for series that exceed certain minimum open interest parameters, the annual report provides analysis of index price volatility and share trading activity. In addition to the annual report, the Exchange provides the Commission with periodic interim

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[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 68888 (February 8, 2013), 78 FR 10668 (February 14, 2013) (SR–CBOE–2012–120) (the ''SPXPM Pilot Program Approval Order'').

[4] *See* Securities Exchange Act Release No. 70087 (July 31, 2013), 78 FR 47809 (August 6, 2013) (SR–CBOE–2013–055) (the ''P.M.-settled XSP Approval Order'').

[5] For more information on SPXPM, P.M.-settled XSP or the Pilot Program, *see* the SPXPM Approval Order and the P.M.-settled XSP Approval Order.

[6] *See* Securities Exchange Act Release No. 71424 (January 28, 2014), 79 FR 6249 (February 3, 2014) (SR–CBOE–2014–004).

reports while the Pilot Program is in effect that contains some, but not all, of the information contained in the annual report. The annual report is provided to the Commission on a confidential basis.

The annual report contains the following volume and open interest data:

(1) Monthly volume aggregated for all trades;

(2) monthly volume aggregated by expiration date;

(3) monthly volume for each individual series;

(4) month-end open interest aggregated for all series;

(5) month-end open interest for all series aggregated by expiration date; and

(6) month-end open interest for each individual series.

In addition to the annual report, the Exchange provides the Commission with interim reports of the information listed in Items (1) through (6) above periodically as required by the Commission while the Pilot Program is in effect. These interim reports are also provided on a confidential basis. The annual report also contains the information noted in Items (1) through (6) above for Expiration Friday, A.M.-settled S&P 500 index options traded on CBOE.

In addition, the annual report contains the following analysis of trading patterns in the Pilot Products options series in the Pilot Program:

(1) A time series analysis of open interest; and

(2) an analysis of the distribution of trade sizes.

Also, for series that exceed certain minimum parameters, the annual report contains the following analysis related to index price changes and underlying share trading volume at the close on Expiration Fridays:

(1) A comparison of index price changes at the close of trading on a given Expiration Friday with comparable price changes from a control sample. The data includes a calculation of percentage price changes for various time intervals and compare that information to the respective control sample. Raw percentage price change data as well as percentage price change data normalized for prevailing market volatility, as measured by the CBOE Volatility Index (VIX), is provided; and

(2) a calculation of share volume for a sample set of the component securities representing an upper limit on share trading that could be attributable to expiring in-the-money series. The data includes a comparison of the calculated share volume for securities in the sample set to the average daily trading volumes of those securities over a sample period.

The minimum open interest parameters, control sample, time intervals, method for randomly selecting the component securities, and sample periods are determined by the Exchange and the Commission. In proposing to extend the Pilot Program, the Exchange will continue to abide by the reporting requirements described herein, as well as in the SPXPM Approval Order and the P.M.-settled XSP Approval Order.

The Exchange proposes the extension of the Pilot Program in order to continue to give the Securities and Exchange Commission (the ''Commission'') more time to consider the impact of the Pilot Program. To this point, CBOE believes that the Pilot Program has been well-received by its Trading Permit Holders (''TPHs'') and the investing public and the Exchange would like to continue to provide investors with the ability to trade SPXPM and P.M.-settled XSP. All terms regarding the trading of the Pilot Products shall continue to operate as described in the SPXPM Approval Order and the P.M.-settled XSP Approval Order. The Exchange merely proposes herein to extend the term of the Pilot Program to May 3, 2016.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[9] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposed extension of the Pilot Program will continue to provide greater opportunities for investors. Further, the Exchange believes that it has not experienced any adverse effects or meaningful regulatory concerns from the operation of the Pilot Program. As such, the Exchange believes that the extension of the Pilot Program does not raise any unique or prohibitive regulatory concerns. Also, the Exchange believes that such trading has not, and will not, adversely impact fair and orderly markets on Expiration Fridays for the underlying stocks comprising the S&P 500 index. The extension of the Pilot Program will continue to provide investors with the opportunity to trade the desirable products of SPXPM and P.M.-settled XSP, while also providing the Commission further opportunity to observe such trading of the Pilot Products.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe the continuation of the Pilot Program will impose any unnecessary or inappropriate burden on intramarket competition because it will continue apply equally to all CBOE market participants and the Pilot Products will be available to all CBOE market participants. The Exchange believes there is sufficient investor interest and demand in the Pilot Program to warrant its extension. The Exchange believes that, for the period that the Pilot Program has been in operation, it has provided investors with desirable products with which to trade. Furthermore, the Exchange believes that it has not experienced any adverse market effects or regulatory concerns with respect to the Pilot Program. The Exchange further does not believe that the proposed extension of the Pilot Program will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because it only applies to trading on CBOE. To the extent that the continued trading of the Pilot Products may make CBOE a more attractive marketplace to market participants at other exchanges, such market participants may elect to become CBOE market participants.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] *Id.*

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 [10] and Rule 19b–4(f)(6) [11] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2014–076 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2014–076. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2014–076 and should be submitted on or before November 7, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–24680 Filed 10–16–14; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6)(iii). Rule 19b–4(f)(6)(iii) states the Exchange must provide 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 days 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.

[12] 17 CFR 200.30–3(a)(12).

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in **DATES.**

DATES: June 1–July 31, 2014.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, Regulatory Counsel, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436; email: *joyler@srbc.net.* Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22(e) and (f) for the time period specified above:

Approvals By Rule Issued Under 18 CFR 806.22(e):

1. Mayapple Real Estate Holdings, Mayapple Golf Links, ABR–201406001, South Middletown Township, Cumberland County, Pa.; Consumptive Use of Up to 0.200 mgd; Approval Date: July 3, 2014.

Approvals By Rule Issued Under 18 CFR 806.22(f):

1. Southwestern Energy Production Company, Pad ID: NR–03–COLWELL WEST–PAD, ABR–201406002, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: June 4, 2014.
2. Southwestern Energy Production Company, Pad ID: NR–17–COLEMAN–PAD, ABR–201406003, Great Bend and Oakland Townships, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: June 4, 2014.
3. Chief Oil & Gas LLC, Pad ID: Baumunk North B Drilling Pad, ABR–201406004, Fox Township, Sullivan County, Pa.; Consumptive Use of Up to 2.500 mgd; Approval Date: June 4, 2014.
4. Chief Oil & Gas LLC, Pad ID: Wissler Drilling Pad, ABR–201406005, McNett Township, Lycoming County, Pa.; Consumptive Use of Up to 2.500 mgd; Approval Date: June 4, 2014.
5. Chief Oil & Gas LLC, Pad ID: Clear Springs Dairy Drilling Pad #1, ABR–200091214.R1, Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: June 4, 2014.
6. Range Resources—Appalachia, LLC, Pad ID: Gulf USA 67H, ABR–201406006, Snow Shoe Township, Centre County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: June 6, 2014.
7. Southwestern Energy Production Company, Pad ID: Chamberlin, ABR–201008088.R1, Stevens Township, Bradford County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: June 9, 2014.

8. Southwestern Energy Production Company, Pad ID: Strong Pad, ABR–201009085.R1, Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: June 9, 2014.
9. Southwestern Energy Production Company, Pad ID: Ross Pad, ABR–201009086.R1, Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: June 9, 2014.
10. Ultra Resources Inc., Pad ID: T Pierson Pad, ABR–20090903.R1, Gaines Township, Tioga County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: June 10, 2014.
11. Seneca Resources Corporation, Pad ID: CRV D08–Pad G, ABR–201406007, Norwich Township, McKean County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: June 13, 2014.
12. Chief Oil & Gas LLC, Pad ID: Clark Drilling Pad, ABR–201406008, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.500 mgd; Approval Date: June 13, 2014.
13. Anadarko E&P Onshore LLC, Pad ID: Lycoming H&FC Pad B, ABR–201009099.R1, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: June 13, 2014.
14. Range Resources—Appalachia, LLC, Pad ID: Laurel Hill 1, ABR–20100154.R1, Jackson Township, Lycoming County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: June 13, 2014.
15. Chief Oil & Gas LLC, Pad ID: Czop Drilling Pad, ABR–201406009, Fox Township, Sullivan County, Pa.; Consumptive Use of Up to 2.500 mgd; Approval Date: June 16, 2014.
16. Chesapeake Appalachia, LLC, Pad ID: Judd, ABR–20090534.R1, Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 16, 2014.
17. Chesapeake Appalachia, LLC, Pad ID: Benscoter, ABR–20090601.R1, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 16, 2014.
18. Chesapeake Appalachia, LLC, Pad ID: Chancellor, ABR–20090532.R1, Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 16, 2014.
19. Chesapeake Appalachia, LLC, Pad ID: Clapper, ABR–20090533.R1, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 16, 2014.
20. Chesapeake Appalachia, LLC, Pad ID: Evanchick, ABR–20090604.R1, Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 16, 2014.
21. Chesapeake Appalachia, LLC, Pad ID: Mowry, ABR–20090527.R1, Tuscarora Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 17, 2014.
22. Chesapeake Appalachia, LLC, Pad ID: May, ABR–20090528.R1, Granville Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 17, 2014.
23. Chesapeake Appalachia, LLC, Pad ID: VanNoy, ABR–20090535.R1, Granville Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 17, 2014.
24. Chesapeake Appalachia, LLC, Pad ID: Przybyszewski, ABR–20090555.R1, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 17, 2014.
25. Chesapeake Appalachia, LLC, Pad ID: Strom, ABR–20090602.R1, Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 17, 2014.
26. Chesapeake Appalachia, LLC, Pad ID: Vargson, ABR–20090605.R1, Granville Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 17, 2014.
27. Seneca Resources Corporation, Pad ID: CRV Pad C08–X, ABR–201406010, Shippen Township, Cameron County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: June 26, 2014.
28. Southwestern Energy Production Company, Pad ID: Ball, ABR–201007060.R1, Stevens Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: June 26, 2014.
29. Chesapeake Appalachia, LLC, Pad ID: Welles 1, ABR–20090610.R1, Terry Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 26, 2014.
30. Talisman Energy USA, Inc., Pad ID: Castle 01 047, ABR–20100128.R1, Armenia Township, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: June 26, 2014.
31. Talisman Energy USA, Inc., Pad ID: Hoover G 017, ABR–20100108.R1, Canton Township, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: June 26, 2014.
32. Talisman Energy USA, Inc., Pad ID: Foust J 1H, ABR–20100109.R1, Granville Township, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: June 26, 2014.
33. Talisman Energy USA, Inc., Pad ID: Lutz T1, ABR–20100110.R1, Troy Township, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: June 26, 2014.
34. Talisman Energy USA, Inc., Pad ID: Vanblarcom R 004, ABR–20100103.R1, Columbia Township, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: June 30, 2014.
35. Talisman Energy USA, Inc., Pad ID: Lutz T2, ABR–20100111.R1, Troy Township, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: June 30, 2014.
36. Talisman Energy USA, Inc., Pad ID: TWL Assoc 01 016, ABR–20100129.R1, Armenia Township, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: June 30, 2014.
37. Talisman Energy USA, Inc., Pad ID: Thomas FT 2, ABR–20100113.R1, Troy Township, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: June 30, 2014.
38. Talisman Energy USA, Inc., Pad ID: Thomas FT 1, ABR–20100112.R1, Troy Township, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: June 30, 2014.
39. Chesapeake Appalachia, LLC, Pad ID: Deremer, ABR–201407001, Tuscarora Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: July 1, 2014.
40. Chesapeake Appalachia, LLC, Pad ID: Windswept, ABR–201407002, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: July 1, 2014.
41. Cabot Oil & Gas Corporation, Pad ID: WeissM P1, ABR–201407003, Gibson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.250 mgd; Approval Date: July 1, 2014.
42. Cabot Oil & Gas Corporation, Pad ID: ShieldsG P2, ABR–20091023.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of

Up to 3.575 mgd; Approval Date: July 1, 2014.

43. Cabot Oil & Gas Corporation, Pad ID: HibbardAM P2, ABR–20091224.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: July 1, 2014.
44. Southwestern Energy Production Company, Pad ID: Behrend Pad, ABR–201010031.R1, Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: July 1, 2014.
45. Southwestern Energy Production Company, Pad ID: Reeve Pad, ABR–20100403.R1, Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: July 1, 2014.
46. Southwestern Energy Production Company, Pad ID: Belcher Pad, ABR–201011015.R1, Clifford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: July 1, 2014.
47. Cabot Oil & Gas Corporation, Pad ID: HibbardAM P1, ABR–20091223.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: July 2, 2014.
48. Southwestern Energy Production Company, Pad ID: Ferguson, ABR–20100201.R1, Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: July 2, 2014.
49. Southwestern Energy Production Company, Pad ID: Robinson, ABR–20100653.R1, Stevens Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: July 2, 2014.
50. Southwestern Energy Production Company, Pad ID: Greenzweig (GU C Pad), ABR–201407004, Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: July 2, 2014.
51. Pennsylvania General Energy Company, LLC, Pad ID: Tract 729 well #2384, ABR–20090734.R1, Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: July 9, 2014.
52. Pennsylvania General Energy Company, LLC, Pad ID: State Forest Tract 293 well pad #1, ABR–20090735.R1, Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 4.900 mgd; Approval Date: July 9, 2014.
53. Chief Oil & Gas LLC, Pad ID: Walters Unit #1H, ABR–20100135.R1, West Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: July 9, 2014.
54. Chief Oil & Gas LLC, Pad ID: Elliott Drilling Pad #1H, ABR–20100136.R1, Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: July 9, 2014.
55. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 027C Pad A, ABR–201407005, McHenry Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: July 11, 2014.
56. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 027C Pad B, ABR–201407006, McHenry Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: July 11, 2014.
57. Chief Oil & Gas LLC, Pad ID: SGL–12 A Drilling Pad, ABR–201407007, Overton Township, Bradford County, Pa.; Consumptive Use of Up to 2.500 mgd; Approval Date: July 14, 2014.
58. Chesapeake Appalachia, LLC, Pad ID: White SUS, ABR–201407008, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: July 15, 2014.
59. Chesapeake Appalachia, LLC, Pad ID: McDonough, ABR–201407009, Meshoppen Township, Wyoming County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: July 14, 2014.
60. Southwestern Energy Production Company, Pad ID: NR–20–COLWELL–PAD, ABR–201407010, Oakland Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: July 14, 2014.
61. Cabot Oil & Gas Corporation, Pad ID: PowersN P2, ABR–201407011, Middletown Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.250 mgd; Approval Date: July 22, 2014.
62. Southwestern Energy Production Company, Pad ID: Price (PU BB Pad), ABR–201407012, Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: July 22, 2014.
63. WPX Energy Appalachia, LLC, Pad ID: Micks Pad Site, ABR–20090938.R1, Forest Lake Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.999 mgd; Approval Date: July 23, 2014.
64. Chief Oil & Gas LLC, Pad ID: Bacon Drilling Pad #1, ABR–20100202.R1, Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: July 23, 2014.
65. Chief Oil & Gas LLC, Pad ID: Dacheux B Drilling Pad, ABR–201407013, Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 2.500 mgd; Approval Date: July 23, 2014.
66. Chief Oil & Gas LLC, Pad ID: Reibson Drilling Pad, ABR–201407014, Elkland Township, Sullivan County, Pa.; Consumptive Use of Up to 2.500 mgd; Approval Date: July 23, 2014.
67. Southwestern Energy Production Company, Pad ID: RU–72–FOLKVARD–PAD, ABR–201407016, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: July 28, 2014.
68. Range Resources—Appalachia, LLC, Pad ID: Cornwall 6H–8H, ABR–201407017, Lewis Township, Lycoming County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: July 28, 2014.
69. Range Resources—Appalachia, LLC, Pad ID: Roupp, ABR–201407018, Mifflin Township, Lycoming County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: July 28, 2014.
70. EOG Resources, Inc., Pad ID: LEE 1H, ABR–20091122.R1, Springfield Township, Bradford County, Pa.; Consumptive Use of Up to 1.999 mgd; Approval Date: July 29, 2014.
71. EOG Resources, Inc., Pad ID: LEE 2H, ABR–20091123.R1, Springfield Township, Bradford County, Pa.; Consumptive Use of Up to 1.999 mgd; Approval Date: July 29, 2014.
72. EOG Resources, Inc., Pad ID: LEE 3H, ABR–20091124.R1, Springfield Township, Bradford County, Pa.; Consumptive Use of Up to 1.999 mgd; Approval Date: July 29, 2014.

Authority: Pub. L. 91–575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: October 8, 2014.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2014–24700 Filed 10–16–14; 8:45 am]

BILLING CODE 7040–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Rescinded for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the approved by rule projects rescinded by the

Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: July 1 through August 31, 2014.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, Regulatory Counsel, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436; email: *joyler@srbc.net*. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, being rescinded for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22(e) and § 806.22(f) for the time period specified above:

Rescinded ABR Issued June 1–August 31, 2014

1. Chesapeake Appalachia, LLC, Pad ID: Graham, ABR–201012005, Morris Township, Tioga County, Pa.; Rescind Date: June 19, 2014.
2. Chesapeake Appalachia, LLC, Pad ID: Potluck Farm, ABR–201012022, Cherry Township, Sullivan County, Pa.; Rescind Date: June 19, 2014.
3. Chesapeake Appalachia, LLC, Pad ID: North40, ABR–201111026, Litchfield Township, Bradford County, Pa.; Rescind Date: June 19, 2014.
4. Chesapeake Appalachia, LLC, Pad ID: Molly J, ABR–201211003, Monroe and Overton Townships, Bradford County, Pa.; Rescind Date: June 19, 2014.
5. Chesapeake Appalachia, LLC, Pad ID: Ferris, ABR–201301004, Braintrim Township, Wyoming County, Pa.; Rescind Date: June 19, 2014.
6. Chesapeake Appalachia, LLC, Pad ID: Virginia, ABR–201303013, Auburn Township, Susquehanna County, Pa.; Rescind Date: June 19, 2014.
7. Chesapeake Appalachia, LLC, Pad ID: Wittiz, ABR–201304016, Franklin Township, Bradford County, Pa.; Rescind Date: June 19, 2014.
8. Carrizo (Marcellus), LLC, Pad ID: Wetterling, ABR–201208001, Owego Town, Tioga County, NY; Rescind Date: July 29, 2014.
9. Carrizo (Marcellus), LLC, Pad ID: Tomkins, ABR–201303002, McNett Township, Lycoming County, Pa.; Rescind Date: July 29, 2014.
10. Carrizo (Marcellus), LLC, Pad ID: Baumunk Lake South, ABR–201303004, Fox Township, Sullivan County, Pa.; Rescind Date: July 29, 2014.
11. Carrizo (Marcellus), LLC, Pad ID: Baumunk Lake North, ABR–201303005, Fox Township, Sullivan County, Pa.; Rescind Date: July 29, 2014.
12. SWEPI, LP, Pad ID: Staples 804, ABR–20100652, Clymer Township, Tioga County, Pa.; Rescind Date: August 11, 2014.
13. SWEPI, LP, Pad ID: Talley 488, ABR–201009081, Covington Township, Tioga County, Pa.; Rescind Date: August 11, 2014.
14. SWEPI, LP, Pad ID: Berguson 622, ABR–201010041, Covington Township, Tioga County, Pa.; Rescind Date: August 11, 2014.
15. SWEPI, LP, Pad ID: Stevens 413, ABR–201010043, Delmar Township, Tioga County, Pa.; Rescind Date: August 11, 2014.
16. SWEPI, LP, Pad ID: Parsons 613, ABR–201010053, Delmar Township, Tioga County, Pa.; Rescind Date: August 11, 2014.
17. SWEPI, LP, Pad ID: Smith 606, ABR–201102013, Duncan Township, Tioga County, Pa.; Rescind Date: August 11, 2014.
18. SWEPI, LP, Pad ID: Fenton 473, ABR–201102019, Charleston Township, Tioga County, Pa.; Rescind Date: August 11, 2014.
19. SWEPI, LP, Pad ID: Brucklacher 734, ABR–201106017, Jackson Township, Lycoming County, Pa.; Rescind Date: August 11, 2014.
20. SWEPI, LP, Pad ID: Hoffman 1201, ABR–201112038, Brookfield Township, Tioga County, Pa.; Rescind Date: August 11, 2014.
21. SWEPI, LP, Pad ID: Parker 727, ABR–201203022, Liberty Township, Tioga County, Pa.; Rescind Date: August 11, 2014.
22. SWEPI, LP, Pad ID: Brumwell 657, ABR–201212001, Richmond Township, Tioga County, Pa.; Rescind Date: August 11, 2014.
23. Hess Corporation, Pad ID: Miller, ABR–201007026, Scott Township, Wayne County, Pa.; Rescind Date: August 13, 2014.
24. Hess Corporation, Pad ID: Steinberg, ABR–201007027, Preston Township, Wayne County, Pa.; Rescind Date: August 13, 2014.
25. Hess Corporation, Pad ID: Medved, ABR–201007055, Preston Township, Wayne County, Pa.; Rescind Date: August 13, 2014.
26. Hess Corporation, Pad ID: Galiardo, ABR–201007056, Starrucca Borough, Wayne County, Pa.; Rescind Date: August 13, 2014.
27. Hess Corporation, Pad ID: Kraft, ABR–201008131, Starrucca Borough, Wayne County, Pa.; Rescind Date: August 13, 2014.
28. Hess Corporation, Pad ID: Steinberg 1H, ABR–201008132, Preston Township, Wayne County, Pa.; Rescind Date: August 13, 2014.
29. Hess Corporation, Pad ID: Gerhard, ABR–201008133, Scott Township, Wayne County, Pa.; Rescind Date: August 13, 2014.
30. Chevron Appalachia, LLC, Pad ID: Ritchey Unit Drilling Pad, ABR–20091010, Juniata Township, Blair County, Pa.; Rescind Date: August 13, 2014.
31. Chevron Appalachia, LLC, Pad ID: Lightner Drilling Pad #1, ABR–201007045, Juniata Township, Blair County, Pa.; Rescind Date: August 13, 2014.
32. Chevron Appalachia, LLC, Pad ID: Davis Drilling Pad #1, ABR–201007067, West St. Clair Township, Bedford County, Pa.; Rescind Date: August 13, 2014.
33. Chevron Appalachia, LLC, Pad ID: Boileau Drilling Pad #1, ABR–201010069, Goshen Township, Clearfield County, Pa.; Rescind Date: August 13, 2014.
34. Chevron Appalachia, LLC, Pad ID: Smithmyer Drilling Pad #1, ABR–201101020, Clearfield Township, Cambria County, Pa.; Rescind Date: August 13, 2014.

Authority: Pub. L. 91–575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: October 10, 2014.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2014–24701 Filed 10–16–14; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on Transport Airplane and Engine Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a public meeting of the FAA's Aviation Rulemaking Advisory Committee (ARAC) Transport Airplane and Engine (TAE) Subcommittee to discuss TAE issues.

DATES: The meeting is scheduled for Thursday, November 13, 2014, starting at 9:00 a.m. Eastern Daylight Time. The public must make arrangements by November 3, 2014, to present oral statements at the meeting.

ADDRESSES: 929 Long Bridge Drive, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Ralen Gao, Office of Rulemaking, ARM–

209, FAA, 800 Independence Avenue SW., Washington, DC 20591, Telephone (202) 267–3168, FAX (202) 267–5075, or email at *ralen.gao@faa.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. app. 2), notice is given of an ARAC meeting to be held November 13, 2014.

The agenda for the meeting is as follows:

- Opening Remarks, Review Agenda and Minutes
- FAA Report
- ARAC Report
- Transport Canada Report
- EASA Report
- Engine Harmonization Working Group Report—Engine Endurance Testing
- Airworthiness Assurance Working Group Report
- Engine Harmonization Working Group Report—Bird Ingestion
- Flight Test Harmonization Working Group Report
- Any Other Business
- Action Items Review

Attendance is open to the public, but will be limited to the availability of meeting room space. Please confirm your attendance with the person listed in the **FOR FURTHER INFORMATION CONTACT** section no later than November 3, 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.

The FAA will arrange for teleconference service for individuals wishing to join in by teleconference if we receive notice by November 3, 2014. For persons participating by telephone, please contact the person listed in **FOR FURTHER INFORMATION CONTACT** by email or phone for the teleconference call-in number and passcode. Anyone calling from outside the Arlington, VA, metropolitan area will be responsible for paying long-distance charges.

The public must make arrangements by November 3, 2014, to present oral statements at the meeting. Written statements may be presented to the Subcommittee at any time by providing 25 copies to the person listed in the **FOR FURTHER INFORMATION CONTACT** section or by providing copies at the meeting. Copies of the documents to be presented to the Subcommittee may be made available by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

If you need assistance or require a reasonable accommodation for the meeting or meeting documents, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. 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 October 9, 2014.

Lirio Liu,

Designated Federal Officer.

[FR Doc. 2014–24675 Filed 10–16–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–94]

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 November 6, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0763 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 October 8, 2014.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0763.

Petitioner: Nixon Engineering Solutions, LLC.

Section of 14 CFR: parts 21 Subpart H, 43.7, 43.11, 45.11, 45.21, 45.23, 45.25, 45.27, 45.29, 47.3(b)(2), 47.31(c), 61.113, 91.7(a), 91.9(b)(2) and (c), 91.103(b)(2), 91.105, 91.109, 91.113(b), 91.115, 91.119(b) and (c), 91.121, 91.151, 91.203(a) and (b), 91.215, 91.403, 91.405(a) and (d), 91.407, 91.409, and 91.417.

Description of Relief Sought: The petitioner is seeking an exemption to commercially operate their small unmanned multirotor aircraft, based on the DJI S800, in order to collect photogrammetric pictures, survey equipment to set ground control points, and use specialized photogrammetry software to process data for creating survey maps of open mines and inspecting well pads.

[FR Doc. 2014–24667 Filed 10–16–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–96]

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 November 6, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0781 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 October 8, 2014.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0781.

Petitioner: Aviation Unmanned.

Section of 14 CFR: 61.3(a)(1), 61.13, 91.7, 91.113, 91.203(a), 91.205(b), 91.207, 91.125, and 91.319.

Description of Relief Sought: The petitioner is seeking an exemption to commercially operate their Vanguard Defense Industries ShadowHawk and MLB Company Super Bat unmanned aircraft systems (UAS) to provide utility companies with power line inspections including: right of way surveying; tower inspections for early detection or arcing; and post-disaster aerial support, in the areas outside of Houston, Texas.

[FR Doc. 2014–24668 Filed 10–16–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–93]

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 November 6, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0762 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 October 8, 2014.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0762.

Petitioner: AeroVironment, Inc.

Section of 14 CFR: 45.23(b), 61.113(a) and (b), 61.133(a), 91.7(a) and (b), 91.109(a), 91.119, 91.151(a), 91.405(a), 91.407(a)(1), 91.409(a)(2), and 91.417(a).

Description of Relief Sought: The petitioner is seeking an exemption to commercially operate their Puma AE

DDL unmanned aerial system for agriculture, aerial survey photography, and patrolling.

[FR Doc. 2014–24664 Filed 10–16–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–102]

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 November 6, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0788 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: Nia Daniels, (202) 267–7626, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on October 9, 2014.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0788.

Petitioner: Delphi Automotive Systems, LLC.

Section of 14 CFR Affected: part 21, 45.23(b), 61.113(a) and (b), 91.7(a), 91.9(b)(2), 91.103(b), 91.109, 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: Delphi Automotive Systems, LLC's exemption request would permit its operation of lightweight, unmanned aircraft systems (remotely controlled in line of sight) in tightly controlled and limited airspace.

[FR Doc. 2014–24669 Filed 10–16–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–98]

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 November 6, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0787 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: Keira Jones, (202) 267–9677, 800 Independence Avenue SW., Washington, DC 20951.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on October 8, 2014.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0787.

Petitioner: Blue-Chip Unmanned Aerial Solutions, Inc.

Section of 14 CFR: part 21, Subpart H, §§ 45.23(b), 61.113(a) and (b), 61.133(a)(1), 91.7(a), 91.103, 91.109, 91.119, 91.121, 91.151(a), 91.405(a), 91.407(a)(1), 91.409(a)(2), 91.417(a) and (b).

Description of Relief Sought: The petitioner is seeking an exemption to operate a Sensurion Magpie unmanned aircraft to conduct commercial unmanned aerial systems (UAS) operations for the agriculture, oil and gas, aerial photography and wildlife preservation industries, within the United States National Airspace System, Class G and occasionally E airspace.

[FR Doc. 2014–24671 Filed 10–16–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–108]

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 November 6, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0799 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: Nia Daniels (202) 267–7626, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on October 10, 2014.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0799.

Petitioner: Steve Rhode.

Section of 14 CFR Affected: part 21, Subpart H, 45.23(b), 45.27(a), 61.113(a) and (b), 61.133(a), 91.7(a), 91.9(b)(2), 91.103, 91.109(a), 91.119, 91.121, 91.151(a), 91.203(a) and (b), 91.319(a)(1), 91.405(a), 91.407(a)(1), 91.409(a)(2), 91.417(a) and (b).

Description of Relief Sought: The petitioner is seeking an exemption to operate unmanned aircraft systems with a maximum weight of less than 55 pounds to perform public safety operations with fire departments, ambulance services, emergency medical service operations, and search and rescue agencies in order to provide real-time operational assistance in emergency operations.

[FR Doc. 2014–24670 Filed 10–16–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–97]

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 November 6, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0786 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: Nia Daniels (202) 267–7626, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on October 8, 2014.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0786.

Petitioner: Alan Purwin.

Section of 14 CFR Affected: 61.113(a) and (b), 91.103, 91.119, 91.121, 91.151(a), 91.405(a), 91.407(a)(1), 91.409(a)(2), and 91.417(a) and (b).

Description of Relief Sought: Alan D. Purwin, an operator of unmanned aircraft systems (UASs) for aerial photography for the motion picture and television, hereby applies for an exemption to allow commercial operation of his UASs.

[FR Doc. 2014–24673 Filed 10–16–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–55]

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 November 6, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0558 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: Nia Daniels, (202) 267–7626. 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on October 8, 2014.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0558.

Petitioner: Great Lakes Aviation, Ltd.

Section of 14 CFR Affected: 135.223.

Description of Relief Sought: Great Lakes Aviation, Ltd. holder of operating certificate of GLBA031A, petitions the use of § 121.619 alternative weather requirements in lieu of the requirements of § 135.223 for all flights conducted under part 135, under the basis that the carrier currently dispatches all part 121 and 135 flights in accordance with the requirements set forth in part 121, subpart U.

[FR Doc. 2014–24665 Filed 10–16–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–95]

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 November 6, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0765 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 October 8, 2014.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0765.

Petitioner: Upward Aerial.

Section of 14 CFR: parts 21 Subpart H, 45.23(b), 61.113(a) and (b), 91.7(a), 91.9(b)(2), 91.103, 91.109, 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 their small unmanned aircraft systems (sUAS), equipped to conduct aerial videography and photography, for closed set filming in the motion picture, television, and commercial videography industries.

[FR Doc. 2014–24672 Filed 10–16–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–100]

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 November 6, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0790 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: Nia Daniels (202) 267–7626, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on October 8, 2014.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0790.

Petitioner: Pravia, LLC.

Section of 14 CFR Affected: part 21, Subpart H, 45.23(b), 91.7(a), 91.9(b), 91.103, 91.109, 91.119, 91.121, 91.151(a), 91.203(a) and (b), and part 91, Subpart E.

Description of Relief Sought: Pravia, LLC seeks expedited approval and exemption to operate the E384 unmanned aircraft system for the purpose of providing high resolution aerial imagery to Syngenta AG, a biotechnology and genomic research agricultural company.

[FR Doc. 2014–24674 Filed 10–16–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2014–0011–N–19]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking renewal of the following currently approved information collection activities. Before submitting the information collection requests (ICRs) below for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

DATES: Comments must be received no later than December 16, 2014.

ADDRESSES: Submit written comments on any or all of the following proposed activities by mail to either: Mr. Robert Brogan, Office of Safety, Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 25, Washington, DC 20590, or Ms. Kimberly Toone, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, ''Comments on OMB control number 2130–__.'' Alternatively, comments may be transmitted via facsimile to (202) 493–6216 or (202) 493–6479, or via email to Mr. Brogan at *Robert.Brogan@dot.gov,* or to Ms. Toone at *Kimberly.Toone@dot.gov.* Please refer to the assigned OMB control number in any

correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493–6292) or Ms. Kimberly Toone, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493–6132). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, sec. 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses). *See* 44 U.S.C. 3506(c)(2)(A)(i)–(iv); 5 CFR 1320.8(d)(1)(i)–(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a ''user friendly'' format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

Below is a brief summary of currently approved information collection activities that FRA will submit for clearance by OMB as required under the PRA:

Title: Inspection Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment (Power Brakes and Drawbars).

OMB Control Number: 2130–0008.

Abstract: Section 7 of the Rail Safety Enforcement and Review Act of 1992, Public Law 102–365, amended Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 421, 431 et seq.), empowered the Secretary of Transportation to conduct a review of the Department's rules with respect to railroad power brakes and, where applicable, prescribe standards regarding dynamic brake equipment. In keeping with the Secretary's mandate and the authority delegated from him to the FRA Administrator, FRA issued revisions to the regulations governing freight power brakes and equipment in October 2008 by adding a new subpart addressing electronically controlled pneumatic (ECP) brake systems. The revisions are designed to provide for and encourage the safe implementation and use of ECT brake system technologies. These revisions contain specific requirements relating to design, interoperability, training, inspection, testing, handling defective equipment and periodic maintenance related to ECP brake systems. The final rule also identifies provisions of the existing regulations and statutes where FRA is proposing to provide flexibility to facilitate the voluntary adoption of this advanced brake system technology. The collection of information is used by FRA to monitor and enforce current regulatory requirements related to power brakes on freight cars as well as the recently added requirements related to ECP brake systems. The collection of information is also used by locomotive engineers and road crews to verify that the terminal air brake test has been performed in a satisfactory manner.

Form Number(s): None.

Affected Public: Businesses.

Respondent Universe: 559 railroads.

Frequency of Submission: On occasion.

Affected Public: Businesses.

Reporting Burden:

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
229.27—Annual Tests	30,000 Locomotives	30,000 tests	15 minutes	7,500
232.3—Applicability—Cars Not Used in Service	559 Railroads	8 cards	10 minutes	1
232.7—Waivers	559 railroads	25 petitions	80 hours	2,000
232.11—Penalties	559 railroads	1 false record	10 minutes	17
232.15—Movement of Defective Equipment	1,620,000 cars/locos	128,400 tags	2.5 minutes	5,350
—Notice of Defective Car/Locomotive and Restrictions.	1,620,000 cars/locos	25,000 notices	3 minutes	1,250
232.17—Special Approval Procedure	559 railroads	4 petitions	100 hours	400
—Petitions—Pre-Revenue Svc Plans	559 railroads	2 petitions	100 hours	200
—Copies of Petitions—Special Approval	559 railroads	4 petitions	20 hours	80
—Statements of Interest	Public/Railroads	14 statements	8 hours	112
—Comments on Special Approval Procedure Petition.	Public/Railroads	13 comments	4 hours	52
232.103—General Requirements for All Train Brakes.	114,000 cars	70,000 stickers	10 minutes	11,667
232.105—General Requirements For Locomotives.	30,000 locomotives	30,000 forms	5 minutes	2,500
232.107—Air Source Requirements—Plans	10 new railroads	1 plan	40 hours	40
—Amendments to Plan	50 Existing Plans	10 amendment	20 hours	200
—Record Keeping	50 Existing Plans	1,150 records	20 hours	23,000
232.109—Dynamic Br. Requirements—Rcd	559 railroads	1,656,000 rcd	4 minutes	110,400

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
—Repair of Inoperative Dynamic Brakes	30,000 locomotives	6,358 records	4 minutes	424
—Locomotives w/Inoperative Dynamic Br	30,000 locomotives	6,358 tags	30 seconds	53
—Deactivated Dynamic Brakes: Markings	8,000 locomotives	10 markings	5 minutes	1
—Rule Safe Train Handling Procedures	5 new railroads	5 oper. rules	4 hours	20
—Amendments	559 railroads	15 amendment	1 hour	15
—Over Speed Top Rules—5 MPH Increase	559 railroads	5 requests	20.5 hours	103
—Locomotive Engineer Certification Programs—Dynamic Brakes Training.	5 new railroads	5 amendments	16 hours	80
232.111—Train Information Handling	5 new railroads	5 procedures	40 hours	200
—Amendments	100 railroads	100 am. proc.	20 hours	2,000
—Reports to Train Crews	559 railroads	2,112,000 rpts	10 minutes	352,000
232.203—Training Requirements: Training Programs—Subsequent Years.	15 railroads	5 programs	100 hours	500
—Amendments to Written Program	559 railroads	559 am. prog.	8 hours	4,472
—Training Records	559 railroads	67,000 records	8 minutes	8,933
—Training Notifications	559 railroads	67,000 notices	3 minutes	3,350
—Validation/Assessment Plans	559 railroads	1 plan + 559 copies	40 hrs./1 min.	49
—Amendments to Validation/Assessment Plans.	559 railroads	50 amendment	20 hours	1,000
232.205—Class I Brake Test—Initial Terminal Insp.	559 railroads	1,646,000 notices	45 seconds	20,575
232.207—Class I A Brake Tests: 1000 Mile Insp.				
—Subsequent Years	559 railroads	5 designations	1 hour	5
—Amendments	559 railroads	5 amendments	1 hour	5
232.209—Class II Brake Tests—Intermediate Insp.	559 railroads	1,597,000 comments	3 seconds	1,331
232.213—Extended Haul Trains—Designations	84,000 train movements	200 designates	15 minutes	50
232.303—General Requirements—Track Brake Test.	1,600,000 freight cars	5,600 tags	5 minutes	467
—Location of Last Track Brake Test/Single Car Test.	1,600,000 freight cars	320,000 stencillings	5 minutes	26,667
232.305—Single Car Tests	1,600,000 freight cars	320,000 tests/rcds	45 minutes	240,000
232.307—Request to Modify Single Car Air Brake Test Procedures.	AAR	1 request + 3 copies	20 hours + 5 minutes	20
—Statement Affirming That Request Copies Have been Served on Designated Employee Representatives.	AAR	1 statement + 4 copies	30 minutes + 5 minutes	1
—Comment on Modification Request	RR Industry/Public/Interested Parties.	2 comments	8	16
232.309—Equipment and Devices—Tests/Calibrations.	640 shops	5,000 tests	30 minutes	2,500
232.403—Design Standards For One-way EOT Devices—Unique Code.	245 railroads	12 requests	5 minutes	1
232.407—Operations Requiring 2-Way EOTs	245 railroads	50,000 communications	30 seconds	417
232.409—Inspection and Testing of 2-Way EOTs	245 railroads	447,500 communications.	30 seconds	3,729
—Testing Telemetry Equipment	245 railroads	32,708 markings	60 seconds	545
232.503—Process to Introduce New Brake System Technology—Special Approval.	559 railroads	1 request/letter	60 minutes	1
—Pre-Revenue Service Demonstration	559 railroads	1 request	3 hours	3
232.505—Pre-Revenue Service Acceptance Testing Plan: Maintenance Procedure—Subsequent Years.	559 railroads	1 procedure	160 hours	160
—Amendments	559 railroads	1 amendment	40 hours	40
—Design Descriptions—Petitions	559 railroads	1 petition	67 hours	67
—Results Pre-Revenue Service Acceptance Testing.	559 railroads	1 report	13 hours	13
—Description of Brake Systems Technologies Previously Used in Revenue Service.	559 railroads	5 descriptions	40 hours	200
232.603—ECP Requirements: Brakes—Configuration Management Plans.	4 railroads	1 plan	160 hours	160
—Updated Plans in Subsequent Years	4 railroads	1 plan	60 hours	60
—Modification of Standards—Requests	4 railroads	1 request + 4 copies	8 hours + 5 minutes	8
—RR Statement Affirming Copy of Modification Request to Employee Reps.	4 railroads	4 statements + 24 copies.	60 minutes + 5 minutes	6
—Comments on Modification Request	Public/Interested Parties	4 comments	2 hours	8
232.605—ECP Training Programs	4 railroads	4 programs	100 hours	400
—Programs in Subsequent Years	4 railroads	2 programs	100 hours	200
—ECP Trained Employees	4 railroads	6,409 workers	8 hrs./24 hrs.	10,512
—ECP Trained Employees—Subsequent Yr	4 railroads	6,409 workers	1 hr./8 hrs.	30,264

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
—ECP Trained Employees—Records	4 railroads	6,409 records	4 minutes	855
—ECP Trained Employees—Sub. Records	4 railroads	6,409 records	4 minutes	428
—RR/Contractor Assessment of ECP Training Programs—Amended Plans.	4 railroads	4 amended Plans	40 hours	160
—ECP Amended Operating Rules	4 railroads	4 am. rules	24 hours	96
—Amended Locomotive Engineer Certification Programs.	4 railroads	4 programs	40 hours	160
232.607—ECP Trains Inspection/Testing:—Notification to Locomotive Engineer.	4 railroads	10,000 tests + 10,000 notices.	90 minutes + 45 seconds.	15,125
—Cars Added en Route—Tests/Notifications	4 railroads	1,000 tests + 1,000 notices.	60 minutes + 45 seconds.	1,006
—Non-ECP Cars Added—Inspections and Tagging of Defective Equipment.	2000 Cars	200 insp. + 400 tags	5 minutes + 2.5 minutes	34
232.609—Handling of Defective Equipment w/ ECP Brake Systems—Tagging.	25 Cars	50 tags	2.5 minutes	2
—Train in ECP Mode w/Less Than 85% of Cars w/Operative Brakes—Insp. + Tagging.	20 Cars	20 insp. + 40 tags	5 minutes + 2.5 minutes	3
—Freight Cars w/ECP Systems Found with Defective Non-Safety Appliance—Tagging.	75 cars	150 tags	2.5 minutes	6
—Conventional Train Operating with ECP Stand Alone Brake Systems—Tagging.	500 cars	1,000 tags	2.5 minutes	42
—Procedures for Handling ECP Brake System Repairs.	4 railroads	4 procedures	24 hours	96
—Submission to FRA of ECP Brake System Repair Locations—Lists.	4 railroads	4 lists	8 hours	32
—Notice to FRA of Change in List	4 railroads	1 notification	60 minutes	1
232.611—Periodic Maintenance Inspection and Repair of ECP Cars Before Release from Repair Shop or Track.	500 freight Cars	500 inspection and records.	10 minutes	83
—Petitions for Special Approval of Pre-Revenue Service Acceptance Testing Plan.	AAR	1 petition + 2 copies	24 + 5 minutes	24
—Single Car Brake Test on ECP Retrofitted Cars.	2,500 freight Cars	2,500 tests/records	45 minutes	1,875
—Modification of Single Car Test Standard	AAR	1 procedure	40 hours	40

Total Estimated Annual Responses: 8,677,683.

Total Estimated Annual Burden: 991,451 hours.

Status: Extension without Change of a Currently Approved Collection.

Title: Occupational Noise Exposure for Railroad Operating Employees.

OMB Control Number: 2130–0571.

Abstract: The collection of information is used by FRA to ensure that railroads covered by this rule establish and implement—by specified dates—noise monitoring, hearing conservation, and audiometric testing programs, as well as hearing conservation training programs, to protect their employees against the damaging and potentially dangerous effects of excessive noise in the everyday rail environment.

Affected Public: Businesses.

Respondent Universe: 460 railroads.

Frequency of Submission: On occasion.

Reporting Burden:

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
227.9—Waivers	460 Railroads	5 petitions	60 minutes	5
227.103—Noise Monitoring Program	460 Railroads	460 programs	3 hours/30 hours/600 hours.	5,128
—Notification of Employee of Monitoring	460 Railroads	905 lists	30 minutes	453
227.107—Hearing Conservation Program (HCP)	460 railroads	461 HCPs	150 hrs/2 hrs/31 hrs/7.5 hours.	2,875
—Revised Hearing Conservation Programs (HCPs).	460 railroads	5 HCPs	1.74 hours	9
227.109—Audiometric Testing Program—Existing Employees—Baseline Audiograms.	85,600 Employees	7,100 a-grams	25 minutes	2,958
—Periodic Audiograms	85,600 Employees	8,000 a-grams	10 minutes	1,333
—Evaluation of Audiograms	85,600 Employees	2,330 eval. + 93 retests	6 min./2.5 hrs.	280
—Problem Audiograms/& required documents to Medical Professional.	8,000 Employees	45 documents	10 minutes	8
—Follow-up Procedures—Notifications	8,000 Employees	93 notices	15 minutes	8
—Fitting/Training of Employees: Hearing Protectors.	240 Employees	240 tr. session	2 minutes	8
—Referrals For Clinical/Otological Exam	240 Employees	20 referrals	2 hours	40

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
—Notification to Employee of Need: Otological Examination.	240 Employees	20 notices	5 minutes	2
—New Audiometric Interpretation	240 Employees	20 notices	5 minutes	2
227.111—Audiometric Test Requirements	1,000 Mobile Vans	1,000 tests	45 minutes	750
227.117—Hearing Protection Attenuation—Evaluation.	460 Railroads	50 evaluations	30 minutes	25
—Re-Evaluations	460 Railroads	10 re-evals	30 minutes	5
227.119—Hearing Conservation Training Program—Development.	460 Railroads/AAR	441 programs	1 hour/58 hrs/30 minutes.	353
—Employee Training	460 Railroads	26,000 tr. Employees	30 minutes	13,000
—Periodic Training	460 Railroads	7,100 tr. Employees	30 minutes	3,550
227.121—Record Keeping—Authorization: Records.	460 Railroads	30 requests + 30 responses.	10 minutes + 15 minutes.	13
—Request for Copies of Reports	460 Railroads	150 requests + 150 responses.	21 minutes + 45 minutes.	166
—Records Transfer When Carrier Becomes Defunct.	460 Railroads	10 records	24 minutes	4
—Railroad Audiometric Test Records	460 Railroads	26,000 records	2 minutes	867
—Hearing Conservation Program (HCP) Records.	460 Railroads	54,000 records	45 seconds	675
229.121—Locomotive Cab Noise—Tests/Certification.	3 Equipment Manufacturers.	700 tests/records	40 minutes + 5 minutes	111
—Equipment Maintenance: Excessive Noise Reports.	460 Railroads	3,000 reports + 3,000 record.	1 minute + 1 minute	100
—Maintenance Records	460 Railroads	3,750 records	1 minute	63
—Internal Auditable Monitoring Systems	460 Railroads	460 systems	36 min. + 8.25 hours	506
Appendix H—Static Test Protocols/Records	700 Locomotives	2 retests + 2 records	10 minutes + 5 minutes	1

Total Estimated Annual Responses: 145,682.

Estimated Total Annual Burden: 33,928 hours.

Status: Extension of a Currently Approved Collection.

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC.

Rebecca Pennington,

Chief Financial Officer.

[FR Doc. 2014–24688 Filed 10–16–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA–2014–0006]

Notice of Request for Comments on Updates to National Transit Database Information Collection

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of request for comments, extension of comment period.

SUMMARY: FTA is extending the comment period for the notice of request for comments, which was published on August 19, 2014. The original comment period closed on September 18, 2014. The extension is based on concerns expressed to FTA that the September 18 closing date did not provide sufficient time to review and provide comprehensive comments on two of the proposed changes. FTA agrees that the comment period for these two proposed changes should be extended. Therefore, FTA has extended the comment period by 30 days from the original deadline to October 20, 2014. Additionally, FTA will continue to accept and review comments arriving after the extended deadline to the fullest extent practicable. This extension will provide those interested in commenting additional time to discuss, evaluate, and submit responses to the docket.

DATES: The comment period for the proposed rule published on August 19, 2014 (79 FR 49146), is extended. Comments must be received on or before October 20, 2014. Any comments filed after this deadline will be considered to the extent practicable.

ADDRESSES: Please submit your comments by only one of the following methods, identifying your submission by Docket Number (FTA–2014–0006).

- *Federal eRulemaking Portal:* Submit electronic comments and other data to *http://www.regulations.gov.*
- *U.S. Mail:* Send comments to Docket Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building, Ground Floor, at 1200 New Jersey Avenue SE., Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations, U.S. Department of Transportation, at (202) 493–2251.

Instructions: You must include the agency name (Federal Transit Administration) and Docket Number (FTA–2014–0006) for this notice, at the beginning of your comments. If sent by mail, submit two copies of your comments. Due to security procedures in effect since October 2001, mail received through the U.S. Postal Service may be subject to delays. Parties submitting comments should consider using an express mail firm to ensure their prompt filing of any submissions not filed electronically or by hand. If you wish to get confirmation that FTA received your comments, you must include a self-addressed stamped postcard. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. You may review U.S. DOT's complete

Privacy Act Statement published in the **Federal Register** on April 11, 2000, at 65 FR 19477–8 or *http://DocketsInfo.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Keith Gates, National Transit Database Program Manager, Office of Budget and Policy, (202) 366–1794, or email: *keith.gates@dot.gov.*

Office hours are from 8:30 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Introduction

The August 19 notice FR notice, for which we are extending the comment period here, announces FTA's intention to revise certain aspects of National Transit Database (NTD) reporting guidance as described in the NTD Reporting Manual. The changes primarily relate to urbanized area transit providers. FTA is seeking public comment before implementing these changes to 49 U.S.C. 5335 National Transit Database.

II. Background

The August 19 notice proposes various changes to the requirements for the Urbanized Area Systems reporting to the NTD. These changes are primarily updates to the guidance in the NTD Reporting Manual, and FTA proposes that these changes will take effect for the FY 2014 data reporting cycle, which will begin this Fall. These changes do not apply to rural transit systems reporting through the NTD Rural Module. The proposed changes are as follows:

A. Clarification for reporting subset data on ADA paratransit services
B. Clarification on the reporting of contractual relationships
C. Updates to definition of the bus rapid transit mode
D. Guidance for service on HOT lanes
E. Updates to the definition of commuter service and allocation of data attributable to an urbanized area
F. Proposed elimination of consolidated reporting and update of small systems waiver reporting
G. Clarification on consistent use of transit system names and organization types
H. Policy clarification allowing delegation of CEO certification responsibility
I. Elimination of unnecessary reporting requirements
J. Updated guidance for sampling of passenger miles
K. Expansion of capital asset reporting required by MAP–21

Please refer to the original proposed guidance as published on August 19, 2014 (79 FR 49146) for a more detailed discussion of these changes.

III. Extension

Most changes proposed in this notice are simple updates to the guidance in the NTD Reporting Manual. FTA did not expect extensive comments on these changes and will not be extending the comment deadline for them. The two proposed changes for which we have specifically been asked to extend the comment period, and which are covered under this notice are:

A. Clarification for reporting subset data on ADA paratransit services; and

K. Expansion of capital asset reporting required by MAP–21.

Additional comments on the other proposals will be considered as time allows.

Therese McMillan,

Acting Administrator.

[FR Doc. 2014–24724 Filed 10–16–14; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 1000 (Sub-No. 3X); Docket No. AB 290 (Sub-No. 369X)]

Georgia Southwestern Railroad, Inc.—Discontinuance of Service Exemption—in Schley and Sumpter Counties, Ga.; Central of Georgia Railroad Company—Discontinuance of Service Exemption—in Schley and Sumpter Counties, Ga

Central of Georgia Railroad Company (CGA) and Georgia Southwestern Railroad, Inc. (GSWR) (collectively, applicants) have jointly filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* for each carrier to discontinue service over a 16.5 mile portion of rail line known as the Ellaville line between milepost 45.0 near Ellaville, Schley County, Ga., and milepost 61.5 near Americus, Sumpter County, Ga. (the Line). Applicants state that the Line is a remaining portion of a CGA-owned rail line extending between Ochillee and Americus, Ga., that is leased to GSWR. The Line traverses United States Postal Service Zip Codes 31719 and 31806.

Applicants have certified that: (1) No local traffic has moved over the Line for at least two years; (2) no overhead traffic has moved over the Line for at least two years and overhead traffic, if any, could be transported over other rail routes; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance of service shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) to subsidize continued rail service has been received, this exemption will be effective on November 18, 2014, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA to subsidize continued rail service under 49 CFR 1152.27(c)(2) [1] must be filed by October 27, 2014.[2] Petitions to reopen must be filed by November 6, 2014, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to applicants' representatives: For CGA, William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Ave. NW., Suite 300, Washington, DC 20037; for GSWR, Eric M. Hocky, Clark Hill PLC, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103.

If the notice contains false or misleading information, the exemption is void *ab initio.*

Board decisions and notices are available on our Web site at *''WWW.STB.DOT.GOV.''*

Decided: October 14, 2014.

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[1] Each OFA must be accompanied by the filing fee, which is currently set at $1,600. *See* 49 CFR 1002.2(f)(25).

[2] Because applicants are seeking to discontinue service, not to abandon the line, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historic documentation is required here under 49 CFR 1105.6(c) and 49 CFR 1105.8(b), respectively.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Brendetta S. Jones,

Clearance Clerk.

[FR Doc. 2014–24731 Filed 10–16–14; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

October 14, 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 November 17, 2014 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by calling (202) 927–5331, email at *PRA@treasury.gov,* or the entire information collection request may be found at *www.reginfo.gov.*

Internal Revenue Service (IRS)

OMB Number: 1545–0094.

Type of Review: Extension without change of a currently approved collection.

Title: U.S. Information Return-Trust Accumulation of Charitable Amounts.

Form: 1041–A.

Abstract: Form 1041–A is used to report the information required in 26 U.S.C. 6034 concerning accumulation and distribution of charitable amounts. The data is used to verify that amounts for which a charitable deduction was allowed are used for charitable purposes.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 4,396,854.

OMB Number: 1545–0748.

Type of Review: Extension without change of a currently approved collection.

Title: Employer/Payer Appointment of Agent.

Form: 2678.

Abstract: Title 26 U.S.C. 3504 authorizes an employer to designate a fiduciary, agent, etc., to perform the same acts as required of employers for purposes of employment taxes. Form 2678 is used by an employer to notify the Director, Internal Revenue Service Center, of the appointment of an agent to pay wages on behalf of the employer. In addition, the completed form is an authorization to withhold and pay taxes via Form 941, Employer's Quarterly Federal Tax Return, for the employees involved.

Affected Public: Private Sector: Businesses or other for-profits, Not-for-profit institutions.

Estimated Annual Burden Hours: 13,731,200.

OMB Number: 1545–2254.

Type of Review: Extension without change of a currently approved collection.

Title: Statement of Liability of Lender, Surety, or Other Person for Withholding Taxes.

Form: 4219.

Abstract: Third parties who directly pay another's payrolls can be held liable for the full amount of taxes required to be withheld but not paid to the Government (subject to the 25% limitation). Internal Revenue Code 3505 deals with persons who supply funds to an employer for the purpose of paying wages. The notification that a third party is paying or supplying wages will be made by filing the Form 4219, Statement of Liability of Lender, Surety, or Other Person for Withholding Taxes, and is to be submitted and associated with each employer for every calendar quarter for which a liability under section 3505 is incurred.

Affected Public: Private Sector: Businesses or other for-profits, Farms, Not-for-profit institutions.

Estimated Annual Burden Hours: 12,833.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2014–24763 Filed 10–16–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF TREASURY

Office of the General Counsel; Appointment of Members of the Legal Division to the Performance Review Board, Internal Revenue Service

Under the authority granted to me as Chief Counsel of the Internal Revenue Service by the General Counsel of the Department of the Treasury by General Counsel Directive 15, pursuant to the Civil Service Reform Act, I have appointed the following persons to the Legal Division Performance Review Board, Internal Revenue Service Panel:

1. Chairperson, Erik Corwin, Deputy Chief Counsel (Technical)
2. John Moriaty, Deputy Associate Chief Counsel (Income Tax and Accounting)
3. Ted Cronin, Division Counsel (Criminal Tax)
4. Tom Vidano, Deputy Division Counsel (Large Business and International)
5. Curtis G. Wilson, Associate Chief Counsel (Passthroughs and Special Industries)

Alternate—Linda Horowitz, Deputy Associate Chief Counsel (General Legal Services)

This publication is required by 5 U.S.C. 4314(c)(4).

Dated: October 8, 2014.

William J. Wilkins,

Chief Counsel, Internal Revenue Service.

[FR Doc. 2014–24654 Filed 10–16–14; 8:45 am]

BILLING CODE 4380–01–P

DEPARTMENT OF VETERANS AFFAIRS

Wait-Time Goals of the Department for the Veterans Choice Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Access, Choice, and Accountability Act of 2014 directs the Department of Veterans Affairs (VA) to establish a program (the ''Veterans Choice Program'') to furnish hospital care and medical services through non-VA health care entities and providers to Veterans who either cannot be seen within the ''wait-time goals of the Veterans Health Administration'' or who qualify based on their place of residence. The statute defines the goals as being ''not more than 30 days from the date on which a veteran requests an appointment for hospital care or medical services from the Department'' but also permits VA to establish another standard by submitting to Congress a report stating that VA's actual goals are

different. This **Federal Register** Notice announces VA's report on the wait-time goals for purposes of the Veterans Choice Program.

ADDRESSES: The report on the wait-time goals of the Veterans Health Administration for purposes of the Veterans Choice Program is available on the *www.va.gov/health* Web site.

FOR FURTHER INFORMATION CONTACT: James A. Tuchschmidt, MD, Acting Principal Deputy Under Secretary for Health (10A), 810 Vermont Avenue NW., Washington, DC 20420, Telephone: 202–461–7008 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Section 101 of the Veterans Access, Choice, and Accountability Act of 2014 (Pub. L. 113–146, ''the Act'') directs the Department of Veterans Affairs (VA) to establish a program (the ''Veterans Choice Program'') to furnish hospital care and medical services through non-VA health care entities and providers to Veterans who either cannot be seen within the ''wait-time goals of the Veterans Health Administration'' or who qualify based on their place of residence. The statute, in section 101(s)(1), defines the goals as being ''not more than 30 days from the date on which a veteran requests an appointment for hospital care or medical services from the Department.'' The statute, in section 101(s)(2), also permits VA to establish another standard by submitting to Congress, not later than 60 days after the date of the enactment of the Act, a report stating that VA's actual goals are different.

This **Federal Register** Notice announces the report on the wait-time goals of the Veterans Health Administration for purposes of the Veterans Choice Program. The report provides that the goals of the Veterans Health Administration are as follows:

Unless changed by further notice in the **Federal Register**, the term ''wait-time goals of the Veterans Health Administration'' means not more than 30 days from either the date that an appointment is deemed clinically appropriate by a VA health care provider, or if no such clinical determination has been made, the date a Veteran prefers to be seen for hospital care or medical services. In the event a VA health care provider identifies a time range when care must be provided (e.g., within the next 2 months), VA will use the last clinically appropriate date for determining whether or not such care is timely. The Department anticipates that the Under Secretary for Health periodically will consider changes to the wait-time goals of the Veterans Health Administration as appropriate.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Jose D. Riojas, Chief of Staff, approved this document on October 14, 2014, for publication.

Dated: October 15, 2014.

William F. Russo,

Acting Director, Office of Regulation Policy & Management, Office of the General Counsel, U.S. Department of Veterans Affairs.

[FR Doc. 2014–24897 Filed 10–16–14; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 79 Friday,

No. 201 October 17, 2014

Part II

Department of Energy

10 CFR Parts 429 and 430

Energy Conservation Program for Consumer Products: Test Procedure for Ceiling Fans; Proposed Rule

DEPARTMENT OF ENERGY

10 CFR Parts 429 and 430

[Docket No. EERE–2013–BT–TP–0050]

RIN 1904–AD10

Energy Conservation Program for Consumer Products: Test Procedure for Ceiling Fans

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of proposed rulemaking and announcement of public meeting.

SUMMARY: The U.S. Department of Energy (DOE) proposes to reinterpret the statutory definition of a ceiling fan to include hugger ceiling fans and to amend its test procedure for ceiling fans established under the Energy Policy and Conservation Act. The proposed test procedure would establish an integrated efficiency metric for ceiling fans, based on the airflow and power consumption at low and high speed for low-volume ceiling fans, and at high speed for high-volume ceiling fans (where volume refers to airflow volume). The proposed efficiency metric would also account for power consumed in standby mode. The proposed test procedure amendments also include new test methods for high-volume ceiling fans, multi-mount ceiling fans, ceiling fans with multiple fan heads, and ceiling fans where the airflow is not directed vertically, as well as power consumption in standby mode. In addition, the proposed test procedure would: Clarify that only high and low speeds are to be tested for low-volume ceiling fans; eliminate the requirement to test with a test cylinder; add a false ceiling; clarify the distance between the ceiling fan blades and the air velocity sensors during testing; clarify the fan configuration during testing for low-volume ceiling fans; clarify the test method for ceiling fans with heaters; and revise the allowable tolerance for air velocity sensors. DOE is also announcing a public meeting to discuss and receive comments on issues presented in this test procedure rulemaking.

DATES: *Meeting:* DOE will hold a public meeting on Wednesday, November 19, from 9 a.m. to 4 p.m., in Washington, DC. The meeting will also be broadcast as a webinar. See section V, ''Public Participation,'' for webinar registration information, participant instructions, and information about the capabilities available to webinar participants.

Comments: DOE will accept comments, data, and information regarding this notice of proposed rulemaking (NOPR) before and after the public meeting, but no later than December 31, 2014. See section V, ''Public Participation,'' for details.

ADDRESSES: The public meeting will be held at the U.S. Department of Energy, Forrestal Building, Room 6E–069, 1000 Independence Avenue SW., Washington, DC 20585. To attend, please notify Ms. Brenda Edwards at (202) 586–2945. Please note that foreign nationals visiting DOE Headquarters are subject to advance security screening procedures. Any foreign national wishing to participate in the meeting should advise DOE as soon as possible by contacting Ms. Edwards to initiate the necessary procedures. Please also note that any person wishing to bring a laptop into the Forrestal Building will be required to obtain a property pass. Visitors should avoid bringing laptops, or allow an extra 45 minutes. Persons may also attend the public meeting via webinar. For more information, refer to section V, ''Public Participation,'' near the end of this notice.

Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2013–BT–TP–0050 and/or regulatory information number (RIN) number 1904–AD10, by any of the following methods:

1. *Email: CF2013TP0050@ee.doe.gov.* Include the docket number EERE–2013–BT–TP–0050 and/or RIN 1904–AD10 in the subject line of the message. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption.

2. *Postal Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.

3. *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Telephone: (202) 586–2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

Instructions: All submissions received must include the agency name and docket number and/or RIN for this rulemaking. No telefacsimilies (faxes) will be accepted. For detailed instructions on submitting comments and additional information on the rulemaking process, see section V of this document (Public Participation).

Docket: The docket, which includes **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials, is available for review at *www.regulations.gov.* All documents in the docket are listed in the *www.regulations.gov* index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

A link to the docket Web page can be found at: *http://www1.eere.energy.gov/buildings/appliance;_standards/rulemaking.aspx/ruleid/65.* This Web page contains a link to the docket for this notice on the *www.regulations.gov* site. The *www.regulations.gov* Web page contains simple instructions on how to access all documents, including public comments, in the docket. See section V, ''Public Participation,'' for information on how to submit comments through *www.regulations.gov.*

For further information on how to submit a comment, review other public comments and the docket, or participate in the public meeting, contact Ms. Brenda Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Lucy deButts, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–1604. Email: *ceiling_fans@ee.doe.gov.*

Ms. Elizabeth Kohl, U.S. Department of Energy, Office of the General Counsel, GC–71, 1000 Independence Avenue SW., Washington, DC, 20585–0121. Telephone: (202) 586–7796. Email: *elizabeth.kohl@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Authority and Background
II. Summary of the Notice of Proposed Rulemaking
III. Discussion
A. Scope of Applicability
B. Effective Date and Compliance Date
C. Existing Test Procedure
D. Proposed Metric
E. Other Proposed Modifications to Current Test Procedure
F. Proposed Additional Test Methods
G. Certification and Enforcement
IV. Procedural Issues and Regulatory Review
A. Review Under Executive Order 12866
B. Review Under the Regulatory Flexibility Act

C. Review Under the Paperwork Reduction Act of 1995
D. Review Under the National Environmental Policy Act of 1969
E. Review Under Executive Order 13132
F. Review Under Executive Order 12988
G. Review Under the Unfunded Mandates Reform Act of 1995
H. Review Under the Treasury and General Government Appropriations Act, 1999
I. Review Under Executive Order 12630
J. Review Under Treasury and General Government Appropriations Act, 2001
K. Review Under Executive Order 13211
L. Review Under Section 32 of the Federal Energy Administration Act of 1974
V. Public Participation
A. Attendance at the Public Meeting
B. Procedure for Submitting Requests To Speak and Prepared General Statements for Distribution
C. Conduct of the Public Meeting
D. Submission of Comments
E. Issues on Which DOE Seeks Comment
VI. Approval of the Office of the Secretary

I. Authority and Background

Title III, Part B [1] of the Energy Policy and Conservation Act of 1975 (''EPCA'' or ''the Act''), Public Law 94–163 (42 U.S.C. 6291–6309, as codified) sets forth a variety of provisions designed to improve energy efficiency and established the Energy Conservation Program for Consumer Products Other Than Automobiles.[2] These include ceiling fans, the subject of this proposed rulemaking. (42 U.S.C. 6291(49), 6293(b)(16)(A)(i), and 6295(ff))

Under EPCA, this energy conservation program consists essentially of four parts: (1) Testing; (2) labeling; (3) Federal energy conservation standards; and (4) certification and enforcement procedures. The testing requirements consist of test procedures that manufacturers of covered products must use as the basis for certifying to DOE that their products comply with the applicable energy conservation standards adopted pursuant to EPCA and for making other representations about the efficiency of those products. (42 U.S.C. 6293(c) and 6295(s)) Similarly, DOE must use these test requirements to determine whether the products comply with any relevant standards promulgated under EPCA. (42 U.S.C. 6295(s))

A. General Test Procedure Rulemaking Process

Under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures that DOE must follow when prescribing or amending test procedures for covered products, including ceiling fans. EPCA provides that any test procedures prescribed or amended under this section shall be reasonably designed to produce test results which measure energy efficiency, energy use, or estimated annual operating cost of a covered product during a representative average use cycle or period of use, and must not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3))

In addition, if DOE determines that a test procedure amendment is warranted, it must publish proposed test procedures and offer the public an opportunity to present oral and written comments on them. (42 U.S.C. 6293(b)(2)) Finally, in any rulemaking to amend a test procedure, DOE must determine to what extent, if any, the proposed test procedure would alter the measured energy efficiency of any covered product as determined under the existing test procedure. (42 U.S.C. 6293(e))

The Energy Policy Act of 2005 (EPACT 2005), Public Law 109–58, amended EPCA and established energy conservation standards for ceiling fans, as well as requirements for the ceiling fan test procedure. (42 U.S.C. 6295(ff) and 6293(b)(16)(A)(1)) Specifically, these amendments required that test procedures for ceiling fans be based on the ''Energy Star Testing Facility Guidance Manual: Building a Testing Facility and Performing the Solid State Test Method for ENERGY STAR Qualified Ceiling Fans, Version 1.1.'' *Id.* The current DOE ceiling fan test procedure, based on that source, was published in a 2006 final rule (71 FR 71341 (Dec. 8, 2006)), which codified the test procedure in DOE's regulations in the Code of Federal Regulations (CFR) at 10 CFR 430.23(w) and 10 CFR part 430, subpart B, appendix U, ''Uniform Test Method for Measuring the Energy Consumption of Ceiling Fans.''

The Energy Independence and Security Act of 2007 (EISA 2007), Public Law 110–140, amended EPCA to require that at least once every 7 years, DOE must conduct an evaluation of the test procedures for all covered products and either amend the test procedures (if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of 42 U.S.C. 6293(b)(3)) or publish a determination in the **Federal Register** not to amend them. (42 U.S.C. 6293(b)(1)(A)) Pursuant to this requirement, DOE must review the test procedures for ceiling fans not later than December 19, 2014 (*i.e.,* 7 years after the enactment of EISA 2007). Thus, the final rule resulting from this rulemaking will satisfy the requirement to review the test procedures for ceiling fans within 7 years of the enactment of EISA 2007.

In addition, for covered products with test procedures that do not fully account for standby-mode and off-mode energy consumption, EISA 2007 directs DOE to amend its test procedures to do so with such energy consumption integrated into the overall energy efficiency, energy consumption, or other energy descriptor, if technically feasible. (42 U.S.C. 6295(gg)(2)(A)) If an integrated test procedure is technically infeasible, DOE must prescribe a separate standby-mode and off-mode test procedure for the covered product, if technically feasible. *Id.* The current DOE ceiling fan test procedure, published in a 2006 final rule (71 FR 71341 (Dec. 8, 2006)), did not address standby mode or off mode. This test procedure rulemaking fulfills the statutory requirement to address standby-mode and off-mode power consumption.

B. Concurrent Standards Rulemaking

DOE is concurrently conducting an energy conservation standards rulemaking for ceiling fans. On March 15, 2013, DOE published in the **Federal Register** a Notice of Public Meeting and Availability of the Framework Document to initiate the energy conservation standard rulemaking for ceiling fans. (78 FR 16443 (Mar. 15, 2013)). DOE held the framework public meeting on March 22, 2013. DOE requested feedback in the framework document and received both written comments and comments at the public meeting from interested parties on many issues related to test methods for evaluating the airflow and electrical consumption performance of ceiling fans. Comments related to the test procedure for ceiling fans are addressed throughout this notice.

DOE invites comments on all aspects of the existing test procedures for ceiling fans.

II. Summary of the Notice of Proposed Rulemaking

In this NOPR, DOE proposes to reinterpret the statutory definition of a ceiling fan to include hugger ceiling fans and to amend the current test procedure for ceiling fans as follows:

(1) Specify an efficiency metric;

(2) Clarify that low-volume ceiling fans should be tested at low and high speeds;

(3) Eliminate the requirement to use a test cylinder;

(4) Add a false ceiling to the experimental setup for low-volume ceiling fans;

[1] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated as Part A.

[2] All references to EPCA in this document refer to the statute as amended through the American Energy Manufacturing Technical Corrections Act (AEMTCA), Public Law 112–210 (Dec. 18, 2012).

(5) Clarify the required distance between the ceiling fan blades and the air velocity sensors;

(6) Clarify the appropriate fan configuration during testing for low-volume ceiling fans;

(7) Clarify the test method for ceiling fans with heaters;

(8) Revise the allowable tolerance for air velocity sensors used during testing;

(9) Add a test method for high-volume ceiling fans;

(10) Add a test method for multi-mount ceiling fans;

(11) Add a test method for multi-headed ceiling fans;

(12) Add a test method for ceiling fans where the airflow is not directed vertically; and

(13) Add a test method for power consumption in standby mode.

The following paragraphs summarize these proposed changes, with further detail provided in section III (Discussion).

Establishment of an Efficiency Metric

In general, DOE proposes to establish the metric for *ceiling fan efficiency* based on measured air flow and energy consumption. For low-volume ceiling fans (where volume refers airflow volume), ceiling fan efficiency would be determined based on the weighted average of airflow and power consumption at high and low speeds. For high-volume ceiling fans, ceiling fan efficiency would be determined based on airflow and power consumption at high speed only. (See section III.A.2 for definitions of ''low-volume ceiling fan'' and ''high-volume ceiling fan''.) The metric for ceiling fan efficiency would also include any power consumption in standby mode. Because DOE's research suggests that there is no off-mode power consumption for ceiling fans, DOE is not proposing to include off-mode power in the efficiency metric, or to require off-mode testing.

Clarification That Low-Volume Ceiling Fans Are To Be Tested At High and Low Fan Speeds

As noted in the previous paragraph, DOE proposes to clarify that testing is required at high and low speeds for low-volume ceiling fans. For high-volume ceiling fans, where the available fan speeds are often continuous instead of discrete, DOE proposes to test only at high speed.

Elimination of the Requirement for a Test Cylinder To Be Used During Testing

DOE proposes to eliminate the requirement to use a test cylinder while conducting airflow measurements. The positioning of the ceiling fan and the air velocity sensors would remain the same as in the current test procedure but without a test cylinder between them. The same effective area and number of sensors as in the current test procedure would be used to calculate the airflow of a low-volume ceiling fan.

Addition of a False Ceiling to the Experimental Setup

For all low-volume ceiling fans, DOE proposes to add a test set-up requirement for a false ceiling directly above the ceiling fan during testing. This is intended to simulate real life usage conditions more accurately and provide an equitable basis of comparison across low-volume ceiling fans. The length and breadth of the false ceiling would be required to be at least 8 inches larger than the blade span of the ceiling fan being tested.

Clarification of the Distance Between the Ceiling Fan Blades and the Air Velocity Sensors

DOE proposes to modify its instructions for determining the appropriate vertical position of a low volume ceiling fan in relation to the air velocity sensors. More specifically, DOE proposes that such position be determined at the lowest point on the ceiling fan blades (i.e., the point on the ceiling fan blade that is farthest from the ceiling), rather than ''the middle of the fan blade tips'', as is currently required. DOE is proposing this change because it may be unclear how the ''middle of blade tip'' measurement should be made for ceiling fans having non-flat or unusually shaped blades.

Clarification of the Appropriate Fan Configuration During Testing for Low-Volume Ceiling Fans

DOE proposes to clarify that if more than one mounting option is included with a fan that would meet the definition of a standard low-volume ceiling fan, that ceiling fan should be tested in the configuration with the smallest distance between the ceiling and the lowest part of the fan blades. Similarly, if more than one mounting option is included with a fan that would meet the definition of a hugger low-volume ceiling fan, that ceiling fan should be tested in the configuration with the smallest distance between the ceiling and the lowest part of the fan blades. DOE seeks comment and data on how these fans are configured in the field.

Clarification of the Test Method for Ceiling Fans With Heaters

DOE proposes to clarify that ceiling fans with heaters integrated into or sold packaged with the fan should be tested with the heater installed but turned off during testing.

Revision of the Allowable Tolerance for Air Velocity Sensors Used During Testing

DOE proposes to revise the allowable accuracy tolerance for air velocity sensors used during testing of low-volume ceiling fans from ±1 percent to ±5 percent, based on testing results that indicate that the accuracy of the airflow measurement is not affected by this difference in tolerance.

Addition of a Test Method for High-Volume Ceiling Fans

DOE proposes to base the test method for high-volume ceiling fans on ANSI/AMCA Standard 230–12, ''Laboratory Methods of Testing Air Circulating Fans for Rating and Certification'' (AMCA 230 [3]), with some modifications to the specified room dimensions to allow for testing of ceiling fans up to 24 feet in diameter.

Addition of a Test Method for Multi-Mount Ceiling Fans

DOE proposes to test low-volume multi-mount ceiling fans in two configurations: (1) In the standard configuration that minimizes the distance between the ceiling and the lowest part of the fan blades, and (2) in the hugger configuration that minimizes the distance between the ceiling and the lowest part of the fan blades.

Addition of a Test Method for Multi-Headed Ceiling Fans

DOE proposes to test low-volume, multi-headed ceiling fans by positioning the fan such that one fan head is centered in the test set-up and then testing that head in the same manner as all other low-volume ceiling fans. If the ceiling fan includes more than one type of ceiling fan head, then at least one of each unique type should be tested. The airflow for the ceiling fan at a given speed can be determined by multiplying the airflow of a measured fan head by the number of ceiling fan heads of that type and summing over all types included in the ceiling fan. The power consumption at a given speed should be

[3] Air Movement and Control Association International, Inc. *ANSI/AMCA Standard 230–12: Laboratory Methods of Testing Air Circulating Fans for Rating and Certification.* 2010. Arlington Heights, IL. (Last accessed February 24, 2014) *https://www.amca.org/store/item.aspx?ItemId=37.*

measured separately, with all ceiling fan heads turned on.

Addition of a Test Method for Ceiling Fans Where the Airflow Is Not Directed Vertically

For low-volume ceiling fans where the airflow is not directed vertically, DOE proposes to clarify that the ceiling fan head should be adjusted such that the airflow is directed as vertically downward as possible prior to testing. If the airflow is still not vertical, the air velocity results from an offset series of sensors would be substituted for the typical symmetric set to calculate total airflow.

Addition of a Test Method for Power Consumption in Standby Mode

DOE proposes to add a test method for measuring the power consumption of ceiling fans in standby mode. This test method would be applicable to both low and high-volume ceiling fans.

III. Discussion

A. Scope of Applicability

The test procedures described in this notice are proposed to apply to all ceiling fans. According to the statutory definition, a ''ceiling fan'' is ''a non-portable device that is suspended from a ceiling for circulating air via the rotation of fan blades.'' (42 U.S.C. 6291(49)) This includes ceiling fans for all applications, including applications where large airflow volume may be needed. The test procedures do not apply to air circulators (or air-circulating fan heads) that are typically mounted on a pedestal but could also include wall, ceiling, or I-beam mounting brackets. Such air-circulating fan heads are defined in section 5.1.1 of AMCA 230.[3]

1. Clarification of the Statutory Definition of a Ceiling Fan

DOE previously interpreted the definition of a ceiling fan such that it excluded certain types of ceiling fans commonly referred to as hugger fans. 71 FR 71343 (Dec. 8, 2006). Hugger ceiling fans are typically understood to be set flush to the ceiling (e.g., mounted without a downrod). The previous interpretation exempted hugger fans from standards on the basis that they are set flush to the ceiling. DOE has reconsidered the validity of this distinction and is proposing a determination that ''suspended from the ceiling'' does not depend upon whether the unit is mounted with a downrod. The concept of suspension does not require any length between the object and the point of support. This interpretation more accurately reflects the statutory definition and does not draw an artificial distinction between units that serve the same functional purpose. This is also in line with the scope of CAN/CSA–C814–10, which includes hugger fans.

Hugger fans generally are indistinguishable from other types of ceiling fans in that they move air via rotation of fan blades, are intended to improve comfort, and are rated on their ability to move air (as measured in cubic feet per minute). Under this reinterpretation, a multi-mount ceiling fan, *i.e.,* a ceiling fan which can be mounted in both the hugger and standard ceiling fan configurations, would also fall under the definition of a ceiling fan. In response to the Framework Document for the ceiling fan energy conservation standards rulemaking, several commenters, including the American Lighting Association (ALA), the Appliance Standards Awareness Project (ASAP), the National Consumer Law Center (NCLC), the National Resources Defense Council (NRDC), and the Northwest Energy Efficiency Alliance (NEEA) supported DOE's proposed reinterpretation. (ALA, No. 39[4] at p. 3; ASAP–NCLC–NEEA–NRDC, No. 14 at p. 4) DOE received no comments objecting to its proposed reinterpretation. DOE proposes that any ceiling fan sold with the option of being mounted in either a hugger configuration or a standard configuration would also be included within the ''ceiling fan'' definition.

Under DOE's proposed reinterpretation, DOE would consider the following fans to be explicitly covered under the definition of ''ceiling fan'' in 10 CFR 430.2:

1. Fans suspended from the ceiling using a downrod or other means of suspension such that the fan is not mounted directly to the ceiling;
2. Fans suspended such that they are mounted directly or close to the ceiling; and
3. Fans sold with the option of being suspended with or without a downrod.

In the Framework Document for the ceiling fan energy conservation standards rulemaking, DOE considered interpreting ceiling fans without external blades as meeting the statutory definition of a ceiling fan and asked for comment on this issue. (78 FR 16443 (Mar. 15, 2013)) ALA agreed that the definition of ''ceiling fan'' may cover ceiling fans without external blades, but ALA advised DOE to delay including these fans in this rulemaking until new test procedures are developed to appropriately test the performance of these fans. (ALA, No. 39 at p. 3) At this time, DOE takes no position on whether centrifugal fans (commonly referred to as ''bladeless'' ceiling fans) fit within the EPCA definition of a ceiling fan. DOE may consider this issue in a future rulemaking proceeding.

Although the Framework Document did not specifically discuss ceiling fans capable of producing large volumes of airflow, such as those ceiling fans typically used in non-residential applications, DOE clarifies that any ceiling fan that meets the statutory definition is considered a covered product for which the test methods in this rulemaking apply.[5] (78 FR 16443 (Mar. 15, 2013)) Ceiling fans capable of producing large volumes of airflow are functionally similar to ceiling fans that produce less airflow and meet the definition of a ceiling fan, in that they are suspended from the ceiling, are nonportable, and produce airflow via the rotation of fan blades. Therefore, DOE clarifies that ceiling fans capable of producing large volumes of airflow are considered covered products.

DOE notes that the proposed changes in interpretation of the ceiling fan definition discussed above would result in the applicability of the design standards set forth in EPCA at 42 U.S.C. 6295(ff)(1) to the following types of fans 30 days after the publication of any final test procedure adopting such changes in interpretation:

1. Fans suspended from the ceiling using a downrod or other means of suspension such that the fan is not mounted directly to the ceiling;
2. Fans suspended such that they are mounted directly or close to the ceiling;
3. Fans sold with the option of being suspended with or without a downrod; and
4. Fans capable of producing large volumes of airflow.

Because ceiling fan light kits are defined as ''equipment designed to provide light from a ceiling fan that can be integral, such that the equipment is attached to the ceiling fan prior to the time of retail sale; or attachable, such that at the time of retail sale the equipment is not physically attached to the ceiling fan, but may be included

[3]

[4] Hereafter, all ALA comments from EERE–2012–BT–STD–0045–0039 reference the powerpoint presentation included in that docket number, unless otherwise noted.

[5] The EPCA definition of a consumer product includes products of a type that, to any significant extent, are distributed in commerce for personal use, without regard to whether a particular article is in fact distributed in commerce for personal use. 42 U.S.C. 6291(1) Therefore, any product that meets the definition of a ceiling fan, even those fans used in non-residential applications, are considered covered products for which DOE can establish a test procedure.

inside the ceiling fan at the time of sale or sold separately for subsequent attachment to the fan'' (42 U.S.C. 6291(50)(A), and (B)), DOE notes that light kits attached to any of the four fan types listed above would be covered ceiling fan light kits under these proposed changes in interpretation.

In the concurrent energy conservation standards rulemaking for ceiling fans, DOE is considering a separate product class for highly decorative ceiling fans that would be exempt from performance standards. The current design standards specified in EPCA would still apply to such fans.

2. Definitions of Low-Volume and High-Volume Ceiling Fans

DOE proposes to define a ''low-volume ceiling fan'' as ''a ceiling fan that: (1) Is less than or equal to 7 feet in diameter, and has a blade thickness greater than or equal to 3.2 mm at the edge and a maximum tip speed less than or equal to the limit in Table 1; or (2) has a maximum airflow volume less than or equal to 5,000 CFM.''

DOE proposes to define a ''high-volume ceiling fan'' as ''a ceiling fan that: (1) Is greater than 7 feet in diameter, or has a blade thickness of less than 3.2 mm at the edge or a maximum tip speed that exceeds the threshold in Table 1; and (2) has a maximum airflow volume greater than 5,000 CFM.''

Table 1 indicates maximum speed tip for low-volume ceiling fans, dependent on blade thickness. The values in Table 1 are based on the Underwriters Laboratory (UL) ceiling fan safety standard (UL Standard 507–1999, ''UL Standard for Safety for Electric Fans'') which designates maximum fan tip speeds (for a given thicknesses at the edge of the blades) that are safe for use in applications where the distance between the fan blades and the floor is 10 feet or less.[6]

TABLE 1—LOW-VOLUME CEILING FANS, 7 FEET OR LESS IN DIAMETER

Airflow direction *	Thickness (t) of edges of blades		Maximum speed at tip of blades	
	Mm	(inch)	m/s	(feet per minute)
Downward-Only	4.8 > t ≥ 3.2	(3/16 > t ≥ 1/8)	16.3	(3200)
Downward-Only	t ≥ 4.8	(t ≥ 3/16)	20.3	(4000)
Reversible	4.8 > t ≥ 3.2	(3/16 > t ≥ 1/8)	12.2	(2400)
Reversible	t ≥ 4.8	(t ≥ 3/16)	16.3	(3200)

* The ''downward-only'' and ''reversible'' airflow directions are mutually exclusive; therefore, a ceiling fan that can only produce airflow in the downward direction need only meet the ''downward-only'' blade edge thickness and tip speed requirements and a ceiling fan that can produce airflow in the downward and upward directions need only meet the ''reversible'' requirements.

3. Definition of Hugger Ceiling Fan

In the Framework Document for the ceiling fan energy conservation standards rulemaking, DOE considered establishing a definition for hugger ceiling fans. (78 FR 16443 (Mar. 15, 2013)) Specifically, DOE stated it would consider defining a hugger ceiling fan: as ''a ceiling fan where the average vertical distance between the fan blades and the ceiling fan is no more than [a specified number of] inches''. DOE received several comments on the Framework Document regarding this definition. Most commenters, with the exception of ALA, were generally supportive of the proposed definition.

The California investor-owned utilities, including the Pacific Gas and Electric Company, Southern California Edison, the San Diego Gas and Electric Company, and the Southern California Gas Company (hereafter the ''CA IOUs'') agreed with the definition. (CA IOUs, No. 45 at p. 2) Hunter, during the public meeting for the Framework Document, suggested that DOE consider specifying the definition in terms of maximum blade distance instead of average blade distance from the ceiling. (Hunter, No. 9 at p. 32) Big Ass Fans (BAF) suggested that DOE consider a minimum vertical distance between the fan blades and ceiling not exceeding 10 inches. (BAF, No. 43 at p. 2) In contrast, ALA disagreed with DOE's assertion that the primary point of differentiation is that hugger fans are ''safe to use in rooms with low ceilings'', believing that this definition is misleading and open to interpretation. Instead ALA proposed defining a hugger fan as a fan ''where the only option is for the motor to be directly mounted to the ceiling''. (ALA, No. 39 at p. 3–4)

In determining an appropriate boundary between hugger and standard ceiling fans, an analysis was conducted of all ceiling fans available from Hansen Wholesale, an online wholesaler that sells a wide variety of ceiling fan brands. Ninety percent of ceiling fans described as hugger fans had blades that were an average distance of nine inches or less from the ceiling, suggesting that nine inches may be an appropriate threshold. By contrast, half of all ceiling fans that were described as standard ceiling fans had blades that were an average distance of twelve inches or less from the ceiling, suggesting that a higher threshold may result in the categorization of significant numbers of standard ceiling fans as hugger ceiling fans.

Additionally, DOE agrees with Hunter that the maximum distance between the blades and the ceiling, instead of average distance, may be a more appropriate metric when considering whether a ceiling fan is safe to operate in a room with a low ceiling. Therefore, DOE is proposing to define a hugger ceiling fan in terms of the vertical distance between the ceiling and the lowest point on the fan blades. To account for the additional vertical distance between the average vertical position of the fan blades and the lowest point on the fan blades, DOE is proposing a modification to the vertical distance specified in the definition. Based on DOE's analysis, one additional inch is appropriate given the typical width and pitch of a fan blade. Therefore, DOE is proposing to define a hugger ceiling fan as ''a ceiling fan where the lowest point on the fan blades is no more than ten inches from the ceiling.''

4. Definitions of Standard Ceiling Fan and Multi-Mount Ceiling Fan

In accordance with the definition of a hugger ceiling fan, DOE is proposing to define a standard ceiling fan as ''a ceiling fan where the lowest point on the fan blades is more than ten inches from the ceiling.'' A multi-mount ceiling fan would be defined as ''a ceiling fan that can be mounted in both the

[6] Underwriters Laboratories Inc. UL Standard for Safety for Electric Fans, UL 507. 1999. Northbrook, IL. (Last accessed February 24, 2014) *http://www.comm-2000.com/ProductDetail.aspx?UniqueKey=8782.*

standard and hugger ceiling fan configurations.''

DOE proposes to clarify that ceiling fans exist that can be mounted at more than one height, but that do not include at least one mounting option that meets that hugger ceiling fan definition and one option that meets the standard ceiling fan definition, would not meet the definition of a multi-mount fan (e.g., a ceiling fan where all mounting options result in the lowest point on the fan blades being more than ten inches from the ceiling would be classified as a standard ceiling fan). Such fans would be tested as described in section III.E.5, whereas multi-mount fans would be tested as described in section III.F.2.

B. Effective Date and Compliance Date

DOE is proposing amendments to its ceiling fan test procedure in Appendix U that would alter the way ceiling fans are currently tested and the dates for use of the test procedures. Because DOE does not currently have performance-based standards for ceiling fans as measured by the airflow efficiency, the proposals for Appendix U would not affect a manufacturer's ability to comply with current energy conservation standards.

Manufacturers would be required to use the revised Appendix U for representations of ceiling fan efficiency 180 days after the publication of any final amended test procedures in the **Federal Register**. If DOE were to establish minimum energy conservation standards for ceiling fans as measured in airflow efficiency in the concurrent energy conservation standards rulemaking, manufacturers would be required to use the revised Appendix U for determining compliance with any amended standards.

DOE notes that the proposed changes in interpretation of the ceiling fan definition discussed above would result in the applicability of the design standards set forth in EPCA at 42 U.S.C. 6295(ff)(1) to the following types of fans 30 days after the publication of any final test procedure adopting such changes in interpretation:

1. Fans suspended from the ceiling using a downrod or other means of suspension such that the fan is not mounted directly to the ceiling;
2. Fans suspended such that they are mounted directly or close to the ceiling;
3. Fans sold with the option of being suspended with or without a downrod; and
4. Fans capable of producing large volumes of airflow.

In the concurrent energy conservation standards rulemaking for ceiling fans, DOE is considering a separate product class for highly decorative ceiling fans that would be exempt from performance standards. The current design standards specified in EPCA would still apply to such fans.

To ensure that any amended energy conservation standards developed in the ongoing ceiling fan standards rulemaking account for any changes to the test procedure, DOE is proposing to consider standards based on the measured ceiling fan efficiency generated by the test procedure proposed in this rulemaking.

C. Existing Test Procedure

As noted above, DOE's test procedure for ceiling fans is codified at 10 CFR 430.23(w) and 10 CFR part 430, subpart B, appendix U. The current DOE test procedure references the ''ENERGY STAR Testing Facility Guidance Manual: Building a Testing Facility and Performing the Solid State Test Method for ENERGY STAR Qualified Ceiling Fans,'' version 1.1. DOE notes that ENERGY STAR has since revised its test procedure, creating version 1.2 of ENERGY STAR's guidance manual. DOE's proposed test procedure is consistent with the EPCA requirement that the test procedure for ceiling fans be based on version 1.1, but the proposal set forth in this rule adopts portions of version 1.2 as appropriate.

There are some slight differences between the proposed DOE test procedure and the ENERGY STAR test procedure. For instance, DOE proposes no modification in today's rule to the ceiling fan warm-up time at a given fan speed. This means that the warm-up time in the proposed DOE test procedure is the same as the 15 minute warm-up time specified in the current DOE test procedure (and not the 30 minute warm-up time before low speed specified in the ENERGY STAR test procedure v1.2).

D. Proposed Metric

DOE proposes to apply a metric, ceiling fan efficiency, to all ceiling fans. The metric would be based on airflow efficiency and would account for variations in fan design, fan speeds, and typical usage patterns. Airflow efficiency appears to be a universal metric used to describe the efficiency of ceiling fans and consists of airflow, *i.e.,* the service provided by a ceiling fan, as measured in cubic feet per minute (CFM), divided by power consumption, which is measured in watts (W).

1. Low-Volume Fans

For low-volume ceiling fans, DOE is proposing to calculate ceiling fan efficiency based on the weighted average of airflow and power consumption at high and low fan speeds.

The Framework Document for the ceiling fan energy conservation standards rulemaking requested comment on defining ''high,'' ''medium,'' and ''low'' speeds. (78 FR 16443 (Mar. 15, 2013)) Few comments were received on this topic, but the American Lighting Association (ALA) suggested defining ''high'' as the highest available fan speed and ''low'' as the lowest available fan speed. (ALA, No. 39 at p. 2) [7] These suggested definitions appear reasonable, and DOE proposes to define ''high speed'' as the highest available speed, and to define ''low speed'' as the lowest available speed. Most low-volume ceiling fans have one or more speeds between high and low, but DOE proposes to measure only high and low speeds to limit the testing burden and avoid confusion regarding the definition of medium speed for ceiling fans with more than three speeds.

DOE proposes to weight airflow and power consumption at high and low speeds in the ceiling fan efficiency metric for low-volume ceiling fans according to mean national hours of operation per day at each speed.

2. High-Volume Ceiling Fans

For high-volume ceiling fans, DOE proposes to calculate ceiling fan efficiency based on measured airflow and power consumption at high speed. High-volume ceiling fans are often not equipped with discrete speeds (*e.g.,* low, medium, and high). Instead, high-volume ceiling fans may have a speed controller that is continuously adjustable. Given that speeds other than high may be ill-defined, DOE is proposing to test high-volume ceiling fans at high speed only.

3. Incorporating Standby Power Consumption

DOE is also addressing standby-mode and off-mode power consumption of ceiling fans in this NOPR. For both low and high-volume ceiling fans, DOE proposes to integrate standby-mode power consumption into the ceiling fan efficiency metric, as required by EPCA. (42 U.S.C. 6295(gg)(2)(A)) EPCA defines ''standby mode'' as the condition in

[7] A notation in this form provides a reference for information that is in the docket of DOE's rulemaking to develop energy conservation standards for ceiling fans and ceiling fan light kits (Docket No. EERE–2012–BT–STD–0045), which is maintained at *www.regulations.gov.* This notation indicates that the statement preceding the reference is document number 39 in the docket for the ceiling fan and ceiling fan light kits energy conservation standards rulemaking and appears at page 2 of that document.

which an energy-using product: is connected to a main power source, and offers one or more of the following user-oriented or protective functions: (1) The ability to facilitate the activation or deactivation of other functions (including active mode) by remote switch (including remote control), internal sensor, or timer; and (2) continuous functions, including information or status displays (including clocks), or sensor-based functions. (42 U.S.C. 6295(gg)(1)(A)(iii)) ''Off mode'' is the condition in which the ceiling fan is connected to a main power source and is not providing any standby or active mode function. (42 U.S.C. 6295(gg)(1)(A)(ii))

DOE is proposing a test method for measuring standby power consumption in both low-volume and high-volume fans (see section III.F.5). DOE proposes to incorporate the standby power value obtained from this test into the overall efficiency metric for the ceiling fan.

DOE proposes to perform the standby-mode test immediately following the active mode test. For those ceiling fans packaged with a light kit, this means that the light kit will still be attached during standby-mode testing, i.e., the configuration will be the same as for active mode testing. In the framework document, DOE proposed to assign all standby power consumption from a ceiling fan with a ceiling fan light kit to the ceiling fan only. Further research has indicated that for the typical configuration in which a remote device controls a ceiling fan paired with a ceiling fan light kit, the remote provides equal service to each device—the ability to turn on/off/adjust—and it requires no more or less energy to provide that service for the ceiling fan light kit than for the ceiling fan. The energy required to provide that service depends on the nature of the remote receiver, and not on the features of the ceiling fan or ceiling fan light kit. This would suggest that if a ceiling fan and a ceiling fan light kit share a remote, it would be appropriate to attribute half of the standby power to the ceiling fan. To include standby power consumption in the efficacy metric of a ceiling fan light kit, however, would be technically infeasible, because doing so would cause the efficacy of the ceiling fan light kit to differ from the efficacy of the lamps in the light kit. Therefore, to account for this standby power consumption, DOE proposes to attribute all the standby power consumption of a ceiling fan with a ceiling fan light kit to the ceiling fan only. DOE requests comments on this approach.

Because DOE research and feedback from manufacturers indicates that there is no off-mode power consumption for these products, DOE is proposing not to include off-mode power in the ceiling fan efficiency metric.

4. Operating Hours

At the public meeting on the Framework Document, Fanimation commented that most consumers use their [low-volume] ceiling fan at low or medium speed, citing a social media poll. (Fanimation, No. 9 at p.68) In written comments on the Framework Document, Capital Lighting stated that the typical user operates a ceiling fan at low or medium speed. (Capital Lighting, No. 27 at p. 3) Progress Lighting also commented that high speed is not the most common mode of operation. (Progress Lighting, No. 6 at p. 2) Hunter Fans and ALA both cited an AcuPOLL® Precision Research, Inc. survey submitted by ALA and commissioned by Hunter, which reports that low is the typical operating speed of about 30 percent of ceiling fans, that medium is the typical speed of about 50 percent of ceiling fans, and that high is the typical speed of about 20 percent of ceiling fans. (ALA, No. 39 at p. 2 and Hunter, No. 37 at p.3)

A report on ceiling fan energy use (the Lawrence Berkeley National Laboratory (LBNL) titled ''*Ceiling Fan and Ceiling Fan Light Kit Use in the U.S.*''[8]) suggests, however, that high speed may be the most commonly used speed. In the LBNL survey, a representative sample of more than 2,500 ceiling fan users were asked to break down the fraction of ceiling fan on-time spent at each speed, and the responses indicated that in aggregate, high is the most commonly used speed (on average 41% of the time a fan is in operation), and low is the least commonly used speed (on average 22% of the time a fan is in operation). By contrast, the AcuPOLL survey did not inquire into the fraction of time spent at each speed, instead asking respondents for a single ''typical'' speed. Therefore, the LBNL survey provides a more disaggregated dataset on which DOE can base its usage profile. DOE proposes to use the daily national-average hours of operation reported in LBNL's survey as the basis for weighting energy consumption at high and low speed (see Table 2). To convert the values reported at high, medium, and low in LBNL's survey to high and low speed only, DOE allocated the operating hours reported for medium speed to high and low speeds using the ratio of time spent at high and low speeds. DOE seeks comment on its proposed operating hours for calculating ceiling fan efficiency for low-volume ceiling fans.

For ceiling fans that operate in standby mode, DOE assumes that the ceiling fan is always activated by remote and is, therefore, assumed to never be ''off.'' This assumption is likely to have little impact on measured ceiling fan efficiency, because it is DOE's understanding that the majority of ceiling fans with built-in remotes do not include built-in on/off switches and so cannot be placed into off mode. Therefore, this split between standby and off mode is rarely, if ever, applicable.

To estimate the hours of operation data for high-volume ceiling fans, DOE used feedback from manufacturers indicating that, while the hours of operation may vary significantly across industry and application (e.g., warehouses or manufacturing facilities), 12 hours per day spent in active mode may be a representative value. DOE, therefore, proposes to assume 12 hours of daily operation in active mode for high-volume ceiling fans. DOE seeks comment and any available data on operating hours for high-volume ceiling fans.

TABLE 2—DAILY OPERATING HOURS FOR CALCULATING CEILING FAN EFFICIENCY

	No standby	With standby
Daily Operating Hours for Low-Volume Ceiling Fans		
High Speed	4.2	4.2
Low Speed	2.2	2.2
Standby Mode	0.0	17.6

[8] Kantner, C.L.S., S.J. Young, S.M. Donovan, K. Garbesi. *Ceiling Fan and Ceiling Fan Light Kit Use in the U.S.—Results of a Survey on Amazon Mechanical Turk* (2013) Lawrence Berkeley National Laboratory: Berkeley, CA. Report No. LBNL–6332E.

TABLE 2—DAILY OPERATING HOURS FOR CALCULATING CEILING FAN EFFICIENCY—Continued

	No standby	With standby
Off Mode	17.6	0
Daily Operating Hours for High-Volume Ceiling Fans		
Active Mode	12.0	12.0
Standby Mode	0.0	12.0
Off Mode	12.0	0

5. Metric for Ceiling Fan Efficiency

DOE proposes the following equations to determine ceiling fan efficiency.

Low-volume ceiling fans:

$$\textit{Ceiling Fan Efficiency}\ (CFM/W) = \left(\frac{\sum_{i=H,L} CFM_i \times OH_i}{W_{Sb} \times OH_{Sb} + \sum_{i=H,L} W_i \times OH_i}\right)$$

Where:

CFM_i = airflow at a given speed,
OH_i = operating hours at a given speed,
W_i = power consumption at a given speed,
H = high speed,
L = low speed,
OH_{Sb} = operating hours in standby mode, and
W_{Sb} = power consumption in standby mode.

DOE is not aware of any low-volume ceiling fans with continuously variable speed control currently on the market. If such ceiling fans are manufactured in the future, DOE will consider amendments to the test procedure to accommodate these fans, where other speeds may not be well-defined, as needed.

High-volume ceiling fans:

$$\textit{Ceiling Fan Efficiency}\ (CFM/W) = \left(\frac{CFM_H \times OH_A}{W_{Sb} \times OH_{Sb} + W_H \times OH_A}\right)$$

Where:

CFM_H = airflow at high speed,
OH_A = operating hours in active mode,
W_H = power consumption at high speed,
OH_{Sb} = operating hours in standby mode, and
W_{Sb} = power consumption in standby mode.

6. Power Factor

DOE received a comment in response to the Framework Document from PG&E, SCGC, SDG&E, and SCE (CA IOUs) stating that evaluation of power factor should be included in the test procedure for ceiling fans due to the impact of power factor on power quality and transmission efficiency of the electric grid. CA IOUs also commented that the significance of power factor increases as brushless permanent magnet motors become more popular. (CA IOUs, No. 12 at p.5) DOE acknowledges that phase shifts introduced into the grid by loads could theoretically increase power production and transmission system demands. However, it is the net impact of many loads that ultimately determines the impact, which in turn depends on a dynamically changing load mix. DOE is not aware of field data quantifying the impact of power factor on the electric grid. DOE is not proposing a change in the test procedure to account for power factor.

E. Other Proposed Modifications to Current Test Procedure

1. Clarification That Low-Volume Ceiling Fans Should be Tested at High and Low Speeds

DOE proposes to require testing at high and low fan speeds for low-volume ceiling fans because low-volume ceiling fans typically have more than one speed setting that may be selected by the consumer. Such an approach would allow the ceiling fan efficiency metric to be representative of average use. The current DOE test procedure for ceiling fans allows for testing at all available fan speeds but does not specify how many speeds should be tested. In the Framework Document for the ceiling fans energy conservation standards rulemaking, DOE considered testing at one or multiple ceiling fan speeds and sought comment. A number of commenters weighed in on this subject, with some in favor of testing at multiple speeds and others in favor of testing at a single speed.

The Appliance Standards Awareness Project (ASAP), the National Consumer Law Center (NCLC), the National Resources Defense Council (NRDC), and the Northwest Energy Efficiency Alliance (NEEA) commented that DOE should develop a test procedure that includes measurements of airflow efficiency at multiple fan speeds. These commenters presented ENERGY STAR data at different fan speeds, arguing that airflow efficiency at a given speed is not necessarily a good predictor of airflow efficiency at other speeds. (ASAP, NCLC, NRDC, and NEEA, No. 14 at pp. 4–5) ALA commented that the assumption is being made that the testing mentioned is for ENERGY STAR qualification; if that assumption is true, then high is the only speed that needs to be tested because it is always the least efficient of the speeds. (ALA, No. 39 at p.11) Progress Lighting noted that testing at multiple speeds is already required by both Energy Star and California Title 20. (Progress Lighting, No. 6 at p.3)

In assessing how many speeds should be tested, DOE notes that data from Hunter Fans (included in a 2004 report by Pacific Gas and Electric (PG&E), ''Analysis of Standards Options For Ceiling Fans'') suggest that high speed is usually, but not always, the least-efficient speed. For 4 out of 26 ceiling fans tested, low speed was actually the least-efficient speed setting, and the

variability of efficiency at low speed was significantly larger than at high speed, suggesting more opportunity for improvement in efficiency at low speed.

DOE is obligated to have a test procedure that reflects ''a representative average use cycle or period of use'', but which is not ''unduly burdensome to conduct''. (42 U.S.C. 6293(b)(3)) Testing at more than one speed allows for a more representative indication of ceiling fan efficiency and increases the usefulness of efficiency labels for consumers. Additionally, as high speed is not always the least-efficient speed, DOE proposes to test at both high and low speeds. The proposed approach would limit the test burden and maintain a consistent test burden for all low-volume ceiling fans, the vast majority of which have between three and six speeds. Testing specifically at the highest and lowest available speeds, instead of at three speeds, would also avoid any ambiguity regarding the definition of medium speed for ceiling fans with more than three speeds. DOE requests comment on testing low-volume ceiling fans at the highest and lowest fan speeds.

2. Elimination of the Requirement for a Test Cylinder To Be Used During Testing

A test cylinder is included in the experimental setup of the current DOE test procedure for ceiling fans. Its intended purpose is to control the direction of airflow. During the public meeting for the Framework Document in the ceiling fans energy conservation standards rulemaking, Hunter Fans commented that there was little variation in airflow test results regardless of whether a test cylinder was used when conducting testing under the DOE test procedure. (Hunter, No. 9 at p.56) In a written comment on the Framework Document, ALA stated that: (1) Test results from a certified laboratory found that the measured CFM (cubic feet per minute) [at high speed] on 28 different test samples (various diameters) using the specified cylinder (with a diameter 8'' larger than the fan diameter) vs. no cylinder at all varied on average by 1.1 percent without the use of the cylinder; (2) the standard deviation was 1.0 percent and the max/min was 3.1/0.1 percent respectively; (3) based on these data, the manufacturers suggest that use of the cylinder should not be required. (ALA, No. 39 at p.9)

To determine the effect of the test cylinder on airflow measurements, DOE conducted testing on three ceiling fans both with and without a test cylinder. The 44-inch, 52-inch, and 56-inch ceiling fans used were tested at all three available speeds. The airflow measurements indicated a difference of 2–10 percent between the two testing scenarios, but there was no consistent dependence on ceiling fan size or fan speed. The calculated variance of the measurement data, however, was almost 20 percent lower overall when testing without a test cylinder, suggesting that testing without a cylinder is a statistically less noisy approach to measuring airflow. This difference in measurement error could perhaps be due to turbulence created by the interaction of the airflow with the side of the test cylinder.

Because testing without a test cylinder appears to be a more accurate approach to measuring airflow and more closely simulates installed usage conditions than with a cylinder in place, DOE proposes to eliminate the requirement to test with a test cylinder. This reduces test burden for manufacturers who may want to introduce new ceiling fan sizes and would otherwise have to pay for a new test cylinder, as well as reducing potential market distortions that would favor ceiling fans at sizes corresponding to existing test cylinders. Additionally, this would more closely harmonize with the test procedure for high-volume ceiling fans (see section III.F.1), which does not include a test cylinder.

DOE proposes that the effective area and the number of sensors used to measure airflow for a given ceiling fan would still be the same as in the current test procedure—that is, the effective area over which airflow is calculated would be a circle 8 inches larger in diameter than the fan blade span. The distance between the ceiling fan blades and the air velocity sensors also would not change. The test cylinder would simply not be installed prior to testing.

3. Addition of a False Ceiling to the Experimental Set-Up

In the Framework Document, DOE suggested investigating methodologies for testing hugger ceiling fans (*i.e.,* fans mounted very close to the ceiling) and mentioned the existence of a hugger fan test method in CAN/CSA–C814–10, ''Energy Performance of Ceiling Fans,'' which includes a false ceiling in the test set-up.[9] The comments received on this topic were generally in favor of testing with a false ceiling, although Big Ass Fans commented that it is important to maintain the same distance between the ceiling fan blades and the test sensors as in a standard test set-up for low-volume ceiling fans to ensure an appropriate measurement for comparison to a standard low-volume ceiling fan. (BAF, No. 43 at p.2)

DOE conducted testing on ceiling fans advertised as hugger fans both with and without a false ceiling in place. Having a false ceiling in place for these fans resulted in a 30-percent to 50-percent decrease in measured airflow compared to testing without a false ceiling. One ceiling fan was tested in both the hugger and standard configurations with a false ceiling in place, in addition to being tested without a false ceiling. For this fan, a 50-percent reduction in airflow was found in the hugger configuration with the false ceiling in place when compared to the airflow from the same fan without a false ceiling. When tested in the standard configuration with the false ceiling in place, a 35-percent reduction in airflow was still observed when compared to the airflow from the same fan without a false ceiling. The implication was that the presence of a false ceiling had a larger impact on airflow than switching from the standard to the hugger configuration.

Using a false ceiling when testing all low-volume ceiling fans is more representative of actual ceiling fan use in a home, where fans are mounted directly to the ceiling. Using a different experimental setup for hugger fans than for other low-volume ceiling fans would also affect efficiency representations on the labels of different types of ceiling fans and result in market representations of ceiling fan efficiency that cannot be readily compared. Such an approach would potentially put fans tested with a false ceiling (such as hugger or multi-mount ceiling fans) at a competitive disadvantage compared to standard ceiling fans. While this change to the test procedure would involve a one-time test burden for testing facilities to install a false ceiling, it should not result in an additional cost per test thereafter.

DOE also compared the effect on airflow measurements of having a false ceiling in place that was 8 inches versus 16 inches larger in width and breadth than the blade span of the ceiling fan. DOE found no appreciable reduction in airflow with a larger false ceiling in place. This implies that a false ceiling 8 inches larger than the blade span of a ceiling fan is sufficiently large to approximate a ceiling.

DOE proposes to test all low-volume ceiling fans with the addition of a false ceiling directly above the ceiling fan. The distance between the lowest point on the ceiling fan blades and the air velocity sensors should be the same as

[9] Canadian Standards Association. *CAN/CSA–C814–10—Energy Performance of Ceiling Fans.* 2010. (Last accessed February 24, 2014) *http://shop.csa.ca/en/canada/energy-efficiency/cancsa-c814-10/invt/27005372010.*

in the current DOE test procedure. The length and breadth of the false ceiling should be at least 8 inches larger than the blade span of the ceiling fan. DOE seeks comment on its proposal to add a false ceiling to the experimental setup for all low-volume ceiling fan testing.

4. Clarification of the Distance Between the Ceiling Fan Blades and the Air Velocity Sensors

As the Framework Document for the ceiling fans energy conservation standard rulemaking notes, the test set-up for the current DOE test procedure assumes that ceiling fan blades are reasonably flat.[10] The test procedure specifies that a test cylinder is to be hung below the ceiling fan such that there is a 6-inch vertical gap between the middle of the fan blade tips and the top of the test cylinder. Without a test cylinder in place, this is effectively a specification of the vertical gap between the middle of the fan blade tips and the heads of the air velocity sensors. It may be unclear as to how the ''middle of blade tip'' measurements should be made for fans having non-flat blades or unusual shapes.

ALA commented in response to the Framework Document that: (1) The manufacturers suggest maintaining the same test methodology regardless of blade shape; (2) while nontraditional blade shapes may affect airflow, they should not be tested differently based on improved or reduced airflow capability; and (3) changing the test method based on blade shape could potentially create advantages or disadvantages, so a uniform method is suggested. (ALA, No. 39 at p.9)

DOE performed tests to assess the impact of measuring airflow using a vertical distance measured from the bottom of the blade tip compared to a vertical distance measured from the middle of the blade tip. Airflow was measured for two 52-inch fans on low, medium, and high speeds in the two different vertical distance configurations. One fan was chosen specifically for having a nontraditional curved blade shape with an ambiguous middle of the blade tip. Testing for both fans indicated that measurements of airflow using the two configurations were consistent to within 3 percent on medium and high speeds and 6 percent on low speed. Therefore, to avoid the potential ambiguity of the phrase ''middle of blade tip,'' DOE proposes to instead define the vertical gap in terms of the distance between the lowest point on the ceiling fan blades and the heads of the air velocity sensors. This would apply to all low-volume ceiling fan blades to ensure a congruent test for airflow.

5. Clarification of the Appropriate Fan Configuration During Testing for Low-Volume Ceiling Fans

DOE research indicates that a number of low-volume ceiling fans can be mounted at more than one height while still being classified as either a standard or hugger ceiling fan (rather than meeting DOE's definition of a multi-mount fan). As an example, a ceiling fan that can be mounted at three different heights, all of which result in the lowest point on the fan blades being more than ten inches from the ceiling, would be classified as a standard ceiling fan. Therefore, DOE proposes to clarify that if more than one mounting option is included with a fan that would meet the definition of a standard low-volume ceiling fan, that ceiling fan should be tested in the configuration with the smallest distance between the ceiling and the lowest part of the fan blades. Similarly, if more than one mounting option is included with a fan that would meet the definition of a hugger low-volume ceiling fan, that ceiling fan should be tested in the configuration with the smallest distance between the ceiling and the lowest part of the fan blades. DOE seeks data and comment on how these fans are actually configured in the field.

6. Clarification of the Test Method for Ceiling Fans With Heaters

The Framework Document for the ceiling fans energy conservation standards rulemaking noted that some ceiling fans are sold with combined heating elements, although the extent to which such heaters are used is unclear.[10] DOE preliminarily concluded that it would not consider the power consumption by the heater in the rulemaking and asked for comment. The only comment received on this topic supported DOE's planned approach. (ALA, No. 39 at p. 11) DOE proposes to clarify that during testing, any ceiling fan packaged with a heater should be tested with the heater in place (representative of the configuration when the fan is used by a consumer) but switched off.

7. Revision of the Allowable Tolerance for Air Velocity Sensors Used During Testing

As noted in the Framework Document for the ceiling fans energy conservation standard rulemaking, the current DOE test procedure incorporates by reference ENERGY STAR guidance manual v1.1, which requires air speed sensors with an accuracy of +/− 1 percent or better. ENERGY STAR guidance manual v1.2, however, requires air speed sensors with an accuracy of only +/− 5 percent or better. The Framework Document suggested that the appropriate tolerance may need to be reevaluated.[10]

ALA commented that ceiling fan manufacturers are of the opinion that the accuracy sensor specified in the current ENERGY STAR guidance manual (+/− 5%) is acceptable, but they recommended that a test fan be distributed among all laboratories certified to perform DOE's ceiling fan test procedure and that testing be conducted to ensure that all of the labs correlate. (ALA, No. 39 at p. 7)

To determine whether sensor accuracy affects airflow measurements, DOE compared the variation in mean air speeds when testing with sensors with different accuracy ratings and investigated the variation in raw air speed readings from a single sensor type. First, DOE compared the average air speeds reported by two different test laboratories for the same ceiling fan. One laboratory used sensors matching the tolerance allowed by ENERGY STAR guidance manual v1.2: the maximum of 5 percent of the reading or 1 percent of the full-range sensor accuracy. The other laboratory used sensors with a better accuracy: the maximum of 2 percent of the reading or 0.5 percent of the selected range. If the uncertainty in mean air speed was due to sensor accuracy, the ratio of the standard errors between the labs should have been similar to the ratio of sensor accuracies (*i.e.,* 5:2). DOE found, however, that both laboratories had a similar standard error of mean air speed, which significantly exceeded the expected error due to sensor accuracy. Second, DOE investigated the coefficients of variation for raw air speed measurements from several ceiling fans tested in a single laboratory. The coefficients of variation were approximately ten times greater than would be expected if the measurement uncertainty came only from the sensor accuracy.

Based on these analyses, DOE concluded that the variation in measured air speed was not greatly affected by the accuracy of the sensors

[10] U.S. Department of Energy—Office of Energy Efficiency and Renewable Energy. Energy Conservation Program for Consumer Products: Framework Document: Energy Efficiency Program for Consumer Products: Energy Conservation Standards for Ceiling Fans and Ceiling Fan Light Kits. March 2013. Washington, DC *http://www.regulations.gov/#!documentDetail;D=EERE-2012-BT-STD-0045-0002.*

used in the two test laboratories. As a result, there appears to be no reason to require the use of sensors with accuracy better than +/− 5 percent of the reading. Accordingly, DOE proposes to change the sensor tolerances from the current test procedure value of 1 percent to 5 percent.

F. Proposed Additional Test Methods

1. Addition of a Test Method for High-Volume Ceiling Fans

High-volume ceiling fans (where volume refers to airflow volume) are typically offered in a range of diameters from 36 inches to 24 feet. The large size of some high-volume ceiling fans cannot be accommodated by existing ceiling fan test facilities for low-volume ceiling fans without significant modifications. In some cases, the ceiling fans would simply not fit into the test room.

AMCA 230, ''Laboratory Methods of Testing Air Circulating Fans for Rating and Certification,'' is the industry test procedure for high-volume ceiling fans. The test procedure describes a ceiling fan hung from a load cell. When the ceiling fan is turned on, the measured change in force on the load cell allows thrust to be calculated, and AMCA 230 provides an equation for calculating airflow based on thrust. This is a different approach than the current DOE test procedure for low-volume ceiling fans, which measures air velocity directly. Given the large dimensions of some high-volume ceiling fans, an approach based on AMCA 230 (requiring only a load cell) appears to be more practical than an approach based on the current DOE test procedure for low-volume ceiling fans, which requires an array of sensors.

The latest version of the AMCA 230 test procedure (AMCA 230–12) specifies that it is to be applied to ceiling fans 6 feet in diameter or smaller. A previous version of AMCA 230 (AMCA 230–07), however, allows for testing larger ceiling fans with no restriction on fan size, using a modified version of the test procedure. In the modified version, the restrictions on the room dimensions with respect to the fan size are relaxed and not specified. Even for those ceiling fans with diameters in the 20–24 feet range, performance specifications (such as airflow and airflow efficiency) can be found on Web sites and in manuals of several manufacturers, suggesting that it is possible to test ceiling fans with large diameters.

For ceiling fans up to 24 feet in diameter, DOE proposes testing high-volume ceiling fans in keeping with industry practice, using a test procedure based on AMCA 230–12, and incorporating AMCA 230–12 by reference. It appears plausible to test even large high-volume ceiling fans according to such a test procedure, with some modification to the specified room dimensions. DOE proposes to modify the specified room dimensions for high-volume ceiling fans in the following ways: (1) The minimum distance between the ceiling and the blades of a ceiling fan being tested is 44 inches for all blade diameters, (2) ceiling fans larger than 6 feet in diameter must have a 20 foot clearance between the floor and the blades of the fan being tested, and (3) for ceiling fans larger than 6 feet in diameter, the minimum distance between the centerline of a ceiling fan being tested and walls and large obstructions all around is half the ceiling fan blade span plus 10 feet. The proposed requirement for a minimum distance between the ceiling and the blades would mean that even the largest ceiling fans, at 24 feet in diameter, would have a clearance of at least 15 percent of the fan blade diameter, and that the clearance will be roughly equivalent to the clearance for low-volume ceiling fans. The proposed minimum clearance between the blades and the floor is based on the typical installation environment for fans larger than 6 feet in diameter. Distances greater than 20 feet could impose testing burden by requiring very tall testing rooms. Additionally, a distance of 20 feet between the floor and the fan blades is one of the distances recommended by researchers on this topic.[11] The proposed minimum clearance laterally about the blades is designed to balance the need for unobstructed airflow patterns in the room with not requiring a testing facility that would be excessively burdensome to create. DOE seeks comment on these proposed changes to the room specifications.

DOE is not aware of any third-party testing facility that currently tests large-diameter, high-volume ceiling fans. The large amount of space required to conduct the proposed test procedure may be the primary constraint in establishing such a test facility. For example, the proposed room requirements for a ceiling fan 24 feet in diameter are a room that is at least 44 feet square, that is free of large obstructions, and has a ceiling height of approximately 24 feet. DOE requests information on how manufacturers currently test large-diameter, high-volume ceiling fans, as well as the availability of suitable third-party testing facilities that can conduct the proposed test procedure and the ability to develop such facilities.

2. Addition of a Test Method for Low-Volume Multi-Mount Ceiling Fans

DOE is proposing to define multi-mount ceiling fans as ceiling fans that can be mounted in both the standard and hugger ceiling fan configurations (see Section III.A.4). The Framework Document for the ceiling fans energy conservation standards rulemaking suggested that multi-mount ceiling fans should be tested with the fan installed in the hugger configuration. (78 FR 16443 (Mar. 15, 2013))

ALA commented that multi-mount ceiling fans should be tested in the standard ceiling fan configuration. ALA cited the AcuPOLL survey, which indicates that 73 percent of multi-mount ceiling fans are installed in the standard configuration. (ALA, No. 39 at pp.8–9) ALA also suggested that, if needed, a statement can be added to show which configuration was used for the CFM test. King of Fans (KOF) commented that it does not agree with testing the multi-mount fans in the hugger/flush mount configuration, as it can make the multi-mount fans (which provide a consumer benefit) noncompetitive with fans that do not have the flush mount option, at least in terms of reported energy efficiency. KOF stated that testing multi-mount fans in this manner would cause the CFM ratings to be affected, which may in turn cause a customer to default to a higher-rated CFM product; this would put the multi-mount fans at a competitive disadvantage. (KOF, No.42 at p.1) Progress Lighting also commented that multi-mount ceiling fans should be tested in the standard configuration, stating that customized configurations have many variables that cannot be controlled for in the analysis. (Progress Lighting, No. 6 at pp.2–3)

On the other hand, CA IOUs suggested establishing two performance standards for multi-mount ceiling fans: (1) one for when the fan is in the hugger position (same as the hugger product class standard), and (2) another for when the fan is in a standard position. (CA IOUs, No. 12 at p. 2)

Since multi-mount ceiling fans can be installed in either standard or hugger configuration, DOE proposes to test low-volume multi-mount ceiling fans in both configurations: (1) In the configuration that meets the definition of a standard ceiling fan, while minimizing the distance the ceiling and the lowest part of the fan blades, and (2) in the configuration that meets the definition

[11] Rohles, F.H., Jr., J.E. Laviana, T.E. Shrimplin, *Assessing Air Velocities from the Industrial Ceiling Fan* (1986). ASHRAE Transactions, vol. 92, pt. 1A: San Francisco, CA.

of a hugger ceiling fan, while minimizing the distance between the ceiling and the lowest part of the fan blades. DOE seeks comment on whether manufacturers should be required to test multi-mount ceiling fans in the standard configuration, hugger configuration, both configurations, or all configurations for which they are capable of being installed.

3. Addition of a Test Method for Multi-Headed Ceiling Fans

In the Framework Document for the ceiling fans standards rulemaking, DOE discussed the challenges presented regarding testing of multi-head ceiling fans.[10] One challenge is that the variable geometry of multi-head fans may make it difficult to compare test results among either different types of multi-head ceiling fans or between multi-head fans and fans with a single head. Another challenge is that the effective blade span of some multi-head ceiling fans may exceed the area that can currently be tested with air velocity sensors. DOE stated that it was considering testing only one of the ceiling fan heads, with the other fan head motors turned off, and treating the fan head like a standard single-head ceiling fan. The airflow and power consumption associated with one head could then be multiplied by the number of fan heads in the multi-head ceiling fan. DOE asked for comment on this approach. Comments on the Framework Document were generally in favor of testing a single fan head for a multi-head fan, with some exceptions.

In its comments, Fanimation recommended that DOE test only one of the ceiling fan heads, with the other fan head motors turned off, treating the fan head like a standard single-head ceiling fan. Fanimation further suggested that: (1) The airflow and airflow efficiency could be rated for the individual head, and (2) the total airflow for multiple heads could be determined by multiplying the airflow from one fan by the number of heads, assuming all are of equal construction and diameter. Fanimation concluded that no alternative testing strategy is necessary and that testing multiple fan heads would be overly burdensome. (Fanimation, No. 32 at p. 3) ALA commented that, provided the fan blades of each fan head turn at approximately the same RPM (revolutions per minute), it suggests measuring the CFM of one fan head and multiplying the results times the total number of fan heads. (ALA, No. 39 at p.10)

ASAP, NCLC, NRDC, and NEEA commented that one potential approach would be for manufacturers to certify that the fan heads that are not tested do not have any characteristics that are different from those of the tested fan head that affect efficiency (similar to the language used for determining ''basic models''). Furthermore, ASAP, NCLC, NRDC, and NEEA suggested that, for the case where individual fan heads do have different characteristics that affect efficiency, multiple fan heads would need to be tested. (ASAP, NCLC, NRDC, and NEEA, No. 14 at p. 4)

CA IOUs recommended conducting testing with multiple fan heads running simultaneously to account for interactive effects, stating that testing only one fan head could be overlooking a significant drop in fan performance that DOE should take into account. (CA IOUs, No 12 at p.3)

To assess the impact of measuring airflow and power consumption based on a single fan head versus more than one head operating simultaneously, DOE conducted a series of tests on a multi-head ceiling fan with two identical fan heads. The ceiling fan system was first tested with both fan heads operating simultaneously, with the midpoint of the fan system centered where the four sensor axes meet. The fan heads were oriented along the A–C sensor axis and faced straight downwards. Next, with the ceiling fan system still in the same position and orientation, DOE measured the results for each individual fan head with the other fan head turned off via a switch on the center housing of the fan. In addition to airflow measurements, DOE recorded the power consumption of the fan system for each test.

Overall, the airflow velocity profile for the two fan heads turned on simultaneously was roughly similar to the sum of testing each fan head individually. Tests with individual fan heads produced more airflow along the outermost sensors along the A–C axis. Both heads running simultaneously directed more air towards the center of the system. Compared to the sum of measurements from individual fan heads, the test done with both heads running simultaneously measured 7–20 percent less total airflow, depending on fan speed.

However, DOE notes that multi-head ceiling fans are designed to provide airflow over a larger area than single-head fans. When testing multiple fan heads simultaneously, it is unclear whether the airflow measurements made by sensors designed to capture the airflow of an individual fan head is an adequate representation of the airflow that consumers with a multi-head fan may experience. Unlike a single-head ceiling fan, which is centered on the meeting point of the four sensor axes, the individual fan heads of a multi-head fan are displaced from where the sensor axes meet, and airflow may not be adequately measured because the sensors are no longer directly beneath the fan heads. This will likely underestimate the airflow directly underneath the fan heads. This problem would be compounded for multi-head fans with more than two fan heads. This suggests that testing an individual fan head, and multiplying by the number of fan heads, may yield a more representative measurement.

Additionally, DOE recognizes that testing large multi-head fans with all fan heads operating simultaneously is not feasible due to the size constraints of testing facilities and the number of sensors required to adequately measure the fan's velocity profile. In light of this testing constraint, and the possibility that the sensor apparatus will not yield representative results because it is designed to measure airflow near the intersection of the sensor axes, DOE proposes to test multi-headed ceiling fans by testing a single fan head, with the fan head in the same position as when a fan with a single head is tested, such that it is directly over sensor 1 (*i.e.,* at the center of the test set-up, where the four sensor axes meet). This can be accomplished by either offsetting the entire false ceiling, or the multi-head fan with respect to the false ceiling, as long as the requirement that the false ceiling extend at least 8 inches beyond the blade span of the centered fan head is maintained. Supporting chains, wires, or ropes may be used to keep the false ceiling level, if the multi-head ceiling fan is offset with respect to the false ceiling. The distance between the air velocity sensors and the fan blades of the centered fan head should be the same as for all other low-volume ceiling fans. Switching on only the centered fan head, the airflow measurements should be made in the same manner as for all other low-volume ceiling fans.

If a multi-head ceiling fan includes more than one type of ceiling fan head, then at least one of each unique type should be tested. Differences in fan head construction such as housing, blade pitch, or motor could affect air movement or power consumption and would constitute a different type of fan head. If all the fan heads are of the same type, then only one fan head needs to be tested. The airflow at a given speed should be measured for an individual head, and total airflow determined by multiplying the results by the number of fan heads of each type.

DOE also assessed the potential for measuring the power consumption of a

single fan head, and then multiplying by the total number of fan heads to determine total power consumption. DOE found that the power consumption measured for one individual fan head was 75 percent of the power consumption measured when both fan heads operated simultaneously. As such, measuring the power consumption of one fan head and multiplying by the number of fan heads would significantly overestimate the power consumption of both fan heads operating simultaneously. Therefore, the power consumption at a given speed should be measured with all ceiling fan heads turned on. It is not necessary to measure power consumption at multiple airflow sensor arm positions, however. An average over 100 seconds with the sensor arm in any position is sufficient, given the relatively low variability of the wattage measurement.

The effective blade span for a multi-head ceiling fan is the blade span of an individual fan head, if all fan heads are the same size. If the fan heads are of varying sizes, the effective blade span is the blade span of the largest fan head.

4. Addition of a Test Method for Ceiling Fans Where the Airflow Is Not Directed Vertically

As noted in the Framework Document for the ceiling fans standards rulemaking, DOE has observed that some ceiling fans on the market can be oriented in various positions that direct the airflow and that sometimes the fans cannot be oriented such that airflow is directed straight down (*i.e.,* the typical configuration).[10] A non-vertical orientation could result in some of the airflow produced being undetected by the airflow sensors directly beneath the ceiling fan. In response to the Framework Document, ALA commented that: (1) The manufacturers recommend that the velocity of the air must be measured perpendicular to the flow of the air, and (2) if a ceiling fan, installed as intended, is constructed such that the airflow is not directed vertically, then steps must be taken through special fixtures or other acceptable means to position the fan head so that the airflow is directed vertically for measurement purposes. (ALA, No. 39 at p. 11)

Regarding this issue, DOE conducted tests of a fan head with an adjustable tilt to explore the impact of measuring airflow at an angle other than directly downward. In comparison to airflow measurements of the fan head directed straight down, tilting the fan head at a 15-degree angle along the A-axis shifted the velocity profile along the A–C axis and reduced the airflow measured along the B–D axis. Average measurements from all four sensor axes result in airflow measurements that are 6–17 percent lower than that measured directly downward, depending on fan speed. The systematically lower measurements are not unexpected, since most of the airflow in the tilted configuration was offset from the center of the four axes along the A-axis. Due to constraints on the arrangement of the sensor axes, sensors are not in an appropriate position to measure airflow in the direction perpendicular to the A–C axis. However, DOE found that using average measurements from only those sensors which maximize airflow along the A–C axis improved agreement with measurements of the fan directed straight down to within 2–10 percent. This calculation assumes that, if sensors were placed in the appropriate positions along the orthogonal axis, the airflow measurements would be the same as along the A–C axis.

For ceiling fans where the airflow is not directed vertically, DOE proposes to clarify that the ceiling fan head should be adjusted such that the airflow is as vertical as possible prior to testing so that the measured airflow is representative of airflow in the direction the fan head faces during normal operation. The distance between the lowest point on the blades and the air velocity sensors should be the same as for all other low-volume ceiling fans. For ceiling fans where a fully vertical orientation of airflow cannot be achieved, DOE proposes to orient the ceiling fan such that any remaining tilt is aligned along one of the four sensor axes. Instead of measuring the air velocity for only those sensors directly beneath the ceiling fan, the air velocity should be measured at all sensors along that axis, as well as the axis oriented 180 degrees with respect to that axis. Using the same total number of sensors as would be utilized if the airflow was directly downward, the airflow should be calculated based on the continuous set of sensors with the largest air velocity measurements. For example, if the tilt is oriented along axis A, air velocity measurements should be taken for all sensors along the A–C axis. The air velocity measurements would normally be drawn from a symmetric set of sensors for each axis, but because of the tilt, the air velocity may be maximized for a set of sensors offset by several sensor positions along the A axis. See Figure 1 for an example. The air velocity results from that offset series of sensors would be substituted for the typical symmetric set in order to calculate total airflow, for both the A–C axis as well as the B–D axis. The effective area used to calculate airflow would be the same as for an untilted ceiling fan with the same blade span.

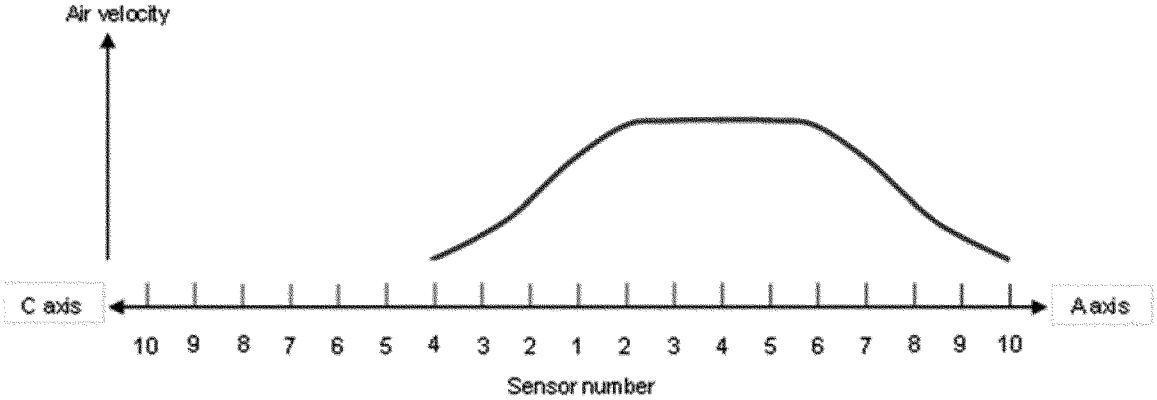

Figure 1: Example Air Velocity Pattern for Airflow Not Directly Downward

Given that many of the ceiling fans that cannot achieve vertical airflow are multi-headed fans, using an adjustable mount to achieve a vertical orientation may be experimentally impractical. Additionally, making significant adjustments to the tilt beyond what the ceiling fan is capable of achieving when installed may not provide an accurate representation of expected airflow to a potential consumer. For ceiling fans that cannot achieve vertical airflow, directing the airflow as downward as possible, even if the airflow is not vertical, may be the most realistic representation of expected airflow for potential consumers.

5. Addition of a Test Method for Power Consumption in Standby Mode

DOE proposes to add standby-mode power consumption testing for low-volume and high-volume ceiling fans. Specifically, standby-mode testing would be applicable to any ceiling fan sold with hardware to maintain any of the standby functions defined in 42 U.S.C. 6295(gg)(1)(A)(iii)(II).

For low-volume ceiling fans, DOE's research suggests that standby mode typically exists for only those low-volume ceiling fans that include a radio frequency (RF) receiver to facilitate interaction with a remote controller. DOE understands that high-volume ceiling fans, on the other hand, often have power consumption in standby mode even if they do not include a remote control: For example, if they utilize a variable frequency drive (VFD) to control the speed of the motor. Standby testing would be required, and included in the metric, for any high-volume ceiling fan with a VFD, as well as any high-volume ceiling fan with a remote control. DOE requests comment on this approach.

For both low and high-volume ceiling fans, the standby test would be performed following testing in active mode and would require putting the ceiling fan in standby mode (if controlled by a remote control or other sensor) and measuring the input power draw. As required by 42 U.S.C. 6295 (gg)(2)(A), DOE considered the most current versions of Standards 62301 and 62087 of the International Electrotechnical Commission (IEC) as a basis for standby-mode testing. DOE considered IEC 62087 and determined that it is not applicable to ceiling fans.[12] DOE also considered IEC 62301 (Edition 2.0, 2011–01). IEC 62301 would require the addition of at least 40 minutes to the test procedure for those fans subject to standby testing. Because this may result in an excessive test burden for these ceiling fans, DOE proposes to incorporate IEC 62301 by reference, but reduce the interval of time over which testing occurs, as well as the period of time prior to standby testing. DOE proposes to wait three minutes after active mode functionality has been switched off to begin the standby-mode test and then to collect data for 100 seconds. By that point in the test procedure, the ceiling fan will have already been energized for over 30 minutes for the active mode test (15 minute warm-up plus more than 15 minutes for each speed tested), so DOE believes additional warm-up time is unnecessary. The 100 second duration for standby-mode testing matches the requirement for active mode testing at each sensor arm position.

Standby power consumed by low-volume ceiling fans appears to be fairly minimal. DOE conducted standby power testing on four low-volume ceiling fans with remote control receivers and found an average standby power consumption of approximately 0.81 watts. Additionally, ALA provided comments to the Framework Document indicating that low-volume ceiling fans with wireless remote controls typically have standby power consumption of 1.4W. (ALA, 39 at pg.13) Given that standby power consumption is fairly minimal, but does require some additional testing, an alternative approach to accounting for standby power consumption would be to use a representative value, such as the 1.4 W estimate provided by ALA. However, the additional testing for standby mode would take less than 5 minutes, be conducted immediately after active mode testing, and requires no additional equipment, so the testing burden would be minimal. DOE requests comment on its approach to standby-mode testing and the appropriateness of testing standby power for ceiling fans.

In the Framework Document for the ceiling fans energy conservation rulemaking, DOE said that it understands that ceiling fans have no off-mode power consumption, and thus off-mode power consumption would not need to be included in the test procedure or in the metric, and asked for comment.[10] DOE received no comments indicating that there was any off-mode power consumption for ceiling fans but did receive a comment affirming that there is no off-mode power consumption for ceiling fans, with ALA commenting that ceiling fans consume 0W in off mode. (ALA, No. 39 at p.13) Zero power consumption in off mode is also supported by the UL safety standard for electrical fans (UL 507), which covers ceiling fans, and which says that fans must include an air-gap switch which would open the circuit and provide no off-mode power consumption.6 Because there appears to be no off-mode energy consumption for ceiling fans, DOE proposes not to conduct testing of off-mode power consumption.

G. Certification and Enforcement

Ceiling fan manufacturers must submit certification reports on products before they are distributed in commerce per 10 CFR 429.12. Components of similar design may be substituted without additional testing, if the substitution does not affect the energy consumption of the ceiling fan. (10 CFR 429.11) Ceiling fan certification reports must follow the product-specific sampling and reporting requirements specified in 10 CFR 429.32. If any amended test procedures are finalized, and consistent with the dates specified for use in section III.B., ceiling fan manufacturers would be required to calculate ceiling fan efficiency utilizing the calculations provided in revised Appendix U and follow the reporting requirements provided at 10 CFR 429.32 for each ceiling fan model.

As discussed in sections III.A.1. and III.B., the proposed changes in interpretation of the ceiling fan definition discussed above would result in the applicability of the design standards set forth in EPCA at 42 U.S.C. 6295(ff)(1) to the following types of fans 30 days after the publication of any final test procedure adopting such changes in interpretation:

1. Fans suspended from the ceiling using a downrod or other means of suspension such that the fan is not mounted directly to the ceiling;
2. Fans suspended such that they are mounted directly or close to the ceiling;
3. Fans sold with the option of being suspended with or without a downrod; and
4. Fans capable of producing large volumes of airflow.

In the concurrent energy conservation standards rulemaking for ceiling fans, DOE is considering creating a separate product class for highly decorative ceiling fans that would be exempt from performance standards. The current design standards specified in EPCA would still apply to such fans.

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

The Office of Management and Budget has determined that test procedure

[12] IEC 62087 is applicable to television sets, video recording equipment, set top boxes, audio equipment and multifunction equipment for consumer use.

rulemakings do not constitute ''significant regulatory actions'' under section 3(f) of Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (Oct. 4, 1993). Accordingly, this regulatory action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB).

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of a regulatory flexibility analysis (RFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (Aug. 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the DOE rulemaking process. (68 FR 7990 (Feb. 19, 2003)). DOE has made its procedures and policies available on the Office of the General Counsel's Web site: *http://energy.gov/gc/office-general-counsel.*

DOE reviewed today's proposed rule under the provisions of the Regulatory Flexibility Act (RFA) and the policies and procedures published on February 19, 2003. The proposed rule prescribes test procedure amendments that would be used to determine compliance with any amended energy conservation standards that DOE may prescribe for ceiling fans. As discussed in more detail below, DOE found that although the Federal Trade Commission (FTC) requires testing of ceiling fans, because DOE does not currently require efficiency testing of ceiling fans, all manufacturers, including small manufacturers, could potentially experience a financial burden if new testing becomes required as a result of the concurrent energy conservation standards rulemaking. While examining this issue, DOE determined that it could not certify that the proposed rule, if promulgated, would not have a significant effect on a substantial number of small entities. Therefore, DOE has prepared an initial regulatory flexibility analysis (IRFA) for this rulemaking. The IRFA describes potential impacts on small businesses associated with ceiling fan testing requirements. DOE seeks comment on the discussion below and will develop a final regulatory flexibility analysis (FRFA) for any final test procedures developed in this test procedure rulemaking.

DOE has transmitted a copy of this IRFA to the Chief Counsel for Advocacy of the Small Business Administration for review.

(1) Description of the reasons why action by the agency is being considered.

A description of the reasons why DOE is considering this test procedure are stated elsewhere in the preamble and not repeated here.

(2) Succinct statement of the objectives of, and legal basis for, the proposed rule.

The objectives of and legal basis for the proposed rule are stated elsewhere in the preamble and not repeated here.

(3) Description of and, where feasible, an estimate of the number of small entities to which the proposed rule will apply.

For the manufacturers of the covered ceiling fan products, the Small Business Administration (SBA) has set a size threshold, which defines those entities classified as ''small businesses'' for the purposes of the statute. DOE used the SBA's small business size standards to determine whether any small entities would be subject to the requirements of the rule. 13 CFR part 121. The size standards are listed by North American Industry Classification System (NAICS) code and industry description and are available at: *http://www.sba.gov/sites/default/files/Size_Standards_Table.pdf.* Ceiling fan manufacturing is classified under NAICS code 335210, ''Small Electrical Appliance Manufacturing'' or NAICS code 333412, ''Industrial and Commercial Fan and Blower Manufacturing.'' The SBA sets a threshold for NAICS classification for 335210 and 333412 of 750 employees or less and 500 employees or less, respectively.[13] DOE reviewed ALA's list of ceiling fan manufacturers,[14] the ENERGY STAR Product Databases for Ceiling Fans,[15] the California Energy Commission's Appliance Database for Ceiling Fans,[16] and the Federal Trade Commission's Appliance Energy Database for Ceiling Fans.[17] Based on this review, using data on the companies for which DOE was able to obtain information on the numbers of employees, DOE estimates that there are between 25 and 35 small business manufacturers of low-volume ceiling fans. To determine the number of small business manufacturers of high-volume ceiling fans, DOE reviewed SBA's Web site, high-volume ceiling fan manufacturers Web sites, and company reports from Hoovers.com, in addition to speaking with industry experts. Based on this review, DOE estimates that there are between 15 and 25 small business manufacturers of high-volume ceiling fans. DOE invites interested parties to comment on the estimated number of small business manufacturers of ceiling fans.

(4) Description of the projected compliance requirements of the proposed rule.

In this test procedure NOPR, DOE proposes to reinterpret the statutory definition of a ceiling fan to include hugger ceiling fans. DOE also proposes that high-volume fans meet the definition of a ceiling fan. The proposed changes in interpretation of the ceiling fan definition discussed above would result in the applicability of the design standards set forth in EPCA at 42 U.S.C. 6295(ff)(1) to the following types of fans 30 days after the publication of any final test procedure adopting such changes in interpretation:

1. Fans suspended from the ceiling using a downrod or other means of suspension such that the fan is not mounted directly to the ceiling;
2. Fans suspended such that they are mounted directly or close to the ceiling;
3. Fans sold with the option of being suspended with or without a downrod; and
4. Fans capable of producing large volumes of airflow.

DOE research indicates that all ceiling fans currently on the market, including hugger ceiling fans and high-volume ceiling fans, appear to meet the EPCA design standards. DOE conducted an analysis of Hansen Wholesale, an online wholesaler that sells over 2000 models of ceiling fans, including a wide variety of ceiling fan brands. Hansen Wholesale provides product specifications on its Web site, including the number of speeds and whether a ceiling fan is reversible. DOE examined all of the ceiling fans that were self-identified as hugger ceiling fans and found that they all had fan controls separate from

[13] U.S. Small Business Administration, Table of Small Business Size Standards (August 22, 2008) (Available at: *http://www.sba.gov/sites/default/files/Size_Standards_Table.pdf*).

[14] The American Lighting Association, list of Manufacturers & Representatives (Available at: *http://www.americanlightingassoc.com/Members/Resources/Manufacturers-Representatives.aspx*).

[15] The U.S. Environmental Protection Agency and the U.S. Department of Energy, ENERGY STAR Ceiling Fans—Product Databases for Ceiling Fans (Available at: *http://www.energystar.gov/index.cfm?fuseaction=find_a_product.showProductGroup&pgw_code=CF*).

[16] The California Energy Commission, Appliance Database for Ceiling Fans (Available at: *http://www.appliances.energy.ca.gov/QuickSearch.aspx*).

[17] The Federal Trade Commission, Appliance Energy Databases for Ceiling Fans (Available at: *http://www.ftc.gov/bcp/conline/edcams/eande/appliances/ceilfan.htm*).

lighting controls, were capable of being operated at more than one speed, and were capable of being operated in reverse.

For high-volume ceiling fans, DOE searched for product specifications on the Web sites of manufacturers of high-volume large-diameter ceiling fans and from Web sites of retailers of high-volume small-diameter ceiling fans. Only one high-volume ceiling fan was found with a light kit, and the fan controls were separate from the lighting controls for that fan. All high-volume ceiling fans appeared to be capable of operating at more than one speed (typically with an adjustable speed control). High-volume ceiling fans are primarily sold for industrial purposes and are therefore not subject to the requirement to be capable of operating in reverse.

Based on this research, DOE does not expect any cost of complying with the design requirements for manufacturers of hugger or high-volume ceiling fans.

DOE proposes measures to limit the burden of testing on all manufacturers, including small business manufacturers, while providing a representative measurement of ceiling fan efficiency for consumers. Low-volume ceiling fans (excluding hugger fans) are currently required to test at high speed due to FTC's labeling requirement for ceiling fans. As discussed in more detail elsewhere in the preamble, DOE proposes to specify that low speed is to be tested as well as high speed to have a test procedure that is representative of typical use. DOE estimates that the cost to test at low speed, in addition to high speed, represents an additional cost of $75 (or $150 per basic model) above the high-speed test cost.

DOE notes that if the concurrent rulemaking regarding energy conservation standards for ceiling fans results in efficiency performance standards, DOE would require testing for certification of two ceiling fans per basic model, the minimum sample size required by 10 CFR 429.11. To determine the potential cost of the proposed test procedure on small ceiling fan manufacturers under a potential energy conservation standard for ceiling fans, DOE estimated the cost of testing two ceiling fans. The cost of testing was then multiplied over the estimated number of basic models produced by a small manufacturer. The estimated cost of testing is discussed in further detail below.

In today's test procedure proposal, DOE has proposed to reinterpret the statutory definition of a ceiling fan such that it would include hugger ceiling fans. The proposed test method for hugger ceiling fans would be the same as the proposed test method for all other low-volume ceiling fans.

DOE estimated the cost to test a low-volume ceiling fan based on estimates from third-party testing facilities of the cost to perform the current ENERGY STAR test procedure for ceiling fans, which is similar to DOE's proposed test procedure, and the changes in cost associated with the key differences between the two test procedures. DOE's proposed test procedure for low-volume ceiling fans differs from the current ENERGY STAR test procedure in that it (1) requires testing at only two fan speeds instead of three, (2) requires the use of a false ceiling, (3) does not require the use of a test cylinder, (4) requires less warm up time before testing at low speed, and (5) requires standby-mode testing.

In aggregate, DOE estimates that these differences will result in a lower test cost for the proposed DOE test procedure for low-volume ceiling fans when compared to the ENERGY STAR test procedure for ceiling fans. Testing at only two speeds instead of three yields a total test time that is approximately 35 minutes shorter than the ENERGY STAR test procedure. The proposed test procedure would also add a false ceiling to the experimental setup which, as discussed in section III.E.3, requires a one-time lab cost to install a false ceiling in a testing facility. Based on the materials employed and test quotes from third-party labs, DOE estimates the cost to construct and install a false ceiling is $1000 or less. Because the same false ceiling could be used to test all low-volume ceiling fans, the false ceiling could be left in place and would not add substantial test cost thereafter.

DOE's proposed test procedure, which would not require use of a test cylinder, also eliminates any potential costs associated with purchasing new test cylinders. If the test procedure required the use of test cylinders, then a new cylinder would be necessary to test any ceiling fan with a diameter that does not correspond to one of the cylinders in a test lab's existing inventory. Based on discussions with third-party testing facilities, DOE estimates that new test cylinders would cost approximately $2000–3000 per cylinder. By not using a cylinder, these costs will be avoided. Not requiring a test cylinder also shortens the test time of DOE's proposed test procedure relative to ENERGY STAR's test procedure for all low-volume ceiling fans, because time is not required to put a test cylinder in place for each test (estimated to take 15 minutes). Additionally, DOE's proposed test procedure only requires 15 minutes of warm up time before testing at low speed compared to 30 minutes in the ENERGY STAR test procedure, further reducing the relative amount of time required for DOE's proposed test procedure by 15 minutes. In total, DOE estimates that the typical time to perform the proposed test procedure will be shorter by 65 minutes compared to ENERGY STAR's test procedure.

DOE's proposed test procedure does add a requirement for standby-mode testing, for ceiling fans with standby functionality. However, as noted in section III.F.5, the additional testing for standby would take less than 5 minutes, be conducted immediately after active mode testing, and requires no additional equipment, so the testing burden would be minimal.

Based on all of these differences with respect to the ENERGY STAR test procedure, and estimates from third-party testing facilities of the labor costs associated with these differences, DOE estimates that the proposed test procedure for low-volume ceiling fans will cost between $600 and $1800 per test, for a total of $1200 to $3600 per basic model of ceiling fan for standard and hugger ceiling fans. For multi-mount ceiling fans, DOE estimates that the test cost will be approximately double the cost for standard and hugger ceiling fans. DOE also estimates that multi-mount ceiling fans represent approximately 20% of ceiling fan basic models for small business manufacturers. The test method for multi-head ceiling fans may require somewhat more time to set up compared to the time required for a single-headed fan, and DOE estimates the cost to be between $1300 and $2000 per test, or $2600 to $4000 per basic model. However, DOE notes that multi-head ceiling fans appear to represent 5% or less of ceiling fan basic models for small business manufacturers. Based on best estimates from third party testing facilities, DOE estimates that a typical test for a single-headed ceiling fan would cost approximately $950, or $1900 per basic model for standard or hugger ceiling fans, and $3800 per basic model for multi-mount ceiling fans.

For the approximately 30 small business manufacturers of low-volume ceiling fans that DOE identified, the number of basic models produced per manufacturer varies significantly from one to approximately 80. Therefore, based on the test cost per ceiling fan basic model, the testing cost in the first year would range from approximately $1900 to $182,400 for small manufacturers of ceiling fans. DOE expects this cost to be lower in

subsequent years because only new or redesigned ceiling fan models would need to be tested.

DOE estimated the cost to test a high-volume ceiling fan based on discussions with testing facilities capable of performing the AMCA 230 test procedure as well as cost estimates based on the time and labor costs necessary to perform the proposed test procedure on larger high-volume ceiling fans. DOE estimates that the one-time cost for a lab to buy a load-cell, a fabricated load-cell frame, power meter, and one air velocity sensor is approximately $4500. DOE estimates that the proposed test procedure for high-volume ceiling fans will cost manufacturers between $1000 and $3500 per test, for a total of $2000 to $7000 per basic model of ceiling fan. Based on the mid-point of the testing range, DOE estimates that the typical test would cost $2250 per test, or $4500 per basic model.

For the approximately 15–25 small business manufacturers of high-volume ceiling fans that DOE identified, the number of basic models produced per manufacturer varies from one to 30. Therefore, based on the test cost per ceiling fan basic model, the testing cost in the first year would range from approximately $4500 to $135,000 for small manufacturers of high-volume ceiling fans. DOE expects this cost to be lower in subsequent years because only new or redesigned ceiling fan models would need to be tested.

DOE used company reports from Hoovers.com, information from manufacturers' Web sites and feedback from manufacturers to estimate the revenue for the small business manufacturers of low and high-volume ceiling fans identified. The median revenue of the small business manufacturers of low-volume ceiling fans is approximately $15M. Relative to the median revenue for a small business manufacturer, the total testing cost ranges from 0.01 percent to 1 percent of the median revenue. The median revenue of the small business manufacturers of high-volume ceiling fans is approximately $8M. Relative to the median revenue for a small business manufacturer of high-volume ceiling fans, the total testing cost ranges from 0.05 percent to 1.5 percent of the median revenue.

For both low and high-volume ceiling fans, DOE does not expect that small manufacturers would necessarily have fewer basic models than large manufacturers, because ceiling fans are highly customized throughout the industry. A small manufacturer could have the same total cost of testing as a large manufacturer, but this cost would be a higher percentage of a small manufacturer's annual revenues. DOE requests comments on its analysis of burden to small businesses for testing ceiling fans according to the proposed test procedure.

(5) Relevant Federal rules which may duplicate, overlap or conflict with the proposed rule.

DOE is not aware of any other Federal rules that would duplicate, overlap or conflict with the rule being proposed.

(6) Description of any significant alternatives to the proposed rule.

DOE considered a number of industry and governmental test procedures that measure the efficiency of ceiling fans to develop the proposed test procedure in today's rulemaking. There appear to be two common approaches to testing ceiling fans: An approach based on using air velocity sensors to calculate airflow, such as the current DOE test procedure for ceiling fans, ENERGY STAR's test procedure, and CAN/CSA–C814–10, and an approach based on using a load cell to measure thrust, such as AMCA 230.

In principle, either approach could be used to measure the airflow efficiency of all ceiling fans, but maintaining consistency with industry practice would minimize test burden for all ceiling fan manufacturers. Though a load-cell based approach appears to be a potentially simpler method of estimating airflow efficiency, in industry, low-volume ceiling fans have historically been tested according to the air-velocity sensor based approach. High-volume ceiling fans, on the other hand, have historically been tested according to the load-cell based approach. It also appears to be cost-prohibitive to scale up the air-velocity sensor based approach to the larger diameter high-volume ceiling fans currently on the market given the number of sensors that would be required to cover ceiling fans 24 feet in diameter and the cost of constructing an appropriate rotating sensor arm.

DOE seeks comment and information on any alternative test methods that, consistent with EPCA requirements, would reduce the economic impact of the rule on small entities. DOE will consider the feasibility of such alternatives and determine whether they should be incorporated into the final rule.

C. Review Under the Paperwork Reduction Act of 1995

Manufacturers of ceiling fans must certify to DOE that their products comply with all applicable energy conservation standards. In certifying compliance, manufacturers must test their products according to the DOE test procedure for ceiling fans, including any amendments adopted for the test procedure on the date that compliance is required. DOE has established regulations for the certification and recordkeeping requirements for all covered consumer products and commercial equipment, including ceiling fans. 76 FR 12422 (Mar. 7, 2011). This rule contains a collection-of-information requirement that is subject to review and approval by OMB under the Paperwork Reduction Act (PRA). This requirement has been approved by OMB under control number 1910–1400. The public reporting burden for certification for energy and water conservation standards is estimated to average 20 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to DOE (see **ADDRESSES**) and by email to *Chad_S_Whiteman@omb.eop.gov.* Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

D. Review Under the National Environmental Policy Act of 1969

In this proposed rule, DOE proposes test procedure amendments that it expects will be used to develop and implement future energy conservation standards for ceiling fans. DOE has determined that this rule falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and DOE's implementing regulations at 10 CFR part 1021. Specifically, this proposed rule would amend the existing test procedures without affecting the amount, quality, or distribution of energy usage, and, therefore, would not result in any environmental impacts. Thus, this rulemaking is covered by Categorical Exclusion A5 under 10 CFR part 1021, subpart D, which applies to any rulemaking that interprets or amends an existing rule without changing the environmental effect of that rule. Accordingly, neither an environmental assessment nor an

environmental impact statement is required.

E. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (Aug. 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have Federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. (65 FR 13735 (Mar. 14, 2000)). DOE has examined this proposed rule and has tentatively determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of today's proposed rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297(d)) No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

Regarding the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Regarding the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and tentatively determined that, to the extent permitted by law, the proposed rule meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a proposed regulatory action likely to result in a rule that may cause 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 (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. (62 FR 12820 (Mar. 18, 1997)). (This policy is also available at *http://energy.gov/gc/office-general-counsel.*) DOE examined today's proposed rule according to UMRA and its statement of policy and has tentatively determined that the rule contains neither an intergovernmental mandate, nor a 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 year. Accordingly, no further assessment or analysis is required under UMRA.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to Executive Order 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights,'' 53 FR 8859 (Mar. 18, 1988), DOE has determined that this proposed regulation would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). DOE has reviewed today's proposed rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OIRA at OMB, a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgates or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For

any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

Today's regulatory action to amend the test procedure for measuring the energy efficiency of ceiling fans is not a significant regulatory action under Executive Order 12866 or any successor order. Moreover, it would not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as a significant energy action by the Administrator of OIRA. Therefore, it is not a significant energy action, and, accordingly, DOE has not prepared a Statement of Energy Effects for this rulemaking.

L. Review Under Section 32 of the Federal Energy Administration Act of 1974

Under section 301 of the Department of Energy Organization Act (Pub. L. 95–91; 42 U.S.C. 7101 *et seq.*), DOE must comply with all laws applicable to the former Federal Energy Administration, including section 32 of the Federal Energy Administration Act of 1974 (Pub. L. 93–275), as amended by the Federal Energy Administration Authorization Act of 1977 (Pub. L. 95–70). (15 U.S.C. 788; FEAA) Section 32 essentially provides in relevant part that, where a proposed rule authorizes or requires use of commercial standards, the notice of proposed rulemaking must inform the public of the use and background of such standards. In addition, section 32(c) requires DOE to consult with the Attorney General and the Chairman of the FTC concerning the impact of the commercial or industry standards on competition.

Today's proposed rule would incorporate testing methods contained in the following commercial standard: ANSI/AMCA Standard 230–12, ''Laboratory Methods of Testing Air Circulating Fans for Rating and Certification.'' The Department has evaluated this standard and is unable to conclude whether it fully complies with the requirements of section 32(b) of the FEAA, (*i.e.,* that it was developed in a manner that fully provides for public participation, comment, and review). DOE will consult with the Attorney General and the Chairman of the FTC concerning the impact on competition of requiring manufacturers to use the test methods contained in this standard prior to prescribing a final rule.

V. Public Participation

A. Attendance at the Public Meeting

The time, date and location of the public meeting are listed in the **DATES** and **ADDRESSES** sections at the beginning of this document. If you plan to attend the public meeting, please notify Ms. Brenda Edwards at (202) 586–2945 or *Brenda.Edwards@ee.doe.gov.* As explained in the **ADDRESSES** section, foreign nationals visiting DOE Headquarters are subject to advance security screening procedures. Any foreign national wishing to participate in the meeting should advise DOE of this fact as soon as possible by contacting Ms. Brenda Edwards to initiate the necessary procedures.

In addition, you can attend the public meeting via webinar. Webinar registration information, participant instructions, and information about the capabilities available to webinar participants will be published on DOE's Web site at: *http://www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx/ruleid/65.* Participants are responsible for ensuring their systems are compatible with the webinar software.

B. Procedure for Submitting Requests To Speak and Prepared General Statements for Distribution

Any person who has an interest in the topics addressed in this notice, or who is representative of a group or class of persons that has an interest in these issues, may request an opportunity to make an oral presentation at the public meeting. Such persons may hand-deliver requests to speak to the address shown in the **ADDRESSES** section at the beginning of this notice of proposed rulemaking between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Requests may also be sent by mail or email to Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121, or *Brenda.Edwards@ee.doe.gov.* Persons who wish to speak should include in their request a computer diskette or CD–ROM in WordPerfect, Microsoft Word, PDF, or text (ASCII) file format that briefly describes the nature of their interest in this rulemaking and the topics they wish to discuss. Such persons should also provide a daytime telephone number where they can be reached.

DOE requests persons selected to make an oral presentation to submit an advance copy of their statements at least one week before the public meeting. DOE may permit persons who cannot supply an advance copy of their statement to participate, if those persons have made advance alternative arrangements with the Building Technologies Office. As necessary, requests to give an oral presentation should ask for such alternative arrangements.

Any person who has plans to present a prepared general statement may request that copies of his or her statement be made available at the public meeting. Such persons may submit requests, along with an advance electronic copy of their statement in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format, to the appropriate address shown in the **ADDRESSES** section at the beginning of this notice of proposed rulemaking. The request and advance copy of statements must be received at least one week before the public meeting and may be emailed, hand-delivered, or sent by mail. DOE prefers to receive requests and advance copies via email. Please include a telephone number to enable DOE staff to make a follow-up contact, if needed.

C. Conduct of the Public Meeting

DOE will designate a DOE official to preside at the public meeting and may also use a professional facilitator to aid discussion. The meeting will not be a judicial or evidentiary-type public hearing, but DOE will conduct it in accordance with section 336 of EPCA (42 U.S.C. 6306). A court reporter will be present to record the proceedings and prepare a transcript. DOE reserves the right to schedule the order of presentations and to establish the procedures governing the conduct of the public meeting. There shall not be discussion of proprietary information, costs or prices, market share, or other commercial matters regulated by U.S. anti-trust laws. After the public meeting, interested parties may submit further comments on the proceedings, as well as on any aspect of the rulemaking, until the end of the comment period.

The public meeting will be conducted in an informal, conference style. DOE will present summaries of comments received before the public meeting, allow time for prepared general statements by participants, and encourage all interested parties to share their views on issues affecting this rulemaking. Each participant will be allowed to make a general statement (within time limits determined by DOE), before the discussion of specific topics. DOE will allow, as time permits, other participants to comment briefly on any general statements.

At the end of all prepared statements on a topic, DOE will permit participants to clarify their statements briefly and comment on statements made by others. Participants should be prepared to answer questions by DOE and by other participants concerning these issues. DOE representatives may also ask questions of participants concerning other matters relevant to this rulemaking. The official conducting the public meeting will accept additional comments or questions from those attending, as time permits. The presiding official will announce any further procedural rules or modification of the above procedures that may be needed for the proper conduct of the public meeting.

A transcript of the public meeting will be included in the docket, which can be viewed as described in the *Docket* section at the beginning of this notice and will be accessible on the DOE Web site. In addition, any person may buy a copy of the transcript from the transcribing reporter.

D. Submission of Comments

DOE will accept comments, data, and information regarding this proposed rule before or after the public meeting, but no later than the date provided in the **DATES** section at the beginning of this proposed rule. Interested parties may submit comments using any of the methods described in the **ADDRESSES** section at the beginning of this notice.

Submitting comments via *www.regulations.gov.* The *www.regulations.gov* Web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Otherwise, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (CBI)). Comments submitted through *www.regulations.gov* cannot be claimed as CBI. Comments received through the Web site will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery/courier, or mail. Comments and documents submitted via email, hand delivery/courier, or mail also will be posted to *www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via mail or hand delivery/courier, please provide all items on a CD, if feasible, in which case it is not necessary to submit printed copies. No telefacsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English, and are free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery/courier two well-marked copies: One copy of the document marked ''confidential'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include: (1) A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

E. Issues on Which DOE Seeks Comment

Although DOE welcomes comments on any aspect of this proposal, DOE is particularly interested in receiving comments and views of interested parties concerning the following issues:

1. DOE is reinterpreting the statutory definition of a ceiling fan to include hugger ceiling fans and clarifying that the definition includes multi-mount ceiling fans. DOE notes that CFLKs attached to hugger ceiling fans would become covered CFLKs under this reinterpretation. DOE invites comment on this reinterpretation and clarification.

2. DOE is also clarifying that high-volume ceiling fans are considered ceiling fans and covered under this rulemaking. DOE invites comment on this clarification.

3. DOE is proposing interpreting centrifugal fans to fall outside of the scope

of this rulemaking. DOE invites comment on this interpretation.

4. DOE invites comment on the proposed definitions for low-volume ceiling fans, high-volume ceiling fans, hugger ceiling fans, standard ceiling fans, and multi-mount ceiling fans.

5. DOE seeks comment on its proposed approach to incorporate standby power consumption into the ceiling fan efficiency metric.

6. DOE seeks comment on its proposed approach to assign all standby power consumption for a remote receiver that controls both a ceiling fan and light kit to the ceiling fan.

7. DOE seeks comment on its proposed operating hours for calculating ceiling fan efficiency for low-volume ceiling fans.

8. DOE seeks comment and any available data on operating hours for high-volume ceiling fans.

9. DOE seeks comment on its proposed approach to test at high and low speed for low-volume ceiling fans.

10. DOE seeks comment on its proposed approach to test high-volume fans at high speed only.

11. DOE seeks comment on its proposal to add a false ceiling to the experimental setup for all low-volume ceiling fan testing.

12. DOE seeks comment and data on how ceiling fans with more than one mounting option that would meet the definition of a standard ceiling fan are configured in the field. DOE also seeks comment and data on how hugger ceiling fans with more than one mounting option are configured in field.

13. DOE seeks comment on the proposed modifications to the testing room dimensions for high-volume ceiling fans. DOE specifically requests information on how manufacturers currently test large-diameter, high-volume ceiling fans, as well as the availability of suitable third-party testing facilities that can conduct the proposed test procedure and the ability to develop such facilities.

14. DOE seeks comment on whether manufacturers should be required to test multi-mount ceiling fans in the standard configuration, hugger configuration, both configurations, or all configurations for which they are capable of being installed.

15. DOE invites interested parties to comment on the estimated number of small business manufacturers of ceiling fans.

16. DOE requests comment on whether there are currently any hugger ceiling fan or high-volume ceiling fan features that are not in compliance with EPCA design standards for ceiling fans.

17. DOE requests comments on its analysis of burden to small businesses for testing ceiling fans according to the proposed test procedure.

18. DOE seeks comment and information on any alternative test methods that, consistent with the statutory requirements, would reduce the economic impact of the rule on small entities.

19. Several comments were received in response to the Framework Document for the ceiling fans energy conservation standards rulemaking suggesting that the testing could be improved if there were inter-lab calibration between testing facilities. DOE seeks comment on how calibration between testing facilities could be facilitated.

VI. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of today's notice of proposed rulemaking.

List of Subjects

10 CFR Part 429

Confidential business information, Energy conservation, Household appliances, Imports, Reporting and recordkeeping requirements.

10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Small businesses.

Issued in Washington, DC, on September 19, 2014.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

For the reasons stated in the preamble, DOE proposes to amend parts 429 and 430 of Chapter II, Subchapter D of Title 10, Code of Federal Regulations, as set forth below:

PART 429—CERTIFICATION, COMPLIANCE, AND ENFORCEMENT FOR CONSUMER PRODUCTS AND COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 1. The authority citation for part 429 continues to read as follows:

Authority: 42 U.S.C. 6291–6317.

■ 2. Section 429.32 is amended by revising paragraph (a) to read as follows:

§ 429.32 Ceiling fans.

(a) *Determination of represented value.* Manufacturers must determine the represented value, which includes the certified rating, for each basic model of ceiling fan by:

(1) Units to be tested.

(i) The requirements of § 429.11 are applicable to ceiling fans; and

(ii) For each basic model of ceiling fan selected for testing, a sample of sufficient size shall be randomly selected and tested to ensure that—

(A) Any represented value of the efficiency or airflow shall be less than or equal to the lower of:

(*1*) The mean of the sample, where:

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} x_i$$

And $\bar{x}$ is the sample mean; n is the number of samples; and x_i is the ith sample; or

(*2*) The lower 90 percent confidence limit (LCL) of the true mean divided by 0.9, where:

$$LCL = \bar{x} - t_{0.90}\left(\frac{s}{\sqrt{n}}\right)$$

And $\bar{x}$ is the sample mean; s is the sample standard deviation; n is the number of samples; and $t_{0.90}$ is the t statistic for a 90% one-tailed confidence interval with n − 1 degrees of freedom (from Appendix A to subpart B); and

(B) Any represented value of the wattage shall be greater than or equal to the higher of:

(*1*) The mean of the sample, where:

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} x_i$$

And $\bar{x}$ is the sample mean; n is the number of samples; and x_i is the ith sample; or

(*2*) The upper 95 percent confidence limit (UCL) of the true mean divided by 1.1, where:

$$UCL = \bar{x} + t_{0.95}\left(\frac{s}{\sqrt{n}}\right)$$

And $\bar{x}$ is the sample mean; s is the sample standard deviation; n is the number of samples; and $t_{0.95}$ is the t statistic for a 95% one-tailed confidence interval with n − 1 degrees of freedom (from Appendix A to subpart B).

(2) [Reserved]

* * * * *

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 3. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

■ 4. Section 430.2 is amended by adding the definitions for ''high-volume ceiling fan,'' ''hugger ceiling fan,'' ''low-volume ceiling fan,'' ''multi-mount ceiling fan,'' and ''standard ceiling fan'' in alphabetical order to read as follows:

§ 430.2 Definitions.

* * * * *

High-volume ceiling fan means a ceiling fan that:

(1) Is greater than 7 feet in diameter; or

(2) Has a blade thickness of less than 3.2 mm at the edge or a maximum tip

speed that exceeds the threshold in the table in the definition of low-volume ceiling fan in this section and has a maximum airflow volume greater than 5,000 CFM.

* * * * *

Hugger ceiling fan means a ceiling fan where the lowest point on the fan blades is no more than ten inches from the ceiling.

* * * * *

Low-volume ceiling fan means a ceiling fan that:

(1) Is less than or equal to 7 feet in diameter; and

(2) Has a blade thickness greater than or equal to 3.2 mm at the edge and a maximum tip speed less than or equal to the limit in the table in this definition, or has a maximum airflow volume less than or equal to 5,000 CFM.

LOW-VOLUME CEILING FANS, 7 FEET OR LESS IN DIAMETER

Airflow Direction *	Thickness (t) of edges of blades		Maximum speed at tip of blades	
	Mm	(inch)	m/s	(feet per minute)
Downward-Only	4.8 > t ≥ 3.2	(3/16 > t ≥ 1/8)	16.3	(3200)
Downward-Only	t ≥ 4.8	(t ≥ 3/16)	20.3	(4000)
Reversible	4.8 > t ≥ 3.2	(3/16 > t ≥ 1/8)	12.2	(2400)
Reversible	t ≥ 4.8	(t ≥ 3/16)	16.3	(3200)

* The ''downward-only'' and ''reversible'' airflow directions are mutually exclusive; therefore, a ceiling fan that can only produce airflow in the downward direction need only meet the ''downward-only'' blade edge thickness and tip speed requirements and a ceiling fan that can produce airflow in the downward and upward directions need only meet the ''reversible'' requirements.

* * * * *

Multi-mount ceiling fan means a ceiling fan that can be mounted in both the standard and hugger ceiling fan configurations.

* * * * *

Standard ceiling fan means a ceiling fan where the lowest point on the fan blades is more than ten inches from the ceiling.

* * * * *

■ 5. Section 430.3 is amended by:

■ a. Adding paragraph (d)(19); and

■ b. Removing in paragraph (o)(4), ''appendices C1, D1, D2, G, H, I, J2, N, O, P, and X to subpart B'' and adding in its place, ''appendices C1, D1, D2, G, H, I, J2, U, N, O, P, and X to subpart B of this part''.

The addition reads as follows:

§ 430.3 Materials incorporated by reference.

* * * * *

(d) * * *

(19) ANSI/AMCA 230–12 (''AMCA 230''), Air Movement and Control Association Laboratory Methods of Testing Air Circulating Fans for Rating and Certification, approved February 22, 2012, IBR approved for appendix U to subpart B of this part.

* * * * *

■ 6. Section 430.23 is amended by revising paragraph (w) to read as follows:

§ 430.23 Test procedures for the measurement of energy and water consumption.

* * * * *

(w) *Ceiling fans.* The efficiency of a ceiling fan, expressed in cubic feet per minute per watt (CFM/watt), shall be measured in accordance with sections 2.3, 2.5, 2.6 and 3 of appendix U to subpart B of this part.

* * * * *

■ 7. Appendix U to subpart B of part 430 is revised to read as follows:

Appendix U To Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Ceiling Fans

After [DATE 30 DAYS AFTER PUBLICATION OF THE FINAL RULE IN THE **Federal Register**] and prior to [DATE 180 DAYS AFTER PUBLICATION OF THE FINAL RULE IN THE **Federal Register**], manufacturers must make any representations with respect to the energy use or efficiency of ceiling fans, except hugger ceiling fans, multi-mount ceiling fans in the hugger configuration, and high-volume ceiling fans, as defined in 10 CFR 430.2 in accordance with the results of testing pursuant to this Appendix U or the procedures in Appendix U as it appeared at 10 CFR part 430, subpart B, Appendix U, in the 10 CFR parts 200 to 499 edition revised as of January 1, 2014. After [DATE 180 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE], manufacturers of ceiling fans must make any representations with respect to energy use or efficiency in accordance with the results of testing pursuant to this appendix.

1. Definitions:

1.1. *Airflow* means the rate of air movement at a specific fan-speed setting expressed in cubic feet per minute (CFM).

1.2. *Ceiling fan efficiency* means the ratio of the total airflow to the total power consumption, in units of cubic feet per minute per watt (CFM/W).

1.3. *High speed* means the highest available ceiling fan speed.

1.4. *Low speed* means the lowest available ceiling fan speed.

1.5. *Multi-head ceiling fan* means a ceiling fan with more than one fan head, i.e., more than one set of rotating fan blades.

1.6. *Total airflow* means the following: For low-volume ceiling fans, *total airflow* means the sum of the product of airflow and hours of operation at high and low speeds. For high-volume ceiling fans, *total airflow* is the product of airflow at high speed and the hours of operation in active mode.

2. General Instructions, Test Apparatus, and Test Measurement: General instructions apply to characterizing the energy performance of both low-volume and high-volume ceiling fans. The test apparatus and test measurement used to characterize energy performance depend on whether the ceiling fan is low volume or high volume.

2.1. General instructions: Record measurements at the resolution of the test instrumentation. Round off calculations to the same number of significant digits as the previous step. Round the final ceiling fan efficiency value to the nearest whole number as follows:

2.1.1. A fractional number at or above the midpoint between the two consecutive whole numbers shall be rounded up to the higher of the two whole numbers; or

2.1.2. A fractional number below the midpoint between the two consecutive whole numbers shall be rounded down to the lower of the two whole numbers.

For multi-head ceiling fans, the effective blade span is the blade span of an individual fan head, if all fan heads are the same size. If the fan heads are of varying sizes, the effective blade span is the blade span of the largest fan head.

2.2. Test apparatus for low-volume ceiling fans: All instruments are to have tolerances within ±1% of reading, except for the air velocity sensors, which should have tolerances within ±5% of reading. Equipment is to be calibrated at least once a year to compensate for variation over time.

2.2.1. *Air Delivery Room Requirements:* The air delivery room dimensions are to be 20 ±0.75 ft. × 20 ±0.75 ft. with an 11 ±0.75 ft. high ceiling. The control room shall be constructed external to the air delivery room.

The ceiling shall be constructed of sheet rock or stainless plate. The walls shall be of adequate thickness to maintain the specified temperature and humidity during the test.

The paint used on the walls, as well as the wall material, must be of a type that minimizes absorption of humidity and that keeps the temperature of the room constant during the test (e.g., oil-based paint).

The room shall have no ventilation other than an air conditioning and return system used to control the temperature and humidity of the room. The construction of the room must ensure consistent air circulation patterns within the room. Vents must have electronically-operated damper doors controllable from a switch outside of the testing room.

2.2.2. *Equipment Set-Up:* Hang the ceiling fan to be tested directly from a false ceiling, according to the manufacturer's installation instructions. All standard and hugger ceiling fans shall be hung in the fan configuration that minimizes the distance between the false ceiling and the fan blades. Multi-mount fans shall be hung and tested in two configurations: in the configuration that meets the definition of a standard ceiling fan, while minimizing the distance the ceiling and the lowest part of the fan blades; and in the configuration that meets the definition of a hugger ceiling fan, while minimizing the distance between the ceiling and the lowest part of the fan blades. The length and breadth of the false ceiling must be at least 8 inches larger than the blade span of the ceiling fan. If a false ceiling is at least 8 inches larger than the blade span of the largest low-volume ceiling fan that will be tested by a testing facility, the same false ceiling may be used for all fans. The thickness of the false ceiling must be sufficient to maintain a flat bottom surface or be supported by additional structural fixtures or stiffeners on the top surface to maintain that shape. The false ceiling may be made of more than one piece, provided that the pieces are joined together such that the bottom surface is smooth. The false ceiling is to be constructed of heavy-duty plywood or drywall, or a material with similar surface roughness. The false ceiling must be level when the ceiling fan is suspended from it.

Hang the false ceiling from an actuator hanging system, which supports the weight of both the false ceiling and the ceiling fan and controls the height of the false ceiling such that the distance between the fan blades and the air velocity sensors can be adjusted through automatic (motor-driven) action.

Either a rotating sensor arm or four fixed sensor arms can be used to take airflow measurements along four axes, labeled A–D. Axes A, B, C, and D are at 0, 90, 180, and 270 degree positions. Axes A–D can be designated either by using the four walls or four corners of the room. See Figure 1 of this appendix.

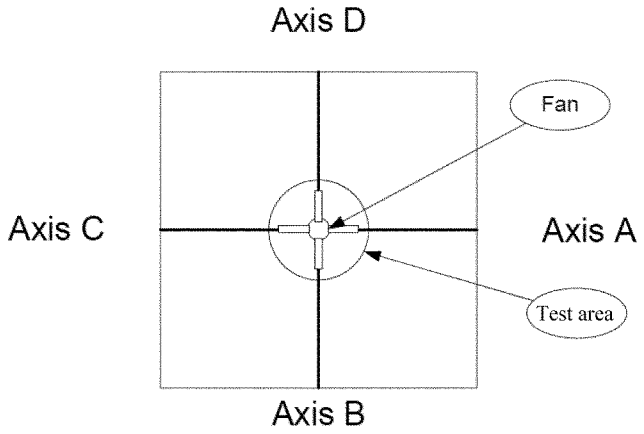

Figure 1 to Appendix U to Subpart B of Part 430: Testing Room and Sensor Arm Axes

The amount of exposed wiring must be minimized. All sensor lead wires must be stored under the floor, if possible.

The sensors shall be placed at exactly 4-inch intervals along a sensor arm, starting with the first sensor at the point where the four axes intersect. Do not touch the actual sensor prior to testing. Enough sensors shall be used to record air delivery within a circle 8 inches larger in diameter than the blade span of the ceiling fan being tested. A proper experimental set-up is shown in Figure 2 of this appendix.

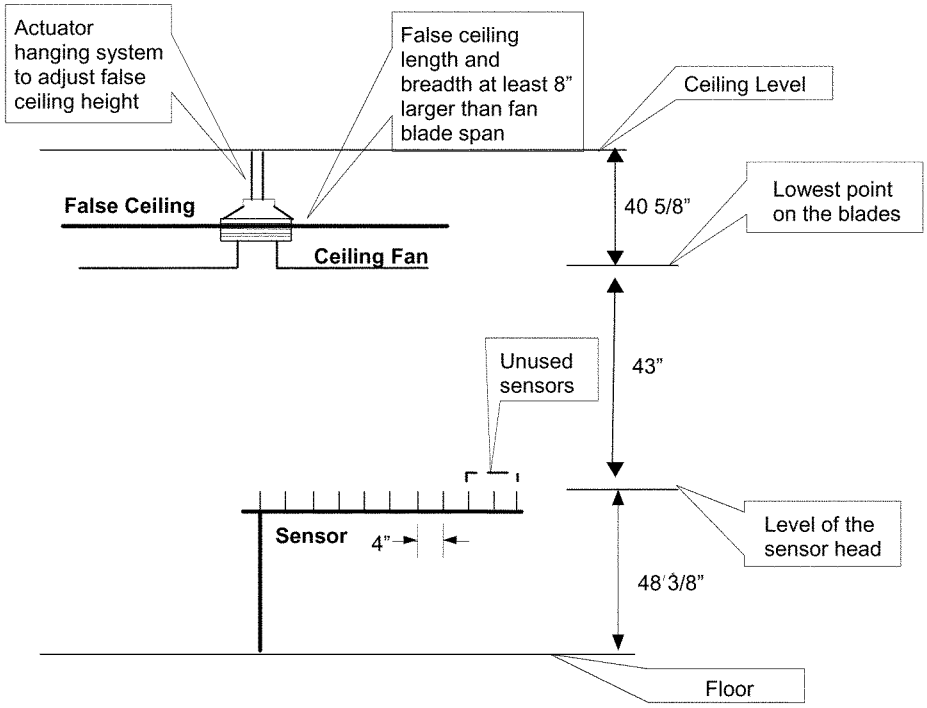

Figure 2 to Appendix U to Subpart B of Part 430: Air Delivery Room Set-Up for Low-Volume Ceiling Fans

Table 1 of this appendix shows the appropriate number of sensors needed per each of four axes (including the first sensor at the intersection of the axes) for each fan size.

TABLE 1 TO APPENDIX U TO SUBPART B OF PART 430: SENSOR SELECTION GUIDE

Fan blade span * (inches)	Number of sensors
36	6
42	7
44	7
48	7
52	8
54	8
56	8
60	9
72	10

* The fan sizes listed are intended simply to be illustrative and do not restrict which ceiling fan sizes can be tested.

An RPM (revolutions per minute) meter, or tachometer, should be installed hanging from the ceiling and passing through the false ceiling so that the RPM of the ceiling fan blades can be measured during testing.

Use an RMS sensor capable of measuring power with an accuracy of ±1% to measure ceiling fan power consumption. Prior to testing, the test laboratory must verify the performance of the sensor and sensor software to be used during the test.

2.2.3. *Multi-Head Ceiling Fan Test Set-Up*: Multi-headed ceiling fans are to be hung from the false ceiling such that one of the ceiling fan heads is directly over sensor 1 (*i.e.,* at the intersection of axes A, B, C, and D). This can be achieved by either offsetting the entire false ceiling, or the multi-head fan with respect to the false ceiling, as long as the requirement that the false ceiling extend at least 8 inches beyond the blade span of the centered fan head is maintained. Supporting chains, wires, or ropes may be used to keep the false ceiling level if the multi-head ceiling fan is offset with respect to the false ceiling. The distance between the lowest point on the fan blades of the centered fan head and the air velocity sensors is to be such that it is the same as for all other low-volume ceiling fans (see Figure 2 of this appendix). Switching on only the centered fan head, the airflow measurements are to be made in the same manner as for all other low-volume ceiling fans. The power consumption measurements are to be made separately, with all fan heads on.

2.2.4. *Test Set-Up for Ceiling Fans With Airflow Not Directly Downward*: For ceiling fans where the airflow is not directly downward, the ceiling fan head is to be adjusted such that the airflow is as vertical as possible prior to testing. The distance between the lowest point on the blades and the air velocity sensors should be the same as for all other low-volume ceiling fans. For ceiling fans where a fully vertical orientation of airflow cannot be achieved, the ceiling fan is to be oriented such that any remaining tilt is aligned along one of the four sensor axes. Instead of measuring the air velocity for only those sensors directly beneath the ceiling fan, the air velocity is to be measured at all sensors along that axis, as well as the axis oriented 180 degrees with respect to that axis. For example, if the tilt is oriented along axis A, air velocity measurements are to be taken for all sensors along the A–C axis. No measurements would need to be taken along the B–D axis in this case.

2.3. Active mode test measurement for low-volume ceiling fans.

2.3.1. *Test conditions to be followed when testing:*

- The temperature and humidity setting shall be 76 degrees ±2 degrees Fahrenheit and 50% ±5% relative humidity. These shall be held constant during the entire test process.
- Allow the sensors to be turned on and the fan to run for 15 minutes at each fan speed/setting before taking readings.
- If present, the ceiling fan light fixture is to be installed but turned off during testing.
- If present, any heater is to be installed but turned off during testing.
- The tests shall be conducted with the fan connected to a supply circuit with a voltage of (a) 120 V for fans rated on the nameplate from 105 to 125 V; and (b) 240 V for fans rated on the nameplate from 208 to 250 V. The test voltage shall not vary by more than ±1% during the tests.
- The test shall be conducted with the fan connected to a supply circuit at the rated frequency.
- Air conditioning vents shall be closed during testing.

2.3.2. *Airflow and Power Consumption Testing Procedure*: Measure the airflow (CFM) and power consumption (watt) for low-volume ceiling fans at high and low speed.

Step 1: Make sure the transformer power is off. Hang fan at the actuator hanging system, and connect wires as directed by manufacturer's wiring instructions. *Note:* Assemble fan prior to the test; lab personnel must follow the instructions provided by the fan manufacturer. The fan blade assembly shall be balanced in accordance with the manufacturer's instructions to avoid excessive vibration of the motor assembly (at any speed) during operation.

Step 2: Adjust the actuator such that the lowest point on the fan blades is 43 inches above the height of the sensor heads. If necessary, use the hoist's toggle switch and adjust height.

Step 3: Set the first sensor arm (if using four fixed arms) or single sensor arm (if using a single rotating arm) to the 0 degree Position (Axis A). If necessary, use marking as reference. If using a single rotating arm, adjust the sensor arm alignment until it is at the 0 degree position by remotely controlling the antenna rotator.

Step 4: Set software up to read and record air velocity, expressed in feet per minute (FPM) in 1 second intervals. (Temperature does not need to be recorded in 1 second intervals.) Record current barometric pressure.

Step 5: Allow test fan to run 15 minutes at rated voltage and at blade speed to be tested. Turn off all environmental conditioning equipment entering the chamber (*e.g.,* air conditioning), close all doors and vents, and wait an additional 3 minutes prior to starting test session.

Step 6: Begin recording readings. Take 100 readings (100 seconds run-time) and save these data.

Step 7: Similarly, take 100 readings (100 seconds run-time) for Axes B, C, and D; save these data as well. If using four fixed sensor arms, the readings for all sensor arms should be taken simultaneously.

Step 8: Repeat steps 3 through 7 above for the remaining fan speed. *Note:* Ensure that temperature and humidity readings are held within the required tolerances for the duration of the test (all tested speeds). It may be helpful to turn on environmental conditioning equipment between test sessions to ready the room for the following speed test.

Step 9: If testing a multi-mount ceiling fan, repeat steps 1 through 8 with the ceiling fan hung in the configuration (either hugger or standard) not already tested.

If a multi-head ceiling fan includes more than one type of ceiling fan head, then test at least one of each unique type. A fan head with different construction that could affect air movement or power consumption, such as housing, blade pitch, or motor, would constitute a different type of fan head.

Measure power input at a point that includes all power-consuming components of the ceiling fan (but without any attached light kit or heater energized). Measure power continuously at the rated voltage that represents normal operation over the time period for which the airflow test is conducted for each speed, and record the average value of the power measurement at that speed in watts (W).

Measure ceiling fan power consumption simultaneously with the airflow test, except for multi-head ceiling fans. For multi-head ceiling fans, measure power consumption at each speed continuously for 100 seconds with all fan heads turned on, and record the average value at each speed in watts (W).

2.4. Test apparatus for high-volume ceiling fans: The test apparatus and instructions for testing high-volume ceiling fans shall conform to the requirements specified in Section 3 (''Units of Measurement''), Section 4 (''Symbols and Subscripts''), Section 5 (''Definitions''), Section 6 (''Instruments and Methods of Measurement''), and Section 7 (''Equipment and Setups'') of the Air Movement and Control Association (AMCA) International's ''AMCA 230: *Laboratory Methods of Testing Air Circulating Fans for Rating and Certification,''* February 22, 2012 (incorporated by reference, see § 430.3), with the following modifications:

2.4.1. The test procedure is applicable to high-volume ceiling fans up to 24 feet in diameter.

2.4.2. A ''ceiling fan'' is defined as in 10 CFR 430.2.

2.4.3. For all ceiling fans, the minimum distance between the ceiling and the blades of a ceiling fan being tested is 44 inches.

2.4.4. For a ceiling fan larger than 6 feet in diameter, the clearance between the floor and the blades of a ceiling fan being tested is 20 feet.

2.4.5. For a ceiling fan larger than 6 feet in diameter, the minimum distance between the centerline of a ceiling fan being tested and the walls and large obstructions all around is half the ceiling fan blade span plus 10 feet.

2.5. Active mode test measurement for high-volume ceiling fans: Calculate the airflow (CFM) and measure the power consumption (watt) for ceiling fans at high speed, in accordance with the test requirements specified in Section 8 (''Observations and Conduct of Test'') and Section 9 (''Calculations'') of AMCA 230 (incorporated by reference, see § 430.3), with the following modifications:

2.5.1. Measure power consumption at a point that includes all power-consuming components of the ceiling fan (but without any attached light kit or heater energized).

2.5.2. Measure power consumption continuously at the rated voltage that represents normal operation over the time period for which the load differential test is conducted.

2.6. Test measurement for standby power consumption: Standby power consumption must be measured for both low and high-volume ceiling fans that offer one or more of the following user-oriented or protective functions:

- The ability to facilitate the activation or deactivation of other functions (including active mode) by remote switch (including remote control), internal sensor, or timer.
- Continuous functions, including information or status displays (including clocks), or sensor-based functions.

Standby power consumption must be measured after completion of the airflow test for low-volume ceiling fans, or the load differential test for high-volume ceiling fans, and after the active mode functionality has been switched off (i.e., the rotation of the ceiling fan blades is no longer energized). The ceiling fan must remain connected to the main power supply and be in the same configuration as in active mode (i.e., any ceiling fan light fixture should still be attached). Measure standby power consumption according to IEC 62301 (incorporated by reference; see § 430.3) with the following modifications:

2.6.1. Allow 3 minutes between switching off active mode functionality and beginning the standby power test. (No additional time before measurement is required.)

2.6.2. Measure power consumption continuously for 100 seconds, and record the average value of the standby power measurement in watts (W).

3. Calculation of Ceiling Fan Efficiency From the Test Results: The efficacy of a ceiling fan is the *ceiling fan efficiency* (as defined in section 1 of this appendix).

Using the airflow and power consumption measurements from section 2, calculate ceiling fan efficiency for a low-volume ceiling fan as follows:

$$\textit{Ceiling Fan Efficiency}\ (CFM/W) = \left(\frac{\sum_{i=H,L} CFM_i \times OH_i}{W_{Sb} \times OH_{Sb} + \sum_{i=H,L} W_i \times OH_i}\right) \qquad \textbf{Eq. 1}$$

Where:

CFM_i = airflow at a given speed,

OH_i = operating hours at a given speed,

W_i = power consumption at a given speed,

H = high speed,

L = low speed,

OH_{Sb} = operating hours in standby mode, and

W_{Sb} = power consumption in standby mode.

Using the airflow and power consumption measurements from section 3, calculate ceiling fan efficiency for a high-volume ceiling fan as follows:

$$Ceiling\ Fan\ Efficiency\ (CFM/W) = \left(\frac{CFM_H \times OH_A}{W_{Sb} \times OH_{Sb} + W_H \times OH_A}\right) \qquad \textbf{Eq. 2}$$

Where:

CFM_H = airflow at high speed,

OH_A = operating hours in active mode,

W_H = power consumption at high speed,

OH_{Sb} = operating hours in standby mode, and

W_{Sb} = power consumption in standby mode.

Table 2 of this appendix specifies the daily hours of operation to be used in calculating ceiling fan efficiency:

TABLE 2 TO APPENDIX U TO SUBPART B OF PART 430: DAILY OPERATING HOURS FOR CALCULATING CEILING FAN EFFICIENCY

Daily Operating Hours for Low-Volume Ceiling Fans		
	No standby	With standby
High Speed	4.2	4.2
Low Speed	2.2	2.2
Standby Mode	0.0	17.6
Off Mode	17.6	0.0
Daily Operating Hours for High-Volume Ceiling Fans		
	No standby	With standby
Active Mode	12.0	12.0
Standby Mode	0.0	12.0
Off Mode	12.0	0.0

The effective area corresponding to each sensor is to be calculated with the following equations:

For sensor 1, the sensor located directly underneath the center of the ceiling fan, the effective width of the circle is 2 inches, and the effective area is:

$$Effective\ Area\ (sq.ft.) = \pi\left(\frac{2}{12}\right)^2 = 0.0873 \qquad \textbf{Eq. 3}$$

For the sensors between sensor 1 and the last sensor used in the measurement, the effective area has a width of 4 inches. If a sensor is a distance *d*, in inches, from sensor 1, then the effective area is:

$$Effective\ Area\ (sq.ft.) = \pi\left(\frac{d+2}{12}\right)^2 - \pi\left(\frac{d-2}{12}\right)^2 \qquad \textbf{Eq. 4}$$

For the last sensor, the width of the effective area depends on the horizontal displacement between the last sensor and the point on the ceiling fan blades furthest radially from the center of the fan. The total area included in an airflow calculation is the area of a circle 8 inches larger in diameter than the ceiling fan blade span.

Therefore, for example, for a 42-inch ceiling fan, the last sensor is 3 inches beyond the end of the ceiling fan blades. Because only the area within 4 inches of the end of the ceiling fan blades is included in the airflow calculation, the effective width of the circle corresponding to the last sensor would be 3 inches. The calculation for the effective area corresponding to the last sensor would then be:

$$Effective\ Area\ (sq.ft.) = \pi\left(\frac{d+1}{12}\right)^2 - \pi\left(\frac{d-2}{12}\right)^2 = \pi\left(\frac{24+1}{12}\right)^2 - \pi\left(\frac{24-2}{12}\right)^2 = 3.076 \qquad \textbf{Eq. 5}$$

For a 46-inch ceiling fan, the effective area of the last sensor would have a width of 5 inches, and the effective area would be:

$$Effective\ Area\ (sq.ft.) = \pi\left(\frac{d+3}{12}\right)^2 - \pi\left(\frac{d-2}{12}\right)^2 = \pi\left(\frac{24+3}{12}\right)^2 - \pi\left(\frac{24-2}{12}\right)^2 = 5.345 \qquad \textbf{Eq. 6}$$

3.1.1. *Ceiling fan efficiency calculations for multi-head ceiling fans*: To determine the airflow at a given speed for a multi-head ceiling fan, measure the airflow for each fan head. Repeat for each fan head. Testing of each fan head is not required if the fan heads are essentially identical (i.e., do not have differences in construction such as housing, blade pitch, or motor could affect air movement or power consumption); instead, the measurements for one fan head can be used for each essentially identical fan head.

Sum the measured airflow for each fan head included in the ceiling fan. The power consumption is the measured power consumption with all fan heads on.

Using the airflow and power consumption measurements from section 2 of this appendix, calculate ceiling fan efficiency for a low-volume, multi-head ceiling fan as follows:

$$\textit{Ceiling Fan Efficiency}\ (CFM/W) = \left(\frac{\sum_{i=H,L} CFM_i \times OH_i}{W_{Sb} \times OH_{Sb} + \sum_{i=H,L} W_i \times OH_i}\right) \qquad \textbf{Eq. 1}$$

Where:

CFM_i = sum of airflow at a given speed for each head,

OH_i = operating hours at a given speed,

W_i = total power consumption at a given speed,

H = high speed,

L = low speed,

OH_{Sb} = operating hours in standby mode, and

W_{Sb} = power consumption in standby mode.

3.1.2. *Ceiling fan efficiency calculations for ceiling fans with airflow not directly downward*: Using a set of sensors that cover the same diameter as if the airflow was directly downward, the airflow at each speed should be calculated based on the continuous set of sensors with the largest air velocity measurements. This continuous set of sensors should be along the axis that the ceiling fan tilt is directed in (and along the axis that is 180 degrees from the first axis). For example, a 42-inch fan tilted toward axis A may create the pattern of air velocity shown in Figure 3 of this appendix. As shown in Table 1 of this appendix, a 42-inch fan would normally require 7 active sensors. However because the fan is not directed downward, all sensors must record data. In this case, because the set of sensors corresponding to maximum air velocity are centered 3 sensor positions away from the sensor 1 along the A axis, substitute the air velocity at A axis sensor 4 for the average air velocity at sensor 1. Take the average of the air velocity at A axis sensors 3 and 5 as a substitute for the average air velocity at sensor 2, take the average of the air velocity at A axis sensors 2 and 6 as a substitute for the average air velocity at sensor 3, etc. Lastly, take the average of the air velocities at A axis sensor 10 and C axis sensor 4 as a substitute for the average air velocity at sensor 7. Any air velocity measurements made along the B–D axis are not included in the calculation of average air velocity.

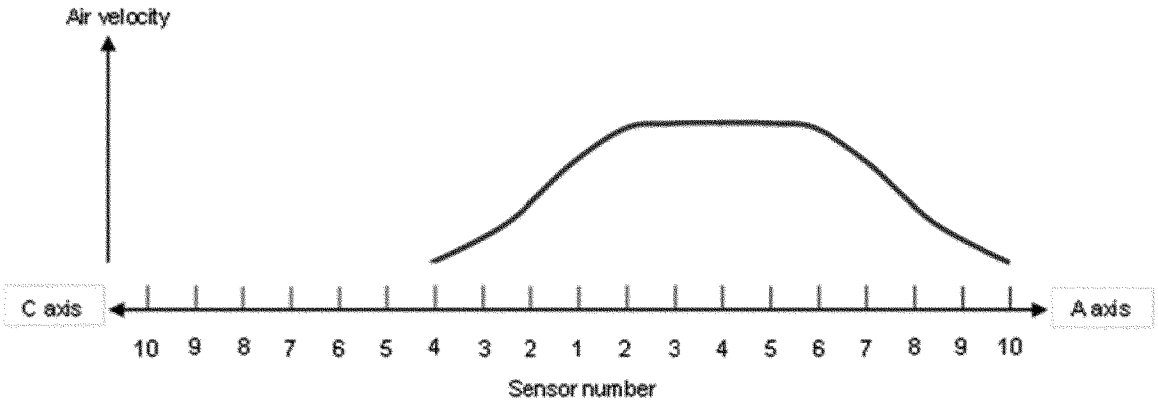

Figure 3: Example Air Velocity Pattern for Airflow Not Directly Downward

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FEDERAL REGISTER

Vol. 79 Friday,

No. 201 October 17, 2014

Part III

The President

Proclamation 9195—Blind Americans Equality Day, 2014

Federal Register
Vol. 79, No. 201
Friday, October 17, 2014

Presidential Documents

Title 3—

The President

Proclamation 9195 of October 14, 2014

Blind Americans Equality Day, 2014

By the President of the United States of America

A Proclamation

For half a century, our Nation has set aside one day every year to honor the contributions of blind and visually impaired Americans. In that time, we have built a more just and more inclusive society. We have torn down barriers to full participation in our democracy and economy—but more work remains to guarantee all Americans have a fair shot at success. Today, we reaffirm our commitment to equal access, equal opportunity, and equal respect for every person and continue our work to ensure that no one is excluded from America's promise.

All Americans have a fundamental right to dignity and respect, and to fully take part in the American experience. Every day, people with visual impairments and other print disabilities enrich our communities and demonstrate the inherent worth of every person. In our classrooms, blind Americans teach history and mathematics while fostering an early awareness of the innate possibility within each person. On canvas and through music, artists with visual impairments show us the world as they know it and broaden our understanding of our universe. Across our country, Americans with disabilities contribute to our workplaces and our economy while securing stronger futures for themselves and their families.

My Administration is dedicated to expanding opportunity because all people deserve the freedom to make of their lives what they will. We are building on the foundation of the Americans with Disabilities Act by strengthening the protections against disability-based discrimination and advancing programs that increase accessibility in the places we learn, work, and live. Because Braille is a key tool that unlocks learning for many blind and visually impaired students, my Administration continues to support Braille instruction in classrooms throughout our Nation. We are committed to promoting access to employment opportunities for individuals with disabilities, ensuring new technology remains accessible so disabilities do not stand in the way of cutting-edge innovation, and—through new protections in the Affordable Care Act—preventing health insurance companies from denying coverage based on pre-existing conditions, medical history, or genetic information.

When our Nation is able to harness the full potential of all our citizens, we can achieve extraordinary things. On Blind Americans Equality Day, we resolve to live up to the principles enshrined in the heart of our Nation and do our part to form a more perfect Union.

By joint resolution approved on October 6, 1964 (Public Law 88–628, as amended), the Congress designated October 15 of each year as ''White Cane Safety Day'' to recognize the contributions of Americans who are blind or have low vision. Today, let us recommit to ensuring we remain a Nation where all our people, including those with disabilities, have every opportunity to achieve their dreams.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 15, 2014, as Blind Americans Equality Day. I call upon public officials, business

and community leaders, educators, librarians, and Americans across the country to observe this day with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of October, in the year of our Lord two thousand fourteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

[FR Doc. 2014–24931
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Federal Register

Vol. 79, No. 201

Friday, October 17, 2014

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FEDERAL REGISTER PAGES AND DATE, OCTOBER

59087–59422 1
59423–59622 2
59623–60056 3
60057–60318 6
60319–60738 7
60739–60950 8
60951–61214 9
61215–61562 10
61563–61758 14
61759–61988 15
61989–62294 16
62295–62552 17

CFR PARTS AFFECTED DURING OCTOBER

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.

2 CFR

Proposed Rules:
2700 62060

3 CFR

Proclamations:
9174 59417
9175 59419
9176 59421
9177 60043
9178 60045
9179 60047
9180 60049
9181 60051
9182 60053
9183 60055
9184 60737
9185 60939
9186 60941
9187 60943
9188 60945
9189 61759
9190 62295
9191 62297
9192 62299
9193 62301
9194 62303
9195 62551

Executive Orders:
13678 60949
13679 62323

Administrative Orders:
Memorandums:
Memorandum of September 24, 2014 60041

5 CFR

890 62325

Proposed Rules:
337 61266
576 61266
792 61266
831 61266
842 61266
870 61788

7 CFR

301 61215
319 .....59087, 59089, 61216
761 60739
762 60739
763 60739
764 60739
765 60739

Proposed Rules:
319 62055
948 60117
980 60117

10 CFR

50 62329
52 61944
72 59623
431 59090
433 61563
435 61563
436 61563

Proposed Rules:
50 .....60383, 62360
72 59693
429 .....60996, 62522
430 .....60996, 62522
431 59153
433 61694
435 61694
460 59154

11 CFR

110 62335

Proposed Rules:
100 59459
110 62361

12 CFR

50 61440
249 61440
329 61440
701 59627
706 59627
790 59627

Proposed Rules:
611 62058
931 60783
933 60783
1001 60762
1090 60762
1263 60384
1277 60783

13 CFR

Proposed Rules:
103 62060
124 62060
134 62060

14 CFR

13 61761
25 .....59423, 59431, 60319
39 .....59091, 59093, 59096, 59102, 59630, 59633, 59636, 59640, 59643, 60322, 60325, 60327, 60329, 60331, 60334, 60337, 60339
71 62336
73 .....59645, 61989
398 60951
406 61990

Proposed Rules:
39 .....59154, 59157, 59160, 59162, 59459, 59461, 59463, 59465, 59467, 59468, 59695, 59697, 60384, 60389, 60789, 62070, 62072, 62075, 62363

71 .....60793, 61790, 62079, 62080, 62366
1245.....60119
1260.....61013
1274.....61013

15 CFR

774.....61571
Proposed Rules:
762.....59166

16 CFR

1240.....59962
Proposed Rules:
306.....61267
1120.....62081

17 CFR

200.....59104
232.....61576
240.....61576
249.....61576
249b.....61576
Proposed Rules:
23.....59898
140.....59898

18 CFR

2.....60953
4.....59105
38.....60953
380.....59105

20 CFR

404.....61221
Proposed Rules:
620.....61013

21 CFR

Proposed Rules:
179.....59699
573.....62090

22 CFR

62.....60294
120.....61226
121.....61226
123.....61226
126.....61226
130.....61226

23 CFR

771.....60100

24 CFR

5.....59646
232.....59646
Proposed Rules:
Ch. II.....61020
891.....60590
892.....60590
970.....62250
972.....62250

25 CFR

Proposed Rules:
81.....61021
82.....61021
169.....60794

26 CFR

1.....59112
54.....59130
Proposed Rules:
1.....61791

27 CFR

9.....60954, 60968
Proposed Rules:
478.....60391
555.....60391
771.....60391

29 CFR

10.....60634
552.....60974
2590.....59130
4022.....61761
Proposed Rules:
1910.....61384
1915.....61384
1917.....61384
1918.....61384
1926.....61384

30 CFR

1290.....62047
Proposed Rules:
5.....61035
7.....59167
75.....59167
550.....61041
551.....61041
556.....61041
581.....61041
582.....61041
585.....61041

31 CFR

34.....61236
223.....61992
Proposed Rules:
1.....59699

32 CFR

Proposed Rules:
86.....59168, 60794

33 CFR

100.....59647, 61762
117 .....59431, 59432, 60976, 62337, 62338
165 .....59648, 59650, 60057, 60745, 61238, 61578, 62339, 62341, 62344
Proposed Rules:
117.....61041
165.....59173, 59701
328.....61590

36 CFR

Proposed Rules:
7.....61587

37 CFR

210.....60977

38 CFR

Proposed Rules:
38.....59176

39 CFR

3032.....62290

40 CFR

51.....60343
52 .....59433, 59435, 59663, 60059, 60061, 60064, 60065, 60070, 60073, 60075, 60078, 60081, 60347, 60978, 60985, 62003, 62006, 62008, 62010, 62019, 62022, 62035, 62042, 62346, 62350, 62352
60.....60993
63.....60898
81 .....59674, 60078, 60081
93.....60343
180 .....59115, 59119, 60748
194.....60750
271.....59438, 60756
272.....59438
312.....60087
721.....60759
Proposed Rules:
52 .....59471, 59703, 60123, 60124, 60125, 60405, 61042, 61794, 61799, 61822, 62090, 62368, 62378, 62379, 62389
60.....61044
63.....60238, 61843
81 .....59703, 61822, 62389
110.....61590
112.....61590
116.....61590
117.....61590
122.....61590
180.....61844
191.....61268
194.....61268
228.....61591
230.....61590
232.....61590
271.....59471, 60795
272.....59471
300 .....59179, 59182, 61590
302.....61590
401.....61590
721.....59186

42 CFR

Ch. IV.....62356
Ch. V.....62356
405.....59675
412.....59121, 59675
413.....59675
415.....59675
422.....59675
424.....59675
430.....59123
431.....59123
433.....59123
435.....59123
436.....59123
440.....59123
485.....59675
488.....59675
Proposed Rules:
409.....61164
410.....61164
418.....61164
440.....61164
484.....61164
485.....61164
488.....61164
1001.....59717
1003.....59717

43 CFR

4.....62047

44 CFR

64 .....59123, 59127, 61766

45 CFR

146.....59130
147.....59137
155.....59137
1355.....61241
1614.....61770

46 CFR

67.....61261
125.....62358
Proposed Rules:
515.....61544

47 CFR

12.....61785
20.....59444
27.....59138
54.....60090
73 .....59447, 60090, 60091, 61787
95.....60092
Proposed Rules:
54.....60406
73 .....60796, 61045, 61271

48 CFR

Ch. 1.....61738, 61743
1.....61743, 61746
2.....61739, 61746
4.....61739, 61746
12.....61746
14.....61746
15.....61746
19.....61746
22.....61746
26.....61746
28.....61743
36.....61746
52.....61743, 61746
53.....61746
205.....61579
206.....61579
215.....61579
219.....61579
226.....61579
232.....61579
235.....61579
247.....61583
252.....61579, 61584

49 CFR

10.....59448
26.....59566
355.....59450
365.....59450
369.....59450
383.....59450
384.....59450
385.....59450
387.....59450
390.....59450
391.....59139, 59450
392.....59450
395.....59450
397.....59450
602.....60349
622.....60100
Proposed Rules:
831.....61272

50 CFR

17 .....59140, 59992, 60365
622 .....60379, 61262, 61585, 62358
648.....59150
679 .....60381, 61263, 61264, 62052, 62053, 62054

Proposed Rules:
17 .....59195, 59364, 60406, 61136, 62408
300.....60796
622.....59204, 62410
648.....59472
660.....61272
679.....59733, 60802

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**.

Last List October 9, 2014

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