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Title 3—

The President

Notice of November 7, 2014

Continuation of the National Emergency With Respect to the Proliferation of Weapons of Mass Destruction

On November 14, 1994, by Executive Order (E.O.) 12938, the President declared a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the proliferation of nuclear, biological, and chemical weapons (weapons of mass destruction) and the means of delivering such weapons. On July 28, 1998, the President issued E.O. 13094, amending E.O. 12938, to respond more effectively to the worldwide threat of weapons of mass destruction proliferation activities. On June 28, 2005, the President issued E.O. 13382, which, *inter alia,* further amended E.O. 12938, to improve our ability to combat proliferation. The proliferation of weapons of mass destruction and the means of delivering them continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States; therefore, the national emergency first declared on November 14, 1994, and extended in each subsequent year, must continue. In accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency declared in Executive Order 12938.

This notice shall be published in the **Federal Register** and transmitted to the Congress.

THE WHITE HOUSE,
November 7, 2014.

[FR Doc. 2014–26896
Filed 11–10–14; 8:45 am]
Billing code 3295–F5

Rules and Regulations

Federal Register

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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.

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 915 and 944

[Doc. No. AMS–FV–13–0069; FV13–915–3 FR]

Avocados Grown in South Florida and Imported Avocados; Clarification of the Avocado Grade Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule changes the minimum grade requirements currently prescribed under the Florida avocado marketing order (order) and makes a technical correction to the avocado import regulation. The order regulates the handling of avocados grown in South Florida, and is administered locally by the Avocado Administrative Committee (Committee). For South Florida-grown avocados, this rule aligns the regulations with current industry practices. It removes language permitting the commingling of avocados with dissimilar characteristics in containers for shipment within the production area. All avocado shipments within the production area need to meet the provisions of a U.S. No. 2 grade, as provided in the United States Standards for Grades of Florida Avocados. For imported avocados, this rule also makes a technical correction to the avocado import regulation to clarify that the minimum grade requirements for imported avocados remains unchanged at a U.S. No. 2.

DATES: Effective November 17, 2014.

FOR FURTHER INFORMATION CONTACT: Doris Jamieson, Marketing Specialist, or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (863) 324–3375, Fax: (863) 325–8793, or Email: *Doris.Jamieson@ams.usda.gov* or *Christian.Nissen@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Jeffrey Smutny, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Jeffrey.Smutny@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order No. 915, as amended (7 CFR part 915), regulating the handling of avocados grown in South Florida, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

This final rule is also issued under section 8e of the Act, which provides that whenever certain specified commodities, including avocados, are regulated under a Federal marketing order, imports of these commodities into the United States are prohibited unless they meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodities.

The Department of Agriculture (USDA) is issuing this final rule in conformance with Executive Orders 12866, 13563, and 13175.

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of import regulations issued under section 8e of the Act.

This final rule revises the grade requirements currently prescribed under the order and the avocado import regulation. This rule removes language permitting the commingling of avocados with dissimilar characteristics for shipment within the production area. This requires all avocados shipped within the production area to meet the provisions of a U.S. No. 2 grade, as provided in the United States Standards for Grades of Florida Avocados. This rule also makes a technical correction to the avocado import regulation to clarify that the minimum grade requirement for imported avocados remains unchanged at a U.S. No. 2.

Section 915.51 of the order provides, in part, authority to issue regulations establishing specific grade and pack requirements for avocados. Section 915.52 of the order provides authority for the modification, suspension, or termination of established regulations.

Section 915.306 of the order's container and pack regulations prescribe grade, pack, and container marking requirements for Florida avocados. Paragraph (a)(1) of that section prescribes, in part, the grade requirements for avocados shipped within the production area. Minimum grade and size requirements for avocados imported into the United States are currently in effect under § 944.28.

In reviewing the Florida avocado regulations, it was noted that paragraph (a)(1) of § 915.306 of the regulations currently states that avocados must grade at least U.S. No. 2 but also allows for the commingling of different shapes and sizes within the same container. However, the provisions of the U.S. No. 2 grade require that avocados packed in the same container be similar in shape and size.

USDA requested that the Committee review the regulatory language in the Florida avocado regulations in regards to grade for shipments within the production area. The Committee responded that the language permitting commingling was added to the

regulations in 1992 to allow handlers to ship quantities of fruit of different shapes and sizes in the same container to make more fruit available for shipment within the production area. Committee members agreed that handlers no longer use this provision as ample fruit is available to fill the containers with avocados of the same shape and size. Consequently, in a June 12, 2013, meeting, the Committee recommended removing the language permitting commingling to align the regulations with current industry practices and with the United States Standards for Grades of Florida Avocados (7 CFR 51.3050 through 51.3069). This action removes the language permitting the commingling of avocados with dissimilar characteristics, requiring all avocados shipped within the production area to meet the requirements of a U.S. No. 2 grade, as provided in the United States Standards for Grades of Florida Avocados.

This action also makes a technical correction to the grade requirements under the avocado import regulation. Section 8e of the Act provides that when certain domestically produced commodities, including avocados, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements. As it is the only marketing order covering avocados, import requirements are based on the marketing order for avocados grown in South Florida.

The minimum grade requirement for Florida avocados shipped outside the production area was recently increased by a final rule (78 FR 51041) from a U.S. No. 2 to a U.S. Combination grade. The change in grade applies only to Florida avocados shipped outside the production area. The less restrictive U.S. No. 2 grade continues to apply to shipments within the production area and to imported avocados. As indicated in the final rule, this action makes a technical correction to the import regulation to clarify that the minimum grade requirement for imported avocados remains unchanged at a U.S. No. 2, which is the same grade requirement for avocados shipped within the production area.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Import regulations issued under the Act are based on those established under Federal marketing orders.

There are approximately 30 handlers of Florida avocados subject to regulation under the order and approximately 300 producers of avocados in the production area. There are approximately 260 importers of avocados. Small agricultural service firms, which include avocado handlers and importers, are defined by the Small Business Administration (SBA) as those whose annual receipts are less than $7,000,000, and small agricultural producers are defined as those having annual receipts of less than $750,000 (13 CFR 121.201).

According to Committee data and information from the National Agricultural Statistical Service, the average price for Florida avocados during the 2011–12 season was approximately $20.79 per 55-pound bushel container, and total shipments were slightly higher than 1.2 million 55-pound bushels. Using the average price and shipment information provided by the Committee, the majority of avocado handlers could be considered small businesses under SBA's definition. In addition, based on avocado production, producer prices, and the total number of Florida avocado producers, the average annual producer revenue is less than $750,000. Information from the Foreign Agricultural Service, USDA, indicates that the dollar value of imported avocados was around $1.1 billion in 2013. Using these values, most importers would have annual receipts of less than $7,000,000 for avocados. Consequently, the majority of avocado handlers, producers, and importers may be classified as small entities.

Mexico, Chile, Peru, and Dominican Republic are the major production areas exporting avocados to the United States. In 2013, shipments of avocados imported into the United States totaled nearly 572,000 metric tons. Mexico accounted for around 509,700 metric tons, with 23,400 metric tons from Chile, 21,600 metric tons from Peru, and 17,000 metric tons were imported from the Dominican Republic.

This final rule removes language permitting the commingling of avocados with dissimilar characteristics for shipments within the production area. This requires all avocados shipped within the production area to meet the provisions of a U.S. No. 2 grade, as provided in the United States Standards for Grades of Florida Avocados. This rule revises the grade requirements currently prescribed for Florida avocados shipped within the production area under § 915.306 of the regulations. This change aligns marketing order regulations with current industry practices and with the United States Standards for Grades of Florida Avocados. Authority for this action is provided in §§ 915.51 and 915.52 of the order. This action also makes a technical correction to the avocado import regulation, § 944.28, to clarify that the minimum grade requirement for imported avocados remains unchanged at a U.S. No. 2.

Any costs associated with this change are anticipated to be minimal. Committee members indicated that the industry no longer ships containers of dissimilar fruit within the production area. In addition, the volume of U.S. No. 2 grade Florida avocados shipped during the season is small, representing less than one percent of total annual shipments. Further, any impact from this action is limited to the volume of fruit shipped within the production area. Therefore, implementation of this rule is not expected to impact the volume of fruit being utilized nor impact the total volume of Florida avocados on the market. There is no anticipated impact on import volume, as the change to those requirements is merely a clarification. The effects of this rule are not expected to be disproportionately greater or less for small handlers or growers than for large entities.

The only alternative the Committee considered was leaving the regulations for shipments within the production area unchanged. However, Committee members agreed that this language was outdated as the industry no longer commingles shapes and sizes in production area shipments. Therefore, this alternative was rejected.

AMS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0189, Generic

Fruit Crops. No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

Accordingly, this action will not impose any additional reporting or recordkeeping requirements on either small or large Florida avocado handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

As noted in the initial regulatory flexibility analysis, USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this final rule. However, as previously stated, imported avocados and those shipped within the production area must meet the applicable requirements for grade, as specified in the United States Standards for Grades of Florida Avocados (7 CFR 51.3050 through 51.3069) issued under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 through 1627).

Further, the Committee's meeting was widely publicized throughout the Florida avocado industry, and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the June 12, 2013, meeting was a public meeting. All entities, both large and small, were able to express views on this issue.

A proposed rule concerning this action was published in the **Federal Register** on June 23, 2014 (79 FR 35498). Copies of the rule were mailed or sent via facsimile to all Committee members and Florida avocado handlers. Finally, the rule was made available through the Internet by USDA and the Office of the Federal Register. A 30-day comment period ending July 23, 2014, was provided to allow interested persons to respond to the proposal. No comments were received. Accordingly, no changes will be made to the rule as proposed.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/MarketingOrdersSmallBusinessGuide.* Any questions about the compliance guide should be sent to Jeffrey Smutny at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant matter presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

In accordance with section 8e of the Act, the United States Trade Representative has concurred with the issuance of this final rule.

It is further found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because Florida avocado handlers began shipping in mid-May, and the technical correction to the import regulation is to clarify that the grade requirement is unchanged. In addition, handlers are aware of this rule, which was recommended at a public meeting. Also, a 30-day comment period was provided for in the proposed rule.

List of Subjects

7 CFR Part 915

Avocados, Marketing agreements, Reporting and recordkeeping requirements.

7 CFR Part 944

Avocados, Food grades and standards, Grapefruit, Grapes, Imports, Kiwifruit, Limes, Olives, Oranges.

For the reasons set forth in the preamble, 7 CFR parts 915 and 944 are amended as follows:

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

■ 1. The authority citation for 7 CFR part 915 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. In § 915.306, paragraph (a)(1) is revised to read as follows:

§ 915.306 Florida avocado grade, pack, and container marking regulation.

(a) * * *

(1) Such avocados grade at least U.S. Combination, except that avocados handled to destinations within the production area grade at least U.S. No. 2.

* * * * *

PART 944—FRUITS; IMPORT REGULATIONS

■ 3. The authority citation for 7 CFR part 944 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 4. In § 944.28, paragraph (a) is revised to read as follows:

§ 944.28 Avocado Import Grade Regulation.

(a) Pursuant to section 8e of the Act and Part 944—Fruits; Import Regulations, the importation into the United States of any avocados is prohibited unless such avocados grade at least U.S. No. 2, as such grade is defined in the United States Standards for Grades of Florida Avocados (7 CFR 51.3050 through 51.3069).

* * * * *

Dated: November 5, 2014.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2014–26663 Filed 11–10–14; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 945

[Doc. No. AMS–FV–14–0046; FV14–945–2 FIR]

Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Modification of Container Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: The Department of Agriculture (USDA) is adopting, as a final rule, without change, an interim rule that modified the container requirements prescribed under the Idaho-Eastern Oregon potato marketing order. The interim rule removed the requirement that fiberboard cartons used to pack 50-pound quantities of U.S. No. 2 grade potatoes be of one-piece construction. This change is in response to market demands and provides handlers flexibility in shipping U.S. No. 2 grade potatoes. In addition, this rule corrected a citation reference in the handling regulations.

DATES: Effective November 13, 2014.

FOR FURTHER INFORMATION CONTACT: Sue Coleman, Marketing Specialist, or Gary D. Olson, Regional Director, Northwest Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (503) 326–2724, Fax: (503) 326–7440, or Email: *Sue.Coleman@ams.usda.gov* or *GaryD.Olson@ams.usda.gov.*

Small businesses may obtain information on complying with this and other marketing order and agreement regulations by viewing a guide at the following Web site: *http://www.ams.usda.gov/MarketingOrdersSmallBusinessGuide;* or by contacting Jeffrey Smutny, Marketing Order and Agreement

Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Jeffrey.Smutny@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 98 and Marketing Order No. 945, both as amended (7 CFR part 945), regulating the handling of Irish potatoes grown in certain designated counties in Idaho, and Malheur County, Oregon, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The USDA is issuing this rule in conformance with Executive Orders 12866, 13563, and 13175.

The handling of Irish potatoes grown in certain designated counties in Idaho, and Malheur County, Oregon is regulated by 7 CFR part 945. Prior to this change, handlers could only pack 50-pound quantities of U.S. No. 2 grade potatoes in a one-piece fiberboard carton. These one-piece cartons were often damaged in transit and were more expensive to purchase. Therefore, this rule continues in effect the rule that removed the container requirement that fiberboard cartons used to pack 50-pound quantities of U.S. No. 2 grade potatoes be of one-piece construction. Additionally, this rule corrected a citation reference in the order's handling regulations.

In an interim rule published in the **Federal Register** on August 6, 2014, and effective on August 7, 2014, (79 FR 45673, Doc. No. AMS–FV–14–0046, FV14–945–2 IR), § 945.341(c)(2)(ii) was amended by removing the word ''one-piece'' and § 945.341(b)(3)(i) and (ii) were amended by replacing the reference ''(b)(4)(iii)'' with the reference ''(b)(3)(iii)''.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 450 producers of potatoes in the production area and approximately 32 handlers subject to regulation under the marketing order. Small agricultural producers are defined by the Small Business Administration (SBA) as those having annual receipts of less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $7,000,000 (13 CFR 121.201).

During the 2012–2013 fiscal period, the most recent for which statistics are available, 35,148,900 hundredweight of Idaho-Eastern Oregon potatoes were inspected under the order and sold into the fresh market. Based on information provided by the National Agricultural Statistics Service, the average producer price for the 2012 Idaho potato crop was $5.30 per hundredweight. Multiplying $5.30 by the shipment quantity of 35,148,900 hundredweight yields an annual crop revenue estimate of $186,289,170. The average annual fresh potato revenue for each of the 450 producers is therefore calculated to be $413,396 ($186,289,170 divided by 450), which is less than the SBA threshold of $750,000. Consequently, on average almost all of the Idaho-Eastern Oregon potato producers may be classified as small entities.

In addition, based on information reported by USDA's Market News Service, the average f.o.b. shipping point price for the 2012 Idaho potato crop was $5.87 per hundredweight. Multiplying $5.87 by the shipment quantity of 35,148,900 hundredweight yields an annual crop revenue estimate of $206,324,043. The average annual fresh potato revenue for each of the 32 handlers is therefore calculated to be $6,447,626 ($206,324,043 divided by 32), which is less than the SBA threshold of $7,000,000. Consequently, on average most all of the Idaho-Eastern Oregon potato handlers may be classified as small entities.

This rule continues in effect the action that relaxed the container requirements to allow handlers to ship U.S. No. 2 grade potatoes in any type of 50-pound fiberboard cartons of natural kraft color, provided the cartons are permanently and conspicuously marked as to grade. This will enable handlers to respond to market demands and provide greater flexibility in shipping U.S. No. 2 grade potatoes. In addition, this rule makes changes to the order's handling regulations to correct a citation reference.

The authority for the establishment of pack and marking requirements is provided in § 945.52 of the order. Section 945.341(c) of the order's administrative rules prescribes the pack and marking requirements for domestic and export shipments of potatoes.

This action is expected to increase shipments of U.S. No. 2 potatoes to the food service industry and help the Idaho-Eastern Oregon potato industry benefit from the recent increased growth in demand from the food service industry sector. The benefits of this rule are not expected to be disproportionately greater or lesser for small entities than large entities.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0178 (Generic Vegetable and Specialty Crops). No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large potato handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In addition, USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

Further, the Committee's meeting was widely publicized throughout the Idaho-Eastern Oregon potato industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the April 22, 2014, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue.

Comments on the interim rule were required to be received on or before October 6, 2014. No comments were received. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule, without change.

To view the interim rule, go to: *http://www.regulations.gov/#!documentDetail;D=AMS-FV-14-0046-0001.*

This action also affirms information contained in the interim rule concerning Executive Orders 12866, 12988, 13175, and 13563; the Paperwork Reduction Act (44 U.S.C. Chapter 35); and the E-Gov Act (44 U.S.C. 101).

After consideration of all relevant material presented, it is found that

finalizing the interim rule, without change, as published in the **Federal Register** (79 FR 45673, August 6, 2014) will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 945

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

■ Accordingly, the interim rule that amended 7 CFR part 945 and that was published at 79 FR 45673 on August 6, 2014, is adopted as a final rule, without change.

Dated: November 5, 2014.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2014–26679 Filed 11–10–14; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1206

[Document Number AMS–FV–14–0047]

Mango Promotion, Research, and Information Order; Section 610 Review

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Confirmation of regulations.

SUMMARY: This document summarizes the results of an Agricultural Marketing Service (AMS) review of the Mango Promotion, Research, and Information Order (Order) under criteria contained in section 610 of the Regulatory Flexibility Act (RFA). Based upon its review, AMS concluded that there is a continued need for the Order.

DATES: This confirmation is effective November 12, 2014.

ADDRESSES: Interested persons may obtain a copy of the review on the Internet at: *http://www.regulations.gov* or request a copy from the Promotion and Economics Division, Fruit and Vegetable Program, AMS, U.S. Department of Agriculture (USDA or Department), 1400 Independence Avenue SW., Room 1406–S, Stop 0244, Washington, DC 20250–0244; facsimile: (202) 205–2800 or electronic mail: *Jeanette.Palmer@ams.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Jeanette Palmer, Marketing Specialist, Promotion and Economics Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., Room 1406–S, Stop 0244, Washington, DC 20250–0244; telephone: (202) 720–9915; facsimile: (202) 205–2800; or electronic mail: *Jeanette.Palmer@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: The Order (7 CFR part 1206) is authorized under the Commodity Promotion, Research, and Information Act of 1996 (Act) (7 U.S.C. 7411–7425).

The Order became effective on November 3, 2004. It is administered by the National Mango Board (Board) with oversight by the Department. The program is financed by an assessment of three-quarters of a cent per pound on first handlers and importers of 500,000 pounds or more of mangos annually. The Order specifies that first handlers are responsible for submitting assessments to the Board on a monthly basis and maintaining records necessary to verify their reporting. Importers are responsible for paying assessments on mangos imported for consumption in the United States through the U.S. Customs and Border Protection. The purpose of the Order is to carry out an effective, continuous, and coordinated program of promotion, research, and information designed to strengthen mangos' competitive position, and to maintain and expand the domestic market for mangos.

The Board is composed of 18 members as follows: 8 importers; 2 domestic producers; 1 first handler; and 7 foreign producers. Nominations for importer, domestic producer, and first handler members are solicited by importers, domestic producers, and first handlers, respectively. Nominations for foreign producer members are solicited from foreign producers and foreign producer associations. Members are appointed to the Board by the Secretary of Agriculture and serve a term of three years.

There are approximately 190 importers and 5 first handlers of mangos subject to the provisions of the Order. The majority of importers, first handlers and producers may be classified as small entities.

AMS published in the **Federal Register** on March 24, 2006, (71 FR 14827) its plan to review certain regulations, including the mango program, under criteria contained in section 610 of the RFA (5 U.S.C. 601–612). Because many AMS regulations impact small entities, AMS decided, as a matter of policy, to review certain regulations which, although they may not meet the threshold requirement under section 610 of the RFA, warrant review.

AMS published a notice of review and request for written comments in the **Federal Register** on June 20, 2014 (79 FR 35296). The comment period ended on August 19, 2014. Three comments were received in response to the notice and are discussed later in this document.

The review was undertaken to determine whether the Order should be continued without change, amended, or rescinded (consistent with the objectives of the Act) to minimize the impacts on small entities. AMS considered the following factors: (1) The continued need for the Order; (2) the nature of complaints or comments received from the public concerning the Order; (3) the complexity of the Order; (4) the extent to which the Order overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local regulations; and (5) the length of time since the Order has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the Order.

Continued Need for the Order. Based on its review, the Department has concluded that there is a continued need for the Order. Numerous benefits to the mango industry would likely not be achieved without the research and promotion collectively funded through the Order. The Board continues to conduct useful research projects on various aspects of mango production, processing, and nutritional impacts. Examples of recent studies include potential beneficial impacts of mango consumption on mitigating diseases such as diabetes, breast cancer and colon cancer.

An impact study conducted in 2010 [1] reviewed the Board's investment in developing a database for monitoring potential and actual mango consumers, and found that the data is quite useful for economic research and for other analytical purposes. The economic data was used for evaluating NMB program impacts on mango demand, and concluded that the impact was significant.

The majority of mangos consumed in the United States are imported and the study reported that the value of U.S. mango imports grew from $169 million to $217 million during the period covered by the study, 2005 through 2009. The growth in value was the result of both higher prices and greater volumes imported.

Nature of Complaints and Comments. The three public comments received are discussed in the following paragraphs.

[1] ''Evaluating the National Mango Board's Programs for Impact on U.S. Demand for Mangos,'' Ronald L. Ward.

Two commenters expressed support for the mango program. One commenter stated that the program has helped expand the market and presentation of fresh mangos in general. The commenter also opined that the program has helped improve stability in the marketplace. Another commenter stated that the Board provides a great service through education, marketing, and research to help increase the awareness and consumption of mangos.

One commenter opposed the program and argued that taxpayer dollars should not be used to promote mangos. Research and promotion programs overseen by USDA are self-help programs and do not receive taxpayer funds. The mango program is funded by first handlers and importers of mangos.

Complexity of the Order. The Order is not unduly complex. It provides authority for the Board to collect assessments from mango importers and first handlers to help maintain and expand the domestic market for mangos.

Extent To Which the Order Overlaps, Duplicates, or Conflicts With Other Regulations. The Department has not identified regulations that duplicate, overlap, or conflict with the Order.

Degree To Which Technology, Economic Conditions or Other Factors Have Changed. Regarding evaluations of the program or the degree to which technology, economic conditions, or other factors have changed in the area affected by the Order, section 512(a)(6) of the Act and section 1206.51 of the Order require the Board to evaluate the program and to comply with the independent evaluation provision of the Federal Agricultural Improvement and Reform Act of 1996 (FAIR) [7 USC 7401] every five years. The goal of these evaluations is to assure that the Order and the regulations implemented under it fit the needs of the industry and are consistent with the Act.

The Board conducted an evaluation of the program under the FAIR Act in 2010 and the next five-year evaluation is due in 2015. The previously mentioned study conducted by Dr. Ward with the University of Florida was part of the 2010 evaluation. It used household panel data to develop econometric models for measuring the Board's impact on increasing mango demand. The models established that the Board has had a positive economic impact for the demand for mangos, mostly by attracting more buyers (increased market penetration), and to a lesser extent, by increasing the number of mango purchases per buyer. The study concluded that every $1 invested in Board activities adds an additional $7 in mango industry revenue. The volume of mango imports is expected to continue to increase in the future.

Based upon its review, AMS has determined that the Order should be continued. AMS plans to continue working with the mango industry in maintaining an effective program.

Dated: November 4, 2014.

Rex A. Barnes,

Associate Administrator.

[FR Doc. 2014–26654 Filed 11–10–14; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0452; Directorate Identifier 2013–NM–185–AD; Amendment 39–18013; AD 2014–22–08]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus Model A318, A319, A320, and A321 series airplanes. This AD was prompted by a determination that more restrictive airworthiness limitations are necessary. This AD requires revising the maintenance or inspection program as applicable. We are issuing this AD to prevent a safety-significant latent failure (which is not annunciated) which, in combination with one or more other specific failures or events, would result in a hazardous or catastrophic failure condition.

DATES: This AD becomes effective December 17, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of December 17, 2014.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0452* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.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.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Model A318, A319, A320, and A321 series airplanes. The NPRM published in the **Federal Register** on July 18, 2014 (79 FR 41938).

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2013–0148, dated July 16, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition all Airbus Model A318, A319, A320, and A321 series airplanes. The MCAI states:

> The airworthiness limitations for Airbus aeroplanes are currently published in Airworthiness Limitations Section (ALS) documents. The airworthiness limitations applicable to the Certification Maintenance Requirements (CMR) were previously specified in AIRBUS A318/A319/A320/A321 CMR document referenced AI/ST4/993.436/88.
>
> DGAC France issued AD F–2005–101 [(*http://ad.easa.europa.eu/blob/easa_ad_2005_5886_F20051010tb_superseded.pdf/AD_F-2005-101_2*)] (EASA approval 2005–5886) to require compliance with the maintenance tasks as specified in that document.
>
> Since that [DGAC France] AD was issued, the CMR tasks are specified in Airbus A318/A319/A320/A321 ALS Part 3, which is approved by EASA. The original issue of this document introduced more restrictive maintenance requirements and/or airworthiness limitations. Failure to comply with the maintenance requirements contained in this document could result in an unsafe condition.
>
> For the reasons described above, this [EASA] AD supersedes DGAC France AD F–2005–101 and requires the implementation of the instructions and airworthiness limitations as specified in Airbus A318/A319/A320/A321 ALS Part 3 Revision 01.

The unsafe condition is a safety-significant latent failure (which is not annunciated) which, in combination with one or more other specific failures or events, would result in a hazardous or catastrophic failure condition. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0452-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (79 FR 41938, July 18, 2014) or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (79 FR 41938, July 18, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 41938, July 18, 2014).

Costs of Compliance

We estimate that this AD affects 851 airplanes of U.S. registry.

We also estimate that it will take about 1 work-hour per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $0 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be $72,335, or $85 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0452;* 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 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.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–22–08 Airbus: Amendment 39–18013. Docket No. FAA–2014–0452; Directorate Identifier 2013–NM–185–AD.

(a) Effective Date

This AD becomes effective December 17, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Model A318–111, –112, –121, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–111, –211, –212, –214, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes; certificated in any category; all manufacturer serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits and Maintenance Checks.

(e) Reason

This AD was prompted by a determination that more restrictive airworthiness limitations are necessary. We are issuing this AD to prevent a safety-significant latent failure (which is not annunciated) which, in combination with one or more other specific failures or events, would result in a hazardous or catastrophic failure condition.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Maintenance or Inspection Program Revision

Within 30 days after the effective date of this AD, revise the maintenance or inspection program, as applicable, by incorporating Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirements (CMR), Revision 1, dated June 15, 2012. The initial compliance time for accomplishing the tasks specified in Airbus A318/A319/A320/A321 ALS Part 3, CMR, Revision 1, dated June 15, 2012, is at the applicable time specified in the Record of Revisions of Airbus A318/A319/A320/A321 ALS Part 3, CMR, Revision 1, dated June 15, 2012; or within 30 days after the effective date of this AD, whichever occurs later.

(h) No Alternative Actions or Intervals

After accomplishing the revisions required by paragraph (g) of this AD, no alternative actions (e.g., inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance in accordance with the procedures specified in paragraph (i) of this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, 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 International Branch, send it to ATTN: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–1405; fax 425–227–1149. Information may be emailed to: *9–ANM–116–AMOC–REQUESTS@faa.gov.* 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:* 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, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(j) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency Airworthiness Directive 2013–0148, dated July 16, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0452-0002.*

(k) Material Incorporated by Reference

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

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

(i) Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirements (CMR), Revision 1, dated June 15, 2012.

(ii) Reserved.

(3) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.*

(4) 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.

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

Issued in Renton, Washington, on October 28, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–26436 Filed 11–10–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0836; Directorate Identifier 2013–NM–126–AD; Amendment 39–18011; AD 2014–22–06]

RIN 2120–AA64

Airworthiness Directives; the Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2005–07–12, which applies to certain the Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. AD 2005–07–12 required detailed and eddy current inspections to detect cracking of the frame web around the cutout for the doorstop intercostal strap at the aft side of the station (STA) 291.5 frame at stringer 16R, and corrective action if necessary. Since we issued AD 2005–07–12, we received reports of new findings of cracking at various locations of the STA 277 to STA 291.5 frames and intercostals, including webs, chords, clips, and shear ties, between stringers 7R and 17R. This new AD requires inspections for cracking at the forward galley door cutout, and corrective actions if necessary. This new AD also reduces a certain inspection threshold required by AD 2005–07–12. We are issuing this AD to detect and correct fatigue cracking of the aft frame and frame support structure of the forward galley door, which could result in a severed fuselage frame web, rapid decompression of the airplane, and possible loss of the forward galley door.

DATES: This AD is effective December 17, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of December 17, 2014.

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Ave. 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–2013–0836; 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 AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Alan Pohl, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6450; fax: 425–917–6590; email: *alan.pohl@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2005–07–12, Amendment 39–14036 (70 FR 17596, April 7, 2005). AD 2005–07–12 applied to certain The Boeing Company Model 737–100, –200, –300, –400, and –500 series airplanes. The NPRM published in the **Federal Register** on October 2, 2013 (78 FR 60804). The NPRM was prompted by reports of new findings of cracking at various locations of the STA 277 to STA 291.5 frames and intercostals, including webs, chords, clips, and shear ties, between stringers 7R and 17R. The NPRM proposed to continue to require detailed and eddy current inspections to detect cracking of the frame web around the cutout for the doorstop intercostal strap at the aft side of the STA 291.5 frame at stringer 16R, and corrective action if necessary. The NPRM also proposed to require new inspections for cracking at the forward galley door cutout, and corrective actions if necessary. In addition, the NPRM also proposed to reduce a certain inspection threshold required by AD 2005–07–12. We are issuing this AD to

detect and correct fatigue cracking of the aft frame and frame support structure of the forward galley door, which could result in a severed fuselage frame web, rapid decompression of the airplane, and possible loss of the forward galley door.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM (78 FR 60804, October 2, 2013), and the FAA's response to each comment.

Boeing stated that it concurs with the contents of the NPRM (78 FR 60804, October 2, 2013).

Effect of Winglets on AD

Aviation Partners Boeing stated that accomplishing the installation of winglets per supplemental type certificate (STC) ST01219SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/082838ee177dbf62862576a4005cdfc0/$FILE/ST01219SE.pdf*) does not affect the actions specified in the NPRM (78 FR 60804, October 2, 2013).

We concur with the commenter. We have redesignated paragraph (c) of the NPRM (78 FR 60804, October 2, 2013) as (c)(1) in this AD and added new paragraph (c)(2) to this AD to state that installation of STC ST01219SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/082838ee177dbf62862576a4005cdfc0/$FILE/ST01219SE.pdf*) does not affect the ability to accomplish the actions required by this final rule. Therefore, for airplanes on which STC ST01219SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

Request To Clarify That Certain Inspections Are Not Required for Areas With Existing Repairs

Southwest Airlines (SWA) requested that paragraph (h)(1) of the NPRM (78 FR 60804, October 2, 2013), be revised to include language stating that when operators are accomplishing Steps 2 and 6 in Part 2 of Paragraph 3.B., ''Work Instructions,'' of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1241, Revision 1, dated June 11, 2013, they do not need to do inspections in areas that are common to repairs that were previously approved by Boeing via FAA Form 8100–9, ''Statement of Compliance with Airworthiness Standards.'' We infer that the basis for SWA's request is that the existing repairs have inspections included in the engineering for those repairs, so the inspections included in the service information are not needed.

SWA also requested that the NPRM (78 FR 60804, October 2, 2013), be revised to clarify that inspections are not required in areas that are common to existing repairs that were installed using a certain repair in the applicable Boeing Model 737 structural repair manual (SRM). SWA noted that Step 6 in Part 2 of Paragraph 3.B., ''Work Instructions,'' of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1241, Revision 1, dated June 11, 2013, only addresses repetitive inspections when a new SRM repair is installed. We infer that SWA is suggesting that the service information should have also addressed repetitive inspections for areas with a certain existing SRM repair installed.

We agree with the commenter. The inspections required by paragraph (h)(1) of this AD include detailed and surface eddy current inspections that cannot be accomplished with certain repairs installed. Repairs 1, 15, and 16, of Chapter 53 of the applicable Boeing 737 SRM, are referenced in the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1241, Revision 1, dated June 11, 2013, and are considered corrective actions for cracking found during the inspections required by paragraph (h)(1) of this AD. These SRM repairs can also be used as a preventive modification.

We revised paragraph (h)(1) in this AD to state that ''Accomplishment of a repair specified in Steps 1.a., 2.a., 6.a., or 6.b. of Part 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1241, Revision 1, dated June 11, 2013, as applicable, and except as required by paragraph (k)(1) of this AD, terminates the inspections required by this paragraph for the repaired area(s) only.''

Request To Address Notes 11 and 13 in the Service Information Regarding Existing Repairs and Existing Repairs at Certain Body Stations

SWA requested clarification regarding existing repairs common to the inspection areas addressed in Part 2 of Paragraph 3.B., ''Work Instructions,'' of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1241, Revision 1, dated June 11, 2013. SWA observed that Notes 11 and 13 in Paragraph 3.A., ''General Information,'' of that service bulletin include provisions for omitting inspections in areas covered by repairs that were previously approved by Boeing via FAA Form 8100–9, ''Statement of Compliance with Airworthiness Standards,'' but those notes are not included or referenced in Part 2 of Paragraph 3.B., ''Work Instructions.''

SWA also requested approval for existing repairs common to the body station (BS) 291.5 frame at locations from stringer (STR) 8R to STR 15R that were previously approved by Boeing via FAA Form 8100–9, ''Statement of Compliance with Airworthiness Standards,'' as terminating action for the inspection requirements in paragraph (h)(1) of the NPRM (78 FR 60804, October 2, 2013), for the repaired area only.

Furthermore, SWA requested approval for existing repairs common to the BS 277 frame and shear ties between STR 7R and STR 17R that were previously approved by Boeing via FAA Form 8100–9, ''Statement of Compliance with Airworthiness Standards,'' or that were installed using certain repairs in the applicable Boeing 737 SRM as terminating action for the inspection requirements of paragraph (h)(1) of the NPRM (78 FR 60804, October 2, 2013), for the repaired areas only.

We agree that the existing repairs mentioned by the commenter can be used as terminating action for the inspection requirements of paragraph (h)(1) of this AD. Several SRM repairs are referenced in Steps 6.a. and 6.b. of Part 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1241, Revision 1, dated June 11, 2013, and are considered corrective actions for cracking found during the inspections required by paragraph (h)(1) of this AD. The notes to Steps 6.a. and 6.b. state that the SRM repairs terminate the repetitive inspections. As stated previously, paragraph (h)(1) of this AD was revised accordingly.

We have also added a new paragraph (i), Terminating Action, to this AD and redesignated subsequent paragraphs accordingly. Paragraph (i) of this AD states ''The inspections required by paragraph (h)(1) of this AD may be terminated at areas with repairs installed prior to the effective date of this AD, provided the repairs meet the conditions specified in note 11 or note 13 of paragraph 3.A., ''General Information,'' of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1241, Revision 1, dated June 11, 2013.''

Request To Include Exception to the Service Information Specifications

SWA requested that the NPRM (78 FR 60804, October 2, 2013) address a typographical error that appears in the

title to figure 5 of Boeing Alert Service Bulletin 737–53A1241, Revision 1, dated June 11, 2013. SWA noted that the title refers to STR 16R, however, the inspection location is STR 14R.

We agree to address this typographical error in Boeing Alert Service Bulletin 737–53A1241, Revision 1, dated June 11, 2013, and have added a new paragraph (k)(3) to this AD to notify operators that the title to figure 5 should reference STR 14R.

Clarification of Affected Airplanes

We have added ''certificated in any category'' to the applicability specified in paragraph (c)(1) of this AD to clarify the affected airplanes.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD with the changes described previously and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (78 FR 60804, October 2, 2013) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (78 FR 60804, October 2, 2013).

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

Costs of Compliance

We estimate that this AD affects 419 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections [retained from AD 2005–07–12, Amendment 39 14036 (70 FR 17596, April 7, 2005)].	2 work-hours × $85 per hour = $170 per inspection cycle.	None	$170 per inspection cycle	$71,230 per inspection cycle.
Inspections [new proposed action].	40 work-hours × $85 per hour = $3,400 per inspection cycle.	None	$3,400 per inspection cycle ...	$1,424,600 per inspection cycle.

We have received no definitive data that would enable us to provide a cost estimate for the on-condition actions specified in the service information.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

(3) Will not affect intrastate aviation in, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2005–07–12, Amendment 39–14036 (70 FR 17596, April 7, 2005), and adding the following new AD:

2014–22–06 The Boeing Company: Amendment 39–18011 ; Docket No. FAA–2013–0836; Directorate Identifier 2013–NM–126–AD.

(a) Effective Date

This AD is effective December 17, 2014.

(b) Affected ADs

This AD replaces AD 2005–07–12, Amendment 39–14036 (70 FR 17596, April 7, 2005).

(c) Applicability

(1) This AD applies to The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 737–53A1241, Revision 1, dated June 11, 2013.

(2) Installation of Supplemental Type Certificate (STC) ST01219SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/082838ee177dbf62862576a4005cdfc0/$FILE/ST01219SE.pdf*) does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by reports of new findings of cracking at various locations of the stations (STA) 277 to STA 291.5 frames and intercostals, including webs, chords, clips, and shear ties, between stringers 7R and 17R. We are issuing this AD to detect

and correct fatigue cracking of the aft frame and frame support structure of the forward galley door, which could result in a severed fuselage frame web, rapid decompression of the airplane, and possible loss of the forward galley door.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Group 1 Airplanes: Inspections and Corrective Actions

For airplanes identified as Group 1 in Boeing Alert Service Bulletin 737–53A1241, Revision 1, dated June 11, 2013: Within 120 days after the effective date of this AD, do inspections for cracking from STA 277 to STA 328, stringer 7R to 17R of the forward galley door cutout, using a method approved in accordance with the procedures specified in paragraph (m) of this AD. Do all applicable corrective actions before further flight using a method approved in accordance with the procedures specified in paragraph (m) of this AD.

(h) Group 2 and Group 3 Airplanes: Inspections and Corrective Actions

(1) For airplanes identified as Group 2 and Group 3 in Boeing Alert Service Bulletin 737–53A1241, Revision 1, dated June 11, 2013: Except as provided by paragraph (k)(2) of this AD, at the applicable times specified in tables 1 and 2 in paragraph 1.E, ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1241, Revision 1, dated June 11, 2013, do detailed and surface high frequency eddy current (HFEC) inspections, as applicable, for cracking in the forward galley door cutout, in accordance with Part 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1241, Revision 1, dated June 11, 2013. Repeat the detailed and surface HFEC inspections thereafter at the applicable intervals specified in tables 1 and 2 in paragraph 1.E, ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1241, Revision 1, dated June 11, 2013. If any crack is found, before further flight, do all applicable corrective actions in accordance with Part 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1241, Revision 1, dated June 11, 2013, except as required by paragraph (k)(1) of this AD. Accomplishment of a repair specified in Steps 1.a., 2.a., 6.a., or 6.b. of Part 2, of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1241, Revision 1, dated June 11, 2013, as applicable, and except as required by paragraph (k)(1) of this AD, terminates the inspections required by this paragraph for the repaired area(s) only.

(2) Removal and replacement of a cracked part, in accordance with Part 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1241, Revision 1, dated June 11, 2013, does not terminate the repetitive inspections required by paragraph (h)(1) of this AD.

(i) Terminating Action

The inspections required by paragraph (h)(1) of this AD may be terminated at areas with repairs installed prior to the effective date of this AD, provided the repairs meet the conditions specified in note 11 or note 13 of paragraph 3.A., ''General Information,'' of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1241, Revision 1, dated June 11, 2013.

(j) Optional Terminating Action

Accomplishment of the preventive modification on the STA 291.5 frame web, in accordance with Part 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1241, Revision 1, dated June 11, 2013, terminates the inspections required by paragraph (h)(1) of this AD for the area that is common to the preventive modification.

(k) Exceptions to the Service Information

(1) Where Boeing Alert Service Bulletin 737–53A1241, Revision 1, dated June 11, 2013, specifies to contact Boeing for a corrective action: Before further flight, do the applicable action using a method approved in accordance with the procedures specified in paragraph (m) of this AD.

(2) Where paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1241, Revision 1, dated June 11, 2013, specifies a compliance time ''after the date on Revision 1 of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(3) The title to each page of figure 5 of Boeing Alert Service Bulletin 737–53A1241, Revision 1, dated June 11, 2013, is incorrect and refers to ''Stringer 16R'' when it should refer to ''Stringer 14R.''

(l) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (h)(1) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 737–53A1241, dated June 13, 2002, which is not incorporated by reference in this AD.

(m) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), 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 manager of the ACO, send it to the attention of the person identified in paragraph (n)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) 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.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved for the actions specified in AD 2005–07–12, Amendment 39–14036 (70 FR 17596, April 7, 2005), are approved as AMOCs for the corresponding provisions of this AD.

(n) Related Information

(1) For more information about this AD, contact Alan Pohl, Aerospace Engineer, Airframe Branch, ANM–120S, FAA Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6450; fax: 425–917–6590; email: *alan.pohl@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (o)(3) and (o)(4) of this AD.

(o) Material Incorporated by Reference

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

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

(i) Boeing Alert Service Bulletin 737–53A1241, Revision 1, dated June 11, 2013. (ii) Reserved.

(3) For Boeing service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.*

(4) You may view this service information at FAA, Transport Airplane Directorate, 1601 Lind Ave. SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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

Issued in Renton, Washington, on October 28, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–26434 Filed 11–10–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0289; Directorate Identifier 2013–NM–146–AD; Amendment 39–18016; AD 2014–22–11]

RIN 2120–AA64

Airworthiness Directives; the Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2012–13–08 for certain the Boeing Company Model 747–100, 747–100B, 747–200B, 747–200C, 747–200F, 747–400F, 747SR, and 747SP series airplanes, without a stretched upper deck or stretched upper deck modification. AD 2012–13–08 required inspections of tension ties and surrounding structure for cracking, and related investigative and corrective actions if necessary; modification of tension tie structure or tension tie and frame structure at specified stations; and post-modification inspections of some modified and unmodified areas, and repair if necessary. This new AD adds inspections in unmodified center section tension ties, and repair if necessary; post-modification inspections of modified and unmodified areas, and repair if necessary; a new modification of tension tie and frame structures; and inspections of tension ties and surrounding structure, and related investigative and corrective actions if necessary. This new AD reduces an inspection interval. This AD was prompted by widespread fatigue damage analysis that resulted in a determination that more inspections are necessary. We are issuing this AD to prevent tension ties from becoming severed or disconnected from the frames, which could lead to reduced structural integrity and sudden decompression of the airplane in flight.

DATES: This AD is effective December 17, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of December 17, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of August 14, 2012 (77 FR 40481, July 10, 2012).

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of February 16, 2006 (71 FR 1947, January 12, 2006).

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.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–2014–0289; 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 AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Nathan Weigand, Aerospace Engineer, Airframe Branch, ANM–120S, Seattle Aircraft Certification Office (ACO), FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6428; fax: 425–917–6590; email: *Nathan.P.Weigand@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2012–13–08, Amendment 39–17110 (77 FR 40481, July 10, 2012). AD 2012–13–08 applied to certain The Boeing Company Model 747–100, 747–100B, 747–200B, 747–200C, 747–200F, 747–400F, 747SR, and 747SP series airplanes, without a stretched upper deck or stretched upper deck modification. The NPRM published in the **Federal Register** on May 29, 2014 (79 FR 30756). The NPRM was prompted by a widespread fatigue damage analysis conducted by Boeing that resulted in a determination that additional inspections are needed. The NPRM proposed to continue to require repetitive inspections of tension ties and surrounding structure for cracking, additional inspections for certain airplanes, and related investigative and corrective actions if necessary. The NPRM also proposed to continue to require modification of tension tie structure or tension tie and frame structure at specified stations, a post-modification inspection of any modified area for cracking, repetitive inspections for cracking in the unmodified areas of the tension tie structure and frame structure at certain stations, and repair if necessary. The NPRM proposed to add, for certain airplanes, surface HFEC inspections for cracking in unmodified center section tension ties, and repair if necessary; repetitive post-modification eddy current inspections for cracking of modified and unmodified areas, and repair if necessary; a new modification (replacement) of tension tie and frame structures; and repetitive inspections of tension ties and surrounding structure for cracking, and related investigative and corrective actions if necessary. The NPRM also proposed to reduce an inspection interval. We are issuing this AD to prevent tension ties from becoming severed or disconnected from the frames, which could lead to reduced structural integrity and sudden decompression of the airplane in flight.

Comments

We gave the public the opportunity to participate in developing this AD. We have considered the comment received. Boeing stated that it concurred with the contents of the NPRM (79 FR 30756, May 29, 2014).

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (79 FR 30756, May 29, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 30756, May 29, 2014).

Costs of Compliance

We estimate that this AD affects 86 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection (retained from AD 2012–13–08, Amendment 39–17110 (77 FR 40481, July 10, 2012)).	8 work-hours per tension tie location, between 8 and 12 tension tie locations per airplane, depending on airplane configuration × $85 per hour = between $5,440 and $8,160.	$0	Between $5,440 and $8,160 per inspection cycle.	Between $467,840 and $701,760, per inspection cycle.
One-time inspection for Group 2 airplanes, (retained from AD 2012–13–08, Amendment 39–17110 (77 FR 40481, July 10, 2012)).	6 work-hours × $85 per hour = $510.	None	$510	$43,860.
Modification (retained from AD 2012–13–08, Amendment 39–17110 (77 FR 40481, July 10, 2012)).	Between 24 and 130 work-hours, depending on station location × $85 per hour = between $2,040 and 11,050.	Between $18,657 and $658,423.	Between $20,697 and $669,473.	Between $1,779,942 and $57,574,678.
Inspection for unmodified area (retained from AD 2012–13–08, Amendment 39–17110 (77 FR 40481, July 10, 2012)).	2 work-hours per tension tie location, between 8 and 12 tension tie locations per airplane, depending on airplane configuration × $85 per hour = between $1,360 and $2,040.	None	Between $1,360 and $2,040, per inspection cycle.	Between $116,960 and $175,440.
Inspection for modified area (retained from AD 2012–13–08, Amendment 39–17110 (77 FR 40481, July 10, 2012)).	2 work-hours per tension tie location, between 8 and 12 tension tie locations per airplane, depending on airplane configuration × $85 per hour = between $1,360 and $2,040.	None	Between $1,360 and $2,040.	Between $116,960 and $175,440.
Modification (new action; 1 U.S. -registered airplane).	Up to 387 work-hours, depending on station location × $85 per hour = up to $32,895.	Up to $658,423	Up to $691,318	Up to $691,318.
Post-modification eddy current inspection of all areas (new action).	18 work-hours × $85 per hour = $1,530 for each tension tie.	None	$1,530 for each tension tie, per inspection cycle.	$131,580 for each tension tie, per inspection cycle.
Surface high frequency eddy current inspection of unmodified tension tie center sections (new action).	Up to 120 work-hours, depending on airplane configuration × $85 per hour = Up to $10,200.	None	Up to $10,200	Up to $877,200.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this 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 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 have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2012–13–08, Amendment 39–17110 (77 FR 40481, July 10, 2012), and adding the following new AD:

2014–22–11 The Boeing Company: Amendment 39–18016; Docket No. FAA–2014–0289; Directorate Identifier 2013–NM–146–AD.

(a) Effective Date

This AD is effective December 17, 2014.

(b) Affected ADs

This AD replaces AD 2012–13–08, Amendment 39–17110 (77 FR 40481, July 10, 2012).

(c) Applicability

This AD applies to The Boeing Company Model 747–100, 747–100B, 747–200B, 747–200C, 747–200F, 747–400F, 747SR, and 747SP series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 747–53A2502, Revision 1, dated June 17, 2010.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by an analysis by the manufacturer indicating that tension ties are susceptible to widespread fatigue damage. The actions were developed to support the airplane's limit of validity of the engineering data that support the established structural maintenance program. We are issuing this AD to prevent tension ties from becoming severed or disconnected from the frames, which could lead to reduced structural integrity and sudden decompression of the airplane in flight.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Retained Actions for Group 1 and Groups 3 Through 6 Airplanes

This paragraph restates the requirements of paragraph (g) of AD 2012–13–08, Amendment 39–17110 (77 FR 40481, July 10, 2012). For Group 1, and Groups 3 through 6 airplanes identified in Boeing Special Attention Service Bulletin 747–53–2502, dated April 21, 2005: At the applicable time in paragraph (g)(1) or (g)(2) of this AD, do detailed and high frequency eddy current (HFEC) inspections for cracking of each affected tension tie and of the surrounding structure. If any cracking is found: Before further flight, do all applicable corrective and related investigative actions. Do all actions in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747–53–2502, dated April 21, 2005; or Boeing Alert Service Bulletin 747–53A2502, Revision 1, dated June 17, 2010. Where Boeing Special Attention Service Bulletin 747–53–2502, dated April 21, 2005; or Boeing Alert Service Bulletin 747–53A2502, Revision 1, dated June 17, 2010; specifies to contact Boeing for repair instructions: Before further flight, repair the area using a method approved in accordance with the procedures specified in paragraph (n) of this AD. As of August 14, 2012 (the effective date of AD 2012–13–08), only Boeing Alert Service Bulletin 747–53A2502, Revision 1, dated June 17, 2010, may be used to accomplish the actions required in this paragraph.

(1) For airplanes identified in Boeing Special Attention Service Bulletin 747–53–2502, dated April 21, 2005, as Groups 1, 3, and 6 airplanes: Do the first inspections before the accumulation of 20,000 total flight cycles, or within 1,000 flight cycles after February 16, 2006 (the effective date of AD 2006–01–07, Amendment 39–14446 (71 FR 1947, January 12, 2006)), whichever occurs later; and repeat the inspections thereafter at intervals not to exceed 4,000 flight cycles until the modification required by paragraph (j) of this AD is accomplished.

(2) For airplanes identified in Boeing Special Attention Service Bulletin 747–53–2502, dated April 21, 2005, as Groups 4 and 5 airplanes: Do the first inspections before the accumulation of 17,000 total flight cycles, or within 1,000 flight cycles after February 16, 2006 (the effective date of AD 2006–01–07, Amendment 39–14446 (71 FR 1947, January 12, 2006)), whichever occurs later; and repeat the inspections thereafter at intervals not to exceed 3,000 flight cycles until the modification required by paragraph (j) of this AD is accomplished.

(h) Retained Inspections for Group 2 Airplanes

This paragraph restates the requirements of paragraph (h) of AD 2012–13–08, Amendment 39–17110 (77 FR 40481, July 10, 2012). For Group 2 airplanes identified in Boeing Alert Service Bulletin 747 53A2502, Revision 1, dated June 17, 2010: At the applicable times specified in paragraphs (h)(1) and (h)(2) of this AD, do detailed and HFEC inspections for cracking of each affected tension tie and of the surrounding structure, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747–53–2502, dated April 21, 2005; or Boeing Alert Service Bulletin 747–53A2502, Revision 1, dated June 17, 2010. If any cracking is found: Before further flight, do all applicable corrective and related investigative actions. Do all actions in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747–53–2502, dated April 21, 2005; or Boeing Alert Service Bulletin 747–53A2502, Revision 1, dated June 17, 2010. Where Boeing Special Attention Service Bulletin 747–53–2502, dated April 21, 2005; or Boeing Alert Service Bulletin 747–53A2502, Revision 1, dated June 17, 2010; specify to contact Boeing for repair instructions: Before further flight, repair the area using a method approved in accordance with the procedures specified in paragraph (n) of this AD. As of August 14, 2012 (the effective date of AD 2012–13–08, Amendment 39–17110 (77 FR 40481, July 10, 2012)), only Boeing Alert Service Bulletin 747–53A2502, Revision 1, dated June 17, 2010, may be used to accomplish the actions required by this paragraph. Repeat the inspections thereafter at intervals not to exceed 3,000 flight cycles until the modification required by paragraph (j) of this AD is accomplished.

(1) For stations (STA) 780 through 940: Before the accumulation of 17,000 total flight cycles, or within 1,000 flight cycles after February 16, 2006 (the effective date of AD 2006–01–07, Amendment 39–14446 (71 FR 1947, January 12, 2006)), whichever occurs later.

(2) For STA 720, 740, and 760: At the earlier of the times specified in paragraph (h)(2)(i) or (h)(2)(ii) of this AD.

(i) Before the accumulation of 17,000 total flight cycles, or within 1,000 flight cycles after February 16, 2006 (the effective date of AD 2006–01–07, Amendment 39–14446 (71 FR 1947, January 12, 2006)), whichever occurs later.

(ii) Before the accumulation of 8,000 total flight cycles, or within 1,000 flight cycles after August 14, 2012 (the effective date of AD 2012–13–08, Amendment 39–17110 (77 FR 40481, July 10, 2012)), whichever occurs later.

(i) Retained One-Time Inspection for Group 2 Airplanes

This paragraph restates the requirements of paragraph (i) of AD 2012–13–08, Amendment 39–17110 (77 FR 40481, July 10, 2012). For airplanes identified in Boeing Alert Service Bulletin 747–53A2502, Revision 1, dated June 17, 2010, as Group 2 airplanes: Before the accumulation of 8,000 total flight cycles, or within 1,000 flight cycles after August 14, 2012 (the effective date of AD 2012–13–08), whichever occurs later, do a general visual inspection for correct configuration, as identified in Boeing Alert Service Bulletin 747–53A2502, Revision 1, dated June 17, 2010, of each affected tension tie and of the surrounding structure, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2502, Revision 1, dated June 17, 2010.

(1) If all tension ties match the correct configurations specified in the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2502, Revision 1, dated June 17, 2010, no further work is required by this paragraph.

(2) If any incorrect configuration is found, before further flight, do detailed and open fastener-hole HFEC inspections for cracking in the tension tie and frame, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2502, Revision 1, dated June 17, 2010.

(i) If no crack is found during the inspections required by paragraph (i)(2) of this AD: Before further flight, install the correct configuration for the tension ties at locations where the incorrect configuration was found, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2502, Revision 1, dated June 17, 2010; except where Boeing Alert Service Bulletin 747–53A2502, Revision 1, dated June 17, 2010, specifies to contact Boeing for installation instructions, use a method approved in accordance with the procedures specified in paragraph (n) of this AD.

(ii) If any crack is found during the inspections required by paragraph (i)(2) of this AD, before further flight, do the actions specified in paragraphs (i)(2)(ii)(A) and (i)(2)(ii)(B) of this AD.

(A) Repair the crack in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2502, Revision 1, dated June 17, 2010; except where Boeing Alert Service Bulletin 747–53A2502, Revision 1, dated June 17, 2010, specifies to contact Boeing for appropriate action, before further flight, repair the crack using a method approved in accordance with the procedures specified in paragraph (n) of this AD.

(B) Install the correct configuration for the tension ties at locations where the incorrect configuration was found, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2502, Revision 1, dated June 17, 2010; except where Boeing Alert Service Bulletin 747–53A2502, Revision 1, dated June 17, 2010, specifies to contact Boeing for installation instructions, use a method approved in accordance with the procedures specified in paragraph (n) of this AD.

(j) New Tension Tie and Frame Modification and Inspections

(1) For Groups 1 through 16, Configuration 1, airplanes identified in Boeing Alert Service Bulletin 747–53A2605, Revision 3, dated July 10, 2013: At the applicable compliance time specified in table 1 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2605, Revision 3, dated July 10, 2013, except as required by paragraph (l)(1) of this AD, do tension tie and frame modifications, in accordance with Part 1, and surface HFEC inspections for cracks, in accordance with Part 4, of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2605, Revision 3, dated July 10, 2013. Accomplishment of these modifications terminates the repetitive inspections required by paragraphs (g) and (h) of this AD. If any crack is found, before further flight, repair the crack using a method approved in accordance with the procedures specified in paragraph (n) of this AD.

(2) For Groups 17 and 18 airplanes identified in Boeing Alert Service Bulletin 747–53A2605, Revision 3, dated July 10, 2013: At the applicable time specified in table 6 or table 7, as applicable, of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2605, Revision 3, dated July 10, 2013, do a tension tie and frame modification (replacement of tension ties and frame structure), in accordance with Part 5 or Part 6, as applicable, of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2605, Revision 3, dated July 10, 2013. Accomplishment of these modifications terminates the repetitive inspections required by paragraph (g) of this AD.

(k) New Repetitive Post-Modification Detailed Inspections of Unmodified Areas; Repetitive Post-Modification HFEC Inspections of Modified and Unmodified Areas

(1) For Groups 1 through 16 airplanes identified in Boeing Alert Service Bulletin 747–53A2605, Revision 3, dated July 10, 2013: At the applicable time specified in table 2 or table 3 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2605, Revision 3, dated July 10, 2013, do a detailed inspection for cracking in the unmodified areas of the tension ties, in accordance with Part 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2605, Revision 3, dated July 10, 2013. If any cracking is found, before further flight, repair using a method approved in accordance with the procedures specified in paragraph (n) of this AD. Repeat the detailed inspection thereafter at the applicable time specified in table 2 or table 3 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2605, Revision 3, dated July 10, 2013.

(2) For Groups 1 through 16 airplanes identified in Boeing Alert Service Bulletin 747–53A2605, Revision 3, dated July 10, 2013: At the applicable time specified in table 4 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2605, Revision 3, dated July 10, 2013, do eddy current inspections for cracking in all areas of the tension ties (modified and unmodified), in accordance with Part 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2605, Revision 3, dated July 10, 2013. If any cracking is found, before further flight, repair using a method approved in accordance with the procedures specified in paragraph (n) of this AD. Repeat the eddy current inspections thereafter at the time specified in table 4 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2605, Revision 3, dated July 10, 2013.

(3) For Groups 1 through 16, Configuration 2, airplanes identified in Boeing Alert Service Bulletin 747–53A2605, Revision 3, dated July 10, 2013: At the applicable time specified in table 5 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2605, Revision 3, dated July 10, 2013, except as provided by paragraph (l)(1) of this AD, do surface HFEC inspections for cracking in the unmodified tension tie center sections, in accordance with Part 4 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2605, Revision 3, dated July 10, 2013. If any cracking is found, before further flight, repair using a method approved in accordance with the procedures specified in paragraph (n) of this AD. If no cracking is found, no further action is required until the repetitive inspections required by paragraphs (k)(1) and (k)(2) begin.

(4) For Groups 17 and 18 airplanes identified in Boeing Alert Service Bulletin 747–53A2605, Revision 3, dated July 10, 2013: At the applicable time specified in table 6 or table 7 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2605, Revision 3, dated July 10, 2013, do detailed and HFEC inspections of the modified tension tie and frame structure for cracking, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2502, Revision 1, dated June 17, 2010. Except as required by paragraph (l)(4) of this AD, if any cracking is found, before further flight, repair using a method approved in accordance with the procedures specified in paragraph (n) of this AD. Repeat the detailed and HFEC inspections thereafter at the times specified in table 6 or table 7, as applicable, of Boeing Alert Service Bulletin 747–53A2605, Revision 3, dated July 10, 2013.

(l) Service Information Clarifications and Exceptions

(1) Where paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2605, Revision 3, dated July 10, 2013, specifies a compliance time ''after the revision 3 date of this service bulletin,'' this AD requires compliance within the specified time after the effective date of this AD.

(2) Where Boeing Alert Service Bulletin 747–53A2605, Revision 3, dated July 10, 2013, specifies to contact Boeing for repair instructions, this AD requires repair before further flight using a method approved in accordance with the procedures specified in paragraph (n) of this AD.

(3) Boeing Alert Service Bulletin 747–53A2605, Revision 3, dated July 10, 2013, refers to Section 51–10–02 of the Boeing 747–400F Structural Repair Manual (SRM) and Section 51–10–01 of the Boeing 747–100/200/300 SRM as additional sources of guidance for removing small cracks and fatigue damage material from the existing holes in the unmodified center section of the tension tie channels. Where those SRM sections state that ''zero-timing must only be used where specifically permitted in an SRM chapter-section-repair,'' this AD allows the zero-timing procedures specified in those SRM sections.

(4) Where Boeing Alert Service Bulletin 747–53A2605, Revision 3, dated July 10, 2013, specifies to contact Boeing for repair instructions, this AD requires repair before further flight using a method approved in accordance with the procedures specified in paragraph (n) of this AD.

(m) Credit for Previous Actions

(1) This paragraph restates the credit provided in paragraph (m) of AD 2012–13–08, Amendment 39–17110 (77 FR 40481, July 10, 2012). This paragraph provides credit for the actions required by paragraphs (j)(1) and(k)(1) of this AD, if those actions were performed before August 14, 2012 (the effective date of AD 2012–13–08) using Boeing Alert Service Bulletin 747–53A2605, dated December 8, 2009, which was incorporated by reference in AD 2012–13–08.

(2) For Groups 1 through 16 airplanes identified in Boeing Alert Service Bulletin

747–53A2605, Revision 3, dated July 10, 2013: This paragraph provides credit for the actions required by paragraphs (j)(1) and (k)(1) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 747–53A2605, Revision 2, dated December 9, 2011, which is not incorporated by reference in this AD.

(n) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), 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 manager of the ACO, send it to the attention of the person identified in paragraph (o)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) 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.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane.

(4) AMOCs approved for inspections required by AD 2012–13–08, Amendment 39–17110 (77 FR 40481, July 10, 2012) are approved as AMOCs for the corresponding inspection provisions of paragraphs (g), (h), and (i) of this AD.

(5) AMOCs approved for AD 2012–13–08, Amendment 39–17110 (77 FR 40481, July 10, 2012) that granted modification deviations are approved as AMOCs for the corresponding modification required by paragraph (j)(1) of this AD.

(o) Related Information

(1) For more information about this AD, contact Nathan Weigand, Aerospace Engineer, Airframe Branch, ANM–120S, Seattle Aircraft Certification Office (ACO), FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6428; fax: 425–917–6590; email: *Nathan.P.Weigand@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (p)(6) and (p)(7) of this AD.

(p) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on December 17, 2014.

(i) Boeing Alert Service Bulletin 747–53A2605, Revision 3, dated July 10, 2013.

(ii) Reserved.

(4) The following service information was approved for IBR on August 14, 2012 (77 FR 40481, July 10, 2012).

(i) Boeing Alert Service Bulletin 747–53A2502, Revision 1, dated June 17, 2010.

(ii) Reserved.

(5) The following service information was approved for IBR on February 16, 2006 (71 FR 1947, January 12, 2006).

(i) Boeing Special Attention Service Bulletin 747–53–2502, dated April 21, 2005.

(ii) Reserved.

(6) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.*

(7) You may view this service information at 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.

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

Issued in Renton, Washington, on October 28, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–26536 Filed 11–10–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0430; Directorate Identifier 2014–NM–083–AD; Amendment 39–18014; AD 2014–22–09]

RIN 2120–AA64

Airworthiness Directives; the Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all the Boeing Company Model 767 airplanes. This AD was prompted by a report of a rotary actuator for the trailing edge (TE) flap that had slipped relative to its mating reaction ring, which is attached to the flap support rib. This AD requires repetitive inspections for corrosion of the fixed ring gear and reaction ring splines of the rotary actuator assembly for each support position, and related investigative and corrective actions if necessary. We are issuing this AD to detect and correct flap rotary actuator gear disengagement from its mating reaction ring. This disengagement with flaps extended could cause an uncommanded roll due to flap blowback, overload, or flap departure from the airplane, which could compromise safe flight and landing of the airplane.

DATES: This AD is effective December 17, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of December 17, 2014.

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.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–2014–0430; 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 AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Allen Rauschendorfer, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6487; fax: 425–917–6590; email: *Allen.Rauschendorfer@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 767 airplanes. The NPRM published in

the **Federal Register** on July 9, 2014 (79 FR 38797). The NPRM was prompted by a report of a rotary actuator for the TE flap that had slipped relative to its mating reaction ring, which is attached to the flap support rib. The NPRM proposed to require repetitive inspections for corrosion of the fixed ring gear and reaction ring splines of the rotary actuator assembly for each support position, and related investigative and corrective actions if necessary. We are issuing this AD to detect and correct flap rotary actuator gear disengagement from its mating reaction ring. This disengagement with flaps extended could cause an uncommanded roll due to flap blowback, overload, or flap departure from the airplane, which could compromise safe flight and landing of the airplane.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comment received on the NPRM (79 FR 38797, July 9, 2014) and the FAA's response to the comment.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that accomplishing Supplemental Type Certificate (STC) ST01920SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/59027f43b9a7486e86257b1d006591ee/$FILE/ST01920SE.pdf*) does not affect the actions specified in the NPRM (79 FR 38797, July 9, 2014).

We concur with the commenter. We have redesignated paragraph (c) of the NPRM (79 FR 38797, July 9, 2014) as paragraph (c)(1) and added a new paragraph (c)(2) to this AD to state that installation of STC ST01920SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/59027f43b9a7486e86257b1d006591ee/$FILE/ST01920SE.pdf*) does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01920SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

Conclusion

We reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting this AD with the changes described previously and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (79 FR 38797, July 9, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 38797, July 9, 2014).

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

Costs of Compliance

We estimate that this AD affects 389 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	60 work-hours × $85 per hour = $5,100 per inspection cycle.	$0	$5,100 per inspection cycle.	$1,983,900 per inspection cycle.

We estimate the following costs to do any necessary repairs that would be required based on the results of the inspection. We have no way of determining the number of aircraft that might need these repairs:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Actuator repair	4 work-hours × $85 per hour = $340 per actuator	$0	$340 per actuator.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–22–09 The Boeing Company: Amendment 39–18014 ; Docket No. FAA–2014–0430; Directorate Identifier 2014–NM–083–AD.

(a) Effective Date

This AD is effective December 17, 2014.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to all The Boeing Company Model 767–200, –300, –300F, and –400ER series airplanes, certificated in any category.

(2) Installation of Supplemental Type Certificate (STC) ST01920SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/59027f43b9a7486e86257b1d006591ee/$FILE/ST01920SE.pdf*) does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01920SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight Controls.

(e) Unsafe Condition

This AD was prompted by a report of a trailing edge (TE) flap rotary actuator that had slipped relative to its mating reaction ring, which is attached to the flap support rib. We are issuing this AD to detect and correct flap rotary actuator gear disengagement from its mating reaction ring. This disengagement with flaps extended could cause an uncommanded roll due to flap blowback, overload, or flap departure from the airplane, which could compromise safe flight and landing of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Repetitive Inspections, Related Investigative Actions, and Corrective Actions

Except as provided by paragraph (h) of this AD, at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 767–27A0229, dated March 4, 2014: Do a detailed inspection for corrosion of the rotary actuator assembly fixed ring gear and reaction ring splines for each support position; and do all applicable related investigative and corrective actions if necessary; in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 767–27A0229, dated March 4, 2014. Do all applicable related investigative and corrective actions before further flight. Repeat the inspection of the rotary actuator assembly fixed ring gear and reaction ring splines for each support position thereafter at the applicable intervals specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 767–27A0229, dated March 4, 2014.

(h) Exception to the Requirements of Paragraph (g) of this AD

Where paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 767–27A0229, dated March 4, 2014, specifies a compliance time ''after the original issue date of this service bulletin,'' this AD requires compliance within the specified compliance time ''after the effective date of this AD.''

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), 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 manager of the ACO, send it to the attention of the person identified in paragraph (j) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) 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.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane and the approval must specifically refer to this AD.

(4) If the service information contains steps that are labeled as RC (Required for Compliance), those steps must be done to comply with this AD; any steps that are not labeled as RC are recommended. Those steps that are not labeled as RC may be deviated from, done as part of other actions, or done using accepted methods different from those identified in the specified service information without obtaining approval of an AMOC, provided the steps labeled as RC can be done and the airplane can be put back in a serviceable condition. Any substitutions or changes to steps labeled as RC require approval of an AMOC.

(j) Related Information

For more information about this AD, contact Allen Rauschendorfer, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6487; fax: 425–917–6590; email: *Allen.Rauschendorfer@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Service Bulletin 767–27A0229, dated March 4, 2014.

(ii) Reserved.

(3) For Boeing service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.*

(4) 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.

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

Issued in Renton, Washington, on October 28, 2014.

Jeffrey E. Duven

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–26440 Filed 11–10–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 43

[Docket No. FAA–2000–8017, Amdt. No. 43–38A]

RIN 2120–AH11

Disposition of Life Limited Aircraft Parts; Technical Amendment

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; technical amendment.

SUMMARY: The FAA is correcting a final rule published in the **Federal Register** on January 15, 2002 (67 FR 2110). In that rule, the FAA amended its regulations to require that all persons who remove any life-limited aircraft part safely control that part, to deter the installation of that part after it has reached its life limit. The rule reduced the risk of life-limited parts being used

beyond their life limits. The rule also required that type certificate and design approval holders of life-limited parts provide instructions on how to mark a part indicating its current status, when requested by persons removing such a part. This document corrects error in the codified text of that document.

DATES: This amendment becomes effective: November 12, 2014.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Marcus Cunningham, Flight Standards Service, AFS–300, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–1694, facsimile (202) 267–1736, or email: *marcus.cunningham@faa.gov.*

SUPPLEMENTARY INFORMATION:

Good Cause for Immediate Adoption Without Prior Notice

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 et seq.) authorizes agencies to dispense with notice and comment procedures for rules when the agency for ''good cause'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without seeking comment prior to the rulemaking.

Section 553(d)(3) of the Administrative Procedure Act requires that agencies publish a rule not less than 30 days before its effective date, except as otherwise provided by the agency for good cause found and published with the rule.

This document is correcting an error that is in 14 CFR 43.10(c)(6). This correction will not impose any additional restrictions on the persons affected by these regulations. Furthermore, any additional delay in making the regulations correct would be contrary to the public interest. Accordingly, the FAA finds that (i) public comment on these standards prior to promulgation is unnecessary, and (ii) good cause exists to make this rule effective in less than 30 days.

Background

On January 15, 2002, the FAA published a final rule entitled, ''Safe Disposition of Life Limited Aircraft Parts'' (67 FR 2110).

In that final rule, the FAA revised the regulations to require that all persons who remove any life-limited aircraft part to safely control that part to deter the installation of that part after it has reached its life limit. When published, a typographical error was created and the word ''product'' was inadvertently replaced with the word ''produce'' in 14 CFR 43.10(c)(6).

Technical Amendment

The technical amendment will replace the word ''produce'' with the word ''product'' in § 43.10(c)(6).

Because the changes in this technical amendment result in no substantive change, we find good cause exists under 5 U.S.C. 553(d)(3) to make the amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 43

Aircraft, Aviation safety, Life-limited parts, Reporting and recordkeeping requirements.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends chapter I of title 14, Code of Federal Regulations as follows:

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

■ 1. The authority citation for part 43 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44703, 44705, 44707, 44711, 44713, 44717, 44725.

■ 2. Revise § 43.10(c)(6) to read as follows:

§ 43.10 Disposition of life-limited aircraft parts.

* * * * *

(c) * * *

(6) *Mutilation.* The part may be mutilated to deter its installation in a type certificated product. The mutilation must render the part beyond repair and incapable of being reworked to appear to be airworthy.

* * * * *

Issued under authority of 49 U.S.C. 106(f), 44701(a), and 44707 in Washington, DC, on November 5, 2014.

Lirio Liu,

Director, Office of Rulemaking.

[FR Doc. 2014–26626 Filed 11–10–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 734, 740, 748, 758, and 774

[Docket No. 130110030–4928–03]

RIN 0694–AF87

Clarifications and Corrections to the Export Administration Regulations (EAR): Control of Spacecraft Systems and Related Items the President Determines No Longer Warrant Control Under the United States Munitions List (USML)

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

ACTION: Final rule.

SUMMARY: This final rule makes clarifications and corrections to an interim final rule that was published on May 13, 2014. The May 13 rule added controls to the Export Administration Regulations (EAR) for spacecraft and related items that the President has determined no longer warrant control under United States Munitions List (USML) Category XV—spacecraft and related items. New Export Control Classification Numbers (ECCNs) 9A515, 9B515, 9D515, and 9E515 created by the May 13 rule and existing ECCNs on the Commerce Control List (CCL) will control such items. The May 13 rule also revised various sections of the EAR to provide the proper level of control for the new ECCNs. The vast majority of the changes included in the May 13 rule have been implemented as published in the interim final rule, so those change are not republished in this final rule. A full description of those changes can be found in the Background section and the regulatory text of the May 13 rule. The changes included in this final rule are limited to corrections and clarifications to what was included in the interim final rule. These corrections and clarifications were also informed by comments received in response to the May 13 rule that included a request for comments.

DATES: *Effective Date:* This rule is effective November 10, 2014.

FOR FURTHER INFORMATION CONTACT: For questions about the ECCNs included in this rule, contact Dennis Krepp, Office of National Security and Technology Transfer Controls, Bureau of Industry and Security, U.S. Department of Commerce, Telephone: 202–482–1309, email: *Dennis.Krepp@bis.doc.gov.* For general questions about the regulatory changes pertaining to satellites, spacecraft, and related items, contact

the Regulatory Policy Division, Office of Exporter Services, Bureau of Industry and Security, at 202–482–2440 or email: *rpd2@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

This final rule makes corrections and clarifications to the interim final rule, *Revisions to the Export Administration Regulations (EAR): Control of Spacecraft Systems and Related Items the President Determines No Longer Warrant Control Under the United States Munitions List (USML),* that was published on May 13, 2014 (79 FR 27417) (May 13 interim final rule). The May 13 rule added controls to the Export Administration Regulations (EAR) for spacecraft and related items that the President has determined no longer warrant control under United States Munitions List (USML) Category XV—spacecraft and related items. New Export Control Classification Numbers (ECCNs) 9A515, 9B515, 9D515, and 9E515 created by the May 13 rule and preexisting ECCNs on the Commerce Control List (CCL) will control such items. The May 13 rule also revised various sections of the EAR to provide the proper level of control for the new ECCNs.

The vast majority of the changes included in the May 13 rule have been implemented as published in the interim final rule, so those change are not republished in this final rule. A full description of those changes can be found in the Background section and the regulatory text of the May 13 rule. The changes included in this final rule are limited to corrections and clarifications to what was included in the interim final rule. These corrections and clarifications were also informed by comments received in response to the May 13 rule that included a request for comments. This rule also adds a clarification to § 758.6 of the EAR stating that compliance with 22 CFR 123.9(b)(1) is sufficient to satisfy the Destination Control Statement requirement for the EAR of shipments that include both items subject to the EAR and items subject to the International Traffic in Arms Regulations (ITAR).

The May 13 rule was published in conjunction with the publication of a Department of State, Directorate of Defense Trade Controls rule revising USML Category XV to control those articles the President has determined warrant control on the USML. Both rules, including the final rules published May 13 by the Departments of Commerce and State and the rules making corrections to the May 13 rules, are part of the President's Export Control Reform Initiative. The corrections and clarifications to the May 13 rule are also part of Commerce's retrospective regulatory review plan under Executive Order (EO) 13563.

In § 734.4 (De minimis U.S. content) under the introductory text of paragraph (a)(6), this final rule adds a reference to 9x515 to conform to the scope of paragraph (a)(6)(i) and (ii). The May 13 interim final rule added 9x515 to paragraph (a)(6)(i) and (ii), but did not add a reference to the introductory text of paragraph (a)(6). In order to provide greater clarity regarding the scope of paragraph (a)(6) and to conform with the existing text of paragraphs (a)(6)(i) and (ii), this final rule adds the reference to 9x515 to the introductory text of this paragraph.

In § 740.2 (Restrictions on all license exceptions) under paragraph (a)(5)(i), this final rule revises the cross reference to § 740.15(b) (License Exception AVS) to reference the correct name of the license exception. The May 13 final rule revised the heading of License Exception AVS, but inadvertently omitted the phrase ''or spacecraft'' when referencing the scope of License Exception AVS in paragraph (a)(5)(i) of this section.

In Supplement No. 2 to part 748 (Unique Application and Submission Requirements), this final rule revises the introductory text in paragraph (y)(1) and the introductory text in paragraph (y)(2) to make the same clarification. This final rule removes the phrase ''to a country'' and replaces that phrase with the more specific phrase ''for launch in or by a country''. The intent of both of these paragraphs is to require unique application and submission requirements for exports of satellites under ECCN 9A515.a for launch in or by one of the countries identified under (y)(1) or (y)(2). The new text will make it clearer for when applications will be subject to these unique application and submission requirements.

In the Commerce Control List in Supplement No. 1 to part 774, this final rule makes clarifications to three Export Control Classification Numbers (ECCNs): 9A004, 9A515 and 9E515, and adds a new Note to Category 9.

In Category 9 under Product Group E: ''Technology,'' this final rule redesignates the Note to Product Group E as Note 1 and adds a new Note 2 to Product Group E. This final rule adds Note 2 to provide guidance on the classification of telemetry data specific to commodities classified under ECCNs 9A004 and 9A515. This is the same type of note that was included in ECCN 9E515 under Note 3 in the interim final rule, but because the note also has applicability to ECCNs 9E001 and 9E002, as they relate to 9A004, BIS decided to remove Note 3 to 9E515 and add in its place a Note 2 that covers the concept for purposes of Category 9 Product Group E. This note clarifies that for purposes of Category 9, Product Group E that ECCNs 9E001, 9E002 and 9E515 do not control the data transmitted to or from a satellite or ''spacecraft,'' whether real or simulated, when limited to information about the health, operational status, or measurements or function of, or raw sensor output from, the ''spacecraft,'' ''spacecraft'' payload(s), or its associated subsystems or components. This note clarifies that such information is not within the scope of information captured within the definition of ''technology'' in the EAR for purposes of ECCNs 9E001, 9E002 or 9E515.

ECCN 9A004. In ECCN 9A004, this final rule adds an items paragraph .y to the List of Items Controlled section. This new items paragraph .y will control items that would otherwise be within the scope of 9A004.x but that have been identified in an interagency-cleared commodity classification (CCATS) pursuant to § 748.3(e) as warranting control in 9A004.y. The § 748.3(e) CCATS process is an established process under the EAR. This clarification to 9A004 specifies where certain spacecraft related items determined to not warrant being classified as ''specially designed'' under a 9x515 ECCN may be designated on the CCL that would otherwise have been classified under 9A00.x and controlled for national security NS 1 reasons. Items determined to be classified under 9A004.y will be controlled for anti-terrorism AT 1 reasons to fewer destinations compared to items classified under 9A004.x.

ECCN 9A515. This final rule makes three clarifications to ECCN 9A515.The final rule adds a Related Controls paragraph in the List of Items Controlled section to inform people to see ECCN 9A610.g for pressure suits used for high altitude aircraft. This new Related Controls paragraph is a conforming change for the additions of new ''items'' paragraph f in 9A515, described below.

This final rule also revises the Note to items paragraph .a in the List of Items Controlled section. The revision to the note consists of removing the phrase ''not identified in USML Category XV(a)'' from the middle of the note and adding it to the end of this note. The phrase ''not identified in USML Category XV(a)'' is intended to modify all the items referenced earlier in the note. Therefore, the placement of the

phrase in the context of the larger note was not correct. This final rule corrects the placement of this phrase by adding it to the end of the Note to paragraph .a in the List of Items Controlled section.

Lastly, for ECCN 9A515, this final rule also adds a new items paragraph .f in the List of Items Controlled section of 9A515 to clarify that pressure suits (i.e., space suits) capable of operating at altitudes 55,000 feet above sea level are controlled under this ECCN. These space suits were removed from USML Category XV and were intended to be classified under 9A515, but because of an oversight an items paragraph was not included in 9A515 to control these suits, although the intent as stated in the May 13 interim final rule was that such commodities would be controlled along with the other ''spacecraft'' and related commodities in 9A515.

ECCN 9E515. This final rule removes Note 3 to 9E515 at the end of the ''items'' paragraph in the List of Items Controlled section to conform to the addition of the same type of note to Category 9 Product Group E: Technology, which was described above. The substance of the note is the same, only the location has been changed in Category 9 because of the note's applicability to other Category 9 technology ECCNs, specifically 9E001, 9E002 and 9E515.

Other Clarifications to the EAR

This rule also add a clarification to § 758.6 of the EAR stating that compliance with 22 CFR 123.9(b)(1) is sufficient to satisfy the Destination Control Statement requirement for the EAR for shipments that include both items subject to the EAR and to the International Traffic in Arms Regulations (ITAR).

Addressing Public Comments That May Be Received

The May 13 interim final rule requested public comment through November 10, 2014. BIS will review all comments received at that time and address them through a subsequent rulemaking.

As required by Executive Order (EO) 13563, BIS intends to review this rule's impact on the licensing burden on exporters. Commerce's full plan is available at: *http://open.commerce.gov/news/2011/08/23/commerce-plan-analysis-existing-rules*. Data are routinely collected on an ongoing basis, including through the comments to be submitted and as a result of new information and results from AES data. These results and data have been, and will continue to form, the basis for ongoing reviews of the rule and assessments of various aspects of the rule. As part of its plan for retrospective analysis under EO 13563, BIS intends to conduct periodic reviews of this rule and to modify, or repeal, aspects of this rule, as appropriate, and after public notice and comment. With regard to a number of aspects of this rule, assessments and refinements will be made on an ongoing basis. This is particularly the case with regard to possible modifications that will be considered based on public comments described above.

Export Administration Act

Although the Export Administration Act expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013) and as extended by the Notice of August 7, 2014, 79 FR 46959 (August 11, 2014), has continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act. BIS continues to carry out the provisions of the Export Administration Act, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distribute impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This final rule has been determined to be not significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to, nor is subject to a penalty for failure to comply with, a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid OMB control number. This regulation involves collections previously approved by the OMB under control numbers 0694–0088, ''Multi-Purpose Application,'' which carries a burden hour estimate of 43.8 minutes for a manual or electronic submission. This rule does not alter any information collection requirements; therefore, total burden hours associated with the PRA and OMB control number 0694–0088 are not expected to increase as a result of this rule. You may send comments regarding the collection of information associated with this rule, including suggestions for reducing the burden, to Jasmeet K. Seehra, Office of Management and Budget (OMB), by email to *Jasmeet_K._Seehra@omb.eop.gov,* or by fax to (202) 395–7285.

3. This rule does not contain policies with Federalism implications as that term is defined under E.O. 13132.

4. The Department finds that there is good cause under *5 U.S.C. 553*(b)(3)(B) to waive the provisions of the Administrative Procedure Act requiring prior notice and the opportunity for public comment because they are unnecessary. The changes included in this final rule are limited to corrections and clarifications to what was included in the interim final rule. These revisions are non-substantive, or are limited to only clarifying the regulations to ensure consistency with the intent of the May 13, 2014 interim final rule; therefore, providing an additional opportunity for public comment on these corrections is unnecessary. In addition, for the revision to § 758.6, the Department finds that there is good cause under *5 U.S.C. 553*(b)(3)(B) to waive the provisions of the Administrative Procedure Act requiring prior notice and the opportunity for public comment because they are contrary to the public interest. BIS implements a revision to § 758.6 of the EAR to clarify that compliance with § 123.9(b)(1) of the ITAR is sufficient for compliance with the Destination Control Statement requirement in § 758.6(1). Based on questions received by the U.S. Government since the publication in April 16, 2013 initial implementation of Export Control Reform rules by Commerce (78 FR 22661) and State (78 FR 22740), confusion exists in industry as to whether § 758.6 requires exporters to include the Destination Control Statement provided in the EAR in addition to the statement provided in § 123.9(b)(1) of the ITAR for shipments including both items subject to the EAR and defense articles subject to the ITAR. The intent of the April 16, 2013 Commerce rule was not to require an additional Commerce Destination Control Statement for transactions authorized by State because it would be redundant with the State Destination Control Statement. The clarification to § 758.6 will address this perceived confusion and clarify that an EAR Destination Control Statement is not required in such cases.

In addition, BIS finds good cause to waive the 30-day delay in effectiveness under 5 U.S.C. 553(d)(3) because it will allow the corrections and clarifications to go into effect at the same time as the related provisions from the May 13, 2014 rule. This will reduce the potential for confusion among the public.

5. The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 *et seq.,* generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to the notice and comment rulemaking requirements under the Administrative Procedure Act (5 U.S.C. 553) or any other statute, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Under section 605(b) of the RFA, however, if the head of an agency certifies that a rule will not have a significant impact on a substantial number of small entities, the statute does not require the agency to prepare a regulatory flexibility analysis. Pursuant to section 605(b), the Chief Counsel for Regulation, Department of Commerce, submitted a memorandum to the Chief Counsel for Advocacy, Small Business Administration, certifying that this rule will not have a significant impact on a substantial number of small entities. A summary of the factual basis for the certification was provided in the May 13 interim final rule and is not repeated here. BIS did not receive any comments in response to the proposed rule regarding the economic impact of this rule or to the certification made by the Chief Counsel. As a result, a final regulatory flexibility analysis is not required and one was not prepared.

List of Subjects

15 CFR Parts 734, 740, 748 and 758

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

15 CFR Part 774

Exports, Reporting and recordkeeping requirements.

Accordingly, the Export Administration Regulations (15 CFR Parts 730–774) are amended as follows:

PART 734—[AMENDED]

■ 1. The authority citation for 15 CFR part 734 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013); Notice of November 7, 2013, 78 FR 67289 (November 12, 2013); Notice of August 7, 2014, 79 FR 46959 (August 11, 2014).

■ 2. Section 734.4 is amended by revising the introductory text of paragraph (a)(6) to read as follows:

§ 734.4 De minimis U.S. content.

(a) * * *

(6) 9x515 and ''600 series.''

* * * * *

PART 740—[AMENDED]

■ 3. The authority citation for 15 CFR part 740 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 7201 *et seq.;* E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 7, 2014, 79 FR 46959 (August 11, 2014).

■ 4. Section 740.2 is amended by revising paragraph (a)(5)(i) to read as follows:

§ 740.2 Restrictions on all License Exceptions.

(a) * * *

(5) * * *

(i) The item is controlled for missile technology (MT) reasons, except that the items described in ECCNs 6A008, 7A001, 7A002, 7A004, 7A101, 7A102, 7A103, 7A104, 7A105, 7B001, 7D001, 7D002, 7D003, 7D101, 7D102, 7E003, 7E101 or 9A515, may be exported as part of a spacecraft, manned aircraft, land vehicle or marine vehicle or in quantities appropriate for replacement parts for such applications under § 740.9(a)(4) (License Exception TMP for kits consisting of replacement parts), § 740.10 (License Exception RPL), § 740.13 (License Exception TSU), or § 740.15(b) (License Exception AVS for equipment and spare parts for permanent use on a vessel, aircraft or spacecraft).

* * * * *

PART 748—[AMENDED]

■ 5. The authority citation for 15 CFR part 748 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 7, 2014, 79 FR 46959 (August 11, 2014).

■ 6. Supplement No. 2 to part 748 (Unique Application and Submission Requirements) is amended by revising introductory text of paragraph (y)(1) and the introductory text of paragraph (y)(2) to read as follows:

Supplement No. 2 to Part 748—Unique Application and Submission Requirements

* * * * *

(y) * * *

(1) A license application to export a satellite controlled by ECCN 9A515.a for launch in or by a country that is not a member of the North Atlantic Treaty Organization (NATO) or a major non-NATO ally of the United States (as defined in 22 CFR 120.31 and 120.32), must include:

* * * * *

(2) A license application to export a satellite controlled by ECCN 9A515.a for launch in or by a country that is a member of the North Atlantic Treaty Organization (NATO) or that is a major non-NATO ally of the United States (as defined in 22 CFR 120.31 and 120.32), must include:

* * * * *

PART 758—[AMENDED]

■ 7. The authority citation for 15 CFR part 758 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 7, 2014, 79 FR 46959 (August 11, 2014).

■ 8. Section 758.6 is amended by adding one sentence at the end of paragraph (a) to read as follows:

§ 758.6 Destination control statement and other information furnished to consignees.

(a) * * * Compliance with the requirements described in § 123.9(b) of the ITAR constitutes compliance with the requirements of this paragraph (a) for shipments containing both items subject to the EAR and defense articles subject to the ITAR.

* * * * *

PART 774—[AMENDED]

■ 9. The authority citation for 15 CFR part 774 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.;* 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 15 U.S.C. 1824a; 50 U.S.C. app. 5; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 7, 2014, 79 FR 46959 (August 11, 2014).

Supplement No. 1 to Part 774—[Amended]

■ 10. In Supplement No. 1 to Part 774, Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A004 is amended by:

■ a. Revising the License Requirements table; and

■ b. Revising the Items paragraph in the List of Items Controlled section as

added May 13, 2014, at 79 FR 27439, effective November 10, 2014, by adding an items paragraph .y to read as follows:

Supplement No. 1 to Part 774—The Commerce Control List

9A004 Space Launch Vehicles and "Spacecraft," as Follows (See List of Items Controlled)

License Requirements

Reason for Control: * * *

Control(s)	*Country chart* (see supp. No. 1 to part 738)
NS applies to entire entry except .y	NS Column 1.
AT applies to entire entry	AT Column 1.

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

y. Items that would otherwise be within the scope of ECCN 9A004.x but that have been identified in an interagency-cleared commodity classification (CCATS) pursuant to § 748.3(e) as warranting control in 9A004.y.

* * * * *

■ 11. In Supplement No. 1 to Part 774, Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A515 is amended by:

■ a. Adding a sentence at the end of the Related Controls paragraph in the List of Items Controlled section as added May 13, 2014, at 79 FR 27440, effective November 10, 2014;

■ b. Revising the note to paragraph .a in the List of Items Controlled section as added May 13, 2014, at 79 FR 27440, effective November 10, 2014; and

■ c. Adding paragraph .f in the Items paragraph in the List of Items Controlled section as added May 13, 2014, at 79 FR 27440, effective November 10, 2014, to read as follows:

9A515 "Spacecraft" and Related Commodities, as Follows (See List of Items Controlled)

License Requirements

* * * * *

List of Items Controlled

Related Controls: * * * See ECCN 9A610.g for pressure suits used for high altitude aircraft.

* * * * *

Items:

* * * * *

a. * * *

Note: *ECCN 9A515.a includes commercial communications satellites, remote sensing satellites, planetary rovers, planetary and interplanetary probes, and in-space habitats, not identified in USML Category XV(a).*

* * * * *

f. Pressure suits (i.e., space suits) capable of operating at altitudes 55,000 feet above sea level.

* * * * *

■ 12. In Supplement No. 1 to Part 774, Category 9—Aerospace and Propulsion, Product Group E. "Technology" is amended by:

■ a. Redesignating the Note to Product Group E: "Technology" as Note 1 and revising newly redesignated Note 1; and

■ b. Adding a Note 2 to Product Group E: "Technology" to read as follows:

Category 9—Aerospace and Propulsion

* * * * *

E. "Technology"

Note 1: *"Development" or "production" "technology" controlled by 9E001 to 9E003 for gas turbine engines remains controlled when used for repair or overhaul. Excluded from 9E001 to 9E003 control are: technical data, drawings or documentation for maintenance activities directly associated with calibration, removal or replacement of damaged or unserviceable line replaceable units, including replacement of whole engines or engine modules.*

Note 2: *USML Category XV(f) and ECCNs 9E001, 9E002 and 9E515 do not control the data transmitted to or from a satellite or "spacecraft," whether real or simulated, when limited to information about the health, operational status, or measurements or function of, or raw sensor output from, the "spacecraft," "spacecraft" payload(s), or its associated subsystems or components. Such information is not within the scope of information captured within the definition of "technology" in the EAR for purposes of Category 9 Product Group E. Examples of such information, which are commonly referred to as "housekeeping data," include (i) system, hardware, component configuration, and operation status information pertaining to temperatures, pressures, power, currents, voltages, and battery charges; (ii) "spacecraft" or payload orientation or position information, such as state vector or ephemeris information; (iii) payload raw mission or science output, such as images, spectra, particle measurements, or field measurements; (iv) command responses; (v) accurate timing information; and (vi) link budget data. The act of processing such telemetry data—i.e., converting raw data into engineering units or readable products—or encrypting it does not, in and of itself, cause the telemetry data to become subject to the ITAR or to ECCN 9E515 for purposes of 9A515, or to ECCNs 9E001 or 9E002 for purposes of 9A004. All classified technical data directly related to items controlled in USML Category XV or ECCNs 9A515, and defense services using the classified technical data remains subject to the ITAR. This note does not affect controls in USML XV(f), ECCN 9D515, or ECCN 9E515 on software source code or commands that control a "spacecraft," payload, or associated subsystems for purposes of 9A515. This note also does not affect controls in ECCNs 9D001, 9D002, 9E001, or 9E002 on software source code or commands that control a "spacecraft," payload, or associated subsystems for purposes of 9A004.*

* * * * *

■ 13. In Supplement No. 1 to Part 774, Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9E515 is amended by removing Note 3 to 9E515 at the end of the Items paragraph in the List of Items Controlled section as added May 13, 2014, at 79 FR 27442, effective November 10, 2014.

Dated: November 5, 2014.

Kevin J. Wolf,

Assistant Secretary of Commerce for Export Administration.

[FR Doc. 2014–26664 Filed 11–10–14; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9702]

RIN 1545–BJ21

Allocation of Basis in All Cash D Reorganizations

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations and removal of temporary regulations.

SUMMARY: This document contains final regulations regarding the determination of the basis of stock or securities in certain reorganizations where no stock or securities of the issuing corporation is issued and distributed in the transaction. These final regulations clarify that only a shareholder that owns actual shares in the issuing corporation

in such a reorganization can designate the actual share of stock of the issuing corporation to which the basis, if any, of the stock or securities surrendered will attach. These regulations affect corporations engaging in such transactions and their shareholders.

DATES: These regulations are effective on November 12, 2014.

FOR FURTHER INFORMATION CONTACT: Michael R. Gould, (202) 317–5363, or Kevin M. Jacobs, (202) 317–5024 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background and Explanation of Provisions

1. Introduction

This Treasury Decision contains final regulations that amend the Income Tax Regulations (26 CFR part 1) under section 358(a) of the Internal Revenue Code (Code). In the case of certain reorganizations under section 368, section 358(a) and the regulations thereunder provide, in part, rules for determining a taxpayer's basis in stock or securities of an issuing corporation received without the recognition of gain or loss (permitted property), as well as rules relating to the basis of other property received in the reorganization. These final regulations clarify the rules under section 358(a) regarding the allocation of stock basis in a transaction that qualifies as a reorganization under section 368(a)(1)(D) (D reorganization) in which no permitted property is actually issued (All Cash D reorganization).

2. D Reorganizations Generally

Section 368(a)(1)(D) provides, in part, that a reorganization includes a transfer by a corporation (transferor corporation) of all or a part of its assets to another corporation (issuing corporation) if, immediately after the transfer, the transferor corporation or one or more of its shareholders (including persons who were shareholders immediately before the transfer), or any combination thereof, is in control of the issuing corporation, but only if, in pursuance of the plan, stock or securities of the issuing corporation are distributed under section 354, 355, or 356.

Under section 354(a)(1), a shareholder or security holder of the transferor corporation generally recognizes no gain or loss if the shareholder or security holder exchanges stock or securities of the transferor corporation, in pursuance of the plan of reorganization, solely for permitted property. Section 354(b)(1) provides that section 354(a)(1) is inapplicable to a D reorganization unless the issuing corporation acquires substantially all of the assets of the transferor corporation, and the stock, securities, and other properties received by the transferor corporation, as well as the other properties of the transferor corporation, are distributed in pursuance of the plan of reorganization. Further, section 356 provides, in part, that if section 354 would apply to an exchange but for the fact that property other than permitted property is also received, the recipient recognizes gain, but not in excess of the amount of money and fair market value of such other property.

3. All Cash D Reorganizations

On December 18, 2009, the IRS and the Treasury Department published final regulations (TD 9475) in the **Federal Register** (74 FR 67053) (2009 regulations) providing that the distribution requirement of section 368(a)(1)(D) and 354(b)(1)(B) is satisfied in the case of an All Cash D reorganization even though there is no actual distribution of permitted property by the transferor corporation, provided the same person(s) own, directly or indirectly, all of the stock of the transferor and issuing corporations in identical proportions. See § 1.368–2(l)(2)(i). In such cases, assuming a value-for-value exchange between the transferor and issuing corporations, the issuing corporation is deemed to issue a nominal share of its stock in addition to the actual consideration exchanged for the transferor corporation's assets. If the issuing corporation provides the transferor corporation with no consideration or consideration having a value less than the transferor corporation's assets (bargain exchange), the issuing corporation is treated as issuing shares of its stock having a value necessary to result in a value-for-value exchange. The rules of § 1.368–2(l) further provide that all stock treated as issued, or deemed issued, by the issuing corporation to the transferor corporation is then deemed distributed by the transferor corporation to its shareholders and, if appropriate, further transferred through chains of ownership to the extent necessary to reflect the actual ownership of the transferor and issuing corporations.

The 2009 regulations also amended the regulations under § 1.358–2(a)(2)(iii). Prior to being amended by the 2009 regulations, these regulations provided a two-step rule under section 358 for allocating the basis of stock or securities of a transferor corporation surrendered as a result of a bargain exchange by a shareholder or security holder (bargain exchange basis rule). First, a shareholder or security holder was generally treated as receiving the consideration actually received in the transaction and an amount of stock of the issuing corporation having a value equal to the difference in value between the stock or securities surrendered in the transaction and the consideration actually received. Second, the shareholder or security holder was treated as surrendering all of its stock and securities that it actually owned and was treated as owning of the issuing corporation in a reorganization under section 368(a)(1)(E) in exchange for the shares of stock and securities of the issuing corporation actually held immediately after the transaction.

The 2009 regulations added a new sentence after the bargain exchange basis rule that permitted a shareholder that was deemed to have received a nominal share of issuing corporation stock under § 1.368–2(l) to, after adjusting the basis of the nominal share under the rules of §§ 1.358–1 and 1.358–2, designate a share of the issuing corporation's stock to which the basis, if any, of the nominal share would attach (nominal share basis designation rule).

4. Temporary Regulations

On November 21, 2011, the IRS and the Treasury Department published temporary regulations (TD 9558) in the **Federal Register** (76 FR 71878) to amend § 1.358–2(a)(2)(iii) of the 2009 regulations in response to an inappropriate interpretation of those rules. Certain taxpayers had taken the position that a shareholder of a transferor corporation who did not own any actual shares of an issuing corporation's stock immediately after the section 354 or section 356 exchange in a value-for-value All Cash D reorganization was permitted to designate another person's share of the issuing corporation's stock as the share to which the nominal share's basis could attach. For example, assume that corporation P owns all of the stock of corporations S1 and S2, and that S1 owns all of the stock of corporation S3. If S3 (the transferor corporation) transfers to S2 all of its assets (subject to liabilities) having a value of $100x in exchange for $100x of cash, S2 (the issuing corporation) would be deemed to issue a nominal share of its stock to S3 under § 1.368–2(l)(2), provided the transaction otherwise qualified as a D reorganization. S3 would then be deemed to distribute the nominal S2 share to S1 in the section 356 exchange. Because S1 received a nominal S2 share but did not actually own any S2 stock, § 1.368–2(l)(2) would require that the nominal S2 share be treated as

distributed by S1 to P to reflect the actual ownership of S2 and P's basis in the nominal share would be its fair market value under section 301(d). In an attempt to avoid this result under similar circumstances, certain taxpayers took the position that S1 was permitted to, after allocating the basis of its S3 stock to the nominal S2 share under the rules of §§ 1.358–1 and 1.358–2, designate a share of S2 stock that was actually held by P to which S1's basis in the nominal S2 share would attach. These taxpayers further took the position that such designation and allocation could occur immediately before the nominal S2 share was deemed (under § 1.368–2(l)) to be further transferred through the chain of ownership to reflect the actual ownership of S3 and S2.

Under this interpretation, any built-in loss in the shares of transferor corporation stock (which the 2009 regulations allocated to the nominal share of issuing corporation stock) would be preserved even if a direct shareholder of the transferor corporation did not directly own stock of the issuing corporation. Taxpayers could thus avoid losing the built-in loss in the nominal share, which may have occurred as a result of the deemed transfer(s) of the nominal share through the chains of ownership to the actual shareholder(s) of the issuing corporation. In addition, the actual shareholder could then sell the share of the issuing corporation's stock to which the nominal share's basis was allocated and recognize a loss or a reduced amount of gain.

The IRS and the Treasury Department did not intend for the nominal share basis designation rule of the 2009 regulations to allow such an inappropriate allocation of basis and do not believe the 2009 regulations have ever supported such an allocation. The temporary regulations therefore clarified the application of the nominal share basis designation rule of the 2009 regulations. Specifically, the temporary regulations provided that, using the facts of the example described earlier in this section, because P (an actual shareholder of S2 (the issuing corporation)) is deemed to receive a nominal share of S2 stock described in § 1.368–2(l), P must, after allocating and adjusting the basis of the nominal S2 share in accordance with the rules of §§ 1.358–1 and 1.358–2, and after adjusting the basis in the nominal S2 share for any transfers described in § 1.368–2(l) (that is the transfer from S3 to S1 and from S1 to P), designate the share of S2 stock actually held by P to which the basis, if any, of the nominal S2 share will attach. The purpose of the temporary regulations was to clarify that only a shareholder that owned actual shares of the issuing corporation's stock immediately after a value-for-value All Cash D reorganization could designate one of its actual shares of the issuing corporation's stock to which the nominal share's basis, if any, would attach.

A notice of proposed rulemaking (REG–101273–10) cross-referencing the temporary regulations was also published in the **Federal Register** (76 FR 71919) on November 21, 2011. No written comments were received in response to the notice of proposed rulemaking. In addition, no requests for a public hearing were received, and accordingly, no hearing was held.

5. Final Regulations

This Treasury Decision adopts the temporary regulations with clarifying changes. These changes include redesignating the paragraphs under § 1.358–2(a)(2)(iii) to separate newly designated § 1.358–2(a)(2)(iii)(A), the bargain exchange basis rule, and newly designated § 1.358–2(a)(2)(iii)(B), the nominal share basis designation rule, and clarifying the language of these rules. The IRS and the Treasury Department do not intend any substantive changes to the rules of the temporary regulations.

The changes to newly designated § 1.358–2(a)(2)(iii)(A)(*1*) and (*2*) were made to clarify that the deemed recapitalization under the second step of the bargain exchange basis rule occurs only after the stock treated as issued by the issuing corporation pursuant to § 1.368–2(l) is held by a shareholder that actually owns issuing corporation stock. Thus, using the facts of the example described in section 4 of this preamble, except that the consideration provided by S2 is not $100 of cash but only $90 of cash, because S1 (the shareholder of S3 (the transferor corporation)) does not actually own any stock of S2 (the issuing corporation), the basis of the S2 stock treated as issued under the first step of the bargain exchange basis rule that S1 receives in the section 356 exchange is determined under §§ 1.358–1 and 1.358–2 (without regard to the second step of the bargain exchange basis rule or the nominal share basis designation rule) and then further adjusted for the transfer to P described in § 1.368–2(l) prior to the deemed recapitalization of the stock of S2 that P actually holds and is deemed to hold.

The numbering changes reflected in newly designated § 1.358–2(a)(2)(iii)(A)(*1*), (*2*) and (B) were made to clarify that the nominal share basis designation rule applies in cases in which a nominal share of issuing corporation stock is deemed issued under § 1.368–2(l). Additional changes were made under § 1.358–2(a)(2)(iii) to emphasize that the nominal share basis designation rule applies only after an actual shareholder of the issuing corporation receives the nominal share pursuant to § 1.368–2(l), and that such a shareholder must attach the nominal share's basis to a share of the issuing corporation's stock that the particular shareholder actually owns.

In addition, the analysis of *Example 16* of § 1.358–2(c) has been clarified to confirm that Corporation P must designate a share of Corporation Y stock to which the distributed nominal share's zero basis will attach. This designation of the share to which the basis of a nominal share must attach is relevant in various scenarios, including if an affiliated group files a consolidated return and must determine the particular share that is a successor asset for purposes of § 1.1502–13. Finally, minor editorial changes were made to reflect the new paragraph designations under § 1.358–2(a)(2)(iii) and to make *Examples 15* and *16* of § 1.358–2(c) consistent with the clarifying changes adopted by the final regulations.

Special Analyses

It has been determined that this Treasury Decision is not a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13563. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because these regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, the notice of proposed rulemaking preceding these regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small businesses, and no comments were received.

Drafting Information

The principal author of these regulations is Michael R. Gould of the Office of Associate Chief Counsel (Corporate). However, other personnel from the IRS and the Treasury Department participated in their development.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

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

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

Section 1.358–2 is also issued under 26 U.S.C. 358(b).

■ **Par. 2.** Section 1.358–2 is amended by:

■ 1. Revising paragraph (a)(2)(iii).

■ 2. Adding *Example 15* and *Example 16* to paragraph (c).

■ 3. Revising paragraph (d).

The revisions and additions are as follows:

§ 1.358–2 Allocation of basis among nonrecognition property.

(a) * * *

(2) * * *

(iii)(A) For purposes of this section, if a shareholder or security holder surrenders a share of stock or a security in a transaction under the terms of section 354 (or so much of section 356 as relates to section 354) in which the shareholder or security holder receives no property or property (including property permitted by section 354 to be received without the recognition of gain or ''other property'' or money) with a fair market value less than that of the stock or securities surrendered in the transaction:

(*1*) Such shareholder or security holder shall be treated as receiving the stock, securities, other property, and money actually received by the shareholder or security holder in the transaction and an amount of stock of the issuing corporation (as defined in § 1.368–1(b)) that has a value equal to the excess of the value of the stock or securities the shareholder or security holder surrendered in the transaction over the value of the stock, securities, other property, and money the shareholder or security holder actually received in the transaction. If the shareholder owns only one class of stock of the issuing corporation the receipt of which would be consistent with the economic rights associated with each class of stock of the issuing corporation, the stock deemed received by the shareholder pursuant to the previous sentence shall be stock of such class. If the shareholder owns multiple classes of stock of the issuing corporation the receipt of which would be consistent with the economic rights associated with each class of stock of the issuing corporation, the stock deemed received by the shareholder shall be stock of each such class owned by the shareholder immediately prior to the transaction, in proportion to the value of the stock of each such class owned by the shareholder at that time. The basis of each share of stock or security of the issuing corporation deemed received and actually received shall be determined under the rules of this section. If and to the extent necessary to reflect the actual ownership of the issuing corporation immediately after the exchange to which section 354 (or so much of section 356 as relates to section 354) applies, an appropriate amount of the stock of the issuing corporation treated as issued to the shareholder or security holder in the exchange is deemed further transferred in accordance with § 1.368–2(l) to reflect the actual ownership of the issuing corporation. Paragraph (a)(2)(iii)(A)(*2*) of this section is only applied to any shareholder of the issuing corporation after all of the deemed transfers pursuant to § 1.368–2(l) are completed. The transferred shares' basis shall be adjusted for all deemed transfers required by § 1.368–2(l).

(*2*) A direct shareholder of the issuing corporation that receives the shares deemed issued as part of the transaction, as described in paragraph (a)(2)(iii)(A)(*1*) of this section, shall then be treated as surrendering all of its shares of stock and securities in the issuing corporation, including those shares of stock or securities held immediately prior to the transaction, those shares of stock or securities actually received in the transaction, and those shares of stock deemed received as described in paragraph (a)(2)(iii)(A)(*1*) of this section, in a reorganization under section 368(a)(1)(E) in exchange for the shares of stock and securities of the issuing corporation that the shareholder or security holder actually holds immediately after the transaction. The basis of each share of stock and security deemed received in the reorganization under section 368(a)(1)(E) shall be determined under the rules of this section.

(B) For purposes of this section, if an actual shareholder of the issuing corporation is deemed to receive a nominal share of stock of the issuing corporation as provided in § 1.368–2(l), then that shareholder must, after allocating and adjusting the basis of the nominal share in accordance with the rules of this section and § 1.358–1, designate the share of stock of the issuing corporation that it owns to which the basis, if any, of the nominal share will attach. If the shareholder does not actually own any shares of stock in the issuing corporation immediately after the exchange to which section 354 (or so much of section 356 as relates to section 354) applies, the nominal share of stock of the issuing corporation received by the shareholder in the exchange is deemed further transferred in accordance with § 1.368–2(l) without applying the designation rule set forth in the first sentence of this paragraph until it is transferred to a person that actually owns stock in the issuing corporation. The transferred share's basis shall be adjusted for all deemed transfers required by § 1.368–2(l).

* * * * *

(c) * * *

Example 15. (i) *Facts.* Each of Corporation X and Corporation Y has a single class of stock outstanding, all of which is owned by J, an individual. J purchased 100 shares of Corporation X stock on Date 1 for $1.50 each, resulting in J having an aggregate basis in the stock of Corporation X of $150. On Date 2, Corporation Y acquires the assets of Corporation X for $100 of cash, their fair market value, in a transaction described in § 1.368–2(l). Pursuant to the terms of the exchange, Corporation X does not receive any Corporation Y stock. Corporation X distributes the $100 of cash to J and retains no assets.

(ii) *Analysis.* Pursuant to § 1.368–2(l), Corporation Y will be deemed to issue a nominal share of Corporation Y stock to Corporation X in addition to the $100 of cash actually exchanged for the Corporation X assets. Corporation X will then be deemed to distribute the nominal share of Corporation Y stock to J in addition to the $100 of cash actually distributed to J. Pursuant to § 1.368–2(l), J, the actual shareholder of Corporation Y, the issuing corporation, is deemed to receive the nominal share of Corporation Y stock described in § 1.368–2(l). J will have a basis of $50 in the nominal share of Corporation Y stock under section 358(a)(1). Therefore, under paragraph (a)(2)(iii)(B) of this section, J must designate a share of Corporation Y stock to which J's basis of $50 in the nominal share of Corporation Y stock will attach.

Example 16. (i) *Facts.* Each of Corporation X and Corporation Y has a single class of stock outstanding, all of which is owned by Corporation P. Corporation T has a single class of stock outstanding, all of which is owned by Corporation X. The corporations do not join in the filing of a consolidated return. Corporation X purchased 100 shares of Corporation T stock on Date 1 for $1.50 each, resulting in Corporation X having an aggregate basis in the stock of Corporation T of $150. On Date 2, Corporation Y acquires the assets of Corporation T for $100 of cash, their fair market value, in a transaction described in § 1.368–2(l). Pursuant to the terms of the exchange, Corporation T does not receive any Corporation Y stock. Corporation T distributes the $100 of cash to Corporation X and retains no assets.

(ii) *Analysis.* Pursuant to § 1.368–2(l), Corporation Y will be deemed to issue a nominal share of Corporation Y stock to Corporation T in addition to the $100 of cash actually exchanged for the Corporation T assets. Corporation T will be deemed to distribute the nominal share of Corporation Y stock to Corporation X in addition to the $100 of cash actually distributed. Corporation X will have a basis of $50 in the nominal share of Corporation Y stock under section 358(a). However, Corporation X is not an actual shareholder of Corporation Y, the issuing corporation. Therefore, Corporation X cannot designate any share of Corporation Y stock under paragraph (a)(2)(iii)(B) of this section to which the basis of the nominal share of Corporation Y stock will attach and Corporation X will be deemed to distribute the nominal share of Corporation Y stock to Corporation P as required by § 1.368–2(l). Corporation X does not recognize the loss on the deemed distribution of the nominal share to Corporation P under section 311(a). Corporation P's basis in the nominal share it receives is zero, its fair market value, under section 301(d). Under paragraph (a)(2)(iii)(B) of this section, Corporation P must designate a share of Corporation Y stock to which the nominal share's zero basis will attach.

(d) *Effective/applicability date.* This section generally applies to exchanges and distributions of stock and securities occurring on or after January 23, 2006. However, paragraph (a)(2)(iii) and Examples 15 and 16 of paragraph (c) of this section apply to exchanges and distributions of stock and securities occurring on or after November 12, 2014. See § 1.358–2T(a)(2)(iii) and § 1.358–2T(c), Examples 15 and 16, as contained in 26 CFR part 1, revised April 1, 2014, for exchanges and distributions of stock and securities occurring on or after November 21, 2011 and before November 12, 2014; see § 1.358–2(a)(2)(iii), as contained in 26 CFR part 1, revised as of April 1, 2011, for exchanges and distributions of stock and securities occurring on or after January 23, 2006 and before November 21, 2011.

§ 1.358–2T [Removed]

■ **Par. 3.** Section 1.358–2T is removed.

John Dalrymple,

Deputy Commissioner for Services and Enforcement.

Approved: October 17, 2014.

Mark J. Mazur,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2014–26780 Filed 11–10–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0693]

RIN 1625–AA00

Safety Zone, Elizabeth River; Portsmouth, VA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone on the navigable waters of the Elizabeth River in Portsmouth, VA for 12 periods of 48 hours beginning at midnight on January 5, January 12, January 19, January 22, January 27, February 9, March 2, March 5, March 10, March 23, March 30 and April 6, 2015. This action will restrict vessel traffic movement in the designated area during construction of the new Midtown Tunnel. This action is necessary to protect the life and property of the maritime public due to the number of work vessels in the designated area and their lack of maneuverability while engaged in construction operations.

DATES: This rule will be effective from January 5, 2015, through April 6, 2015. This rule will be enforced for 12 periods of 48 hours in length, beginning at midnight on January 5, January 12, January 19, January 22, January 27, February 9, March 2, March 5, March 10, March 23, March 30, and April 6, 2015.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2014–0693]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

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

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

B. Basis and Purpose

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

Due to increased vehicle traffic in the Hampton Roads area, SKW Constructors, in concert with Elizabeth River Crossings and the Virginia Department of Transportation, is constructing a second tunnel parallel to the existing Midtown Tunnel between Portsmouth and Norfolk, VA. The construction will involve submerging elements of the new Midtown Tunnel. The presence of working vessels and the inability to maneuver submerged equipment necessitate closures of the federal channel. The closures will be in effect for 12 48-hour periods to allow SKW Constructors to install the segments of the tunnel that overlap the federal channel.

The Coast Guard is establishing a safety zone in the portion of the Elizabeth River between Elizabeth River Channel Buoy 31 (LLNR 9835) and Elizabeth River Channel Buoy 34 (LLNR 9855). The first of the 12 scheduled closures will begin at midnight on January 5, 2015; the final scheduled closure will begin at midnight on April 6, 2015. The dates and hours are subject to change due to weather, scheduling conflicts, equipment failure and other unforeseen factors. Any changes to these dates will be listed in the **Federal**

Register if time permits, and in all cases will be communicated via marine information broadcasts.

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

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

The decision to close the channel for 12 periods of 48 hours in length comes as a result of these extensive and widespread discussions, which have been occurring since the earliest proposals for the project in 2007. Every effort has been made to reduce the length of time the channel is closed and any adverse impacts resulting therefrom. Based on these efforts, it was determined that 12 closures of 48 hours in length constitutes the best available means to complete the project. Further, 12 separate closures, rather than one extended closure, will enable SKW to complete the work while enabling traffic to flow between the closure periods, making it the least burdensome and best available plan.

The NPRM published on August 25, 2014 stated that the first channel closure would begin on January 1, 2015. The first closure will actually begin on January 5, 2015 at midnight. This change is reflected in the instant Final Rule.

The Captain of the Port of Hampton Roads is establishing a safety zone in the portion of the Elizabeth River between Elizabeth River Channel Buoy 31 (LLNR 9835) and Elizabeth River Channel Buoy 34 (LLNR 9855). The zone will be effective for 12 periods of 48 hours in length, with each respective period beginning at midnight on January 5, January 12, January 19, January 22, January 27, February 9, March 2, March 5, March 10, March 23, March 30 and April 6, 2015. The dates and hours are subject to change due to weather, scheduling conflicts, equipment failure and other unforeseen factors. Any changes to these dates will be listed in the **Federal Register** if time permits, and in all cases will be communicated via marine information broadcasts. No person or vessel may enter or remain in the regulated area unless authorized by the Captain of the Port, Hampton Roads or his designated Representative.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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

2. Impact on Small Entities

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

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

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (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 State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER 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 affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0693 to read as follows:

§ 165.T05–0693 Safety Zone, Elizabeth River; Portsmouth, VA.

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

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

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

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

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

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

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

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

(d) *Enforcement Period.* This section will be enforced for 12 periods of 48 hours in length beginning at midnight on January 5, January 12, January 19, January 22, January 27, February 9, March 2, March 5, March 10, March 23, March 30 and April 6, 2015. Any deviations from these times willbe communicated via marine information broadcasts.

Dated: October 17, 2014.

Christopher S. Keane,

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

[FR Doc. 2014–26670 Filed 11–10–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0784]

RIN 1625–AA00

Safety Zone; Natchez Specialties New Year's Eve Firework Display, Lower Mississippi River, Mile Marker, (MM) 363.5 to 364.5

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary Safety Zone for all waters of the Lower Mississippi River, from MM 363.5 to MM 364.5. This safety zone is needed to protect persons and vessels from the potential safety hazards associated with a fireworks display. Entry into this zone is prohibited to all vessels, mariners, and persons unless specifically

authorized by the Captain of the Port (COTP), Lower Mississippi River or a designated representative.

DATES: This rule is effective from 7:30 p.m. to 8:00 p.m. on December 31, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2014–0784]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Tyrone Conner, Sector Lower Mississippi River Waterways Management Division, U.S. Coast Guard; telephone (901) 521–4725, email *Tyrone.L.Conner@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl F. Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

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.'' While a full 30 days notice is provided, under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not completing the full notice of proposed rulemaking (NPRM) process with respect to this rule. After reviewing the details of the application and the fireworks display, the Coast Guard determined that a fireworks display taking place over a confined waterway presents certain safety hazards requiring additional safety measures. This safety zone is needed to protect fireworks display spectators, and other mariners from those safety hazards. Delaying or foregoing this safety measure would be contrary to the public interest.

Additionally, this display has been advertised to the local community and while the application for this event was not timely submitted, we understand that the local community has undertaken considerable planning for this event. It would thus be impracticable and unnecessary to reschedule or delay the planned event in order to complete the full NPRM process. Rescheduling or delaying the event would interfere with commercial and contractual obligations.

B. Basis and Purpose

The legal basis and authority for this rule are found in 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, which authorizes the Coast Guard to establish and define regulatory safety zones. The Natchez Specialties New Year's Eve Firework Display is scheduled to take place on December 31, 2014 on the Lower Mississippi River MM 364.0. The introduction of fireworks display into a commercially transited waterway poses significant safety hazards to both the operators and the commercial vessels.

The COTP Lower Mississippi River is establishing a temporary safety zone for a portion of the Lower Mississippi River from MM 363.5 to MM 364.5 to safeguard persons and vessels, during the fireworks display. The COTP anticipates minimal impact on vessel traffic due to this regulation. However, the temporary safety zone is deemed necessary for the safeguard of life and property within the COTP Lower Mississippi zone.

C. Discussion of the Final Rule

The Natchez Specialties New Year's Eve Firework Display is scheduled to take place on December 31, 2014 on the Lower Mississippi River at MM 364.0. The Coast Guard is establishing a temporary safety zone to protect life and property from the hazards associated with a fireworks display on a commercially transited waterway. This temporary safety zone encompasses all waters of the Lower Mississippi River from MM 363.5 to MM 364.5. This temporary safety zone is effective from: 7:30 p.m. to 8:00 p.m. on December 31, 2014. Entry into, transiting or anchoring in the safety zone is prohibited unless specifically authorized by the COTP Lower Mississippi River or a designated representative. Requests for deviation from this restriction should be directed to the COTP Lower Mississippi River or designated representative. Deviation requests will be considered on a case-by-case basis.

The COTP Lower Mississippi River may be contacted by telephone at 866–777–2784. The COTP Lower Mississippi River or a designated representative will inform the public through broadcast notice to mariners of changes in the effective period or planned schedule for these restrictions.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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

The temporary safety zone listed in this rule will only restrict vessel traffic from entering, transiting, or anchoring within a small portion of the Lower Mississippi River. The effect of this regulation will not be significant for several reasons: (1) This rule will only affect vessel traffic for a short duration; (2) vessels may request permission from the COTP to deviate from the restriction and transit through the safety zone; and (3) the impacts on routine navigation are expected to be minimal because notifications to the marine community will be made through local notice to mariners (LNM) and broadcast notice to mariners (BNM). Therefore, these notifications will allow the public to plan operations around the safety zone and its enforcement times.

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: the owners or operators of vessels intending to transit the Lower Mississippi River from MM 363.5 to MM 364.5 effective from 7:30 p.m. to 8:00 p.m. on December 31, 2014. This safety zone will not have a significant economic impact on a substantial number of small entities because this rule will only be in effect during scheduled firework display times for approximately thirty minutes on the day the event is occurring. Traffic in this area is limited to almost entirely recreational vessels and commercial towing vessels. Notifications to the marine community will be made through BNMs and electronic mail. Notices of changes to the safety zone and scheduled effective times and enforcement periods will also be made. Deviation from the restrictions may be requested from the COTP or designated representative and will be considered on a case-by-case basis.

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 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 that is not expected to have any environmental impact as described in NEPA. 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

Marine safety, Navigation (water), Reporting and recordkeeping requirements, 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, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1

■ 2. A new temporary § 165.T08–0784 is added to read as follows:

§ 165.T08–0784 Safety Zone; Natchez Specialties New Year's Eve Firework Display, Lower Mississippi River Mile Marker, (MM) 363.5 to (MM) 364.5, Natchez, MS.

(a) *Location.* The following area is under a temporary safety zone: waters of the Lower Mississippi River, from MM 363.5 to MM 364.5.

(b) *Effective date and times.* This rule will be effective from 7:30 p.m. to 8:00 p.m. on December 31, 2014.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this area is prohibited unless authorized by the Captain of the Port (COTP) Lower Mississippi River or a designated representative.

(2) Spectator vessels may safely transit outside the safety zone at a minimum safe speed, but may not anchor, block, loiter, or impede participants or official patrol vessels.

(3) Vessels requiring entry into or passage through the safety zone must request permission from the COTP Lower Mississippi River or a designated representative. They may be contacted on VHF–FM channels 16 or by telephone at (901) 521–4822.

(4) All vessels shall comply with the instructions of the COTP Lower Mississippi River and designated personnel. Designated personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(d) *Informational Broadcasts.* The Captain of the Port, Lower Mississippi River or a designated representative will inform the public through broadcast notices to mariners (BNM) of the effective period for the safety zone and of any changes in the effective period, enforcement times, or size of the safety zone.

Dated: October 31, 2014.

J.D. Burns,

Acting, Commander, U.S. Coast Guard, Acting Captain of the Port, Lower Mississippi River.

[FR Doc. 2014–26753 Filed 11–10–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2012–0099; FRL–9919–02–Region 6]

Approval and Promulgation of Air Quality Implementation Plans; Texas; Reasonable Further Progress Plan, Enhanced Monitoring, Clean Fuel Fleets and Failure-to-Attain Contingency Measures for the Dallas/Fort Worth 1997 8-Hour Ozone Nonattainment Area; and Transportation Conformity

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to the Texas State Implementation Plan (SIP) submitted by the Texas Commission on Environmental Quality (TCEQ) on January 17, 2012, which contain a reasonable further progress (RFP) plan and associated contingency measures and motor vehicle emission budgets; a revised 2002 base year emissions inventory for the RFP; enhanced ambient monitoring; and the clean-fuel fleet programs for the Dallas/Fort Worth (DFW) Serious nonattainment area under the 1997 8-hour ozone standard. The EPA is also approving revisions to the DFW Moderate area attainment demonstration SIP submitted by the TCEQ on April 6, 2010, which address the failure-to-attain contingency measures. The EPA is also approving revisions submitted by the TCEQ on July 25, 2007, March 25, 2010 and April 13, 2012, which address the Texas transportation conformity rules and the Texas Diesel Emissions Reduction Incentive Program for On-Road and Non-Road Vehicles. The EPA is approving these SIP revisions in accordance with the requirements of the Clean Air Act (CAA or Act).

DATES: This final rule is effective on December 12, 2014.

ADDRESSES: The EPA established a docket for this action under Docket ID No. EPA–R06–OAR–2012–0099. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. To inspect the hard copy materials, please schedule an appointment with the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at 214–665–7253.

FOR FURTHER INFORMATION CONTACT: Ms. Carrie Paige, Air Planning Section (6PD–L); telephone (214) 665–6521; email address *paige.carrie@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us,'' and ''our'' means the EPA.

Table of Contents

I. Background
II. Response to Comments
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I. Background

The background for this final rule is discussed in the May 13, 2014 **Federal Register** (FR) where we proposed to approve revisions to the Texas SIP (79 FR 27257), henceforth referred to as our ''Proposal.'' We proposed to approve all or parts of six SIP revisions submitted by the TCEQ, which we organized into three categories. First, we proposed to approve revisions to the Texas SIP submitted on January 17, 2012, to meet certain Serious area requirements of section 182(c) of the Act for the DFW nonattainment area under the 1997 ozone standard: The reasonable further progress (RFP) plan; the RFP contingency measure provisions; the revised 2002 base year emission inventory (EI); enhanced ambient monitoring; and the clean-fuel fleet programs (CFFPs). Our proposed approval of the RFP includes the associated motor vehicle emission budgets (MVEBs) for 2011 and 2012—once the EPA approves the submitted MVEBs, they must be used by local, state and Federal agencies in determining whether transportation activities conform to the SIP as required by section 176(c) of the CAA and 40 CFR 93.102. Second, we proposed to approve revisions to the DFW SIP's failure-to-attain contingency measures plan for the Moderate ozone nonattainment area under the 1997 ozone standard, submitted on April 6, 2010. Third, we proposed to approve into the SIP revisions submitted on July 25, 2007, March 25, 2010, and April 13, 2012, that make the Texas transportation conformity rules consistent with the Federal Surface

Transportation Reauthorization Act [1] and expand the Diesel Emissions Reduction Incentive Program for On-Road and Non-Road Vehicles (DERIP, also often referred to as the Texas Emission Reduction Plan or TERP) to include additional projects.

Our Proposal and the technical support documents (TSDs) that accompanied the proposed rule provide detailed descriptions of the revisions and the rationale for our proposed decisions. Please see the docket for these and other documents regarding our Proposal. The public comment period for our Proposal closed on June 12, 2014.

II. Response to Comments

We received one comment letter dated June 12, 2014, from the Sierra Club (the Commenter) regarding our Proposal. A summary of the comments and our responses to those comments follow.

A. The Failure-to-Attain Contingency Measures

The Commenter provided the following statements regarding the failure-to-attain contingency measures:

- The EPA is approving measures that do not ''cure the identified failure [to attain]'' or do not provide a ''backup plan of action,'' and the measures had already taken place without air quality benefit, prior to the 2010 attainment finding.
- The EPA has not provided any information or support to show that the state's projection of reductions resulting from fleet turnover from 2009–2010 are accurate, provide a ''continuing surplus'' and whether the projections would be accurate on a continuing basis. The fleet turnover measure is not enforceable and therefore is not permissible as a contingency measure.
- Rather than holding Texas accountable for its failure to attain the 1997 ozone standard on multiple deadlines, and thus requiring that stronger contingency measures be put in place, the EPA in this action credits the state for reductions that will take place naturally and requires nothing more.
- The EPA should recommend for Texas's consideration emissions reductions from large, uncontrolled sources contributing to DFW ozone levels, even where they are not within the nonattainment area. The DFW failure-to-attain contingency measures should include tighter emission limits on the East Texas coal-fired power plants.
- Including selective catalytic reduction (SCR) on the cement kilns in Midlothian as a failure-to-attain contingency measure would give Texas a greater incentive to ensure that it meets a new attainment deadline than would allowing it to rely on naturally occurring fleet turnover. The EPA should recommend that Texas consider the EPA's Natural Gas STAR Program and other practices recommended by the EPA as voluntary measures to reduce emissions from oil and natural gas operations and improve efficiency.

Response: The Commenter mischaracterizes the action EPA is taking. The SIP already includes failure-to-attain contingency measures: (1) Fleet turnover for 2009 to 2010 and, (2) three other measures that reduce emissions of volatile organic compounds or VOC—Degassing, Dry Cleaning, and Offset Lithographic Printing (OLP) rules. See 74 FR 1903 (January 14, 2009). And, in this action EPA is not approving any new or different measures into the SIP for purposes of the failure-to-attain contingency measure requirement. Rather, our Proposal only addresses the removal of the OLP rule as a failure-to-attain contingency measure.

As of March 1, 2012, the OLP rule is being implemented in the DFW area pursuant to EPA's issuance of a control technique guideline (CTG) [2] and for that reason it is no longer eligible for use as a failure-to-attain contingency measure. As a result, the State submitted a SIP revision to demonstrate that the remaining failure-to-attain contingency measures would still achieve 3% in emissions reductions without the OLP rule.[3] Fleet turnover for 2009–2010 *by itself* satisfies the 3% emissions reductions (fleet turnover is estimated at 3.68 percent reduction of the base year emissions, which includes the NO_X and VOC emissions reductions, as discussed in our TSD–B, beginning on p. 13), so removal of the OLP rule as a failure-to-attain contingency measure does not reduce the remaining emissions reductions to less than the 3%.[4] Our Proposal recognizes that the Moderate area failure-to-attain contingency measures already approved in the SIP meet the Act's requirement in section 182(c)(9) for failure-to-attain contingency measures. Thus, the elimination of OLP as a contingency measure does not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the Act. See CAA section 110(l).

We evaluated and described the methodologies used to calculate each of the measures used in the failure-to-attain contingency plan at 74 FR 1903. The methodologies were consistent with EPA guidance. The Federal Motor Vehicle Control programs (FMVCP or ''fleet turnover'') are federal rules and as such, are enforceable by the EPA, the State and the public (see 74 FR 1903).

We disagree that we have not held the State accountable for its failure to attain the 1997 ozone standard in the DFW area. Consistent with our duties under the CAA, on December 20, 2010, we reclassified the DFW area from Moderate to Serious after it failed to meet the June 15, 2010 attainment date for the Moderate area (75 FR 79302). In that reclassification rulemaking, the State was required to submit SIP revisions addressing requirements for the Serious area no later than one year after the effective date of the rulemaking and the TCEQ submitted such revisions within the time allowed. As a matter of law, the EPA is required to approve a SIP revision if it meets the Act's requirements, regardless of the State's choices. It is not EPA's role to rule out the State's choice of components of its SIP submittal, including the contingency measures, so long as the

[1] The Federal Surface Transportation Reauthorization Act is commonly known as the Safe, Accountable, Flexible, Efficient Transportation Equity Act—A Legacy for Users (SAFETEA–LU).

[2] March 1, 2012 is the implementation date for minor sources. The implementation date for major sources is March 1, 2011. See 79 FR 45105, August 4, 2014.

[3] As described in our Proposal and TSD–B, EPA interprets sections 172 and 182 of the Act to require States with Moderate or above ozone nonattainment areas to include contingency measures to implement additional emission reductions of 3% of the adjusted base year inventory in the year following the year in which the failure has been identified. See 57 FR 13498, 13510, April 16, 1992.

[4] Although EPA has not re-opened the issue of whether this already-approved contingency measure is appropriate, we note that EPA has long interpreted the contingency measures provision to allow states to rely on measures already in place and implemented so long as those reductions are beyond those relied on for purposes of the attainment or RFP planning SIP. This interpretation has been upheld. *See LEAN* v. *EPA,* 382 F.3d 575 (5th Cir. 2004). In addition, section 172(c)(9) of the CAA states that contingency measures are to be ''specific measures to be undertaken if the area fails to make reasonable further progress, or to attain . . . by the attainment date. . . . Such measures shall be included in the plan revision as contingency measures to take effect in any such case without further action by the State or the Administrator.'' The April 16, 1992 General Preamble provided the following guidance: ''States must show that their contingency measures can be implemented with minimal further action on their part and with no additional rulemaking actions such as public hearings or legislative review. In general, EPA will expect all actions needed to affect full implementation of the measures to occur within 60 days after EPA notifies the State of its failure.'' (57 FR 13512). This could include Federal measures and local measures already scheduled for implementation. See 70 FR 71612, 71651 (November 29, 2005).

plan is adequate to meet the requirements of the Act. See *Train* v. *NRDC*, 421 U.S. 60 (1975) and *Union Electric* v. *EPA,* 427 U.S. 246 (1976).

We appreciate the Commenter's suggestions regarding emissions reductions for large, stationary sources and voluntary measures for oil and gas operations. Regarding sources outside of the nonattainment area, EPA policy does not allow emissions reductions from outside of the nonattainment area to be included in attainment or RFP plans. On December 22, 2010, the EPA proposed to set aside its earlier interpretation of the RFP provisions at 74 FR 40074 (August 11, 2009) and no longer permit states to rely on credit for emission reductions from outside the ozone nonattainment area to meet the area's RFP obligations (75 FR 80420). In light of the reasoning used in *Natural Resources Defense Council (NRDC)* v. *EPA*, 571 F.3d (D.C. Cir. 2009), NRDC's petition for reconsideration of the rule at 74 FR 40074, and the language of the CAA, there is no legal basis for states to credit emissions reductions from sources outside the nonattainment area for satisfying RFP requirements.[5] On June 6, 2013, the EPA proposed that for the 2008 ozone NAAQS states may not take credit for VOC or NO_X reductions occurring outside the nonattainment area for purposes of meeting the 15 percent and 3 percent RFP requirements of sections 172(c)(2), 182(b)(1) and (c)(2)(B). See 78 FR 34178, 34191. Finally, as previously noted, the State has discretion under the Act to determine the components of its SIP submittal.

B. The Serious Area Reasonable Further Progress Plan

Comment: The Commenter states that the TCEQ's January 17, 2012 submittal does not explicitly outline a reasonable further progress plan or contingency measures specifically associated with missing a reasonable further progress milestone, and that EPA instead considers the total reductions Texas claims are available for contingency measures as above and beyond the reductions the state claimed were needed for attainment.

Response: EPA disagrees with this comment. The submittal[6] by the State and the EPA's technical analysis addressed both RFP and the contingency measures that would be implemented if an RFP milestone is not met.

Consistent with section 182(c)(2)(B) of the Act and the Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard—Phase 2 (''the Phase 2 Rule'') at 70 FR 71612, 71650 (November 29, 2005), for each area classified as Serious or higher, the State's RFP plan must demonstrate a 3-percent annual emission reduction averaged over every 3-year period after the initial 6-year period. For the DFW area, the first 3-year period runs from January 1, 2009 to December 31, 2011. The final increment of progress must be achieved no later than the attainment date of the attainment year, which is June 15, 2012.[7] As described in our Proposal and TSD–A, the State's RFP submittal accounts for emissions reductions that average three percent per year, from 2009 through 2011 and for 2012.[8] Tables 8 and 9 in our TSD–A list the measures that provide emissions reductions during years 2009 through 2011 and for 2012. These include federal measures and State controls that reduce emissions of nitrogen oxides (NO_X) on electric generating units (EGUs) and certain area source engines.[9] As shown in the TSD–A and in Tables 4 and 5 of our Proposal, the RFP plan shows a net decrease in emissions for the period 2009–2011 and for 2012 that meets the RFP requirement of the Act.

In addition, the State's RFP submittal must include contingency measures that would provide reductions of at least three percent of baseline emissions in 2013. Three percent of the base year NO_X emissions (630.46 tpd) is 18.91 tpd and three percent of the base year VOC emissions (481.97 tpd) is 14.46 tpd. The State's contingency measures are listed in Table 10 of our TSD–A; these include State and federal measures that will achieve reductions during 2013 of 41.60 tpd in NO_X emissions and 15.62 tpd in VOC emissions. Because the State and federal measures achieve at least as much in emissions reductions as the three percent target values, the State's contingency measures meet the RFP requirement of the Act.

Comment: The Commenter states that we failed to provide any verification or support for Texas' projections of emissions reductions and failed to include a real world check as to whether promised reductions have occurred.

Response: The Commenter's second point—that EPA has not performed a ''real-world'' check to ensure that promised reductions have occurred—is not relevant for this action. This action is simply evaluating the SIP to ensure that it provides for sufficient measures to meet the reasonable further progress goals. Additionally, the commenter did not present evidence to support the idea that the reductions have not occurred and EPA has no reason to believe they have not. EPA is not reviewing Texas' implementation of the SIP for purposes of whether the area attained the standard by the attainment date as part of this action. As to the first point—whether EPA has verified Texas' projection of the emission reductions—we disagree. Consistent with section 182(c)(2)(B), the plan needs to demonstrate emissions reductions from the baseline emissions equal to the following amount averaged over each consecutive 3-year period beginning 6 years after [the effective date of designations], until the attainment date: (i) At least 3 percent of baseline emissions each year; or (ii) an amount less than 3 percent of such baseline emissions each year, if the State makes certain additional demonstrations.[10] In addition, section 182(c)(9) of the Act requires contingency measures equal to 3% of the baseline to be implemented if RFP is not met. Our TSD–A and Proposal describe how the State's submittal meets these requirements. Texas projected emissions reductions from mobile source controls, including, but not limited to: Fleet turnover; inspection and maintenance; reformulated gasoline; Texas low-emission diesel fuel; and Tier 2 and 3 non-road diesel engines. The projected reductions were calculated using mobile source emissions estimation models. The EPA Motor Vehicle Emissions Simulator (MOVES) model was used to estimate from on-road mobile source controls. A Texas-specific version of the EPA NON–ROAD model was used to estimate emissions from non-road mobile source controls.[11] The area

[5] See 75 FR 80240 for more detail.

[6] The submittal (and accompanying appendices) is available in the docket for this rulemaking, on the TCEQ Web site (*http://www.tceq.texas.gov/airquality/sip/dfw_revisions.html*) and at *http://www.tceq.texas.gov/assets/public/implementation/air/sip/dfw/rfp_2011/2010023_ado.pdf*.

[7] The attainment year is the year immediately preceding the attainment date (40 CFR 51.900(g)). The attainment date for the DFW Serious area is June 15, 2013 (75 FR 79302), thus the DFW area's attainment year is 2012. The target level of emissions must be met by the attainment date of the attainment year. Section 182(c)(2)(B) of the Act requires that RFP be continued out to the attainment date. See 70 FR 71612 and 40 CFR 51.910.

[8] The 2011 and 2012 targets are termed ''milestone'' years.

[9] These are examples; for a complete list, see Tables 8 and 9 in our TSD–A and Appendix 1 in the State's submittal.

[10] See section 182(b)(2)(B)(ii) of the Act for further explanation.

[11] We note that new and existing federal mobile source regulations addressing emissions from automobiles, non-road equipment and engines, locomotives and marine engines will continue to provide additional emissions reductions as the

source [12] emissions were estimated using the 2008 National Emissions Inventory data, back-calculated to 2002 (for the base year EI) and projected to future dates, using the EPA's Economic Growth Analysis System growth factors. This provided the most recent, complete set of emissions data available at the time the TCEQ developed this RFP plan. Point sources (for example, cement and power plants) are individually inventoried and required to submit emissions data to TCEQ annually. The data are reviewed by the TCEQ for quality assurance purposes and stored in the State of Texas Air Reporting System. We reviewed the State's methods for developing the projections of emissions and found them to be adequate.

III. Final Action

The EPA is approving revisions to the Texas SIP submitted by the TCEQ on January 17, 2012, which contain a RFP plan and associated contingency measures and MVEBs; a revised 2002 base year EI for the RFP plan; enhanced ambient monitoring; and the CFFPs for the DFW Serious nonattainment area under the 1997 8-hour ozone NAAQS. We are also approving revisions to the DFW Moderate area attainment demonstration SIP submitted by the TCEQ on April 6, 2010, which address the failure-to-attain contingency measures. We are also approving revisions submitted by the TCEQ on July 25, 2007, March 25, 2010, and April 13, 2012, which address the Texas transportation conformity rules and the Texas Diesel Emissions Reduction Incentive Program for On-Road and Non-Road Vehicles. These revisions are consistent with the CAA, federal transportation rules and EPA Guidance that addresses economic incentive programs and transportation conformity.

We are also making a ministerial correction to the second table in 40 CFR 52.2270(e) to reflect accurately the date of EPA's approval of the Transportation Control Measures SIP on December 5, 2002 (67 FR 72382).

current fleets are replaced with newer vehicles, equipment and engines that are certified to more stringent emissions standards or engines are re-built to comply with any applicable requirements (78 FR 34178, 34181, June 6, 2013).

[12] Area sources are also termed *nonpoint* sources and collectively represent individual sources that have not been inventoried as specific point or mobile sources. These include small scale industrial, commercial and residential sources that generate emissions, such as gas stations, bakeries, and solvent use (e.g., dry cleaners, automobile paint shops, print shops and house paints).

IV. Statutory and Executive Order Reviews

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 12, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposed of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: October 29, 2014.

Samuel Coleman,

Acting Regional Administrator, Region 6.

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.*

Subpart SS—Texas

■ 2. In § 52.2270:

■ a. The table in paragraph (c) is amended by revising the entries for Section 114.260, Section 114.620, and Section 114.622.

■ b. The second table in paragraph (e) is amended by revising the entry for

''Transportation Control Measures SIP Revision'' and adding three new entries at the end of the table.

The revisions and additions read as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED REGULATIONS IN THE TEXAS SIP

State citation	Title/subject	State approval/ submittal date	EPA approval date	Explanation
*	*	*	*	*
Subchapter G—Transportation Planning				
Section 114.260	Transportation Conformity	6/27/2007	11/12/2014 [Insert **Federal Register** citation].	
*	*	*	*	*
Subchapter K—Mobile Source Incentive Programs Division 3: Diesel Emission Reduction Incentive Program for On-road and Non-road Vehicles				
Section 114.620	Definitions	2/24/2010	11/12/2014 [Insert **Federal Register** citation].	
*	*	*	*	*
Section 114.622	Incentive Program Requirements.	3/28/2012	11/12/2014 [Insert **Federal Register** citation].	
*	*	*	*	*

* * * * *

(e) * * *

EPA-APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP

Name of SIP provision	Applicable geographic or non-attainment area	State submittal/ effective date	EPA approval date	Comments
*	*	*	*	*
Transportation Control Measures SIP Revision.	All Nonattainment and Maintenance Areas.	5/9/2000	12/5/2002, 67 FR 72382	Chapter 1. Introduction, Chapter 2. General, and Chapter 3. Criteria and Procedures.
*	*	*	*	*
Failure-to-Attain Contingency Measures Plan.	Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall and Tarrant Counties, TX.	3/10/2010	11/12/2014 [Insert **Federal Register** citation].	
Reasonable Further Progress Plan (RFP), RFP Contingency Measures, RFP Motor Vehicle Emission Budgets for 2011 and 2012, and Revised 2002 Base Year Emissions Inventory.	Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall and Tarrant Counties, TX.	12/7/2011	11/12/2014 [Insert **Federal Register** citation].	
Enhanced Ambient Monitoring and the Clean-fuel Fleet Programs.	Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall and Tarrant Counties, TX.	12/7/2011	11/12/2014 [Insert **Federal Register** citation].	

[FR Doc. 2014–26625 Filed 11–10–14; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–R06–OAR–2012–0765; FRL–9918–61–Region 6]

National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Arkansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule; delegation of authority.

SUMMARY: The Environmental Protection Agency (EPA) is approving, through a ''direct final'' procedure, the straight delegation of authority and approval of the mechanism used for the implementation and enforcement of certain unchanged Federal section 112 rules to the Arkansas Department of Environmental Quality (ADEQ), pursuant to section 112(l) of the Clean Air Act (Act or CAA). A more detailed description of the procedures used to implement the delegation is set forth in a memorandum of agreement (MOA) between ADEQ and EPA, dated September 17, 2014, a copy of which may be found in the docket for this rulemaking, as discussed below. The delegation only encompasses sources subject to one or more Federal section 112 standards (Part 63 standards specifically) which are also subject to the requirements of the Title V operating permits program. The delegation of authority under this action does not include authorities contained in CAA section 112(r).

DATES: The rule is effective on January 12, 2015 without further notice, unless EPA receives relevant adverse comment by December 12, 2014. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R06–OAR–2012–0765, by one of the following methods:

- *www.regulations.gov.* Follow the on-line instructions.
- Email: Mr. Rick Barrett at *barrett.richard@epa.gov.* Please also send a copy by email to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.
- Mail or delivery: Mr. Rick Barrett, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.

Instructions: Direct your comments to Docket No. EPA–R06–OAR–2012–0765. EPA'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 (CBI) or other information whose disclosure is restricted by statute. Do not submit information through *http://www.regulations.gov* or email, if you believe that it is CBI or otherwise protected from disclosure. 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 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, EPA recommends that you include your name and other contact information in the body of your comment along with any disk or CD–ROM submitted. 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 and any form of encryption and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available at either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment with the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at (214) 665–7253.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Barrett (6PD–R), Air Permits Section, telephone (214) 665–7227; email: *barrett.richard@epa.gov.*

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

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I. Why are we delegating this program to ADEQ?

Section 112(l) of the CAA enables a State to develop and submit to EPA for approval a program for partial or complete delegation of EPA's authorities for the implementation and enforcement of the requirements found in section 112 of the Act pertaining to the regulation of hazardous air pollutants (Federal section 112 rules). After notice and opportunity for public comment, the State program may be approved if EPA determines that: (1) the authorities contained in the program are adequate to assure compliance by all sources within the State with each applicable requirement, regulation, or requirement established by EPA under CAA section 112; (2) the State has adequate authority and resources to implement the program; (3) the schedule for implementing the program and assuring compliance by affected sources is sufficiently expeditious: and (4) the program is otherwise in compliance with guidance issued by EPA under CAA section 112(l)(2) and is likely to satisfy the objectives of the CAA. Once approved, the air toxics program may be implemented and enforced by the delegated State or local agency, as well as EPA. Implementation by local agencies is dependent upon appropriate sub-delegation.

II. What is the history of this request for delegation?

In a **Federal Register** notice dated September 8, 1995, EPA Region 6

promulgated final interim approval of the Arkansas Operating Permit Program. 60 FR 46771. As such, ADEQ met the up-front approval criteria for delegation of unchanged Part 63 standards, as set forth in 40 CFR 63.91(d). By letter dated June 7, 2010, ADEQ requested EPA's delegation of authority and approval of the mechanism it will use to implement and enforce the delegated Part 63 standards—that is, through its EPA-approved Title V Operating Permit Program (the effective date of the latest approved revision is November 8, 2004; 40 CFR Part 70, Appendix A). ADEQ's request does not seek delegation of the Part 63 standards applicable to area sources that do not federally require a Title V (Part 70) operating permit nor does ADEQ request delegation of the accidental release requirements of CAA section 112(r).

On August 3, 2010, EPA found the State's submittal complete. In this document EPA is taking final action to approve the mechanism for the implementation and enforcement of those Part 63 standards specifically identified in 40 CFR 63.99(a)(4), using the procedures set forth more specifically in the MOA between ADEQ and EPA.

III. How will ADEQ implement this delegation?

As stated in its letter, dated June 7, 2010, ADEQ intends to implement and enforce the delegated Part 63 standards through its EPA-approved Title V program. In order to ensure timely implementation and enforcement of these standards, ADEQ and EPA have executed an MOA, dated September 17, 2014, a copy of which has been placed in the docket associated with this rulemaking. As detailed more fully in the MOA, upon promulgation of a *new or revised* Part 63 standard that applies to Title V sources, ADEQ will issue or reopen the appropriate permit to include the new or revised Part 63 standard according to the permit issuance schedule set forth in the MOA. After the permit has been revised to include the new or revised Part 63 standard, ADEQ will be able to implement and enforce the terms of the permit containing the Part 63 standard requirements. Also, ADEQ must notify EPA within 45 days of the final promulgation of a new or revised Part 63 standard if ADEQ does not intend to implement or enforce the standard under this delegation. ADEQ asserts that existing Part 63 standards have already been incorporated into Title V permits for most Title V sources in Arkansas subject to existing Part 63 standards; however, should ADEQ identify a Title V source where existing Part 63 standards have not been incorporated into such permit, it will re-open the source's Title V permit to incorporate those Part 63 standards. As such, EPA's delegation of implementation and enforcement of the Part 63 standards found in 40 CFR 63.99(a)(4), established in this rulemaking, will be effective only after incorporation of those standards into the source's Title V (Part 70) permit. Arkansas will assume responsibility for the timely implementation and enforcement required by each standard, as well as any further activities agreed to by ADEQ and EPA. Some activities necessary for effective implementation of the Part 63 standards include receipt of initial notifications, recordkeeping, reporting and generally assuring that sources subject to a standard are aware of its existence.

IV. What requirements did ADEQ meet to receive today's approval?

As stated above, CAA section 112(l)(5) sets forth the requirements for EPA approval of a State's air toxics program. On November 26, 1993, EPA promulgated regulations to provide guidance relating to the approval of State programs under section 112(l) of the Act. 40 FR 62262. These rules were revised on September 14, 2000. 40 FR 55809. That rulemaking outlined the requirements of approval with respect to various delegation options. The requirements for approval pursuant to section 112(l)(5) of the Act, for a program to implement and enforce Part 63 standards as promulgated without changes (also known as ''straight delegation'') are found at 40 CFR 63.91. Any request for approval must meet all CAA section 112(l) approval criteria, as well as all approval criteria of 40 CFR 63.91.

With respect to the approval criteria for straight delegation, 40 CFR 63.91(a) provides that only the approval criteria of 40 CFR 63.91(d) be met. In turn, 40 CFR 63.91(d)(3) states that interim or final Title V program approval will satisfy the criteria set forth in 40 CFR 63.91(d), up-front approval criteria. The requirements for delegation approval specified in CAA section 112(l)(5)—that a State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule—are also requirements for an adequate operating permits program under 40 CFR Part 70 (40 CFR 70.4). Therefore, EPA's interim or final approval of a State's Title V operating permits program should also meet the CAA section 112(l) requirements for delegation of the Part 63 noted above as they apply to Title V (Part 70) sources.

V. How did ADEQ meet the approval criteria?

EPA granted final interim approval for the Arkansas Operating Permit Program under Part 70 in a rulemaking published September 8, 1995. 60 FR 46771. In the **Federal Register** notice proposing interim approval of the Arkansas Operating Permit Program, EPA discussed the delegation of unchanged Part 63 standards as they apply to Part 70 sources and noted that Arkansas plans to use the mechanism of incorporation by reference to adopt unchanged Part 63 standards into its regulations. 59 FR 47828, 47830 (September 19, 1994). In an October 9, 2001 rulemaking, EPA took final action to fully approve the Arkansas Operating Permit Program. 66 FR 51312. In accordance with 40 CFR 63.91(d), the up-front approval criteria for delegation of unchanged Part 63 standards as requested by ADEQ have been met. However, EPA's October 9, 2001 **Federal Register** notice failed to discuss the *mechanism* associated with delegation of the Part 63 standards for sources subject to the Part 70 program. As discussed above, sources subject to the Part 70 program are those sources that are operating pursuant to a Part 70 permit issued by the State, local agency or EPA. Sources not subject to the Part 70 program are those sources that are not required to obtain a Part 70 permit from either the State, local agency or EPA (see 40 CFR 70.3); e.g., exempted area sources. As stated above, the CAA section 112(l) requirements for approval of the Arkansas' program for straight delegation were satisfied when EPA granted approval of the Arkansas Operating Permit Program. EPA's approval also met the up-front criteria set forth in 40 CFR 63.91(d).

Since ADEQ intends to implement and enforce unchanged Part 63 standards (''straight delegation'') through its EPA-approved Title V Operating Permit Program, there are several issues which need to be separately addressed and resolved in order to ensure the requirements for delegation under CAA section 112(l) and 40 CFR Part 63, Subpart E are met. *See also* 65 FR 55813 (September 14, 2000). EPA believes all such issues have been addressed in the MOA, dated September 17, 2014, executed by ADEQ and EPA, a copy of which has been included in the docket for this rulemaking. ADEQ will implement and enforce Part 63 standards applicable to Title V sources required to obtain a Part 70 permit by including the applicable

Part 63 standards in Title V operating permits, in accordance with the procedures set forth in the MOA. The permit must be effective prior to the first substantial compliance date for all future new and revised Part 63 standards, unless ADEQ has notified EPA in advance that it does not intend to accept delegation for implementation or enforcement, as discussed in the MOA referenced above. Adequate resources will be obtained through monies from the State's Title V program that can be used to fund acceptable Title V activities. Upon promulgation of a new or revised Part 63 standard, ADEQ will immediately begin activities necessary for timely implementation of the standard. These activities will involve identifying sources subject to the applicable requirements and notifying these sources of the applicable requirements. Nothing in the Arkansas program for straight delegation is contrary to Federal guidance.

VI. How are sources subject to certain listed standards going to be handled since ADEQ did not accept delegation of these standards?

In its June 7, 2010, request for delegation of authority and approval of the mechanism used to implement and enforce the delegated Part 63 standards, ADEQ noted that it was not requesting delegation of Part 63 standards for area sources not required to obtain a Title V (Part 70) permit. ADEQ also noted that it was not requesting delegation of the accidental release requirements under CAA section 112(r). Since ADEQ is not accepting delegation of these standards, EPA will be the primary enforcement authority for those standards. However, these undelegated Part 63 standards remain requirements of the sources subject to these standards; therefore, ADEQ must ensure that the Part 63 standard is included in the appropriate federally-enforceable permit for subject sources, and sources subject to these standards must continue to comply with their requirements.

VII. What is being delegated?

By letter dated July 7, 2010, ADEQ requested EPA delegate certain Part 63 standards. ADEQ is requesting delegation and approval to implement and enforce the existing Part 63 standards as they apply to Part 70 sources, including major and area sources subject to the Title V (Part 70) permitting requirements. More specifically, ADEQ's request included the Part 63 standards set forth in the MOA included in the docket for this rulemaking. See Docket No. EPA–R06–OAR–2012–0765.

VIII. What is not being delegated?

ADEQ has not requested, nor does this rulemaking approve, any delegation of those Part 63 standards that apply to area sources which do not require a Title V (Part 70) permit. In addition, EPA cannot delegate to a State any of the Category II authorities set forth in 40 CFR 63.91(g) (2). These include the following provisions: § 63.6(g), Approval of Alternative Non-Opacity Standards; § 63.6(h)(9), Approval of Alternative Opacity Standards; § 63.7(e)(2)(ii) and (f), Approval of Major Alternatives to Test Methods; § 63.8(f), Approval of Major Alternatives to Monitoring; and § 63.10(f), Approval of Major Alternatives to Recordkeeping and Reporting. In addition, some Part 63 standards have certain provisions that cannot be delegated to the States. Therefore, any Part 63 standard that EPA is delegating to ADEQ that provides that certain authorities cannot be delegated are retained by EPA and not delegated. Furthermore, no authorities are delegated that require rulemaking in the **Federal Register** to implement, or where Federal overview is the only way to ensure national consistency in the application of the standards or requirements of CAA section 112. Finally, CAA section 112(r), the accidental release program authority, is not being delegated by this approval. All of the inquiries and requests concerning implementation and enforcement of the excluded standards in the State of Arkansas should be directed to the EPA Region 6 Office.

IX. How will applicability determinations under section 112 be made?

In approving this delegation, the State will obtain concurrence from EPA on any matter involving the interpretation of section 112 of the Clean Air Act or 40 CFR Part 63 to the extent that implementation, administration, or enforcement of those provisions are not covered by current EPA determinations or guidance.

X. What information must ADEQ provide to EPA?

ADEQ must provide any additional compliance related information to EPA, Region 6, Office of Enforcement and Compliance Assurance within 45 days of a request under 40 CFR 63.96(a).

In receiving delegation for specific General Provisions authorities, ADEQ must submit to EPA Region 6, on a semi-annual basis, copies of determinations issued under these authorities. For Part 63 standards, these determinations include: Section 63.1, Applicability Determinations; Section 63.6(e), Operation and Maintenance Requirements—Responsibility for Determining Compliance; Section 63.6(f), Compliance with Non-Opacity Standards—Responsibility for Determining Compliance; Section 63.6(h), Compliance with Opacity and Visible Emissions Standards—Responsibility for Determining Compliance; Sections 63.7(c)(2)(i) and (d), Approval of Site-Specific Test Plans; Section 63.7(e)(2)(i), Approval of Minor Alternatives to Test Methods; Section 63.7(e)(2)(ii) and (f), Approval of Intermediate Alternatives to Test Methods; Section 63.7(e)(iii), Approval of Shorter Sampling Times and Volumes When Necessitated by Process Variables or Other Factors; Sections 63.7(e)(2)(iv), (h)(2), and (h)(3), Waiver of Performance Testing; Sections 63.8(c)(1) and (e)(1), Approval of Site-Specific Performance Evaluation (Monitoring) Test Plans; Section 63.8(f), Approval of Minor Alternatives to Monitoring; Section 63.8(f), Approval of Intermediate Alternatives to Monitoring; Section 63.9 and 63.10, Approval of Adjustments to Time Periods for Submitting Reports; Section 63.10(f), Approval of Minor Alternatives to Recordkeeping and Reporting; Section 63.7(a)(4), Extension of Performance Test Deadline.

XI. Should sources submit notices to EPA or ADEQ?

For the delegated Part 63 standards, all of the information required pursuant to the general provisions and the relevant subpart of the Federal NESHAP (40 CFR Part 63) should be submitted directly to the ADEQ at the following address: Air Division, Arkansas Department of Environmental Quality, 5301 Northshore Drive, North Little Rock, Arkansas 72118–5317. The ADEQ is the primary point of contact with respect to delegated Part 63 standards. Sources do not need to send a copy to EPA. EPA Region 6 waives the requirement that notifications and reports for delegated standards be submitted to EPA in addition to ADEQ in accordance with 40 CFR 63.9(a)(4)(ii) and 63.10(a)(4)(ii). For those standards that are not delegated, sources must continue to submit all appropriate information to EPA.

XII. How will unchanged authorities be delegated to ADEQ in the future?

Following the effective date of this delegation, ADEQ will only need to periodically submit a written request to EPA, Region 6, to update its approval of the delegation of authority to implement and enforce new or revised Part 63

standards through its approved Title V permitting program. In such request, ADEQ will reference the previous up-front approval demonstration and reaffirm that it still meets the up-front approval criteria. EPA will respond in writing to the request and take action in the **Federal Register** to inform the public and affected sources of EPA's decision and to update 40 CFR 63.99(a)(4), amending the Arkansas table of delegated Part 63 standards being implemented and enforced by ADEQ.

XIII. What is today's final action?

Because ADEQ's June 7, 2010, request and the associated MOA meet all requirements of CAA section 112(l) and 40 CFR 63.91, EPA is promulgating final approval of ADEQ's request for the delegation and approval of the mechanism used to implement and enforce certain Part 63 standards applicable to sources required to obtain a Title V (Part 70) permit, as more specifically set forth in the MOA, dated September 17, 2014. After the effective date of this document and the issuance of the appropriate permit, the implementation and enforcement of certain existing Part 63 standards (except for CAA section 112(r) requirements) which have been incorporated into the source's Title V permit may be carried out by ADEQ in accordance with this delegation and the MOA. As for the Part 63 standards which have not yet been incorporated into permits, ADEQ's authority to implement and enforce these standards becomes effective after the effective date of this action and the issuance of the appropriate federally-enforceable permit containing those standards. ADEQ's authority to implement and enforce new and revised Part 63 standards will become effective according to the procedures outlined in the MOA, a copy of which is included in the docket for this rulemaking.

Effective immediately, all notifications, reports and other correspondence required under the delegated Part 63 standards should be sent to the State of Arkansas after the permit incorporating those standards has been issued. Affected sources should send this information to: Arkansas Department of Environmental Quality, Air Division, 5301 Northshore Drive, North Little Rock, Arkansas 72118–5317

EPA is publishing this action without prior proposal because we view this as a non-controversial action and anticipate no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the requested delegation should relevant adverse comments be received. This action will be effective without further notice unless EPA receives relevant adverse comment by December 12, 2014. Should EPA receive such adverse comments, we will publish a final rule informing the public that this action will not take effect. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on January 12, 2015.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to the approved delegation. Each request for revision to the approved delegation shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

XIV. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves State law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it 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).

This rule also does not have tribal implications because it will 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state request to receive delegation of certain Federal standards, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing delegation submissions, EPA's role is to approve submissions provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a request for delegation of section 112 standards for failure to use VCS. It would thus be inconsistent with applicable law for EPA to use VCS in place of a delegation submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

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 January 12, 2015. 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 CAA section 307(b)(2)).

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: October 14, 2014.

Ron Curry,

Regional Administrator, Region 6.

40 CFR part 63 is amended as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 1. The authority citation for Part 63 continues to read as follows:

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

Subpart E—Approval of State Programs and Delegation of Federal Authorities

■ 2. Section 63.99 is amended by adding paragraph (a)(4) to read as follows:

§ 63.99 Delegated Federal authorities.

(a) * * *

(4) *Arkansas.* (i) The following table lists the specific Part 63 standards that have been delegated unchanged to the Arkansas Department of Environmental Quality (hereinafter ''ADEQ'') for all sources subject to the Part 70 program. The ''X'' symbol is used to indicate each subpart that has been delegated. The delegations are subject to all of the conditions and limitations set forth in Federal law, regulations, policy, guidance, determinations, and the Memorandum of Agreement, dated September 17, 2014, entered into between the ADEQ and the U.S. Environmental Protection Agency, Region 6 (hereinafter ''EPA'') regarding section 112, Clean Air Act Implementation. Some authorities cannot be delegated and are retained by EPA. These include certain General Provisions authorities and specific parts of some standards. ADEQ's authority to implement and enforce a delegated Part 63 standard is effective when the standard is incorporated into the source's Title V (Part 70) Operating Permit.

DELEGATION STATUS FOR PART 63 STANDARDS—STATE OF ARKANSAS [1]

Subpart	Source category	ADEQ [2]
A	General Provisions	X
F	Hazardous Organic NESHAP (HON)—Synthetic Organic Chemical Manufacturing Industry (SOCMI)	X
G	HON—SOCMI Process Vents, Storage Vessels, Transfer Operations and Wastewater	X
H	HON—Equipment Leaks	X
I	HON—Certain Processes Negotiated Equipment Leak Regulation	X
J	Polyvinyl Chloride and Copolymers Production	([3])
K	(Reserved)	
L	Coke Oven Batteries	X
M	Perchloroethylene Dry Cleaning	X
N	Chromium Electroplating and Chromium Anodizing Tanks	X
O	Ethylene Oxide Sterilizers	X
P	(Reserved)	
Q	Industrial Process Cooling Towers	X
R	Gasoline Distribution	X
S	Pulp and Paper Industry	X
T	Halogenated Solvent Cleaning	X
U	Group I Polymers and Resins	X
V	(Reserved)	
W	Epoxy Resins Production and Non-Nylon Polyamides Production	X
X	Secondary Lead Smelting	X
Y	Marine Tank Vessel Loading	X
Z	(Reserved)	
AA	Phosphoric Acid Manufacturing Plants	X
BB	Phosphate Fertilizers Production Plants	X
CC	Petroleum Refineries	X
DD	Off-Site Waste and Recovery Operations	X
EE	Magnetic Tape Manufacturing	X
FF	(Reserved)	
GG	Aerospace Manufacturing and Rework Facilities	X
HH	Oil and Natural Gas Production Facilities	X
II	Shipbuilding and Ship Repair Facilities	X
JJ	Wood Furniture Manufacturing Operations	X
KK	Printing and Publishing Industry	X
LL	Primary Aluminum Reduction Plants	X
MM	Chemical Recovery Combustion Sources at Kraft, Soda, Sulfide, and Stand-Alone Semichemical Pulp Mills	X
NN	(Reserved)	
OO	Tanks-Level 1	X
PP	Containers	X
QQ	Surface Impoundments	X
RR	Individual Drain Systems	X
SS	Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process	X
TT	Equipment Leaks—Control Level 1	X
UU	Equipment Leaks—Control Level 2 Standards	X
VV	Oil—Water Separators and Organic—Water Separators	X
WW	Storage Vessels (Tanks)—Control Level 2	X
XX	Ethylene Manufacturing Process Units Heat Exchange Systems and Waste Operations	X

DELEGATION STATUS FOR PART 63 STANDARDS—STATE OF ARKANSAS [1]—Continued

Subpart	Source category	ADEQ [2]
YY	Generic Maximum Achievable Control Technology Standards	X
ZZ–BBB	(Reserved)	
CCC	Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration	X
DDD	Mineral Wool Production	X
EEE	Hazardous Waste Combustors	X
FFF	(Reserved)	
GGG	Pharmaceuticals Production	X
HHH	Natural Gas Transmission and Storage Facilities	X
III	Flexible Polyurethane Foam Production	X
JJJ	Group IV Polymers and Resins	X
KKK	(Reserved)	
LLL	Portland Cement Manufacturing	X
MMM	Pesticide Active Ingredient Production	X
NNN	Wool Fiberglass Manufacturing	X
OOO	Amino/Phenolic Resins	X
PPP	Polyether Polyols Production	X
QQQ	Primary Copper Smelting	X
RRR	Secondary Aluminum Production	X
SSS	(Reserved)	
TTT	Primary Lead Smelting	X
UUU	Petroleum Refineries—Catalytic Cracking Units, Catalytic Reforming Units and Sulfur Recovery Plants	X
VVV	Publicly Owned Treatment Works (POTW)	X
WWW	(Reserved)	
XXX	Ferroalloys Production: Ferromanganese and Silicomanganese	X
AAAA	Municipal Solid Waste Landfills	X
CCCC	Nutritional Yeast Manufacturing	X
DDDD	Plywood and Composite Wood Products	[4] X
EEEE	Organic Liquids Distribution	X
FFFF	Misc. Organic Chemical Production and Processes (MON)	X
GGGG	Solvent Extraction for Vegetable Oil Production	X
HHHH	Wet Formed Fiberglass Mat Production	X
IIII	Auto & Light Duty Truck (Surface Coating)	X
JJJJ	Paper and other Web (Surface Coating)	X
KKKK	Metal Can (Surface Coating)	X
MMMM	Misc. Metal Parts and Products (Surface Coating)	X
NNNN	Surface Coating of Large Appliances	X
OOOO	Fabric Printing Coating and Dyeing	X
PPPP	Surface Coating of Plastic Parts and Products	X
QQQQ	Surface Coating of Wood Building Products	X
RRRR	Surface Coating of Metal Furniture	X
SSSS	Surface Coating of Metal Coil	X
TTTT	Leather Finishing Operations	X
UUUU	Cellulose Products Manufacturing	X
VVVV	Boat Manufacturing	X
WWWW	Reinforced Plastic Composites Production	X
XXXX	Rubber Tire Manufacturing	X
YYYY	Stationary Combustion Turbines	X
ZZZZ	Reciprocating Internal Combustion Engines (RICE)	X
AAAAA	Lime Manufacturing Plants	X
BBBBB	Semiconductor Manufacturing	X
CCCCC	Coke Ovens: Pushing, Quenching and Battery Stacks	X
DDDDD	Industrial/Commercial/Institutional Boilers and Process Heaters	[5] X
EEEEE	Iron and Steel Foundries	X
FFFFF	Integrated Iron and Steel	X
GGGGG	Site Remediation	X
HHHHH	Miscellaneous Coating Manufacturing	X
IIIII	Mercury Cell Chlor-Alkali Plants	X
JJJJJ	Brick and Structural Clay Products Manufacturing	([6])
KKKKK	Clay Ceramics Manufacturing	([6])
LLLLL	Asphalt Roofing and Processing	X
MMMMM	Flexible Polyurethane Foam Fabrication Operation	X
NNNNN	Hydrochloric Acid Production, Fumed Silica Production	X
OOOOO	(Reserved)	
PPPPP	Engine Test Facilities	X
QQQQQ	Friction Products Manufacturing	X
RRRRR	Taconite Iron Ore Processing	X
SSSSS	Refractory Products Manufacture	X
TTTTT	Primary Magnesium Refining	X
UUUUU	Coal and Oil-Fired Electric Utility Steam Generating Units	[7] X
VVVVV	(Reserved)	
WWWWW	Hospital Ethylene Oxide Sterilizers	
XXXXX	(Reserved)	

DELEGATION STATUS FOR PART 63 STANDARDS—STATE OF ARKANSAS [1]—Continued

Subpart	Source category	ADEQ [2]
YYYYY	Electric Arc Furnace Steelmaking Area Sources	X
ZZZZZ	Iron and Steel Foundries Area Sources	
AAAAAA	(Reserved)	
BBBBBB	Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities	
CCCCCC	Gasoline Dispensing Facilities	
DDDDDD	Polyvinyl Chloride and Copolymers Production Area Sources	
EEEEEE	Primary Copper Smelting Area Sources	X
FFFFFF	Secondary Copper Smelting Area Sources	X
GGGGGG	Primary Nonferrous Metals Area Sources: Zinc, Cadmium, and Beryllium	X
HHHHHH	Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources	
IIIIII	(Reserved)	
JJJJJJ	Industrial, Commercial, and Institutional Boilers: Area Sources	
KKKKKK	(Reserved)	
LLLLLL	Acrylic and Modacrylic Fibers Production Area Sources	
MMMMMM	Carbon Black Production Area Sources	X
NNNNNN	Chemical Manufacturing Area Sources: Chromium Compounds	X
OOOOOO	Flexible Polyurethane Foam Production and Fabrication Area Sources	
PPPPPP	Lead Acid Battery Manufacturing Area Sources	
QQQQQQ	Wood Preserving Area Sources	
RRRRRR	Clay Ceramics Manufacturing Area Sources	
SSSSSS	Glass Manufacturing Area Sources	X
TTTTTT	Secondary Nonferrous Metals Processing Area Sources	
UUUUUU	(Reserved)	
VVVVVV	Chemical Manufacturing Area Sources	X
WWWWWW	Plating and Polishing Operations Area Sources	
XXXXXX	Nine Metal Fabrication and Finishing Categories Area Sources	
YYYYYY	Ferroalloys Production Facilities Area Sources	
ZZZZZZ	Aluminum, Copper, and Other Nonferrous Foundries Area Sources	
AAAAAAA	Asphalt Processing and Asphalt Roofing Manufacturing Area Sources	
BBBBBBB	Chemical Preparations Industry Area Sources	
CCCCCCC	Paints and Allied Products Manufacturing Area Sources	
DDDDDDD	Prepared Feeds Manufacturing Area Sources	
EEEEEEE	Gold Mine Ore Processing and Production Area Sources	
FFFFFFF	Reserved	
GGGGGGG	Reserved	
HHHHHHH	Polyvinyl Chloride and Copolymers Production	X

[1] Program delegated to Arkansas Department of Environmental Quality (ADEQ).

[2] Authorities which may not be delegated include: § 63.6(g), Approval of Alternative Non-Opacity Emission Standards; § 63.6(h)(9), Approval of Alternative Opacity Standards; § 63.7(e)(2)(ii) and (f), Approval of Major Alternatives to Test Methods; § 63.8(f), Approval of Major Alternatives to Monitoring; § 63.10(f), Approval of Major Alternatives to Recordkeeping and Reporting; and all authorities identified in the subparts (e.g., under ''Delegation of Authority'') that cannot be delegated.

[3] This subpart was vacated and remanded to EPA by the United States Court of Appeals for the District of Columbia Circuit. See, *Mossville Environmental Action Network* v. *EPA,* 370 F. 3d 1232 (D.C. Cir. 2004). Because of the DC Court's holding, this subpart is not delegated to ADEQ at this time

[4] This subpart was issued a partial vacatur on October 29, 2007 (72 FR 61060) by the United States Court of Appeals for the District of Columbia Circuit.

[5] Final rule. See 78 FR 7138 (January 31, 2013).

[6] This subpart was vacated and remanded to EPA by the United States Court of Appeals for the District of Columbia Circuit. See, *Sierra Club* v. *EPA,* 479 F. 3d 875 (D.C. Cir. 2007). Because of the DC Court's holding, this subpart is not delegated to ADEQ at this time.

[7] Initial Final Rule. See 77 FR 9304 (February 16, 2012). Final on reconsideration of certain new source issues. See 78 FR 24073 (April 24, 2013). Portions of this subpart are in proposed reconsideration pending final action. See 78 FR 38001 (June 25, 2013).

(ii) [Reserved]

* * * * *

[FR Doc. 2014–25948 Filed 11–10–14; 8:45 am]

BILLING CODE 6560–50–P

NATIONAL FOUNDATION FOR THE ARTS AND HUMANITIES

National Endowment for the Arts

45 CFR Part 1149

RIN 3135–AA28

Implementing the Program Fraud Civil Remedies Act

AGENCY: National Endowment for the Arts.

ACTION: Final rule.

SUMMARY: The National Endowment for the Arts (NEA) implements the Program Fraud Civil Remedies Act of 1986 (PFCRA). Any person who makes, submits, or presents a false, fictitious, or fraudulent claim or written statement to the agency causing such fraudulent actions to occur is subject to civil penalties and assessments. The regulations authorizes the NEA to impose civil penalties and assessments through administrative adjudication. The regulations also establish the procedures the NEA will follow in implementing the provisions of the PFCRA and specifies the hearing and appeal rights of persons subject to penalties and assessments under the PFCRA.

DATES: Effective December 12, 2014.

ADDRESSES: You may submit requests to examine any material available for public inspection or any inquiries regarding this final rule by any of the following methods:

1. Email: *generalcounsel@arts.gov.* Include RIN 3135–AA28 in the subject line of the message.
2. Fax: (202) 682–5572.
3. Mail: Office of the General Counsel, National Endowment for the Arts, 400 7th Street SW., Washington, DC 20506.
4. Hand Delivery/Courier: Office of the General Counsel, National Endowment for the Arts, 400 7th Street SW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Aswathi Zachariah, Office of the General Counsel, National Endowment for the Arts, 400 7th Street SW., Washington, DC 20506, Telephone: 202–682–5418.

SUPPLEMENTARY INFORMATION:

Background

In October 1986, Congress enacted the PFCRA, Public Law 99–509 (codified at 31 U.S.C. sec. 3801–3812). The PFCRA established an administrative remedy against any person who makes a false claim or written statement to any of certain Federal agencies and against any person causing such fraudulent actions. In brief, it requires the affected Federal agencies to follow certain procedures in recovering penalties and assessments against people who file false claims or statements for which the liability is $150,000 or less. Initially, the PFCRA did not apply to the NEA. However, pursuant to section 10 of the Inspector General Reform Act of 2008 (Pub. L. 110–409), the scope of PFCRA's coverage has been expanded to include NEA.

The PFCRA requires each affected agency to promulgate rules and regulations necessary to implement its provisions. Following the PFCRA's enactment, at the request of the President's Council on Integrity and Efficiency (PCIE), an interagency task force was established under the leadership of the Department of Health and Human Services to develop model regulations for implementation of the PFCRA by all affected agencies. This action was in keeping with the stated desire of the Senate Governmental Affairs Committee that ''the regulations would be substantially similar throughout the government.'' (S. Rep. No. 99–212, 99th Cong., 1st Sess. 12 (1985)). The PCIE recommended adoption of the model rules by all affected agencies. Anyone desiring further explanation of the PCIE's model regulations should see the more detailed discussion of the model rules found in the promulgations of several of the agencies that adopted them earlier, including those of the Departments of Justice (53 FR 4034; February 11, 1988 and 53 FR 11645; April 8, 1988); Health and Human Services (52 FR 27423; July 21, 1987 and 53 FR 11656, April 8, 1988); and Transportation (52 FR 36968; October 2, 1987 and 53 FR 880, January 14, 1988).

Statutory and Regulatory Analysis

Under the PFCRA, false claims and statements subject to its provisions are to be investigated by an agency's investigating official. The results of the investigation are then reviewed by an agency reviewing official who determines whether there is adequate evidence to believe that you are liable under the PFCRA. Upon an affirmative finding of adequate evidence, the reviewing official sends to the U.S. Attorney General a written notice of the official's intent to refer the matter to a presiding officer for an administrative hearing. The agency may institute administrative proceedings against you only if the Attorney General, or his/her designee, approves. Any penalty or assessment imposed under the PFCRA may be collected by the Attorney General through the filing of a civil action, or by offsetting amounts, other than tax refunds, you owe the Federal government.

The regulations designate the NEA's Inspector General or his or her designee as the agency's investigating official and the General Counsel or his or her designee as the agency's reviewing official. Any administrative adjudication under the PFCRA will be presided over by an Administrative Law Judge (ALJ) and any appeals from the ALJ's decision will be decided by the Chairman of the NEA or his/her designee.

E-Government Act of 2002 (44 U.S.C. Sec. 3504)

Section 206 of the E-Government Act requires agencies, to the extent practicable, to ensure that all information about that agency required to be published in the **Federal Register** is also published on a publicly accessible Web site. All information about the NEA required to be published in the **Federal Register** may be accessed at *http://www.regulations.gov.*

Finally, the E-Government Act requires, to the extent practicable, that agencies ensure that a publicly accessible Federal Government Web site contains electronic dockets for rulemakings under the Administrative Procedure Act of 1946 (5 U.S.C. sec. 551 *et seq.*). Under this Act, an electronic docket consists of all submissions under section 553(c) of title 5, United States Code; and all other materials that by agency rule or practice are included in the rulemaking docket under section 553(c) of title 5, United States Code, whether or not submitted electronically. The Web site *http://www.regulations.gov* contains electronic dockets for the NEA's rulemakings under the Administrative Procedure Act of 1946.

Executive Order 12866

Executive Order 12866 established a process for review of rules by the Office of Information and Regulatory Affairs, which is within the Office of Management and Budget. Only ''significant'' proposed and final rules are subject to review under this Executive Order. ''Significant,'' as used in E.O. 12866, means ''economically significant,'' and refers to rules with an impact on the economy of $100 million or that (1) were inconsistent or interfered with an action taken or planned by another agency; (2) materially altered the budgetary impact of entitlements, grants, user fees, or loan programs; or (3) raised novel legal or policy issues.

This rule is not a significant policy change and the Office of Management and Budget has not reviewed this rule under E.O. 12866. We have made the assessments required by E.O. 12866 and have determined that this departmental policy: (1) Will not have an effect of $100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities. (2) Will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. (3) Does not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients. (4) Does not raise novel legal or policy issues.

Federalism (Executive Order 13132)

This rule does not have Federalism implications, as set forth in E.O. 13132. As used in this order, Federalism implications mean ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' The NEA has determined that this rule will not have Federalism implications within the meaning of E.O. 13132.

Improving Regulations and Regulatory Review (Executive Order 13563)

The NEA has written this rule in compliance with E.O. 13563 by ensuring its accessibility, consistency, simplicity of language, and overall comprehensibility. In addition, the public participation goals of this order are also satisfied by the NEA's participation in a process in which its views and information are made public to the extent feasible, and before any decisions are actually made. This allows the public the opportunity to react to the comments, arguments, and information of others during the rulemaking process. The NEA initiated its participation in an open exchange by posting the regulation and its rulemaking docket on *http://www.regulations.gov.*

By modeling this rule on the PCIE's model rules and PFCRA regulations promulgated by other agencies, the NEA advances E.O. 13563's goals of simplifying and harmonizing regulations and promoting predictability, certainty, and innovation.

Paperwork Reduction Act of 1995 (44 U.S.C., Chapter 35)

This rule will not impose any ''information collection'' requirements under the Paperwork Reduction Act. Under the act, information collection means the obtaining or disclosure of facts or opinions by or for an agency by 10 or more nonfederal persons.

Plain Writing Act of 2010 (5 U.S.C. Sec. 301)

Under this Act, the term ''plain writing'' means writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience. To ensure that this rule has been written in plain and clear language so that it can be used and understood by the public, the NEA has modeled the language of this rule on the Federal Plain Language Guidelines.

Regulatory Flexibility Act of 1980 (5 U.S.C. Sec. 605(b))

This rule will not have a significant adverse impact on a substantial number of small entities, including small businesses, small governmental jurisdictions, or certain small not-for-profit organizations.

Unfunded Mandates Act of 1995 (Section 202, Pub. L. 104–4)

This rule does not contain a Federal mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year.

List of Subjects in 45 CFR Part 1149

Administrative practice and procedure, Claims, Fraud, Investigations, Organization and function (government agencies), Penalties.

For the reasons stated in the preamble, the National Endowment for the Arts adds a new part 1149 to Chapter XI of Title 45 of the Code of Federal Regulations to read as follows:

PART 1149—PROGRAM FRAUD CIVIL REMEDIES ACT REGULATIONS

Subpart A—Purpose and Definitions

Sec.
1149.1 Purpose.
1149.2 Definitions.

Subpart B—Claims and Statements

1149.3 What is a claim?
1149.4 When is a claim made?
1149.5 What is a false claim?
1149.6 What is a statement?
1149.7 What is a false statement?

Subpart C—Basis for Liability

1149.8 What kind of conduct results in program fraud enforcement?
1149.9 What civil penalties and assessments may I be subjected to?

Subpart D—Procedures Leading to the Issuance of a Complaint

1149.10 How is program fraud investigated?
1149.11 May the investigating official issue a subpoena?
1149.12 What happens if program fraud is suspected?
1149.13 When may NEA issue a complaint?
1149.14 What is contained in a complaint?
1149.15 How will the complaint be served?
1149.16 What constitutes proof of service?

Subpart E—Procedures Following Service of a Complaint

1149.17 How do you respond to the complaint?
1149.18 May I file a general answer?
1149.19 What happens once an answer is filed?
1149.20 What must the notice of hearing include?
1149.21 When must the ALJ serve the notice of oral hearing?
1149.22 What happens if you fail to file an answer?
1149.23 May I file a motion to reopen my case?
1149.24 What happens if my motion to reopen is denied?
1149.25 When, if ever, will time be tolled?

Subpart F—Hearing Procedures

1149.26 What kind of hearing is contemplated?
1149.27 What is the role of the ALJ?
1149.28 What does the ALJ have the authority to do?
1149.29 What rights do you have at the hearing?
1149.30 How are the functions of the ALJ separated from those of the investigating official and the reviewing official?
1149.31 Can the reviewing official or the ALJ be disqualified?
1149.32 Do you have a right to review documents?
1149.33 What type of discovery is authorized and how is it conducted?
1149.34 How are motions for discovery handled?
1149.35 When may an ALJ grant a motion for discovery?
1149.36 How are depositions handled?
1149.37 Are witness lists and exhibits exchanged before the hearing?
1149.38 Can witnesses be subpoenaed?
1149.39 Who pays the costs for a subpoena?
1149.40 When may I file a motion to quash a subpoena?
1149.41 Are protective orders available?
1149.42 What does a protective order protect?
1149.43 How are documents filed and served with the ALJ?
1149.44 What must documents filed with the ALJ include?
1149.45 How is time computed?
1149.46 Where is the hearing held?
1149.47 How will the hearing be conducted?
1149.48 Who has the burden of proof?
1149.49 How is evidence presented at the hearing?
1149.50 How is witness testimony presented?
1149.51 How can I exclude a witness?
1149.52 Will the hearing proceedings be recorded?
1149.53 Are ex parte communications between a party and the ALJ permitted?
1149.54 Are there sanctions for misconduct?
1149.55 What happens if I fail to comply with an order?
1149.56 Are post-hearing briefs required?

Subpart G—Decisions and Appeals

1149.57 How is the case decided?
1149.58 When will the ALJ serve the initial decision?
1149.59 How are penalty and assessment amounts determined?
1149.60 What factors are considered in determining the amount of penalties and assessments to impose?
1149.61 Can a party request reconsideration of the initial decision?
1149.62 When does the initial decision of the ALJ become final?
1149.63 What are the procedures for appealing the ALJ decision?
1149.64 What happens if an initial decision is appealed?
1149.65 Are there any limitations on the right to appeal to the authority head?
1149.66 How does the authority head dispose of an appeal?
1149.67 Who represents the NEA on an appeal?
1149.68 What judicial review is available?
1149.69 Can the administrative complaint be settled voluntarily?
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1149.72 What happens to collections?
1149.73 What if the investigation indicates criminal misconduct?
1149.74 How does the NEA protect your rights?

Authority: 31 U.S.C. 3801–3812; 5 U.S.C. App. 8G(a)(2).

Subpart A—Purpose and Definitions

§ 1149.1 Purpose.

This part implements the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801–3812 (PFCRA). The PFCRA provides the NEA, and other Federal agencies, with an administrative remedy to impose civil penalties and assessments against you if you make or cause to be made false, fictitious, or fraudulent claims or written statements to the NEA. The PFCRA also provides due process protections to you if you are subject to administrative proceedings under this part.

§ 1149.2 Definitions.

For the purposes of this part—

Authority means the National Endowment for the Arts.

Authority Head means the Chairperson/head of the National Endowment for the Arts or the Chairperson/authority head/s designee.

Benefit means anything of value, including but not limited to, any advantage, preference, privilege, license, permit, favorable decision, ruling, status, or loan guarantee.

Defendant means any person alleged in a complaint to be liable for a civil penalty or assessment pursuant to the PFCRA.

Government means the United States Government.

Group of related claims submitted at the same time means only those claims arising from the same transaction (such as a grant, loan, application, or contract) which are submitted together as part of a single request, demand, or submission.

Initial decision means the written decision of the Administrative Law Judge (ALJ), and includes a revised initial decision issued following a remand or a motion for reconsideration.

Investigating official means:

(1) The NEA Inspector General; or

(2) A designee of the NEA Inspector General.

Knows or *has reason to know* means that a person:

(1) Has actual knowledge that the claim or statement is false, fictitious, or fraudulent; or

(2) Acts in deliberate ignorance of the truth or falsity of the claim or statement; or

(3) Acts in reckless disregard of the truth or falsity of the claim or statement.

Makes, whenever it appears, must include the terms *presents, submits,* and *causes to be made, presented, or submitted.* As the context requires, *making* or *made* must likewise include the corresponding forms of such terms.

Person means any individual, partnership, corporation, association, or private organization, and includes the plural of that term.

Representative means an attorney who is in good standing of the bar of any State, Territory, or possession of the United States, or of the District of Columbia, or the Commonwealth of Puerto Rico, or any other individual designated in writing by you.

Reviewing official means the General Counsel of the NEA or the General Counsel's designee.

Subpart B—Claims and Statements

§ 1149.3 What is a claim?

(a) Claim means any request, demand, or submission:

(1) Made to the NEA for property, services, or money (including money representing grants, loans, insurance or benefits);

(2) Made to a recipient of property or services from the NEA, or to a party to a contract with the NEA for property or services if the United States:

(i) Provided such property or services;

(ii) Provided any portion of the funds for the purchase of such property or services; or

(iii) Will reimburse such recipient or party for the purchase of such property or services;

(3) Made to the NEA for the payment of money (including money representing grants, loans, insurance, or benefits) if the United States:

(i) Provided any portion of the money requested or demanded; or

(ii) Will reimburse such recipient or party for any portion of the money paid on such request or demand; or

(4) Made to the NEA which has the effect of decreasing an obligation to pay or account for property, services, or money.

(b) A claim can relate to grants, loans, insurance, or other benefits, and includes the NEA guaranteed loans made by participating lenders.

(c) Each voucher, invoice, claim form, or individual request or demand for property, services, or money constitutes a separate claim.

§ 1149.4 When is a claim made?

A claim is made to the NEA, when such claim is actually made to:

(a) An agent, fiscal intermediary, or other person or entity, including any State or political subdivision of a State, acting for or on behalf of the NEA; or

(b) A recipient of property, services, or money from the Government, or the party to a contract with the NEA.

§ 1149.5 What is a false claim?

(a) A claim submitted to the NEA is ''false'' if it:

(1) Is false, fictitious or fraudulent;

(2) Includes or is supported by a written statement which asserts or contains a material fact which is false, fictitious, or fraudulent;

(3) Includes or is supported by a written statement which is false, fictitious or fraudulent because it omits a material fact that you have a duty to include in the statement; or

(4) Is for payment for the provision of property or services which you have not provided as claimed.

(b) [Reserved]

§ 1149.6 What is a statement?

(a) A *statement* means any written representation, certification, affirmation, document, record, or accounting or bookkeeping entry made with respect to a claim (including relating to eligibility to make a claim) or to obtain the approval or payment of a claim (including relating to eligibility to make a claim); or with respect to (including relating to eligibility for) a contract, bid or proposal for a contract with the NEA, or a grant, loan or other benefit from the NEA, including applications and proposals for such grants, loans, or other benefits, if the United States Government provides any portion of the money or property under such contract or for such grant, loan or benefit, or if the Government will reimburse any party for any portion of the money or property under such contract or for such grant, loan, or benefit.

(b) A statement is made, presented, or submitted to the NEA when such statement is actually made to an agent, fiscal intermediary, or other person or entity acting for or on behalf of the NEA, including any State or political subdivision of a State, acting for or on behalf of the NEA; or the recipient of property, services, or money from the Government; or the party to a contract with the NEA.

§ 1149.7 What is a false statement?

(a) A statement submitted to the NEA is a *false statement* if you make the statement, or cause the statement to be made, while knowing or having reason to know that the statement:

(1) Asserts a material fact that is false, fictitious, or fraudulent; or

(2) Is false, fictitious, or fraudulent because it omits a material fact that you have a duty to include in the statement and contains or is accompanied by an

express certification or affirmation of the truthfulness and accuracy of the contents of the statement.

(b) Each written representation, certification, or affirmation constitutes a separate statement.

Subpart C—Basis for Liability

§ 1149.8 What kind of conduct results in program fraud enforcement?

If you make false claims or false statements, you may be subject to civil penalties and assessments under the PFCRA.

§ 1149.9 What civil penalties and assessments may I be subjected to?

(a) In addition to any other penalties that may be prescribed by law, the PFCRA may subject you to the following:

(1) A civil penalty of not more than $5,000 for each false, fictitious or fraudulent statement or claim; and

(2) If the NEA has made any payment, transferred property, or provided services in reliance on a false claim, you are also subject to an assessment of not more than twice the amount of the false claim. This assessment is in lieu of damages sustained by the NEA because of the false claim.

(b) Each false, fictitious, or fraudulent claim for property, services, or money is subject to a civil penalty regardless of whether such property, services, or money is actually delivered or paid.

(c) No proof of specific intent to defraud is required to establish liability under this section for either false claims or false statements.

(e) In any case in which it is determined that more than one person is liable for making a false, fictitious, or fraudulent claim or statement under this section, each such person may be held liable for a civil penalty and assessment under this section.

(f) In any case in which it is determined that more than one person is liable for making a claim under this section on which the Government has made payment (including transferred property or provided services), an assessment may be imposed against any such person or jointly and severally against any combination of persons.

Subpart D—Procedures Leading to the Issuance of a Complaint

§ 1149.10 How is program fraud investigated?

The Inspector General, or his/her designee, is the investigating official responsible for investigating allegations that you have made a false claim or statement.

§ 1149.11 May the investigating official issue a subpoena?

(a) Yes. The Inspector General has authority to issue administrative subpoenas for the production of records and documents. If an investigating official concludes that a subpoena is warranted, he/she may issue a subpoena.

(1) The issued subpoena must notify you of the authority under which it is issued and must identify the records or documents sought;

(2) The investigating official may designate a person to act on his or her behalf to receive the documents sought; and

(3) You are required to tender to the investigating official, or the person designated to receive the documents, a certification that:

(i) The documents sought have been produced;

(ii) Such documents are not available and the reasons therefore; or

(iii) Such documents, suitably identified, have been withheld based upon the assertion of an identified privilege.

(b) Nothing in this section precludes or limits an investigating official's discretion to refer allegations within the Department of Justice for suit under the False Claims Act or other civil relief, or to defer or postpone a report or referral to the reviewing official to avoid interference with a criminal investigation or prosecution.

(c) Nothing in this section modifies any responsibility of an investigating official to report violations of criminal law to the appropriate component of the Department of Justice.

§ 1149.12 What happens if program fraud is suspected?

(a) If the investigating official concludes that an action under this part is warranted, the investigating official submits a report containing the findings and conclusions of the investigation to the reviewing official.

(b) If the reviewing official determines that the report provides adequate evidence that you have made a false, fictitious or fraudulent claim or statement, the reviewing official shall transmit to the Attorney General written notice of an intention to refer the matter for adjudication, with a request for approval of such referral. This notice will include the reviewing official's statements concerning:

(1) The reasons for the referral;

(2) The claims or statements upon which liability would be based;

(3) The evidence that supports liability;

(4) An estimate of the amount of money or the value of property, services, or other benefits requested or demanded in the false claim or statement;

(5) Any exculpatory or mitigating circumstances that may relate to the claims or statements known by the reviewing official or the investigating official; and

(6) A statement that there is a reasonable prospect of collecting an appropriate amount of penalties and assessments.

(c) If, at any time, the Attorney General or his or her designee requests in writing that this administrative process be stayed, the authority head must stay the process immediately. The authority head may order the process resumed only upon receipt of the written authorization of the Attorney General.

§ 1149.13 When may the NEA issue a complaint?

The NEA may issue a complaint:

(a) If the Attorney General, or his/her designee, approves the referral of the allegations for adjudication in a written statement; and

(b) In a case of submission of false claims, if the amount of money or the value of property or services demanded or requested in a false claim, or a group of related claims submitted at the same time, does not exceed $150,000.

§ 1149.14 What is contained in a complaint?

(a) A *complaint* is a written statement giving you notice of the specific allegations being referred for adjudication and of your right to request a hearing regarding those allegations.

(b) The reviewing official may join in a single complaint, false claims or statements that are unrelated, or that were not submitted simultaneously, so long as each claim made does not exceed the amount provided in 31 U.S.C. 3803(c).

(c) The complaint must state that the NEA seeks to impose civil penalties, assessments, or both, against you and will include:

(1) The allegations of liability against you, including the statutory basis for liability, identification of the claims or statements involved, and the reasons liability allegedly arises from such claims or statements;

(2) The maximum amount of penalties and assessments for which you may be held liable;

(3) A statement that you may request a hearing by filing an answer and may be represented by a representative;

(4) Instructions for filing such an answer; and

(5) A warning that failure to file an answer within 30 days of service of the

complaint will result in imposition of the maximum amount of penalties and assessments.

(d) The reviewing official must serve you with any complaint and, if you request a hearing, provide a copy to the ALJ assigned to the case.

§ 1149.15 How will the complaint be served?

(a) The complaint must be served on you as an individual directly, on a partnership through a general partner, and on corporations or on unincorporated associations through an executive officer or a director. Service may also be made on any person authorized by appointment or by law to receive process for you or a legal entity.

(b) The complaint may be served either by:

(1) Registered or certified mail; or

(2) Personal delivery by anyone 18 years of age or older.

(c) The date of service is the date of personal delivery or, in the case of service by registered or certified mail, the date of postmark.

§ 1149.16 What constitutes proof of service?

(a) Proof of service is established by the following:

(1) When service is made by registered or certified mail, the return postal receipt will serve as proof of service.

(2) When service is made by personal delivery, an affidavit of the individual serving the complaint, or written acknowledgment of your receipt or of receipt by a representative, will serve as proof of service.

(b) When served with the complaint, the serving party must also serve you with a copy of this part and 31 U.S.C. 3801–3812.

Subpart E—Procedures Following Service of a Complaint

§ 1149.17 How do you respond to the complaint?

(a) You may respond to the complaint by filing an answer with the reviewing official within 30 days of service of the complaint. A timely answer will be considered a request for an oral hearing.

(b) In the answer, you—

(1) Must admit or deny each of the allegations of liability contained in the complaint (a failure to deny an allegation is considered an admission);

(2) Must state any defense on which you intend to rely;

(3) May state any reasons why you believe the penalties, assessments, or both should be less than the statutory maximum; and

(4) Must state the name, address, and telephone number of the person authorized by you to act as your representative, if any.

§ 1149.18 May I file a general answer?

(a) If you are unable to file a timely answer which meets the requirements set forth in § 1149.17(b), you may file with the reviewing official a general answer denying liability, requesting a hearing, and requesting an extension of time in which to file a complete answer. A general answer must be filed within 30 days of service of the complaint.

(b) If you file a general answer requesting an extension of time, the reviewing official must promptly file with the ALJ the complaint, the general answer, and the request for an extension of time.

(c) For good cause shown, the ALJ may grant you up to 30 additional days within which to file an answer meeting the requirements of paragraph (b) of this section. You must file the answer with the ALJ and serve a copy on the reviewing official.

§ 1149.19 What happens once an answer is filed?

(a) When the reviewing official receives an answer, he/she must simultaneously file the complaint, the answer, and a designation of the NEA's representative with the ALJ.

(b) When the ALJ receives the complaint and the answer, he/she will promptly serve a notice of hearing upon you and the NEA representative, in the same manner as the complaint. At the same time, the ALJ must send a copy of such notice to the reviewing official or his designee.

§ 1149.20 What must the notice of hearing include?

The notice must include:

(a) The tentative time, place, and nature of the hearing;

(b) The legal authority and jurisdiction under which the hearing is being held;

(c) The matters of fact and law to be asserted;

(d) A description of the procedures for the conduct of the hearing;

(e) The name, address, and telephone number of your representative and the NEA's representative; and

(f) Such other matters as the ALJ deems appropriate.

§ 1149.21 When must the ALJ serve the notice of oral hearing?

Unless the parties agree otherwise, the ALJ must serve the notice of oral hearing within six years of the date on which the claim or statement is made.

§ 1149.22 What happens if you fail to file an answer?

(a) If you do not file any answer within 30 days after service of the complaint, the reviewing official may refer the complaint to the ALJ.

(b) Once the complaint is referred, the ALJ will promptly serve on you a notice that he/she will issue an initial decision.

(c) The ALJ will assume the facts alleged in the complaint are true. If such facts establish liability under the statute, the ALJ will issue an initial decision imposing the maximum amount of penalties and assessments allowed under the PFCRA.

(d) Except as otherwise provided in this section, when you fail to file a timely answer, you waive any right to further review of the penalties and assessments imposed in the initial decision. This initial decision will become final and binding 30 days after it is issued.

§ 1149.23 May I file a motion to reopen my case?

(a) You may file a motion with the ALJ asking him/her to reopen the case at any time before an initial decision becomes final. The ALJ may only reopen a case if, in this motion, he/she determines that you set forth extraordinary circumstances that prevented you from filing a timely answer. The initial decision will be stayed until the ALJ makes a decision on your motion to reopen. The reviewing official may respond to the motion.

(b) If the ALJ determines that you have demonstrated extraordinary circumstances excusing your failure to file a timely answer, the ALJ will withdraw the initial decision and grant you an opportunity to answer the complaint.

(c) A decision by the ALJ to deny your motion to reopen a case is not subject to review or reconsideration.

§ 1149.24 What happens if my motion to reopen is denied?

(a) You may appeal the decision denying a motion to reopen to the authority head by filing a notice of appeal with the authority head within 15 days after the ALJ denies the motion. The timely filing of a notice of appeal must stay the initial decision until the authority head decides the issue.

(b) If you file a timely notice of appeal with the authority head, the ALJ must forward the record of the proceeding to the authority head.

(c) The authority head must decide promptly, based solely on the record previously before the ALJ, whether

extraordinary circumstances excuse your failure to file a timely answer.

(d) If the authority head decides that extraordinary circumstances excused your failure to file a timely answer, the authority head must remand the case to the ALJ with instructions to grant you an opportunity to answer.

(e) If the authority head decides that your failure to file a timely answer is not excused, the authority head must reinstate the initial decision of the ALJ, which becomes final and binding upon the parties 30 days after the authority head issues such a decision.

§ 1149.25 When, if ever, will time be tolled?

Time will be tolled in the following instances:

(a) If you are granted a 30 day extension to file your answer, the 30 days will be tolled to the six year oral hearing limitation thereby providing the ALJ six years and 30 days to serve the notice of oral hearing as discussed in § 1149.18(c);

(b) If a notice of appeal is filed as discussed in § 1149.24(a);

(c) If a motion is filed to disqualify a reviewing official or an ALJ disqualifies himself/herself as discussed in § 1149.31(c); or

(d) In any other instance in which time is suspended or delayed as a result of an appeal, request for reconsideration, untimely filing, or extensions.

Subpart F—Hearing Procedures

§ 1149.26 What kind of hearing is contemplated?

The hearing is a formal proceeding conducted by the ALJ during which you will have the opportunity to dispute liability, present testimony, and cross-examine witnesses.

§ 1149.27 What is the role of the ALJ?

(a) An ALJ, who will be retained by the NEA, serves as the presiding officer at all hearings. ALJs are selected by the Office of Personnel Management. The ALJ is assigned to cases in rotation so far as practicable, and may not perform duties inconsistent with their duties and responsibilities as administrative law judges.

(b) The ALJ must conduct a fair and impartial hearing, avoid delay, maintain order, and assure that a record of the proceeding is made.

§ 1149.28 What does the ALJ have the authority to do?

(a) The ALJ has the authority to—

(1) Set and change the date, time, and place of the hearing upon reasonable notice to the parties;

(2) Continue or recess the hearing, in whole or in part, for a reasonable period of time;

(3) Hold conferences to identify or simplify the issues or to consider other matters that may aid in the expeditious disposition of the proceeding;

(4) Administer oaths and affirmations;

(5) Issue subpoenas requiring the attendance of witnesses and the production of documents at depositions or at hearings;

(6) Rule on motions and other procedural matters;

(7) Regulate the scope and timing of discovery;

(8) Regulate the course of the hearing and the conduct of representatives and parties;

(9) Examine witnesses;

(10) Receive, rule on, exclude, or limit evidence;

(11) Upon motion of a party, take official notice of facts;

(12) Upon motion of a party, decide cases, in whole or in part, by summary judgment where there is no disputed issue of material fact;

(13) Conduct any conference, argument or hearing on motions in person or by telephone; and

(14) Exercise such other authority as is necessary to carry out the responsibilities of the ALJ under this part.

(b) The ALJ does not have the authority to find Federal statutes or regulations invalid.

§ 1149.29 What rights do you have at the hearing?

Each party to the hearing has the right to:

(a) Be represented by a representative;

(b) Request a pre-hearing conference and participate in any conference held by the ALJ;

(c) Conduct discovery;

(d) Agree to stipulations of fact or law which will be made a part of the record;

(e) Present evidence relevant to the issues at the hearing;

(f) Present and cross-examine witnesses;

(g) Present arguments at the hearing as permitted by the ALJ; and

(h) Submit written briefs and proposed findings of fact and conclusions of law after the hearing, as permitted by the ALJ.

§ 1149.30 How are the functions of the ALJ separated from those of the investigating official and the reviewing official?

(a) The investigating official, the reviewing official, and any employee or agent of the authority who takes part in investigating, preparing, or presenting a particular case may not, in such case or a factually related case:

(1) Participate in the hearing as the ALJ;

(2) Participate or advise in the review of the initial decision by the authority head; or

(3) Make the collection of penalties and assessment.

(b) The ALJ must not be responsible to or subject to the supervision or direction of the investigating official or the reviewing official.

§ 1149.31 Can the reviewing official or ALJ be disqualified?

(a) A reviewing official or an ALJ may disqualify himself or herself at any time.

(b) Upon motion of any party, the reviewing official or ALJ may be disqualified as follows:

(1) The motion must be supported by an affidavit containing specific facts establishing that personal bias or other reason for disqualification exists, including the time and circumstances of the discovery of such facts;

(2) The motion must be filed promptly after discovery of the grounds for disqualification or the objection will be deemed waived; and

(3) The party, or representative of record, must certify in writing that the motion is made in good faith.

(c) Once a motion has been filed to disqualify the reviewing official or the ALJ, the ALJ will halt the proceedings until resolving the matter of disqualification. If the ALJ determines that the reviewing official is disqualified, the ALJ will dismiss the complaint without prejudice. If the ALJ disqualifies himself/herself, the case will be promptly reassigned to another ALJ. However, if the ALJ denies a motion to disqualify, the matter will be determined by the authority head only during his/her review of the initial decision on appeal.

§ 1149.32 Do you have a right to review documents?

(a) Yes. Once the ALJ issues a hearing notice, and upon written request to the reviewing official, you may:

(1) Review any relevant and material documents, transcripts, records, and other materials that relate to the allegations set out in the complaint and upon which the findings and conclusions of the investigating official are based, unless such documents are subject to a privilege under Federal law. Upon payment of fees for duplication, you may obtain copies of such documents; and

(2) Obtain a copy of all exculpatory information in the possession of the reviewing official or investigating official relating to the allegations in the complaint. You may obtain exculpatory

information even if it is contained in a document that would otherwise be privileged. If the document would otherwise be privileged, only that portion containing exculpatory information must be disclosed.

(b) The notice sent to the Attorney General from the reviewing official is not discoverable under any circumstances.

(c) If the reviewing official does not respond to your request within 20 days, you may file a motion to compel disclosure of the documents with the ALJ subject to the provisions of this section. Such a motion may only be filed with the ALJ following the filing of an answer.

§ 1149.33 What type of discovery is authorized and how is it conducted?

(a) The following types of discovery are authorized:

(1) Requests for production of documents for inspection and copying;

(2) Requests for admissions of the authenticity of any relevant document or of the truth of any relevant fact;

(3) Written interrogatories; and

(4) Depositions.

(b) For the purpose of this section, the term *documents* includes information, documents, reports, answers, records, accounts, papers, electronic data and other data and documentary evidence. Nothing contained herein must be interpreted to require the creation of a document.

(c) Unless mutually agreed to by the parties, discovery is available only as ordered by the ALJ. The ALJ must regulate the timing of discovery.

§ 1149.34 How are motions for discovery handled?

Motions for discovery must be handled according to the following:

(a) A party seeking discovery may file a motion with the ALJ. Such a motion must be accompanied by a copy of the requested discovery, or in the case of depositions, a summary of the scope of the proposed deposition.

(b) Within 10 days of service, a party may file an opposition to the motion and/or a motion for protective order.

§ 1149.35 When may an ALJ grant a motion for discovery?

(a) The ALJ may grant a motion for discovery only if he/she finds that the discovery sought—

(1) Is necessary for the expeditious, fair, and reasonable consideration of the issues;

(2) Is not unduly costly or burdensome;

(3) Will not unduly delay the proceeding; and

(4) Does not seek privileged information.

(b) The burden of showing that discovery should be allowed is on the party seeking discovery.

(c) The ALJ may grant discovery subject to a protective order.

§ 1149.36 How are depositions handled?

(a) Depositions are to be handled in the following manner:

(1) If a motion for deposition is granted, the ALJ must issue a subpoena for the deponent, which may require the deponent to produce documents. The subpoena must specify the time and place at which the deposition will be held.

(2) The party seeking to depose must serve the subpoena in the manner prescribed by § 1149.12.

(3) The deponent may file with the ALJ a motion to quash the subpoena or a motion for a protective order within 10 days of service.

(4) The party seeking to depose must provide for the taking of a verbatim transcript of the deposition, which it must make available to all other parties for inspection and copying.

(b) Each party must bear its own costs of discovery.

§ 1149.37 Are witness lists and exhibits exchanged before the hearing?

(a) The parties must exchange witness lists and copies of proposed hearing exhibits at least 15 days before the hearing or at such other time as ordered by the ALJ. This includes copies of any written statements or transcripts of deposition testimony that each party intends to offer in lieu of live testimony.

(b) If a party objects, the ALJ will not admit into evidence the testimony of any witness whose name does not appear on the witness list or any exhibit not provided to an opposing party in advance unless the ALJ finds good cause for the omission or concludes that there is no prejudice to the objecting party.

(c) Documents exchanged in accordance with this section are deemed to be authentic for the purpose of admissibility at the hearing unless a party objects within the time set by the ALJ.

§ 1149.38 Can witnesses be subpoenaed?

(a) A party wishing to procure the appearance and testimony of any individual at the hearing may request that the ALJ issue a subpoena.

(b) A subpoena requiring the attendance and testimony of an individual may also require the individual to produce documents at the hearing.

(c) A party seeking a subpoena must file a written request not less than 15 days before the date of the hearing unless otherwise allowed by the ALJ upon a showing of good cause. Such request must specify any documents to be produced, must designate the witnesses, and describe the address and location of the desired witness with sufficient particularity to permit such witnesses to be found.

(d) The subpoena must specify the time and place at which the witness is to appear and any documents the witness is to produce.

(e) The party seeking the subpoena must serve it in the manner prescribed in § 1149.11. A subpoena on a party or upon an individual under the control of a party may be served by first class mail.

§ 1149.39 Who pays the costs for a subpoena?

The party requesting a subpoena must pay the cost of the fees and mileage of any witness subpoenaed in the amounts that would be payable to a witness in a proceeding in United States District Court. A check for witness fees and mileage must accompany the subpoena when served, except that when a subpoena is issued on behalf of the NEA, a check for witness fees and mileage need not accompany the subpoena.

§ 1149.40 When may I file a motion to quash a subpoena?

A party, entity or the person to whom the subpoena is directed, may file with the ALJ a motion to quash the subpoena:

(a) Within 10 days after service; or

(b) On or before the time specified in the subpoena for compliance if it is less than 10 days after service.

§ 1149.41 Are protective orders available?

A party or prospective witness or deponent may file a motion for a protective order with respect to discovery sought by an opposing party or with respect to the hearing, seeking to limit the availability of an individual or disclosure of evidence.

§ 1149.42 What does a protective order protect?

In issuing a protective order, the ALJ may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

(a) That the discovery not be had;

(b) That the discovery may be had only under specified terms and conditions, including a designation of the time or place;

(c) That the discovery may be had only through a different method of discovery than requested;

(d) That certain matters are not inquired into, or that the scope of discovery is limited to certain matters;

(e) That only those persons designated by the ALJ may be present during discovery;

(f) That the contents of the discovery or evidence are sealed;

(g) That a sealed deposition is opened only by order of the ALJ;

(h) That a trade secret or other confidential research, development, commercial information, or facts pertaining to any criminal investigation, proceeding, or other administrative investigation not be disclosed or be disclosed only in a designated way; or

(i) That the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the ALJ.

§ 1149.43 How are documents filed and served with the ALJ?

(a) Documents are considered filed when they are mailed. The date of mailing may be established by a certificate from the party or his/her representative, or by proof that the document was sent by certified or registered mail.

(b) A party filing a document with the ALJ must, at the time of filing, serve a copy of such document on every other party. When a party is represented by a representative, the party's representative must be served in lieu of the party.

(c) A certificate of the individual serving the document by personal delivery or mail and setting forth the manner of service will be proof of service.

(d) Service upon any party of any document other than the complaint must be made by delivering a copy or by placing a copy in the United States mail, postage prepaid and addressed to the party's last known address.

(e) If a party consents in writing, documents may be sent electronically. In this instance, service is complete upon transmission unless the serving party receives electronic notification that transmission of the communication was not completed.

§ 1149.44 What must documents filed with the ALJ include?

(a) Documents filed with the ALJ must include:

(1) An original; and

(2) Two copies.

(b) Every document filed in the proceeding must contain:

(1) A title, for example, ''motion to quash subpoena'';

(2) A caption setting forth the title of the action; and

(3) The case number assigned by the ALJ.

(c) Every document must be signed by the filer, or his/her representative, and contain the address or telephone number of that person.

§ 1149.45 How is time computed?

(a) In computing any period of time under this part or in an order issued under it, the time begins with the day following the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or legal holiday observed by the Federal government, in which event it includes the next business day.

(1) *Time calculating example.* If the ALJ denies your motion for an appeal on Wednesday, December 10th you have 15 days to file the notice of appeal. Since the 15th day falls on Christmas, a legal holiday observed by the Federal government, the deadline will be the next business day, Friday, December 26th.

(2) [Reserved]

(b) When the period of time allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays observed by the Federal government must be excluded from the computation.

(c) Where a document has been served or issued by placing it in the mail, an additional five days will be added to the time permitted for any response.

§ 1149.46 Where is the hearing held?

The ALJ may hold the hearing:

(a) In any judicial district of the United States:

(b) In which you reside or transact business; or

(c) In which the claim or statement on which liability is based was made to the NEA; or

(d) In such other place as agreed upon by you and the ALJ.

§ 1149.47 How will the hearing be conducted?

(a) The ALJ conducts a hearing on the record in order:

(1) To determine whether you are liable for a civil penalty, assessment, or both; and

(2) If so, to determine the appropriate amount of the penalty and/or assessment, considering any aggravating or mitigating factors.

(b) The hearing will be recorded and transcribed, and the transcript of testimony, exhibits admitted at the hearing, and all papers filed in the proceeding constitute the record for a decision by the ALJ.

(c) The hearing will be open to the public unless otherwise ordered by the ALJ for good cause shown.

§ 1149.48 Who has the burden of proof?

(a) The NEA must prove your liability and any aggravating factors by a preponderance of the evidence.

(b) You must prove any affirmative defenses and any mitigating factors by a preponderance of the evidence.

§ 1149.49 How is evidence presented at the hearing?

(a) The ALJ determines the admissibility of evidence.

(b) Except as provided in this part, the ALJ is not bound by the Federal Rules of Evidence. However, the ALJ may choose to apply the Federal Rules of Evidence where he/she deems appropriate, for example, to exclude unreliable evidence.

(c) The ALJ must exclude irrelevant and immaterial evidence.

(d) Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or by considerations of undue delay or needless presentation of cumulative evidence.

(e) Although relevant, evidence may be excluded if it is privileged under Federal law.

(f) The following evidence concerning offers of compromise or settlement is inadmissible when offered to prove liability for, invalidity of, or amount of a claim that was disputed as to validity or amount, or to impeach through a prior inconsistent statement or contradiction:

(1) Providing, offer, or promising to provide a valuable consideration in compromising or attempting to compromise the claim;

(2) Accepting, offering, or promising to accept a valuable consideration in compromising or attempting to compromise the claim; and

(3) Conduct or statements made in compromise negotiations regarding the claim, except when offered in a criminal case and the negotiations related to a claim by a public office or authority in the exercise of regulatory, investigative, or enforcement authority.

(g) The ALJ must permit the parties to introduce rebuttal witnesses and evidence.

(h) All documents and other evidence taken for the record must be open to examination by all parties unless otherwise ordered by the ALJ.

§ 1149.50 How is witness testimony presented?

(a) Except as provided in paragraph (b) of this section, testimony at the hearing must be given orally by witnesses under oath or affirmation.

(b) At the discretion of the ALJ, testimony may be admitted in the form of a written statement or deposition.

(1) Any such statement must be provided to all other parties along with the last known address of such witness, in a manner which allows sufficient time for other parties to subpoena the witness for cross-examination at the hearing.

(2) Prior written statements of witnesses proposed to testify at the hearing and deposition transcripts must be exchanged.

(c) The ALJ must exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence so as to:

(1) Make the interrogation and presentation effective for ascertaining the truth;

(2) Avoid needless consumption of time; and

(3) Protect witnesses from harassment and undue embarrassment.

(d) The ALJ must permit the parties to conduct such cross examination as may be required for a full and true disclosure of the facts.

(e) At the discretion of the ALJ, a witness may be cross examined on matters relevant to the proceeding without regard to the scope of his or her direct examination. To the extent permitted by the ALJ, cross-examination on matters outside the scope of direct examination must be conducted in the manner of direct examination. Leading questions may be used only if the witness is a hostile witness, an adverse party, or a witness identified with an adverse party.

§ 1149.51 How can I exclude a witness?

Upon motion of any party, the ALJ must order witnesses excluded from the hearing room so that they cannot hear the testimony of other witnesses. This rule does not authorize exclusion of—

(a) A party who is an individual;

(b) In the case of a party that is not an individual, an officer or employee of the party appearing for the entity pro se or designated by the party's representative; or

(c) An individual whose presence is shown by a party to be essential to the presentation of its case, including an individual employed by the Government engaged in assisting the representative for the Government.

§ 1149.52 Will the hearing proceedings be recorded?

(a) The hearing will be recorded and transcribed. Transcripts may be obtained after the conclusion of the hearing and at a cost no greater than the actual cost of duplication.

(b) The transcript of testimony, exhibits and other evidence admitted at the hearing, and all papers and requests filed in the proceeding constitute the record for the decision by the ALJ and the authority head.

(c) The hearings will be recorded either electronically or by a court reporter. If the authority does not intend to arrange for a court reporter, you can arrange for one. If you do, you have to pay the reporter's appearance fees.

(d) Upon payment of a reasonable fee, the record may be inspected and copied by anyone, unless otherwise ordered by the ALJ.

§ 1149.53 Are ex parte communications between a party and the ALJ permitted?

Ex parte communications between a party and the ALJ are not permitted unless the other party consents to such a communication taking place. This does not prohibit a party from inquiring about the status of a case or asking routine questions concerning administrative functions or procedures.

§ 1149.54 Are there sanctions for misconduct?

(a) The ALJ may sanction a person, including any party or representative, as outlined in § 1149.55, for the following:

(1) Failing to comply with an order, rule, or procedure governing the proceeding;

(2) Failing to prosecute or defend an action; or

(3) Engaging in other misconduct that interferes with the speedy, orderly, and fair conduct of a hearing.

(b) Any sanction issued under this section must reasonably relate to the severity and nature of the misconduct.

§ 1149.55 What happens if I fail to comply with an order?

(a) When a party fails to comply with an order, including an order for taking a deposition, the production of evidence within the party's control, or a request for admission, the ALJ may:

(1) Draw an inference in favor of the requesting party with regard to the information sought;

(2) In the case of requests for admission, deem each matter of which an admission is requested to be admitted;

(3) Prohibit the party failing to comply with such order from introducing evidence concerning, or otherwise relying upon testimony relating to the information sought; and

(4) Strike any part of the pleadings or other submissions of the party failing to comply with such a request.

(b) If a party fails to prosecute or defend an action under this part commenced by service of a notice of hearing, the ALJ may dismiss the action or may issue an initial decision imposing penalties and assessments.

(c) The ALJ may refuse to consider any motion, request, response, brief or other document which is not filed in a timely fashion.

§ 1149.56 Are post-hearing briefs required?

Any party may file a post-hearing brief; but, such briefs are not required, unless ordered by the ALJ. The ALJ must fix the time for filing such briefs, not to exceed 60 days from the date the parties receive the transcript of the hearing or, if applicable, the stipulated record. Such briefs may be accompanied by proposed findings of fact and conclusions of law. The ALJ may permit the parties to file reply briefs.

Subpart G—Decisions and Appeals

§ 1149.57 How is the case decided?

(a) The ALJ will issue an initial decision based only on the record. The record must contain findings of fact, conclusions of law, and the amount of any penalties and assessments imposed.

(b) The findings of fact must include a finding on each of the following issues:

(1) Whether any one or more of the claims or statements identified in the complaint, in whole or in part, violate this part; and

(2) If you are liable for penalties or assessments, the appropriate amount of any such penalties or assessments, considering any mitigating or aggravating factors that are proven by a preponderance of the evidence during the hearing.

§ 1149.58 When will the ALJ serve the initial decision?

(a) The ALJ will serve the initial decision on all parties within 90 days after the close of the hearing, or within 90 days after the final post-hearing brief was filed.

(b) At the same time as the initial decision, the ALJ must serve a statement describing your rights if you are found liable for a civil penalty or assessment to file a motion for reconsideration with the ALJ or a notice of appeal with the authority head.

(c) If the ALJ fails to meet the deadline contained in this section, he or she must notify the parties of the reason for the delay and must set a new deadline.

(d) Unless the initial decision of the ALJ is timely appealed to the authority head, or a motion for reconsideration of the initial decision is timely filed, the initial decision must constitute the final decision of the authority head and must

be final and binding on the parties 30 days after it is issued by the ALJ.

§ 1149.59 How are penalty and assessment amounts determined?

In determining an appropriate amount of civil penalties and assessments, the ALJ and the authority head, upon appeal, should evaluate any circumstances that mitigate or aggravate the violation and should articulate in their opinions the reasons that support the penalties and assessments they impose.

§ 1149.60 What factors are considered in determining the amount of penalties and assessments to impose?

(a) Although not exhaustive, the following factors are among those that may influence the ALJ and the authority head in determining the amount of penalties and assessments to impose with respect to the misconduct charged in the complaint:

(1) The number of false, fictitious, or fraudulent claims or statements;

(2) The time period over which such claims or statements were made;

(3) The degree of your culpability with respect to the misconduct;

(4) The amount of money or the value of the property, services, or benefit falsely claimed;

(5) The value of the Government's actual loss as a result of the misconduct, including foreseeable consequential damages and the cost of the investigation;

(6) The relationship of the amount imposed as civil penalties to the amount of the Government's loss;

(7) The potential or actual impact of the misconduct upon national defense, public health or safety, or public confidence in the management of Government programs and operations, especially upon the public confidence of those intended to benefit from Government programs;

(8) Whether you have engaged in a pattern of the same or similar misconduct;

(9) Whether you attempted to conceal the misconduct;

(10) The degree to which you have involved others in the misconduct or in concealing it;

(11) Where the misconduct of employees or agents is imputed to you, the extent to which your practices fostered or attempted to preclude such misconduct;

(12) Whether you cooperated in or obstructed an investigation of the misconduct;

(13) Whether you assisted in identifying and prosecuting other wrongdoers;

(14) The complexity of the program or transaction, and the degree of your sophistication with respect to it, including the extent of your prior participation in the program or in similar transactions;

(15) Whether you have been found, in any criminal, civil, or administrative proceeding, to have engaged in similar misconduct or dealt dishonestly with the Government of the United States or a state, directly or indirectly; and

(16) The need to deter you and others from engaging in the same or similar misconduct.

(b) Nothing in this section must be construed to limit the ALJ or the authority head from considering any other factors that in any given case may mitigate or aggravate the offense for which penalties and assessments are imposed.

§ 1149.61 Can a party request reconsideration of the initial decision?

(a) Any party may file a motion for reconsideration of the initial decision with the ALJ within 20 days of receipt of the initial decision. If the initial decision was served by mail, there is a rebuttable presumption that the initial decision was received by the party 5 days from the date of mailing.

(b) A motion for reconsideration shall be accompanied by a supporting brief and must specifically describe the issue and nature of each allegedly erroneous decision.

(c) Responses to a motion for reconsideration will only be allowed if it is requested by the ALJ.

(d) The ALJ will dispose of a motion for reconsideration by denying it or by issuing a revised initial decision.

(e) If the ALJ issues a revised initial decision upon motion of a party, no further motions for reconsideration may be filed by any party.

(f) If the ALJ issues a revised initial decision, that decision shall constitute the final decision of the authority head and shall be final and binding on the parties 30 days after it is issued, unless it is timely appealed to the authority head.

§ 1149.62 When does the initial decision of the ALJ become final?

(a) The initial decision of the ALJ becomes the final decision of the NEA and binds all parties 30 days after it is issued, unless a party timely files a motion for reconsideration or timely appeals to the authority head of NEA, as set forth in § 1149.64.

(b) If the ALJ disposes of a motion for reconsideration by denying it or by issuing a revised initial decision, the ALJ's order on the motion for reconsideration becomes the final decision of NEA 30 days after the order is issued.

§ 1149.63 What are the procedures for appealing the ALJ decision?

(a) Any defendant who submits a timely answer and is found liable for a civil penalty or assessment in an initial decision may appeal the decision to the authority head by filing a notice of appeal with the authority head in accordance with this section.

(b) You may file a notice of appeal with the authority head within 30 days following issuance of the initial decision, serving a copy of the notice of appeal on all parties and the ALJ. The authority head may extend this deadline for up to an additional 30 days if an extension request is filed within the initial 30-day period and shows good cause.

(c) Your appeal will not be considered until all timely motions for reconsideration have been resolved.

(d) If a timely motion for reconsideration is denied, a notice of appeal may be filed within 30 days following such denial or issuance of a revised initial decision, whichever applies.

(e) A notice of appeal must be supported by a written brief specifying why the initial decision should be reversed or modified.

(f) The NEA representative may file a brief in opposition to the notice of appeal within 30 days of receiving your appeal and supporting brief.

(g) If you timely file a notice of appeal, and the time for filing reconsideration motions has expired, the ALJ will forward the record of the proceeding to the authority head.

§ 1149.64 What happens if an initial decision is appealed?

(a) An initial decision is stayed automatically pending disposition of a motion for reconsideration or of an appeal to the authority head.

(b) No administrative stay is available following a final decision of the authority head.

§ 1149.65 Are there any limitations on the right to appeal to the authority head?

(a) You have no right to appear personally, or through a representative, before the authority head.

(b) There is no right to appeal any interlocutory ruling.

(c) The authority head will not consider any objection or evidence that was not raised before the ALJ, unless you demonstrate that the failure to object was caused by extraordinary circumstances. If you demonstrate to the satisfaction of the authority head that

extraordinary circumstances prevented the presentation of evidence at the hearing, and that the additional evidence is material, the authority head may remand the matter to the ALJ for consideration of the additional evidence.

§ 1149.66 How does the authority head dispose of an appeal?

(a) The authority head may affirm, reduce, reverse, compromise, remand, or settle any penalty or assessment imposed by the ALJ in the initial decision or reconsideration decision.

(b) The authority head will promptly serve each party to the appeal and the ALJ with a copy of his or her decision. This decision must contain a statement describing the right of any person, against whom a penalty or assessment has been made, to seek judicial review.

§ 1149.67 Who represents the NEA on an appeal?

The authority head will designate the NEA's representative in the event of an appeal.

§ 1149.68 What judicial review is available?

Section 3805 of title 31, United States Code, authorizes Judicial review by the appropriate United States District Court of any final NEA decision by the authority head imposing penalties or assessments under this part. To obtain judicial review, you must file a petition with the appropriate court in a timely manner. (See paragraphs (a) through (e) of 31 U.S.C. 3805 for a description of how judicial review is authorized.)

§ 1149.69 Can the administrative complaint be settled voluntarily?

(a) Parties may make offers of compromise or settlement at any time. Any compromise or settlement must be in writing.

(b) The reviewing official has the exclusive authority to compromise or settle the case anytime after the date on which the reviewing official is permitted to issue a complaint and before the ALJ issues an initial decision.

(c) The authority head has exclusive authority to compromise or settle the case anytime after the date of the ALJ's initial decision until the initiation of any judicial review or any action to collect the penalties and assessments.

(d) The Attorney General has exclusive authority to compromise or settle a case once any judicial review or any action to recover penalties and assessments is initiated.

(e) The investigating official may recommend settlement terms to the reviewing official, the authority head, or the Attorney General, as appropriate.

§ 1149.70 How are civil penalties and assessments collected?

(a) Civil actions to recover penalties or assessments must commence within 3 years after the date of a final decision determining your liability.

(b) The Attorney General is responsible for judicial enforcement of civil penalties or assessments imposed. He/she has exclusive authority to compromise or settle any penalty or assessment during the pendency of any action to collect penalties or assessments under 31 U.S.C. 3806.

(c) Penalties or assessments imposed by a final decision may be recovered in a civil action brought by the Attorney General.

(1) The district courts of the United States have jurisdiction of such civil actions.

(2) The United States Court of Federal Claims has jurisdiction of any civil action to recover any penalty or assessment if the cause of action is asserted by the government as a counterclaim in a matter pending in such court.

(3) Civil actions may be joined and consolidated with or asserted as a counterclaim, cross-claim, or set off by the government in any other civil action which includes you and the government as parties.

(4) Defenses raised at the hearing, or that could have been raised, may not be raised as a defense in the civil action. Determination of liability and of the amounts of penalties and assessments must not be subject to review.

§ 1149.71 Is there a right to administrative offset?

The amount of any penalty or assessment which has become final, or for which a judgment has been entered, or any amount agreed upon in a compromise or settlement, may be collected by administrative offset, except that an administrative offset may not be made under this subsection against a refund of an overpayment of Federal taxes, then or later owing by the United States to you.

§ 1149.72 What happens to collections?

All amounts collected pursuant to this part must be deposited as miscellaneous receipts in the Treasury of the United States.

§ 1149.73 What if the investigation indicates criminal misconduct or a violation of the False Claims Act?

(a) Investigating officials may:

(1) Refer allegations of criminal misconduct or a violation of the False Claims Act directly to the Department of Justice for prosecution and/or civil action, as appropriate;

(2) Defer or postpone a report or referral to the reviewing official to avoid interference with a criminal or civil investigation, prosecution or litigation; or

(3) Issue subpoenas under any other statutory authority.

(b) Nothing in this part limits the requirement that NEA employees report suspected false or fraudulent conduct, claims or statements, and violations of criminal law to the NEA Office of Inspector General or to the Attorney General.

§ 1149.74 How does the NEA protect your rights?

These procedures separate the functions of the investigating official, reviewing official, and the ALJ, each of whom report to a separate organizational authority. Except for purposes of settlement, or as a witness or a representative in public proceedings, no investigating official, reviewing official, or NEA employee or agent who helps investigate, prepare, or present a case may (in such case, or a factually related case) participate in the initial decision or the review of the initial decision by the authority head. This separation of functions and organization is designed to assure the independence and impartiality of each government official during every stage of the proceeding. The representative for the NEA may be employed in the offices of either the investigating official or the reviewing official.

Dated: November 3, 2014.

India J. Pinkney,

General Counsel.

[FR Doc. 2014–26507 Filed 11–10–14; 8:45 am]

BILLING CODE 7537–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 140903748–4748–01]

RIN 0648–BE45

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Groundfish Fishery; Gulf of Maine Haddock Annual Catch Limit Revision

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

ACTION: Temporary rule; emergency action.

SUMMARY: This action implements new stock status determination criteria for Gulf of Maine (GOM) haddock and increases the associated GOM haddock catch limits for the remainder of fishing year 2014 based on the most recent and best available scientific information. This action is intended to provide additional commercial fishing opportunities for GOM haddock and other healthy groundfish stocks.

DATES: Effective November 12, 2014, through May 11, 2015. Comments must be received by December 12, 2014.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2014–0133, by any of the following methods:

- Electronic submissions: Submit all electronic public comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0133,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- Mail: Submit written comments to John K. Bullard, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, ''Comments on the Gulf of Maine Haddock Emergency Action.''

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

FOR FURTHER INFORMATION CONTACT: William Whitmore, Fishery Policy Analyst, phone: 978–281–9182.

SUPPLEMENTARY INFORMATION: The Secretary of Commerce (Secretary) finds that emergency action, under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), is necessary to revise the fishing year 2014 catch limits for Gulf of Maine (GOM) haddock, managed by the Northeast Multispecies Fishery Management Plan (referred to as the groundfish plan). A recent benchmark stock assessment conducted by the Stock Assessment Review Committee (SARC 59, August 2014) indicated that the GOM haddock stock status is no longer overfished and overfishing is not occurring. This emergency action increases the GOM haddock annual catch limit for the remainder of fishing year 2014 based on this updated stock assessment. This action seeks to prevent foregone economic yield or adverse community impacts and preserves an economic opportunity that otherwise would not be available.

Background

The New England Fishery Management Council Requests Assistance

On May 3, 2013, the final rule implementing Framework Adjustment (Framework) 50 to the groundfish plan (78 FR 26172) implemented an overfishing limit of 440 mt for GOM haddock, with an allowable biological catch of 341 mt and an annual catch limit of 323 mt for fishing year 2014 (Table 1). These catch limits represented substantial reductions of catch levels from prior years and were implemented when the stock was considered to be approaching an overfished condition and overfishing was occurring. The final rule implementing Framework Adjustment (Framework) 51 to the groundfish plan (79 FR 22421; April 22, 2014) retained these limits.

On July 9, 2014, the New England Fishery Management Council (Council) requested that the National Marine Fisheries Service (NMFS) increase the GOM haddock annual catch limit for fishing year 2014, pending the final results of SARC 59, while the Council developed GOM haddock specifications for the next fishing year. The Council requested our assistance, given the substantially longer time it would take to develop and implement new catch limits. We can develop and implement an emergency action more swiftly than a Council action because Council actions are subject to procedural and other requirements not applicable to the Secretary. A delay associated with a Council action could result in overly restrictive and economically harmful catch limits that otherwise may have been avoidable. Additional information on emergency and interim measures can be found in Section 305(c) of the Magnuson-Stevens Act, available online at *www.nmfs.noaa.gov/sfa/magact/MSA_Amended_2007%20.pdf.*

SARC 59

The previous benchmark assessment for GOM haddock used a virtual population analysis model that incorporated commercial landings and discards, as well as recreational landings, but not recreational discards. For SARC 59, the assessment was conducted using a statistical catch-at-age model and the catch inputs included landings and discards from both the commercial and recreational fleets. Trawl gear is the primary mode of capture in the commercial fishery and, as such, commercial discards were assumed to suffer 100 percent mortality, consistent with the previous assessment. SARC 59 was the first time recreational discard-at-length data was available and incorporated into the model, and so the recreational discard mortality increased from zero percent to 50 percent discard mortality.

The SARC determined that the change in stock status from the 2012 update (not overfished but approaching an overfished condition and overfishing occurring) to the current status (not overfished and no overfishing) was due primarily to the addition of three more years of fishery and survey data, and to the very strong 2010 year class of GOM haddock. Additional information on SARC 59 can be found online at *www.nefsc.noaa.gov/saw/reports.html.*

Two models were presented at SARC 59: (1) A ''final model'' which utilized an age-structured approach; and (2) a ''sensitivity analysis'' that was completed for the purposes of incorporating a more conservative population estimate of the 2012 GOM haddock year class because of uncertainty of its size. The Council's Groundfish Plan Development Team highlighted their concern regarding the uncertainty with the 2012 year class and recommended that the Council's Scientific and Statistical Committee (SSC) establish fishing year 2015 catch limits derived from the sensitivity analysis. Despite this concern, the SSC accepted the final model and recommended the corresponding quotas from this approach for fishing year 2015. Importantly, one of the SSC's justifications for selecting the final model was that another operational assessment is scheduled in 2015 that will provide updated information on the size of the 2012 year class. At the September 30-October 2, 2014 Council meeting, the Council supported inclusion of GOM haddock specifications derived from the final model in Framework Adjustment 53, which is scheduled for implementation

on May 1, 2015 (the beginning of fishing year 2015).

Emergency Action

Increasing GOM Haddock Catch Limits

Section 305(c) of the Magnuson-Stevens Act authorizes the Secretary to promulgate emergency regulations to address fishery emergencies. The emergency criteria in the policy guidelines (62 FR 44421; August 21, 1997) define the existence of an emergency as a situation that:

- Results from recent, unforeseen events or recently discovered circumstances; and
- Presents serious conservation or management problems in the fishery; and
- Can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rulemaking process.

The justifications described in the guidelines include the prevention of ''significant direct economic loss or to preserve a significant economic opportunity that otherwise might be foregone,'' and the prevention of significant community impacts (62 FR 44422).

The SARC 59 provides recent unforeseen or discovered circumstances showing that the GOM haddock stock is in better condition than previously determined. Not taking emergency action to align GOM haddock specifications with the actual stock condition could result in lost revenue and harm to communities as fishermen would likely have to modify or cease their fishing operations. For example, as of October 21, 2014, approximately 55 percent of the fishing year 2014 commercial GOM haddock fishery catch limit has been caught. If catches continue at this rate, the commercial fishery may reach its GOM haddock catch limit prior to the end of the fishing year, or may be forced to substantially modify fishing operations to avoid reaching its quota. Increasing the annual catch limit to more accurately reflect the improved stock condition will avoid potentially constraining catch limits and help fishermen achieve optimum yield of both GOM haddock and potentially other groundfish stocks for this fishing year. Immediate action to increase fishing opportunities may also prevent or mitigate economic loss or adverse community impacts from interim GOM cod protections.

Emergency action to swiftly increase the GOM haddock annual catch limit is warranted. Using the normal Council regulatory process to complete this action prior to the end of the 2014 fishing year would be extremely difficult, if not impossible. Even if it were possible to complete it before the end of the fishing year, the time required for the Council process would result in a rule issued so late in the season that it would have little, if any, benefit to the affected entities or communities. The public had a preliminary opportunity to comment on the results from SARC 59 and a potential Secretarial action to increase the GOM haddock annual catch limit in fishing year 2014, before the Council voted to recommend this action. The Council is using its normal process to consider similar or higher catch limits in Framework 53 for fishing year 2015. The public will have further opportunity to comment on issues relating to the potential continuation or increases of these limits in Framework 53. These opportunities to comment, combined with the need for immediate emergency action to provide economic opportunities and prevent losses outweigh the value of advance notice, public comment, and deliberation provided by the normal regulatory process.

The duration of this emergency action is limited by the Magnuson-Stevens Act to an initial period of 180 days, with a potential extension of an additional 186 days. We anticipate that the Council will submit revised catch limits for GOM haddock in time for us to approve a catch limit increase in Framework 53 for fishing year 2015, which begins on May 1, 2014. However, if the anticipated Council action to specify catch levels for fishing year 2015 is delayed, the annual GOM haddock catch limit implemented through this emergency action will be extended for an additional period up to 186 days until Framework 53 is approved, if necessary.

Tables 1 and 2 compare the initial and revised status determination criteria and associated catch levels for GOM haddock for fishing year 2014. The overfishing limit incorporated in this emergency action is based on the ''final model'' from SARC 59, which represents the biological reference points that result from the most recent assessment. The allowable biological catch and corresponding catch limits in this action are derived from the sensitivity model from SARC 59. Using this model is more conservative than the amount of catch that would be derived from the allowable biological catch control rule implemented in Amendment 16, which calculates allowable biological catch as the projected catch associated with 75 percent of Fmsy. We have elected to increase GOM haddock catch limits in fishing year 2014 based on the sensitivity analysis (which was described above under *SARC 59*) because we consider a cautionary approach to increasing the quotas to be more appropriate for an emergency action. However, this cautious approach still supplies a large GOM haddock quota increase (almost 100 percent) for the fishing industry while limiting the risk of overfishing, given the Plan Development Team's concern pertaining to the size of the 2012 year class for this stock. Tables 3 and 4 provide the increased sector specific allocations and common pool trimester quotas derived from this action. The sector specific allocations are preliminary estimates; final sector allocations will be provided to sector managers shortly after publication. Any Trimester 1 quota that is unused by the common pool is carried over into Trimester 2, and unused Trimester 2 quota is carried over to Trimester 3. We have elected not to modify the common pool trip limit (25 lb per trip) at this time, but will review common pool catch and make any appropriate changes prior to Trimester 3.

TABLE 1—INITIAL AND REVISED GOM HADDOCK STATUS DETERMINATION CRITERIA AND POTENTIAL CATCH LEVELS FOR FISHING YEAR 2014

Catch level	Initial fishing year 2014 levels (mt)	Revised fishing year 2014 levels (mt)
Overfishing Limit of Catch	440	1085
Acceptable Biological Catch	341	677
Total Annual Catch Limit (ACL)	323	641

TABLE 1—INITIAL AND REVISED GOM HADDOCK STATUS DETERMINATION CRITERIA AND POTENTIAL CATCH LEVELS FOR FISHING YEAR 2014—Continued

Catch level	Initial fishing year 2014 levels (mt)	Revised fishing year 2014 levels (mt)
Groundfish sub-ACL	307	610
Sector sub-ACL	218	432
Common Pool sub-ACL	2	4
Recreational sub-ACL	87	173
State Waters ACL subcomponent	5	10
Other ACL subcomponent	7	15
Mid-Water Trawl sub-ACL	3	6

TABLE 2—STATUS DETERMINATION CRITERIA AND NUMERICAL ESTIMATES FOR GOM HADDOCK

Parameter	2012 update operational assessment	August 2014 SARC 59
Model	Virtual Population Analysis (VPA)	Age Structured Assessment Program (ASAP).
Status Determination Criteria: Bmsy (biomass associated with maximum sustainable yield).	SSB_{msy} = 4,904 MSY = 1,117	SSB_{msy} = 4,108 MSY = 955.
Status Determination Criteria: Fmsy (fishing mortality associated with maximum sustainable yield).	F_{msy} proxy = 0.46	F_{msy} proxy = 0.46.
Fishing Mortality	F_{2010} = 0.82	F_{2013} = 0.39.
Biomass	B_{2010} = 2,868 mt	B_{2013} = 4,153 mt.

TABLE 3—INITIAL AND PRELIMINARY REVISED GOM HADDOCK ANNUAL CATCH ENTITLEMENT BY SECTOR FOR FISHING YEAR 2014 (lb)

Sector name	Initial fishing year 2014 allocation	Revised fishing year 2014 allocation
Fixed Gear Sector	8,922.32	17,682.41
Maine Coast Community Sector	12,375.78	25,526.55
Maine Permit Bank	5,431.97	10,765.18
NEFS 1	12,03	23.85
NEFS 2	79,343.13	157,243.67
NEFS 3	45,030.20	89,241.68
NEFS 4	40,511.81	80,287.05
NEFS 5	1,406.55	2,787.53
NEFS 6	18,669.52	36,981.77
NEFS 7	2,275.42	4,509.48
NEFS 8	974.47	1,931.22
NEFS 9	23,256.90	46,090.95
NEFS 10	12,284.38	24,345.41
NEFS 11	15,567.10	30,851.16
NEFS 13	4,793.20	9,499.25
NCCS	1,774.68	3,457.64
New Hamsphire Permit Bank	150.95	299.15
Sustainable Harvest Sector 1	207,161.20	410,555.83
Sustainable Harvest Sector 3	316.08	626.41
Sector Total	480,218.71	951,706.18

NEFS = Northeast Fishery Sector, NCCS = Northeast Coastal Communities Sector.

TABLE 4—INITIAL AND REVISED GOM HADDOCK COMMON POOL TRIMESTER TACS FOR FISHING YEAR 2014 (mt)

Trimester	Trimester allocations (percent)	Initial fishing year 2014 allocation	Revised allocation
Trimester 1	27	.51	1.17
Trimester 2	26	.49	1.12
Trimester 3	47	.88	2.03

An environmental assessment that analyzes the impact of the revised GOM haddock catch limits for the remainder of fishing year 2014 and compares the impact to the current catch limits specified for fishing year 2014 was

prepared and is available for review at *www.regulations.gov.* The revision to the status determination criteria and annual catch limit align current management measures with the best available scientific information. The revised level of GOM haddock catch for fishing year 2014 is consistent with sustaining the biomass over the long-term at the level associated with maximum sustainable yield and fishing at a sustainable level of mortality. Both scientific and management uncertainty are accounted for in this catch level, so the risks of negative biological impacts on GOM haddock have been minimized. A larger catch limit for GOM haddock may result in greater fishing effort and catch of other groundfish and non-groundfish stocks in addition to GOM haddock, as compared to the status quo, because GOM haddock is less likely to serve as a constraining or ''choke stock.'' While this increase would reduce the constraint from GOM haddock, there are several other stocks that may constrain the fishery even more than GOM haddock, particularly GOM cod (see next section, *GOM Cod Interim Action*). While there could be an effort increase for GOM haddock as a result, a substantial increase is unlikely. Compared to the status quo, the impact of the emergency action on protected resources and essential fish habitat would likely be negligible.

The increased GOM haddock catch limits under this emergency action would represent an increase in operational flexibility and likely a small increase in revenue. After the substantial reduction in groundfish catch limits from previous years, combined with further restrictions that will prevent vessels from targeting GOM cod this year, this operational flexibility and potential increase in revenue is important. Further, the economic analyses may undervalue the revenue increase that could happen because GOM haddock are more prevalent than in the years during which the data were gathered to incorporate into the model. While Framework 51 did not assume that GOM haddock would be a constraining stock, as of October 21, 2014, more of the GOM haddock quota has been caught than any other allocated stock. Without an emergency action raising this year's catch limits, it is likely that the limits will be reached and many fishermen will lose the ability to fish for other stocks within the GOM haddock stock area (sector vessels are required to stop fishing in a specific stock area when they no longer have quota for a given species). Increasing the quota for this stock will provide an opportunity for operational flexibility that may provide additional catch and revenue from not only GOM haddock, but other healthy stocks that are caught in the GOM, such as pollock and Acadian redfish. This is especially important given the substantial restrictions on opportunities to fish for GOM cod.

Gulf of Maine Cod Interim Action

An August 2014 stock assessment update on GOM cod (available online at *www.greateratlantic.fisheries.noaa.gov/mediacenter/ongoing/gomcod/index.html*) indicated that the overall stock health continues to decline and that the stock is in very poor condition. The Council has requested that we implement interim management measures to protect GOM cod and help the stock rebuild. Because GOM cod and haddock comingle, we are concerned with how increased fishing effort on GOM haddock from this action could potentially increase catch of GOM cod. To address these concerns, we are concurrently implementing interim measures for GOM cod that include mortality and spawning area closures, and other effort restrictions, to further protect GOM cod. These GOM cod management measures will reduce the impact that increased the GOM haddock catch limits could have on GOM cod.

On the other hand, efforts to reduce GOM cod catch could also limit the ability for fishermen to harvest GOM haddock. Still, we believe that fishermen should be provided with the opportunity to target healthy groundfish stocks, such as GOM haddock, pollock, and redfish, if they are able to successfully target these stocks while avoiding GOM cod. It is critical for fishermen to have operational flexibility that could mitigate economic loss and adverse community impacts that could result from the GOM cod interim measures.

The Recreational Groundfish Fishery

While this action increases both the commercial and recreational GOM haddock catch limits, it does not modify current recreational management measures as requested by the Council in their July 9, 2014 letter to us. Recreational catch models suggest that the fishery has likely already exceeded the 173 mt allocation specified for recreational vessels in this emergency action. Because of this, and the increased concerns for GOM cod bycatch when recreational fishermen target GOM haddock, we are not liberalizing recreational management measures in this action.

Classification

NMFS has determined that this rule is necessary to respond to an emergency situation and is consistent with the Magnuson-Stevens Act and other applicable law.

The Assistant Administrator for Fisheries, NOAA, finds it impracticable and contrary to the public interest to provide for prior notice and opportunity for the public to comment under the provisions of section 553(b)(B) of the Administrative Procedure Act. As explained above, the reasons justifying promulgation of this rule on an emergency basis make solicitation of public comment contrary to the public interest. Implementation delays would result in negative consequences inconsistent with the Magnuson-Stevens Act and groundfish plan mandates. The immediate benefit of an emergency action outweighs the value that would be derived from the normal regulatory process. This action was initiated as a result of a new benchmark stock assessment that revised the stock status for GOM haddock (SARC 59). As a result of the new assessment, the SSC recommended, and the Council voted in support of, higher fishing year 2015 specifications for GOM haddock. Although the Council could have initiated a management action to modify the GOM haddock catch limits for the remainder of fishing year 2014, such an action was unlikely to have been completed before the end of fishing year 2014, potentially resulting in status quo restrictive catch limits that otherwise could have been avoided. The regulations require that when the catch limit of a single allocated groundfish stock, such as GOM haddock, is projected to be achieved, a reduction or cessation of fishing effort is required. As a result, catches of healthy groundfish stocks that are caught concurrently with GOM haddock could also be reduced. Thus, the time necessary to provide for prior notice, opportunity for public comment, and delayed effectiveness for this action could severely curtail fishing operations if the current catch limits are reached prior to implementation of the increased catch limits.

An emergency action can be developed and implemented by NMFS much more swiftly than a Council action which is subject to procedural and other requirements not applicable to the Secretary. Thus, we initiated this temporary rule at the request of the Council, to revise the GOM haddock catch limits as soon as possible in fishing year 2014. This action will benefit fishermen and fishing communities by increasing revenues

associated with larger GOM haddock catches, as well as other healthy groundfish stocks such as pollock and Acadian redfish, that would likely have been foregone due to the lower catch limit of GOM haddock.

The Assistant Administrator for Fisheries, NOAA, finds good cause to waive the requirement for a 30-day delay in effectiveness under the provisions of section 553(d) of the Administrative Procedure Act. As stated above, this action would benefit the affected fishermen and fishing communities by increasing revenues due to larger GOM haddock catch limits, and provide more opportunity for commercial groundfish vessels to harvest their allocations of other stocks caught concurrently. This rule relieves a restriction by increasing the catch limit for GOM haddock and, consequently, extends fishing opportunity for fishermen that would otherwise be constrained under the current catch limits, which are based on outdated biological information and therefore, needlessly restrictive. If implementation of this rulemaking were delayed to allow for a 30-day delay in effectiveness, the fishery would likely forego some amount of the increase in catch level and the resulting additional fishing opportunity and could suffer an early end to the fishing season. Without immediate effectiveness of this action, if the common pool is projected to catch its current catch limit, an in-season action would be needed to implement a more restrictive trip limit to ensure the common pool did not exceed its current catch limit. Similarly, sector vessels would still be required to end fishing effort in the GOM if they reached their allocations under the current GOM haddock catch limit. While these restrictions would be alleviated after this rule becomes effective, the lost economic opportunity of foregone catches that would result from a delay in the effectiveness of this action may not be recouped in the time remaining before the end of fishing year 2014. For these reasons, the AA finds good cause to implement this rule immediately.

NMFS has consulted with the Office of Information and Regulatory Affairs (OIRA) and due to the circumstances described above this action is exempt from review under Executive Order 12866.

This rule is exempt from the procedures of the Regulatory Flexibility Act to prepare a regulatory flexibility analysis because the rule is issued without opportunity for prior public comment.

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

Dated: November 6, 2014.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2014–26748 Filed 11–10–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 120814338–2711–02]

RIN 0648–BE59

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Biennial Specifications and Management Measures; Inseason Adjustments

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

ACTION: Final rule; inseason adjustments to biennial groundfish management measures.

SUMMARY: This final rule announces inseason changes to management measures in the Pacific Coast groundfish fisheries. This action, which is authorized by the Pacific Coast Groundfish Fishery Management Plan (PCGFMP), is intended to allow fisheries to access more abundant groundfish stocks while protecting overfished and depleted stocks.

DATES: Effective 0001 hours (local time) November 12, 2014.

FOR FURTHER INFORMATION CONTACT: Gretchen Hanshew (West Coast Region, NMFS), phone: 206–526–6147, fax: 206–526–6736, *gretchen.hanshew@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Access

This final rule is accessible via the Internet at the Office of the Federal Register's Web site at *http://www.gpo.gov/fdsys/search/home.action,* or *http://federalregister.gov.* Background information and documents are available at the Pacific Fishery Management Council's Web site at *http://www.pcouncil.org/.* Copies of the final environmental impact statement (FEIS) for the 2013–2014 Groundfish Specifications and Management Measures are available from Donald McIsaac, Executive Director, Pacific Fishery Management Council (Council), 7700 NE Ambassador Place, Portland, OR 97220, phone: 503–820–2280.

Background

The PCGFMP and its implementing regulations at title 50 in the Code of Federal Regulations (CFR), part 660, subparts C through G, regulate fishing for over 90 species of groundfish off the coasts of Washington, Oregon, and California. Groundfish specifications and management measures are developed by the Pacific Fishery Management Council (Council), and are implemented by NMFS.

On November 14, 2012, NMFS published a proposed rule to implement the 2013–2014 harvest specifications and management measures for most species of the Pacific Coast groundfish fishery (77 FR 67974). The final rule to implement the 2013–2014 harvest specifications and management measures for most species of the Pacific Coast Groundfish Fishery was published on January 3, 2013 (78 FR 580).

The Council, in coordination with Pacific Coast Treaty Indian Tribes and the States of Washington, Oregon, and California, recommended changes to current groundfish management measures at its October 17, 2014 meeting. Specifically, the Council recommended changing the amount of darkblotched rockfish initially deducted from the annual catch limit (ACL) to account for mortality in the incidental open access sector from 18.4 metric tons (mt) to 15.4 mt. The Council also recommended that the corresponding 3 mt of darkblotched rockfish previously deducted from the ACL be made available to the catcher/processor (C/P) sector of the at-sea Pacific whiting fishery. This rule implements the Council's recommended changes.

As part of the biennial harvest specifications and management measures, ACLs are set for non-whiting groundfish species, deductions are made from the ACL for various sources of mortality (including non-groundfish fisheries that catch groundfish incidentally, also called incidental open access fisheries) and the remainder, the fishery harvest guideline, is allocated amongst the various groundfish fisheries. The limited availability of overfished species that can be taken as incidental catch in the Pacific whiting fisheries, particularly darkblotched rockfish, Pacific ocean perch, and canary rockfish, led NMFS to implement sector-specific allocations for these species to the Pacific whiting fisheries. If the sector-specific allocation for a non-whiting species is reached, NMFS may close one or more of the at-sea sectors automatically, per regulations at § 660.60(d). At the start of 2014, the C/P and Mothership (MS)

sectors of the Pacific whiting fishery were allocated 9.0 mt and 6.3 mt of darkblotched rockfish, respectively, per allocation regulations at § 660.55(c)(1)(i)(A).

Reapportionment of Darkblotched Rockfish From the Catcher/Processor Sector to the Mothership Sector

From May 15, 2014 through October 10, 2014, the fishery for Pacific whiting in the MS sector was prosecuted with very low bycatch of darkblotched rockfish (less than 2 mt). On the morning of October 11, 2014, an unexpectedly high bycatch incident of darkblotched rockfish occurred (approximately 5 mt), bringing the total catch of darkblotched rockfish for the MS sector to 7.0 mt, exceeding the MS sector allocation of 6.3 mt. MS fishery participants instituted a voluntary closure of their sector on October 11, 2014 and submitted a letter to NMFS on October 14, 2014 requesting that NMFS consider transferring an additional 3 mt of darkblotched rockfish to the MS sector so that they can re-open the fishery and have the opportunity to harvest the remaining 2014 Pacific whiting allocation. In response to the unexpected closure of the MS sector, the Council convened an emergency meeting on October 17, 2014 to consider options for redistributing darkblotched rockfish allocations and also to address high catch of Chinook salmon in the whiting fisheries.

At its meeting the Council was made aware that, as of October 15, 2014, harvest of darkblotched rockfish in the C/P sector was 2.9 mt; well-below the 2014 allocation of 9.0 mt. Industry representatives of the C/P sector submitted a cease fishing report to NMFS on October 17, 2014 indicating that they did not intend to harvest 3.0 mt of darkblotched rockfish, and that it could be transferred from their initial 2014 allocation (e.g. lower their available darkblotched rockfish from 9.0 mt to 6.0 mt) and used to raise the available amount of darkblotched rockfish in the MS sector (from 6.3 mt to 9.3 mt). Therefore, on October 17, 2014, consistent with the Council's recommendation, NMFS reapportioned 3.0 mt of darkblotched rockfish from the C/P sector to the MS sector as an automatic action pursuant to §§ 660.160(c)(5) and 660.60(d), reducing the C/P darkblotched rockfish allocation from 9.0 mt to 6.0 mt and increasing the MS allocation from 6.3 mt to 9.3 mt, which allowed the MS sector to reopen.

Transferring Darkblotched Rockfish to the Catcher/Processor Sector via Inseason Action

To maintain 2014 harvest opportunities for the catcher/processor (C/P) sector of the Pacific whiting fishery, the Council considered moving darkblotched rockfish quota from the incidental open access fishery to the C/P sector. At the start of 2014 the projected annual mortality of darkblotched rockfish in the incidental open access fishery was 15.0 mt and the amount deducted from the ACL to account for this projected mortality was 18.4 mt, leaving 3.4 mt of darkblotched rockfish projected to go unharvested through the end of 2014. In addition, estimated actual mortality in the incidental open access fishery in 2011 and 2012 was only 5.4 mt and 5.0 mt, respectively, and no landed catch of darkblotched rockfish had been reported to date. Therefore, the Council recommended redistributing 3 mt of darkblotched rockfish from the ''off-the-top'' deductions that were made at the start of the 2013–2014 biennium, and giving that 3 mt to the C/P sector to accommodate potential bycatch of darkblotched rockfish as the C/P sector prosecutes the remainder of its 2014 Pacific whiting fishery. This rule implements the Council's recommendation. Recent mortality of darkblotched rockfish in the incidental open access fishery has been low and the projected mortality indicates it will not exceed the 15.4 mt accounted for in the remaining off-the-top deduction after transferring the 3 mt to the C/P sector. Reapportionment of darkblotched rockfish, when combined with projected impacts from all other sources, is also not expected to result in greater impacts to other overfished species than originally projected through the end of the year.

Minimizing Incidental Catch of Chinook Salmon

In addition to considering recent catches and potential reapportionment of darkblotched rockfish, the Council also considered the most recently available fishery information on incidental catch of Chinook salmon in the Pacific whiting fishery. As of October 17, 2014, the best available information indicated that the Pacific whiting fishery had taken at least 11,000 Chinook salmon, exceeding the incidental take amount specified in the current biological opinion addressing the fishery's impacts on listed salmonids.

This rule transfers additional darkblotched rockfish to the C/P sector with the intent of allowing the sector to attain its full 2014 allocations of Pacific whiting, as was anticipated to occur through the end of 2014. To reduce bycatch rates of Chinook salmon in the C/P sector, the C/P Cooperative has committed to taking all reasonable actions to further reduce Chinook bycatch, including ceasing any further fishing for whiting if the C/P sector catches a further 275 Chinook after October 17, 2014. This is fewer Chinook than would have been projected based on earlier bycatch rates. The C/P sector has already demonstrated success at avoiding Chinook by fishing in deeper waters. In addition, the MS sector is taking measures to fish in in deeper water and implement time/area closures to maintain a lower daily bycatch rate of Chinook salmon. These measures are being taken in addition to fishing seaward of the Ocean Salmon Conservation Zone. Therefore, fishing opportunities to harvest the remaining 2014 allocation of Pacific whiting in the at-sea fisheries, which are facilitated by the transferring of darkblotched rockfish implemented through this rule, are not anticipated to increase the bycatch rate of Chinook salmon and should result in minimizing additional interactions.

Classification

This final rule makes routine inseason adjustments to groundfish fishery management measures, based on the best available information, consistent with the PCGFMP and its implementing regulations.

This action is taken under the authority of 50 CFR 660.60(c) and is exempt from review under Executive Order 12866.

The aggregate data upon which these actions are based are available for public inspection at the Office of the Administrator, West Coast Region, NMFS, during business hours.

NMFS finds good cause to waive prior public notice and comment on the revisions to groundfish management measures under 5 U.S.C. 553(b) because notice and comment would be impracticable and contrary to the public interest. Also, for the same reasons, NMFS finds good cause to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d)(3), so that this final rule may become effective November 12, 2014.

At the October emergency Council meeting, the Council recommended that reapportionment of darkblotched rockfish to the C/P sector be implemented as quickly as possible. There was not sufficient time after that meeting to draft this document and undergo proposed and final rulemaking

before this action needs to be in effect. For the actions implemented in this final rule, affording the time necessary for prior notice and opportunity for public comment would prevent transfer of darkblotched rockfish to the C/P sector until later in the season, or potentially eliminate the possibility or doing so during the 2014 calendar year entirely, and is therefore impractical. Failing to reapportion darkblotched rockfish to the C/P sector in a timely manner could result in unnecessary restriction of fisheries if the C/P sector exceeded its darkblotched allocation. Providing the C/P sector fishermen an opportunity to harvest their limits of Pacific whiting without interruption and without exceeding their darkblotched rockfish bycatch limit allows harvest as intended by the Council, consistent with the best scientific information available. The whiting fishery contributes a large amount of revenue to the coastal communities of Washington and Oregon and this change allows continued harvest of Pacific whiting while continuing to prevent ACLs of overfished species and the allocations for target species from being exceeded. No aspect of this action is controversial, and changes of this nature were anticipated in the biennial harvest specifications and management measures established for 2013–2014.

Delaying these changes would also keep management measures in place that are not based on the best available information. Such delay would impair achievement of the PCGFMP goals and objectives of managing for appropriate harvest levels while providing for year-round fishing and marketing opportunities. Accordingly, for the reasons stated above, NMFS finds good cause to waive prior notice and comment and to waive the delay in effectiveness.

NMFS has reinitiated section 7 consultation on the PCGFMP with respect to its effects on listed salmonids. In the event the consultation identifies either reasonable and prudent alternatives to address jeopardy concerns or reasonable and prudent measures to minimize incidental take, NMFS would exercise necessary authorities in coordination to the extent possible with the Council to put such additional alternatives or measures into place. After reviewing the available information, NMFS has concluded that, consistent with sections 7(a)(2) and 7(d) of the ESA, this action will not jeopardize any listed species, would not adversely modify any designated critical habitat, and will not result in any irreversible or irretrievable commitment of resources that would have the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Indian Fisheries.

Dated: November 6, 2014.

James P. Burgess,

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

For the reasons set out in the preamble, 50 CFR part 660 is amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 773 *et seq.*

■ 2. In subpart C, tables 2a and 2b are revised to read as follows:

TABLE 2a TO PART 660, SUBPART C—2014, AND BEYOND, SPECIFICATIONS OF OFL, ABC, ACL, ACT AND FISHERY HARVEST, GUIDELINES

[Weights in metric tons]

Species	Area	OFL	ABC	ACL [a]	Fishery HG [b]
Arrowtooth flounder [c]	Coastwide	6,912	5,758	5,758	3,671
Black [d e]	N of 46°16′ N. lat	428	409	409	395
	S of 46°16′ N. lat	1,166	1,115	1,000	1,000
Bocaccio [f]	S of 40°10′ N. lat	881	842	337	328.6
Cabezon [g h]	46°16′ to 42° N. lat	49	47	47	47
	S of 42° N. lat	165	158	158	158
California scorpionfish [i]	S of 34°27′ N. lat	122	117	117	115
Canary rockfish [m]	Coastwide	741	709	119	101.5
Chilipepper [k]	S of 40°10′ N. lat	1,722	1,647	1,647	1,423
Cowcod [l]	S of 40°10′ N. lat	12	9	3	2.9
Darkblotched rockfish [m]	Coastwide	553	529	330	309.2
Dover sole [n]	Coastwide	77,774	74,352	25,000	23,410
English sole [o]	Coastwide	5,906	5,646	5,646	5,543
Lingcod [p g]	N of 40°10′ N. lat	3,162	2,878	2,878	2,600
	S of 40°10′ N. lat	1,276	1,063	1,063	1,054
Longnose skate [r]	Coastwide	2,816	2,692	2,000	1,928
Longspine thornyhead [s]	N of 34°27′ N. lat	3,304	2,752	1,958	1,912
	S of 34°27′ N. lat			347	344
Minor nearshore rockfish north [t]	N of 40°10′ N. lat	110	94	94	94
Minor shelf rockfish north [u]	N of 40°10′ N. lat	2,195	1,932	968	903
Minor slope rockfish north [v]	N of 40°10′ N. lat	1,153	1,414	1,160	1,098
Minor nearshore rockfish south [w]	S of 40°10′ N. lat	1,160	1,001	990	990
Minor shelf rockfish south [x]	S of 40°10′ N. lat	1,913	1,620	714	668.0
Minor slope rockfish south [y]	S of 40°10′ N. lat	685	622	622	601
Other fish [z]	Coastwide	6,802	4,697	4,697	4,520
Other flatfish [aa]	Coastwide	10,060	6,982	4,884	4,682
Pacific cod [bb]	Coastwide	3,200	2,221	1,600	1,191
Pacific ocean perch (POP) [cc]	N of 40°10′ N. lat	838	801	153	136.5
Pacific whiting [dd]	Coastwide	825,000	([dd])	([dd])	259,370
Petrale sole [ee]	Coastwide	2,774	2,652	2,652	2,418.0
Sablefish [ff gg]	N of 36° N. lat	7,158	6,535	4,349	See Table 1c
	S of 36° N. lat			1,560	1,555
Shortbelly [hh]	Coastwide	6,950	5,789	50	48

TABLE 2a TO PART 660, SUBPART C—2014, AND BEYOND, SPECIFICATIONS OF OFL, ABC, ACL, ACT AND FISHERY HARVEST, GUIDELINES—Continued

[Weights in metric tons]

Species	Area	OFL	ABC	ACL [a]	Fishery HG [b]
Shortspine thornyhead [ii]	N of 34°27′ N. lat	2,310	2,208	1,525	1,466
	S of 34°27′ N. lat			393	351
Splitnose [jj]	S of 40°10′ N. lat	1,747	1,670	1,670	1,658
Starry flounder [kk]	Coastwide	1,834	1,528	1,528	1,521
Widow [ll]	Coastwide	4,435	4,212	1,500	1,411
Yelloweye rockfish [mm]	Coastwide	51	43	18	12.2
Yellowtail [nn]	N of 40°10′ N. lat	4,584	4,382	4,382	3,681

[a] ACLs, ACTs and HGs are specified as total catch values.

[b] Fishery harvest guidelines means the harvest guideline or quota after subtracting from the ACL or ACT Pacific Coast treaty Indian tribes allocations and projected catch, projected research catch, deductions for fishing mortality in non-groundfish fisheries, and deductions for EFPs.

[c] Arrowtooth flounder. The stock was last assessed in 2007 and was estimated to be at 79 percent of its unfished biomass in 2007. The OFL of 6,912 mt is based on the 2007 assessment with an $F_{30\%}$ F_{MSY} proxy. The ABC of 5,758 mt is a 17 percent reduction from the OFL (σ=0.72/P*=0.40) as it's a category 2 stock. Because the stock is above $B_{25\%}$, the ACL is set equal to the ABC. 2,087.39 mt is deducted from the ACL for the Tribal fishery (2,041 mt), the incidental open access fishery (30 mt), and research catch (16.39 mt), resulting in a fishery HG of 3,671 mt.

[d] Black rockfish north (Washington). A stock assessment was prepared for black rockfish north of 45°46′ N. lat. (Cape Falcon, Oregon) in 2007. The biomass in the north was estimated to be at 53 percent of its unfished biomass in 2007. The OFL from the assessed area is based on the 2007 assessment with a harvest rate proxy of $F_{50\%}$. The resulting OFL for the area north of 46°16 N. lat. is 428 mt and is 97 percent of the OFL from the assessed area based on the area distribution of historical catch. The ABC of 409 mt for the north is a 4 percent reduction from the OFL (σ=0.36/P*=0.45) as it's a category 1 stock. The ACL was set equal to the ABC since the stock is above $B_{40\%}$. 14 mt is deducted from the ACL for the Tribal fishery, resulting in a fishery HG of 395 mt.

[e] Black rockfish south (Oregon and California). A stock assessment was prepared for black rockfish south of 45°46 N. lat. (Cape Falcon, Oregon) to Central California in 2007. The biomass in the south was estimated to be at 70 percent of its unfished biomass in 2007. The OFL from the assessed area is based on the 2007 assessment with a harvest rate proxy of $F_{50\%}$ plus 3 percent of the OFL from the stock assessment prepared for black rockfish north of 45°46′ N. lat. The resulting OFL for the area south of 46°16 N. lat. is 1,166 mt. The ABC of 1,115 mt and is a 4 percent reduction from the OFL (σ=0.36/P*=0.45) as it's a category 1 stock. The 2013 and 2014 ACL is 1,000 mt, which maintains the constant catch strategy designed to keep the stock biomass above $B_{40\%}$. There are no deductions from the ACL thus the fishery HG is equal to the ACL. The black rockfish ACL, in the area south of 46°16′ N. lat. (Columbia River), is subdivided with separate HGs being set for waters off Oregon (580 mt/58 percent) and for waters off California (420 mt/42 percent).

[f] Bocaccio. A bocaccio stock assessment update was prepared in 2011 for the bocaccio stock between the U.S.-Mexico border and Cape Blanco. The stock is managed with stock-specific harvest specifications south of 40°10′ N. lat. and within the minor shelf rockfish complex north of 40°10 N. lat. Historical catch distribution of approximately 6 percent was used to apportion the assessed stock to the area north of 40°10′ N. lat. The bocaccio stock was estimated to be at 26 percent of its unfished biomass in 2011. The OFL of 881 mt is based on the 2011 stock assessment STAT model with an F_{MSY} proxy of $F_{50\%}$. The ABC of 842 mt is a 4 percent reduction from the OFL (σ=0.36/P*=0.45) as it's a category 1 stock. The 337 mt ACL is based on a rebuilding plan with a target year to rebuild of 2022 and an SPR harvest rate of 77.7 percent. 8.4 mt is deducted from the ACL for the incidental open access fishery (0.7 mt), EFP catch (6.0 mt) and research catch (1.7 mt), resulting in a fishery HG of 328.6 mt. The California recreational fishery has an HG of 172.5 mt.

[g] Cabezon (Oregon). A cabezon stock assessment was prepared in 2009. The cabezon biomass in waters off Oregon was estimated to be at 52 percent of its unfished biomass in 2009. The OFL of 49 mt was calculated using an F_{MSY} proxy of $F_{45\%}$. The ABC of 47 mt was based on a 4 percent reduction from the OFL (σ=0.36/P*=0.45) as it's a category 1 species. Because the stock is above $B_{40\%}$, the ACL is set equal to the ABC. There are no deductions from the ACL so the fishery HG is also equal to the ACL at 47 mt. Cabezon in waters off Oregon were removed from the "other fish" complex in 2011.

[h] Cabezon (California). A cabezon stock assessment was prepared in 2009. The cabezon biomass in waters off California was estimated to be at 48 percent of its unfished biomass in 2009. The OFL of 165 mt was calculated using an F_{MSY} proxy of $F_{45\%}$. The ABC of 158 mt was based on a 4 percent reduction from the OFL (σ=0.36/P*=0.45) as it's a category 1 stock. Because the stock is above $B_{40\%}$, the ACL is set equal to the ABC. There are no deductions from the ACL so the fishery HG is also equal to the ACL at 158 mt.

[i] California scorpionfish was assessed in 2005 and was estimated to be at 80 percent of its unfished biomass in 2005. The OFL of 122 mt is based on the 2005 assessment with a harvest rate proxy of $F_{50\%}$. The ABC of 117 mt is a 4 percent reduction from the OFL (σ=0.36/P*=0.45) as it's a category 1 stock. Because the stock is above $B_{40\%}$, the ACL is set equal to the ABC. 2 mt is deducted from the ACL for the incidental open access fishery, resulting in a fishery HG of 115 mt.

[j] Canary rockfish. A canary rockfish stock assessment update was prepared in 2011 and the stock was estimated to be at 24 percent of its unfished biomass coastwide in 2011. The coastwide OFL of 741 mt is based on the new assessment with a F_{MSY} proxy of $F_{50\%}$. The ABC of 709 mt is a 4 percent reduction from the OFL (σ=0.36/P*=0.45) as it's a category 1 stock. The ACL of 119 mt is based on a rebuilding plan with a target year to rebuild of 2030 and a SPR harvest rate of 88.7 percent. 17.5 mt is deducted from the ACL for the Tribal fishery (9.5 mt), the incidental open access fishery (2 mt), EFP catch (1.5 mt) and research catch (4.5 mt) resulting in a fishery HG of 101.5 mt. Recreational HGs are being specified: Washington, 3.2; Oregon 11.1 mt; and California 23 mt.

[k] Chilipepper. The coastwide chilipepper stock was assessed in 2007 and estimated to be at 70 percent of its unfished biomass coastwide in 2006. Chilipepper are managed with stock-specific harvest specifications south of 40°10 N. lat. and within the minor shelf rockfish complex north of 40°10′ N. lat. Projected OFLs are stratified north and south of 40°10′ N. latitude based on the average 1998–2008 assessed area catch, which is 93 percent for the area south of 40°10′ N. latitude and 7 percent for the area north of 40°10′ N. latitude. South of 40°10′ N. lat., the OFL of 1,722 mt is based on the 2007 assessment with an F_{MSY} proxy of $F_{50\%}$. The ABC of 1,647 mt is a 4 percent reduction from the OFL (σ=0.36/P*=0.45) as it's a category 1 stock. Because the unfished biomass is estimated to be above 40 percent of the unfished biomass, the ACL was set equal to the ABC. 224 mt is deducted from the ACL for the incidental open access fishery (5 mt), EFP fishing (210 mt), and research catch (9 mt), resulting in a fishery HG of 1,423 mt.

[l] Cowcod. A stock assessment update prepared in 2009 estimated the stock to be 5 percent of its unfished biomass in 2009. The OFLs for the Monterey and Conception areas were summed to derive the south of 40°10 N. lat. OFL of 12 mt. The ABC for the area south of 40°10′ N. lat. is 9 mt. The assessed portion of the stock in the Conception Area was considered category 2, with a Conception Area contribution to the ABC of 5 mt, which is a 17 percent reduction from the OFL (σ=0.72/P*=0.40). The unassessed portion of the stock in the Monterey area was considered a category 3 stock, with a contribution to the ABC of 3 mt, which is a 31 percent reduction from the OFL (σ=1.44/P*=0.40). A single ACL of 3 mt is being set for both areas combined. The ACL of 3 mt is based on a rebuilding plan with a target year to rebuild of 2068 and an SPR rate of 82.7 percent. 0.1 mt is deducted from the ACL for the amount anticipated to be taken during research activity (0.1 mt), resulting in a fishery HG of 2.9 mt.

[m] Darkblotched rockfish. A stock assessment update was prepared in 2011, and the stock was estimated to be at 30.2 percent of its unfished biomass in 2011. The OFL is projected to be 553 mt and is based on the 2011 stock assessment with an F_{MSY} proxy of $F_{50\%}$. The ABC of 529 mt is a 4 percent reduction from the OFL (σ=0.36/P*=0.45) as it's a category 1 stock. The ACL of 330 mt is based on a rebuilding plan with a target year to rebuild of 2025 and an SPR harvest rate of 64.9 percent. 20.8 mt is deducted from the ACL for the Tribal fishery (0.1 mt), the incidental open access fishery (18.4 mt), EFP catch (0.2 mt) and research catch (2.1 mt), resulting in a fishery HG of 309.2 mt. Of the 18.4 mt initially deducted from the ACL to account for mortality in the incidental open access fishery, 3.0 mt is distributed to the catcher/processor fishery consistent with 660.60(c)(3)(ii).

[n] Dover sole. A 2011 Dover sole assessment estimated the stock to be at 83.7 percent of its unfished biomass in 2011. The OFL of 77,774 mt is based on the results of the 2011 stock assessment with an F_{MSY} proxy of $F_{30\%}$. The ABC of 74,352 mt is a 4 percent reduction from the OFL (σ=0.36/P*=0.45) as it's a category 1 stock. Because the stock is above $B_{25\%}$ coastwide, the ACL could be set equal to the ABC. However, the ACL of 25,000 mt is set at a level below the ABC and higher than the maximum historical landed catch. 1,590 mt is deducted from the ACL for the Tribal fishery (1,497 mt), the incidental open access fishery (55 mt) and research catch (38 mt), resulting in a fishery HG of 23,410 mt.

[o] English sole. A stock assessment update was prepared in 2007. The stock was estimated to be at 116 percent of its unfished biomass in 2007. The OFL of 5,906 mt is based on the results of the 2007 assessment update with an F_{MSY} proxy of $F_{30\%}$. The ABC of 5,646 mt is a 4 percent reduction from the OFL (σ=0.36/P*=0.45) as it's a category 1 stock. Because the stock is above $B_{25\%}$, the ACL was set equal to the ABC. 103 mt is deducted from the ACL for the Tribal fishery (91 mt), the incidental open access fishery (7 mt) and research catch (5 mt), resulting in a fishery HG of 5,543 mt.

[p] Lingcod north. A lingcod stock assessment was prepared in 2009. The lingcod biomass off Washington and Oregon was estimated to be at 62 percent of its unfished biomass in 2009. The OFL of 3,162 mt was calculated using an F_{MSY} proxy of $F_{45\%}$. The ABC of 2,878 mt was based on a 4 percent reduction from the OFL (σ=0.36/P*=0.45) for the area north of 42° N. lat. as it's a category 1 stock, and 17 percent reduction from the OFL (σ=0.72/P*=0.40) for the area between 42° N. lat. and 40°10′ N. lat. as it's a category 2 stock. The ACL was set equal to the ABC. 277.7 mt is deducted from the ACL for the Tribal fishery (250 mt), the incidental open access fishery (16 mt) and research catch (11.67 mt), resulting in a fishery HG of 2,600 mt.

[q] Lingcod south. A lingcod stock assessment was prepared in 2009. The lingcod biomass off California was estimated to be at 74 percent of its unfished biomass in 2009. The OFL of 1,276 mt was calculated using an F_{MSY} proxy of $F_{45\%}$. The ABC of 1,063 mt was based on a 17 percent reduction from the OFL (σ=0.72/P*=0.40) as it's a category 2 stock. The ACL was set equal to the ABC. 9 mt is deducted from the ACL for the incidental open access fishery (7 mt) and EFP fishing (2 mt), resulting in a fishery HG of 1,054 mt.

[r] Longnose skate. A stock assessment was prepared in 2007 and the stock was estimated to be at 66 percent of its unfished biomass. The OFL of 2,816 mt is based on the 2007 stock assessment with an F_{MSY} proxy of $F_{45\%}$. The ABC of 2,692 mt is a 4 percent reduction from the OFL (σ=0.36/P*=0.45) as it's a category 1 stock. The ACL of 2,000 mt is a fixed harvest level that provides greater access to the stock. 72.18 mt is deducted from the ACL for the Tribal fishery (56 mt), incidental open access fishery (3 mt), and research catch (13.18 mt), resulting in a fishery HG of 1,928 mt.

[s] Longspine thornyhead. A coastwide stock assessment was conducted in 2005 and the stock was estimated to be at 71 percent of its unfished biomass in 2005. A coastwide OFL of 3,304 mt is based on the 2005 stock assessment with a $F_{50\%}$ F_{MSY} proxy. The ABC of 2,752 mt is a 17 percent reduction from the OFL (σ=0.72/P*=0.40) as it's a category 2 stock. For the portion of the stock that is north of 34°27′ N. lat., the ACL is 1,958 mt, and is 79 percent of the coastwide OFL for the biomass found in that area reduced by an additional 25 percent as a precautionary adjustment. 46 mt is deducted from the ACL for the Tribal fishery (30 mt), the incidental open access fishery (3 mt), and research catch (13 mt) resulting in a fishery HG of 1,912 mt. For that portion of the stock south of 34°27′ N. lat. the ACL is 347 mt and is 21 percent of the coastwide OFL reduced by 50 percent as a precautionary adjustment. 3 mt is deducted from the ACL for the incidental open access fishery (2 mt), and research catch (1 mt) resulting in a fishery HG of 344 mt.

[t] Minor nearshore rockfish north. The OFL of 110 mt is the sum of the OFL contributions for the component species within the complex. The ABCs for the minor rockfish complexes are based on a sigma value of 0.72 for category 2 stocks (blue rockfish in California) and 1.44 for category 3 stocks (all others) with a P* of 0.45. The resulting ABC of 94 mt is the summed contribution of the ABCs for the component species. The ACL is set equal to the complex ABC. No deductions are made to the ACL, thus the fishery HG is equal to the ACL, which is 94 mt.

[u] Minor shelf rockfish north. The OFL of 2,195 mt is the sum of the OFL contributions for the component species within the complex. The ABCs for the minor rockfish complexes are based on a sigma value of 0.72 for category 2 stocks (greenspotted rockfish between 40°10′ and 42° N. lat. and greenstriped rockfish) and 1.44 for category 3 stocks (all others) with a P* of 0.45. The resulting ABC of 1,932 mt is the summed contribution of the ABCs for the component species. The ACL of 968 mt is the same as the 2012 ACL. 65.24 mt is deducted from the ACL for the Tribal fishery (30 mt), the incidental open access fishery (26 mt), EFP catch (3 mt) and research catch (6.24 mt) resulting in a fishery HG of 902.8 mt.

[v] Minor slope rockfish north. The OFL of 1,553 mt is the sum of the OFL contributions for the component species within the complex. The ABCs for the northern minor slope rockfish complex is based on a sigma value of 0.36 for category 1 stocks (splitnose rockfish) and 1.44 for category 3 stocks (all others) with a P* of 0.45. The resulting ABC of 1,414 mt is the summed contribution of the ABCs for the component species. The ACL of 1,160 mt is the same as the 2012 ACL. 62 mt is deducted from the ACL for the Tribal fishery (36 mt), the incidental open access fishery (19 mt), EFP catch (1 mt) and research catch (6 mt), resulting in a fishery HG of 1,098 mt.

[w] Minor nearshore rockfish south. The OFL of 1,160 mt is the sum of the OFL contributions for the component species within the complex. The ABC for the southern minor nearshore rockfish complex is based on a sigma value of 0.36 for category 1 stocks (gopher rockfish north of 34°27′ N. lat.), 0.72 for category 2 stocks (blue rockfish north of 34°27′ N. lat.) and 1.44 for category 3 stocks (all others) with a P* of 0.45. The resulting minor nearshore rockfish south ABC, which is the summed contribution of the ABCs for the component species within the complex, is 1,001 mt. The ACL is the same as the 2012 ACL. There are no deductions from the ACL, resulting in a fishery HG of 990 mt. Blue rockfish south of 42° N. latitude has a species-specific HG of 236 mt.

[x] Minor shelf rockfish south. The OFL of 1,913 mt is the sum of the OFL contributions for the component species within the complex. The ABCs for the southern minor shelf rockfish complex is based on a sigma value of 0.72 for category 2 stocks (greenspotted and greenstriped rockfish) and 1.44 for category 3 stocks (all others) with a P* of 0.45. The resulting ABC of 1,620 mt is the summed contribution of the ABCs for the component species. The ACL of 714 mt is the same as the 2012 ACL. 46 mt is deducted from the ACL for the incidental open access fishery (9 mt), EFP catch (31 mt) and research catch (6 mt), resulting in a shelf fishery HG of 668 mt.

[y] Minor slope rockfish south. The OFL of 685 mt is the sum of the OFL contributions for the component species within the complex. The ABC for the southern minor slope rockfish complex is based on a sigma value of 0.72 for category 2 stocks (bank and blackgill rockfish) and 1.44 for category 3 stocks (all others) with a P* of 0.45. The resulting ABC of 622 mt is the summed contribution of the ABCs for the component species. The ACL is equal to the ABC. 21 mt is deducted from the ACL for the incidental open access fishery (17 mt), EFP catch (2 mt) and research catch (2 mt), resulting in a slope fishery HG of 601 mt. Blackgill rockfish has species-specific HGs: 27 mt for the limited entry fixed gear fishery; 18 mt for the open access fishery.

[z] "Other fish" is composed entirely of groundfish FMP species that are neither rockfish (family Scorpaenidae) nor flatfish, and most of these species are unassessed, with the exception of spiny dogfish, was assessed in 2011 and is a category 2 stock. The OFL of 6,802 mt is the sum of the OFL contributions for the component species within the complex. The OFL contribution for spiny dogfish is projected from the 2011 assessment using an $F_{45\%}$ F_{MSY} proxy harvest rate. The ABC of 4,697 mt is calculated by applying a P* of 0.40 and a sigma of 1.44 to the OFLs calculated for the category 3 stocks (i.e., all stocks other than spiny dogfish) and a P* of 0.30 and a sigma of 0.72 to the OFL calculated for spiny dogfish. The resulting ABC for the complex is the summed contribution of the ABCs calculated for the component stocks. The ACL is set equal to the ABC. 177 mt is deducted from the ACL for the Tribal fishery (112 mt), the incidental open access fishery (50 mt), EFP catch (3 mt) and research catch (12 mt), resulting in an "other fish" fishery HG of 4,520 mt.

[aa] "Other flatfish" are the unassessed flatfish species that do not have individual OFLs/ABCs/ACLs and include butter sole, curlfin sole, flathead sole, Pacific sand dab, rex sole, rock sole, and sand sole. The other flatfish OFL of 10,060 mt is based on the sum of the OFL contributions of the component stocks. The ABC of 6,982 mt is a 31 percent reduction from the OFL (σ=1.44/P*=0.40) as the complex is composed of category 3 stocks. The ACL of 4,884 mt is the 2011 and 2012 ACL carried forward as there have been no significant changes in the status or management of stocks within the complex. 202 mt is deducted from the ACL for the Tribal fishery (60 mt), the incidental open access fishery (125 mt), and research catch (17 mt), resulting in a fishery HG of 4,682 mt.

[bb] Pacific cod. The 3,200 mt OFL is based on the maximum level of historic landings. The ABC of 2,221 mt is a 31 percent reduction from the OFL (σ=1.44/P*=0.40) as it's a category 3 stock. The 1,600 mt ACL is the OFL reduced by 50 percent as a precautionary adjustment. 409.04 mt is deducted from the ACL for the Tribal fishery (400 mt), research fishing (7.04 mt), and the incidental open access fishery (2.0 mt), resulting in a fishery HG of 1,191 mt.

[cc] Pacific Ocean Perch. A POP stock assessment was prepared in 2011 and the stock was estimated to be at 19.1 percent of its unfished biomass in 2011. The OFL of 838 mt for the area north of 40°10 N. lat. is based on the 2011 stock assessment with an $F_{50\%}$ F_{MSY} proxy. The ABC of 801 mt is a 4 percent reduction from the OFL (σ=0.36/P*=0.45) as it's a category 1 stock. The ACL of 153 mt is based on a rebuilding plan with a target year to rebuild of 2051 and an SPR harvest rate of 86.4 percent. 16.5 mt is deducted from the ACL for the Tribal fishery (10.9 mt), open access fishery (0.4 mt) and research catch (5.2 mt), resulting in a fishery HG of 136.5 mt.

[dd] Pacific whiting. The most recent stock assessment was prepared in January 2014. The 2014 Fishery Harvest Guideline (Fishery HG) is calculated as follows. U.S. TAC of 316,206 mt minus 55,336 mt for the Tribal allocation minus 1,500 mt for catch in research activities and as nongroundfish bycatch, resulting in a fishery harvest guideline of 259,370 mt. The TAC for Pacific whiting is established under the provisions of the Pacific Hake/Whiting Agreement with Canada and the Pacific Whiting Act of 2006, 16 U.S.C. 7001–7010, and the international exception applies. Therefore, no ABC or ACL values are provided for Pacific whiting. The 2014 OFL of 825,000 mt is based on the 2014 assessment with an $F_{40\%}$ FMSY proxy.

[ee] Petrale sole. A petrale sole stock assessment was prepared for 2011. In 2011 the petrale sole stock was estimated to be at 18 percent of its unfished biomass. The OFL of 2,774 mt is based on the 2011 assessment with an $F_{30\%}$ F_{MSY} proxy. The ABC of 2,652 mt is a 4 percent reduction from the OFL (σ=0.36/P*=0.45) as it's a category 1 stock. The ACL is set equal to the ABC. 234 mt is deducted from the ACL for the Tribal fishery (220 mt), the incidental open access fishery (2.4 mt), and research catch (11.6 mt), resulting in a fishery HG of 2,418 mt.

[ff] Sablefish north. A coastwide sablefish stock assessment was prepared in 2011. The coastwide sablefish biomass was estimated to be at 33 percent of its unfished biomass in 2011. The coastwide OFL of 7,158 mt is based on the 2011 stock assessment with an F_{MSY} proxy of $F_{45\%}$. The ABC of 6,535 mt is an 8.7 percent reduction from the OFL (σ=0.36/P*=0.40). The 40–10 harvest policy was applied to the ABC to derive a coastwide ACL value. Then the ACL value was apportioned north and south of 36° N. lat., using the average of annual swept area biomass (2003–2010) from the NMFS NWFSC trawl survey, with 73.6 percent going to the area north of 36° N. lat. and 26.4 percent going to the area south of 36° N. lat. The northern ACL is 4,349 mt and is reduced by 435 mt for the tribal allocation (10 percent of the ACL north of 36° N. lat.). The 435 mt Tribal allocation is reduced by 1.5 percent to account for discard mortality. Detailed sablefish allocations are shown in Table 1c.

[gg] Sablefish south. The ACL for the area south of 36° N. lat. is 1,560 mt (26.4 percent of the calculated coastwide ACL value). 5 mt is deducted from the ACL for the incidental open access fishery (2 mt) and research catch (3 mt), resulting in a fishery HG of 1,555 mt.

[hh] Shortbelly rockfish. A non-quantitative assessment was conducted in 2007. The spawning stock biomass of shortbelly rockfish was estimated at 67 percent of its unfished biomass in 2005. The OFL of 6,950 mt was recommended for the stock in 2014 with an ABC of 5,789 mt (σ=0.72 with a P* of 0.40). The 50 mt ACL is slightly higher than recent landings and is in recognition of the stock's importance as a forage species in the California Current ecosystem. 2 mt is deducted from the ACL for research catch, resulting in a fishery HG of 48 mt.

[ii] Shortspine thornyhead. A coastwide stock assessment was conducted in 2005 and the stock was estimated to be at 63 percent of its unfished biomass in 2005. A coastwide OFL of 2,310 mt is based on the 2005 stock assessment with a $F_{50\%}$ F_{MSY} proxy. The coastwide ABC of 2,208 mt is a 4 percent reduction from the OFL (σ=0.36/P*=0.45) as it's a category 1 stock. For the portion of the stock that is north of 34°27′ N. lat., the ACL is 1,525 mt. The northern ACL is 66 percent of the coastwide OFL for the portion of the biomass found north of 34°27′ N. lat. 59.22 mt is deducted from the ACL for the Tribal fishery (50 mt), the incidental open access fishery (2 mt), and research catch (7.22 mt) resulting in a fishery HG of 1,466 mt for the area north of 34°27′ N. lat. For that portion of the stock south of 34°27′ N. lat. the ACL is 393 mt which is 34 percent of the coastwide OFL for the portion of the biomass found south of 34°27′ N. lat. reduced by 50 percent as a precautionary adjustment. 42 mt is deducted from the ACL for the incidental open access fishery (41 mt), and research catch (1 mt) resulting in a fishery HG of 351 mt for the area south of 34°27′ N. lat.

[jj] Splitnose rockfish. A coastwide assessment was prepared in 2009 that estimated the stock to be at 66 percent of its unfished biomass in 2009. Splitnose in the north is managed under the minor slope rockfish complex and with species-specific harvest specifications south of 40°10′ N. lat. The OFLs were apportioned north and south based on the average 1916–2008 assessed area catch resulting in 64.2 percent stock-specific OFL south of 40°10′ N. lat., and 35.8 percent for the contribution of splitnose rockfish to the northern minor slope rockfish complex. South of 40°10′ N. lat. the OFL of 1,747 mt is based on the 2009 assessment with an F_{MSY} proxy of $F_{50\%}$. The ABC of 1,670 mt is a 4 percent reduction from the OFL (σ=0.36/P*=0.45) as it's a category 1 stock. Because the unfished biomass is estimated to be above 40 percent of the unfished biomass, the ACL is set equal to the ABC. 12 mt is deducted from the ACL for research catch (9 mt) and EFP catch (3 mt), resulting in a fishery HG of 1,658 mt.

[kk] Starry Flounder. The stock was assessed in 2005 and was estimated to be above 40 percent of its unfished biomass in 2005. For 2013, the coastwide OFL of 1,834 mt is based on the 2005 assessment with an F_{MSY} proxy of $F_{30\%}$. The ABC of 1,528 mt is a 17 percent reduction from the OFL (σ=0.72/P*=0.40) as it's a category 2 stock. Because the stock is above $B_{25\%}$, the ACL was set equal to the ABC. 7 mt is deducted from the ACL for the Tribal fishery (2 mt), and the incidental open access fishery (5 mt), resulting in a fishery HG of 1,521 mt.

[ll] Widow rockfish. The stock was assessed in 2011 and was estimated to be at 51.1 percent of its unfished biomass in 2011. The OFL of 4,435 mt is based on the 2011 stock assessment with an $F_{50\%}$ F_{MSY} proxy. The ABC of 4,212 mt is a 5 percent reduction from the OFL (σ=0.41/P*=0.45). A unique sigma of 0.41 was calculated for widow rockfish since the estimated variance in estimated biomass was greater than the 0.36 used as a proxy for other category 1 stocks. A constant catch strategy will be used with an ACL of 1,500 mt. 89.2 mt is deducted from the ACL for the Tribal fishery (60 mt), the incidental open access fishery (89.2 mt), EFP catch (18 mt) and research catch (7.9 mt), resulting in a fishery HG of 1,411 mt.

[mm] Yelloweye rockfish. A stock assessment update was prepared in 2011. The stock was estimated to be at 21.3 percent of its unfished biomass in 2011. The 51 mt coastwide OFL was derived from the base model in the new stock assessment with an F_{MSY} proxy of $F_{50\%}$. The ABC of 43 mt is a 17 percent reduction from the OFL (σ=0.72/P*=0.40) as it's a category 2 stock. The 18 mt ACL is based on a rebuilding plan with a target year to rebuild of 2074 and an SPR harvest rate of 76.0 percent. 5.82 mt is deducted from the ACL for the Tribal fishery (2.3 mt), the incidental open access fishery (0.2 mt), EFP catch (0.02 mt) and research catch (3.3 mt) resulting in a fishery HG of 12.2 mt. Recreational HGs are being established: Washington, 2.9; Oregon, 2.6 mt; and California, 3.4 mt.

[nn] Yellowtail rockfish. A yellowtail rockfish stock assessment update was last prepared in 2005 for the area north of 40°10′ N. latitude to the U.S-Canadian border. Yellowtail rockfish was estimated to be at 55 percent of its unfished biomass in 2005. The OFL of 4,584 mt is based on the 2005 stock assessment with the F_{MSY} proxy of $F_{50\%}$. The ABC of 4,382 mt is a 4 percent reduction from the OFL (σ=0.36/P*=0.45) as it's a category 1 stock. The ACL was set equal to the ABC, because the stock is above $B_{40\%}$. 701.49 mt is deducted from the ACL for the Tribal fishery (677 mt), the incidental open access fishery (3 mt), EFP catch (10 mt) and research catch (11.49 mt), resulting in a fishery HG of 3,681mt.

TABLE 2b TO PART 660, SUBPART C—2014, AND BEYOND, ALLOCATIONS BY SPECIES OR SPECIES GROUP

[Weights in metric tons]

Species	Fishery HG	Allocations			
		Trawl		Non-trawl	
		%	Mt	%	Mt
Arrowtooth flounder	3,671	95	3,487	5	184
Bocaccio—S of 40°10′ N. lat. [a]	328.6	NA	79.0	NA	249.6
Canary rockfish [a b]	101.5	NA	54.1	NA	47.4
Chilipepper—S of 40°10′ N. Lat	1,423	75	1,067	25	356
Cowcod—S of 40°10′ N. Lat. [a]	2.9	NA	1.0	NA	1.9
Darkblotched rockfish [c]	309.2	95	293.7	5	15.5
Dover sole	23,410	95	22,240	5	1,171
English sole	5,543	95	5,266	5	277
Lingcod:					
N of 40°10′ N. lat	2,600	45	1,170	55	1,430
S of 40°10′ N. lat	1,054	45	474	55	580
Longnose skate [a]	1,928	90	1,735	10	193
Longspine thornyhead					
N of 34°27′ N. lat	1,912	95	1,816	5	96
Minor shelf rockfish north [a]	903	60.2	543	39.8	359
Minor slope rockfish north	1,098	81	889	19	209
Minor shelf rockfish south [a]	668	12.2	81	87.8	587
Minor slope rockfish south	601	63	379	37	222
Other flatfish	4,682	90	4,214	10	468
Pacific cod	1,191	95	1,131	5	60
POP—N of 40°10′ N. lats. [d]	136.5	95	129.7	5	6.8
Pacific whiting	TBA	100	TBA	0	TBA
Petrale sole [a]	2,418.0	NA	2383.0	NA	35.0
Sablefish:					
N of 36° N. lat	See Table 1c of this subpart				
S of 36° N. lat	1,555.0	42	653	58	902
Shortspine thornyhead:					
N of 34°27′ N. lat	1,466	95	1,393	5	73
S of 34°27′ N. lat	351	NA	50	NA	301
Splitnose—S of 40°10′ N. Lat	1,658	95	1,575	5	83
Starry Flounder	1,521	50	761	50	761
Widow [e]	1,411	91	1,284	9	127
Yelloweye rockfish [a]	12.2	NA	1.0	NA	11.2
Yellowtail—N of 40°10′ N. Lat	3,681	88	3,239	12	442

[a] Allocations decided through the biennial specification process.

[b] 13 mt of the total trawl allocation of canary rockfish is allocated to the at-sea whiting fisheries, as follows: 5.4 mt for the mothership fishery, and 7.6 mt for the catcher/processor fishery.

[c] 9 percent (26.4 mt) of the total trawl allocation for darkblotched rockfish is allocated to the whiting fisheries, as follows: 11.1 mt for the shorebased IFQ fishery, 6.3 mt for the mothership fishery, and 9.0 mt for the catcher/processor fishery. Effective at 2000 hours local time on October 17, 2014, the amount of darkblotched rockfish available to the catcher/processor fishery was reduced by 3.0 mt, to 3.3 mt, and the amount available to the mothership fishery was raised by 3.0 mt, to 9.3 mt. The amount available to the catcher/processor fishery was subsequently raised back to 6.3 mt by distributing to the catcher/processor fishery 3.0 mt of the 18.4 mt initially deducted from the ACL to account for mortality in the incidental open access fishery, consistent with 660.60(c)(3)(ii). The tonnage calculated here for the whiting portion of the shorebased IFQ fishery contributes to the total shorebased trawl allocation, which is found at 660.140(d)(1)(ii)(D).

[d] 30 mt of the total trawl allocation for POP is allocated to the whiting fisheries, as follows: 12.6 mt for the shorebased IFQ fishery, 7.2 mt for the mothership fishery, and 10.2 mt for the catcher/processor fishery. The tonnage calculated here for the whiting portion of the shorebased IFQ fishery contributes to the total shorebased trawl allocation, which is found at 660.140(d)(1)(ii)(D).

[e] 500 mt of the total trawl allocation for widow rockfish is allocated to the whiting fisheries, as follows: 210 mt for the shorebased IFQ fishery, 120 mt for the mothership fishery, and 170 mt for the catcher/processor fishery. The tonnage calculated here for the whiting portion of the shorebased IFQ fishery contributes to the total shorebased trawl allocation, which is found at 660.140(d)(1)(ii)(D).

[FR Doc. 2014–26744 Filed 11–6–14; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 131021878–4158–02]

RIN 0648–XD612

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific ocean perch in the Eastern Aleutian district (EAI) of the Bering Sea and Aleutian Islands management area (BSAI) by vessels participating in the BSAI trawl limited access fishery. This action is necessary to prevent exceeding the 2014 total allowable catch (TAC) of Pacific ocean perch in the EAI allocated to vessels participating in the BSAI trawl limited access fishery.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), November 6, 2014, through 2400 hrs, A.l.t., December 31, 2014.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7269.

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

The 2014 TAC of Pacific ocean perch, in the EAI, allocated to vessels participating in the BSAI trawl limited access fishery was established as a directed fishing allowance of 806 metric tons by the final 2014 and 2015 harvest specifications for groundfish in the BSAI (79 FR 12108, March 4, 2014).

In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific ocean perch in the EAI by vessels participating in the BSAI trawl limited access fishery.

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

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA) finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such a requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of the Pacific ocean perch directed fishery in the EAI for vessels participating in the BSAI trawl limited access fishery. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of November 4, 2014. The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

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

Dated: November 6, 2014.

James P. Burgess,

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

[FR Doc. 2014–26743 Filed 11–6–14; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 218
Wednesday, November 12, 2014

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1208

[Document Number AMS–FV–14–0042]

Processed Raspberry Promotion, Research, and Information Order; Late Payment and Interest Charges on Past Due Assessments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal invites comments on prescribing late payment and interest charges on past due assessments under the Processed Raspberry Promotion, Research, and Information Order (Order). The Order is administered by the National Processed Raspberry Council (Council) with oversight by the U.S. Department of Agriculture (USDA). Under the Order, assessments are collected from domestic producers and importers and used for research and promotion projects designed to maintain and expand the market for processed raspberries. This proposal would implement authority contained in the Order that allows the Council to collect late payment and interest charges on past due assessments. Three additional changes are proposed to reflect current practices and update the Order and regulations. This action would contribute to effective administration of the program.

DATES: Comments must be received by December 12, 2014.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments may be submitted on the Internet at: *http://www.regulations.gov* or to the Promotion and Economics Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., Room 1406–S, Stop 0244, Washington, DC 20250–0244; facsimile: (202) 205–2800. All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection, including name and address, if provided, in the above office during regular business hours or it can be viewed at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Tarun Harit, Program Management Specialist, Promotion and Economics Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., Room 1406–S, Stop 0244, Washington, DC 20250–0244; telephone: (202) 720–9915; facsimile (202) 205–2800; or electronic mail: *Tarun.Harit@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This proposal is issued under the Order (7 CFR part 1208). The Order is authorized under the Commodity Promotion, Research, and Information Act of 1996 (1996 Act) (7 U.S.C. 7411–7425).

Executive Order 12866 and Executive Order 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules and promoting flexibility. This action has been designated as a ''non-significant regulatory action'' under section 3(f) of Executive Order 12866. Accordingly, the Office of Management and Budget (OMB) has waived the review process.

Executive Order 13175

This action has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation would not have substantial and direct effects on Tribal governments and would not have significant Tribal implications.

Executive Order 12988

This proposal has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. Section 524 of the 1996 Act (7 U.S.C. 7423) provides that it shall not affect or preempt any other Federal or State law authorizing promotion or research relating to an agricultural commodity.

Under section 519 of the 1996 Act (7 U.S.C. 7418), a person subject to an order may file a written petition with USDA stating that an order, any provision of an order, or any obligation imposed in connection with an order, is not established in accordance with the law, and request a modification of an order or an exemption from an order. Any petition filed challenging an order, any provision of an order, or any obligation imposed in connection with an order, shall be filed within two years after the effective date of an order, provision, or obligation subject to challenge in the petition. The petitioner will have the opportunity for a hearing on the petition. Thereafter, USDA will issue a ruling on the petition. The 1996 Act provides that the district court of the United States for any district in which the petitioner resides or conducts business shall have the jurisdiction to review a final ruling on the petition, if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of USDA's final ruling.

Background

This proposal invites comments on prescribing late payment and interest charges on past due assessments under the Order. The Order is administered by the Council with oversight by USDA. Under the Order, assessments are collected from domestic producers and importers and used for research and promotion projects designed to maintain and expand markets for processed raspberries. Processed raspberries include raspberries that have been frozen, dried, pureed, made into juice, or altered by mechanical processes. This proposal would implement authority contained in the Order and the 1996 Act that allows the Council to collect late payment and interest charges on past due assessments. This action was unanimously recommended by the Council and would contribute to effective administration of the program.

Section 1208.52(a) of the Order specifies that the funds to cover the Council's expenses shall be paid from assessments on producers and importers, donations from persons not subject to assessments, and from other

funds available to the Council. Paragraph (b) specifies that the collection of assessments on domestic processed raspberries is the responsibility of the first receiving handler of the raspberries for processing. Section 1208.52 (6)(e) specifies that ''a late payment charge shall be imposed on any handler or importer who fails to remit to the Council, the total amount for which any such first handler or importer is liable on or before the due date established by the Council. In addition to the late payment charge, an interest charge shall be imposed on the outstanding amount for which the first handler or importer is liable. The rate of interest shall be prescribed in regulations issued by the Secretary.''

The Order was implemented in May 2012. Assessment collection began in September 2012. Domestic assessments are due to the Council once annually by October 31. Import assessments are collected monthly by the U.S. Customs and Border Protection (Customs). If Customs does not collect the assessment, the importer must pay the assessment directly to the Council. Entities that produce less than 20,000 pounds of raspberries for processing annually or import less than 20,000 pounds of processed raspberries annually are exempt from assessment.

Assessment funds are used by the Council for activities designed to benefit all industry members. Thus, it is important that all assessed entities pay their assessments in a timely manner. Entities who fail to pay their assessments on time would be able to reap the benefits of Council programs at the expense of others. In addition, they would be able to utilize funds for their own use that should otherwise be paid to the Council to finance Council programs.

Council Recommendation

Thus, the Council met on January 15, 2014, and unanimously recommended specifying rates of late payment charges and interest on past due assessments in the Order's regulations. Specifically, the Council recommended that a late payment charge be imposed on any handler or importer who fails to make timely remittance to the Council of the total assessments for which the handler or importer is liable. The late payment would be imposed on any assessments not received within 30 calendar days of the date they are due. This would be a one-time late payment charge equal to 10 percent of the assessments due before interest charges have accrued. The Council also recommended that 1 percent per month interest on the outstanding balance, including any late payment and accrued interest, be added to any accounts for which payment has not been received within 30 calendar days after the date assessments are due. Interest would continue to accrue monthly until the unpaid balance was paid to the Council.

This action would help facilitate program administration by providing an incentive for entities to remit assessments in a timely manner, with the intent of creating a fair and equitable process among all assessed entities. Accordingly, a new subpart C would be added to the Order for rules and regulations, and a new § 1208.520 would be added to subpart C.

This proposal would also make three additional changes to the Order. This proposed rule would revise the terms crop and fiscal years as defined in §§ 1208.3 and 1208.7, respectively. The crop and fiscal years are changed in the Order from the 12-month period April 1 through March 31 to October 1 through September 30. The new time frames help facilitate program operations because domestic assessments are due by October 31, so those funds can be used to support current year activities. Revising the terms would bring the Order in line with current practices.

This proposal would also change the OMB control numbers in §§ 1208.78 and 1208.108. In § 1208.78, the OMB control number 0581–0257 would be omitted because it is no longer relevant. In §§ 1208.108, the OMB control number would be changed from 0581–NEW to 0581–0093, the control number assigned by the OMB.

Initial Regulatory Flexibility Act Analysis

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS is required to examine the impact of the proposed rule on small entities. Accordingly, AMS has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be disproportionately burdened. The Small Business Administration defines, in 13 CFR part 121, small agricultural producers as those having annual receipts of no more than $750,000 and small agricultural service firms (first handlers and importers) as those having annual receipts of no more than $7.0 million.

According to the Council, it is estimated that there are 160 producers of raspberries for processing and 30 first handlers of processed raspberries in the United States. Dividing the processed raspberry crop value for 2013 reported by the National Agricultural Statistics Service (NASS) of $60,883,000 [1] by the number of producers yields an average, annual producer revenue of $380,520. It is estimated that in 2013, 75 percent of the first handlers shipped under $7.0 million worth of processed raspberries.

Likewise, based on Customs data, it is estimated there are 140 importers of processed raspberries. Using 2013 Customs data, nearly all importers, or 99 percent, import less than $7.0 million worth of processed raspberries annually. Thus, the majority of domestic producers, first handlers and importers of processed raspberries would be considered small entities.

Regarding the value of the commodity, as mentioned above, based on 2013 NASS data, the value of the domestic processed raspberry crop was about $61 million. According to Customs data, the value of 2013 imports was about $65 million.

This proposal invites comments on prescribing late payment and interest charges on past due assessments under the Order. The Order is administered by the Council with oversight by USDA. Under the Order, assessments are collected from domestic producers of raspberries for processing and importers of processed raspberries. Processed raspberries include raspberries that have been frozen, dried, pureed, made into juice, or altered by mechanical processes. This proposed rule would add a new § 1208.520 that would specify a late payment charge of 10 percent of the assessments due and interest at a rate of 1 percent per month on the outstanding balance, including any late payment and accrued interest. This section would be included in a new Subpart C—Rules and Regulations. This action was unanimously recommended by the Council and is authorized under section 1208.52(e) of the Order and section 517(e) of the 1996 Act.

Regarding the economic impact of this proposed rule on affected entities, this action would impose no costs on handlers and importers who pay their assessments on time. It would merely provide an incentive for entities to remit their assessments in a timely manner. For all entities who are delinquent in paying assessments, both large and small, the charges would be applied the same. As for the impact on the industry as a whole, this action would help facilitate program administration by

[1] Noncitrus Fruits and Nuts 2013 Summary, July 2014, USDA, National Agricultural Statistics Service, p. 37.

providing an incentive for entities to remit their assessments in a timely manner, with the intent of creating a fair and equitable process among all assessed entities.

Additionally, as previously mentioned, the Order provides for an exemption for entities that produce or import less than 20,000 pounds of processed raspberries annually. About 140 producers of raspberries for processing and 80 importers of processed raspberries pay assessments under the Order.

Regarding alternatives, one option to the proposed action would be to maintain the status quo and not prescribe late payment and interest charges for past due assessments. However, the Council determined that implementing such charges would help facilitate program administration by encouraging entities to pay their assessments in a timely manner. The Council reviewed rates of late payment and interest charges prescribed in other research and promotion programs and concluded that a 10 percent late payment charge and interest at a rate of 1 percent per month on the outstanding balance would be appropriate.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection and recordkeeping requirements that are imposed by the Order have been approved under OMB control number 0581–0093. This proposed rule would not result in a change to the information collection and recordkeeping requirements previously approved and would impose no additional reporting and recordkeeping burden on domestic producers, first handlers, and importers of processed raspberries.

As with all Federal promotion programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. Finally, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

AMS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Regarding outreach efforts, the Council met on January 15, 2014, and unanimously made its recommendation. All of the Council's meetings, including meetings held via teleconference, are open to the public and interested persons are invited to participate and express their views.

We have performed this initial RFA regarding the impact of this proposed action on small entities and we invite comments concerning potential effects of this action on small businesses.

While this proposed rule set forth below has not received the approval of USDA, it has been determined that it is consistent with and would effectuate the purposes of the 1996 Act.

A 30-day comment period is provided to allow interested persons to respond to this proposal. Thirty-days is deemed appropriate because the Council would like to implement this incentive as soon as possible to facilitate the collection of assessments on a timely basis. All written comments received in response to this proposed rule by the date specified will be considered prior to finalizing this action.

List of Subjects in 7 CFR Part 1208

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Raspberry promotion, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 1208 is proposed to be amended as follows:

PART 1208—PROCESSED RASPBERRY PROMOTION, RESEARCH, AND INFORMATION ORDER

■ 1. The authority citation for 7 CFR part 1208 continues to read as follows:

Authority: 7 U.S.C. 7411–7425; 7 U.S.C. 7401.

■ 2. Section 1208.3 is revised to read as follows:

§ 1208.3 Crop year.

Crop year means the 12-month period from October 1 through September 30 or such other period approved by the Secretary.

■ 3. Section 1208.7 is revised to read as follows:

§ 1208.7 Fiscal period.

Fiscal period means the 12-month period from October 1 through September 30 or such other period as approved by the Secretary.

■ 4. Section 1208.78 is revised to read as follows:

§ 1208.78 OMB control numbers.

The control numbers assigned to the information collection requirements by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, are OMB control number 0505–0001, and OMB control number 0581–0093.

■ 5. Section 1208.108 is revised to read as follows:

§ 1208.108 OMB control number.

The control number assigned to the information collection requirement in this subpart by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, is OMB control number 0581–0093.

■ 6. Subpart C—Rules and Regulations is added to read as follows:

Subpart C—Rules and Regulations

§ 1208.520 Late payment and interest charges for past due assessments.

(1) A late payment charge shall be imposed on any handler or importer who fails to make timely remittance to the Council of the total assessments for which such handler or importer is liable. The late payment will be imposed on any assessments not received within 30 calendar days of the date they are due. This one-time late payment charge shall be 10 percent of the assessments due before interest charges have accrued.

(2) In addition to the late payment charge, 1 percent per month interest on the outstanding balance, including any late payment and accrued interest, will be added to any accounts for which payment has not been received by the Council within 30 calendar days after the date the assessments are due. Such interest will continue to accrue monthly until the outstanding balance is paid to the Council.

Dated: November 5, 2014.

Rex A. Barnes,

Associate Administrator.

[FR Doc. 2014–26677 Filed 11–10–14; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 888

[Docket No. FDA–2014–N–1205]

Orthopedic Devices; Reclassification of Thoracolumbosacral Rigid Pedicle Screw Systems; Classification and Effective Date of Requirement for Premarket Approval for Dynamic Stabilization Systems

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed order.

SUMMARY: The Food and Drug Administration (FDA) is proposing in this administrative order to reclassify rigid pedicle screw systems, a

preamendments class III device, into class II (special controls); require the filing of a premarket approval application (PMA) or a notice of completion of a product development protocol (PDP) for the dynamic stabilization systems, currently a subtype of pedicle screws, regardless of the indication for use; and clarify the device identification of pedicle screw spinal systems, to more clearly delineate between rigid pedicle screw systems and dynamic stabilization systems. FDA is proposing this action based on new information pertaining to the device type. This proposed action implements certain statutory requirements.

DATES: Submit either electronic or written comments on this proposed order by February 10, 2015. FDA intends that, if a final order based on this proposed order is issued, anyone who wishes to continue to market dynamic stabilization systems for the specified intended uses listed in section IX will need to file a PMA or a notice of completion of a PDP within 90 days of the effective date of the final order. See section XVII for the proposed effective date of any final order based on this proposed order.

ADDRESSES: You may submit comments, identified by Docket No. FDA–2014–N–1205, by any of the following methods:

Electronic Submissions

Submit electronic comments in the following way:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

Written Submissions

Submit written submissions in the following ways:

- Mail/Hand delivery/Courier (For paper submissions): Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Instructions: All submissions received must include the Docket No. FDA–2014–N–1205 for this order. All comments received may be posted without change to *http://www.regulations.gov,* including any personal information provided. For additional information on submitting comments, see the ''Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Sergio M. de del Castillo, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1538, Silver Spring, MD 20993, 301–796–6419, *sergio.dedelcastillo@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background—Regulatory Authorities

The Federal Food, Drug, and Cosmetic Act (the FD&C Act) as amended by the Medical Device Amendments of 1976 (the 1976 amendments) (Pub. L. 94–295), the Safe Medical Devices Act of 1990 (Pub. L. 101–629), the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115), the Medical Device User Fee and Modernization Act of 2002 (Pub. L. 107–250), the Medical Devices Technical Corrections Act of 2004 (Pub. L. 108–214), the Food and Drug Administration Amendments Act of 2007 (Pub. L. 110–85), and the Food and Drug Administration Safety and Innovation Act (FDASIA) (Pub. L. 112–144), establishes a comprehensive system for the regulation of medical devices intended for human use. Section 513 of the FD&C Act (21 U.S.C. 360c) established three categories (classes) of devices, reflecting the regulatory controls needed to provide reasonable assurance of their safety and effectiveness. The three categories of devices are class I (general controls), class II (special controls), and class III (premarket approval).

Under section 513 of the FD&C Act, devices that were in commercial distribution before the enactment of the 1976 amendments, May 28, 1976 (generally referred to as preamendments devices), are classified after FDA has: (1) Received a recommendation from a device classification panel (an FDA advisory committee); (2) published the panel's recommendation for comment, along with a proposed regulation classifying the device; and (3) published a final regulation classifying the device. FDA has classified most preamendments devices under these procedures.

Devices that were not in commercial distribution prior to May 28, 1976 (generally referred to as postamendments devices) are automatically classified by section 513(f) of the FD&C Act into class III without any FDA rulemaking process. Those devices remain in class III and require premarket approval unless, and until, the device is reclassified into class I or II or FDA issues an order finding the device to be substantially equivalent, in accordance with section 513(i) of the FD&C Act, to a predicate device that does not require premarket approval. The Agency determines whether new devices are substantially equivalent to predicate devices by means of premarket notification procedures in section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

A preamendments device that has been classified into class III and devices found substantially equivalent by means of premarket notification (510(k)) procedures to such a preamendments device or to a device within that type may be marketed by means of premarket notification procedures (510(k) process) without submission of a PMA until FDA issues a final order under section 515(b) of the FD&C Act (21 U.S.C. 360e(b)) requiring premarket approval.

Although, under the FD&C Act, the manufacturer of a class III preamendments device may respond to the call for PMAs by filing a PMA or a notice of completion of a PDP, in practice, the option of filing a notice of completion of a PDP has not been used. For simplicity, although corresponding requirements for PDPs remain available to manufacturers in response to a final order under section 515(b) of the FD&C Act, this document will refer only to the requirement for the filing and receiving approval of a PMA.

On July 9, 2012, FDASIA was enacted. Section 608(a) of FDASIA amended the device reclassification procedures under section 513(e) of the FD&C Act, changing the process for reclassifying a device from rulemaking to an administrative order. Section 608(b) of FDASIA amended section 515(b) of the FD&C Act, changing the process for requiring premarket approval for a preamendments class III device from rulemaking to an administrative order.

A. Reclassification

Pedicle screw spinal systems comprise multiple different device types:

Pedicle screw spinal systems (*i.e.,* rigid pedicle screw systems) when intended to provide immobilization and stabilization of spinal segments in the thoracic, lumbar, and sacral spine as an adjunct to fusion in the treatment of degenerative disc disease (DDD) and spondylolisthesis (other than either severe spondylolisthesis (grades 3 and 4) at L5–S1 or degenerative spondylolisthesis with objective evidence of neurologic impairment) are class III preamendment devices.

Dynamic stabilization systems (DSSs), when intended to provide

immobilization and stabilization of spinal segments in the thoracic, lumbar, and sacral spine as an adjunct to fusion in the treatment of DDD and spondylolisthesis (other than either severe spondylolisthesis (grades 3 and 4) at L5–S1 or degenerative spondylolisthesis with objective evidence of neurologic impairment), are also class III preamendment devices.

DSSs, when intended to provide immobilization and stabilization of spinal segments in the thoracic, lumbar, and sacral spine as an adjunct to fusion in the treatment of any of the following acute and chronic instabilities or deformities of the thoracic, lumbar, and sacral spine: Severe spondylolisthesis (grades 3 and 4) at L5–S1; degenerative spondylolisthesis with objective evidence of neurologic impairment; fracture; dislocation; scoliosis; kyphosis; spinal tumor; and failed previous fusion (pseudarthrosis), are class II devices.

FDA is proposing the reclassification of pedicle screw systems (i.e., rigid pedicle screw systems) when intended to provide immobilization and stabilization of spinal segments in the thoracic, lumbar, and sacral spine as an adjunct to fusion in the treatment of DDD and spondylolisthesis (other than either severe spondylolisthesis (grades 3 and 4) at L5–S1 or degenerative spondylolisthesis with objective evidence of neurologic impairment) from class III to class II.

When intended to provide immobilization and stabilization of spinal segments in the thoracic, lumbar, and sacral spine as an adjunct to fusion in the treatment of DDD and spondylolisthesis (other than either severe spondylolisthesis (grades 3 and 4) at L5–S1 or degenerative spondylolisthesis with objective evidence of neurologic impairment), the Agency proposes maintaining DSSs in class III. The Agency also proposes that DSSs be reclassified from class II to class III when intended to provide immobilization and stabilization of spinal segments in the thoracic, lumbar, and sacral spine as an adjunct to fusion in the treatment of any of the following acute and chronic instabilities or deformities of the thoracic, lumbar, and sacral spine: Severe spondylolisthesis (grades 3 and 4) at L5–S1; degenerative spondylolisthesis with objective evidence of neurologic impairment; fracture; dislocation; scoliosis; kyphosis; spinal tumor; and failed previous fusion (pseudarthrosis). As a result, FDA is proposing that all currently marketed DSSs be class III and now require a submission of a PMA.

Section 513(e) of the FD&C Act governs reclassification of classified preamendments devices. This section provides that FDA may, by administrative order, reclassify a device based upon ''new information.'' FDA can initiate a reclassification under section 513(e) of the FD&C Act or an interested person may petition FDA to reclassify a preamendments device. The term ''new information,'' as used in section 513(e) of the FD&C Act, includes information developed as a result of a reevaluation of the data before the Agency when the device was originally classified, as well as information not presented, not available, or not developed at that time. (See, e.g., *Holland Rantos* v. *United States Department of Health, Education, and Welfare,* 587 F.2d 1173, 1174 n.1 (D.C. Cir. 1978); *Upjohn* v. *Finch,* 422 F.2d 944 (6th Cir. 1970); *Bell* v. *Goddard,* 366 F.2d 177 (7th Cir. 1966).)

Reevaluation of the data previously before the Agency is an appropriate basis for subsequent action where the reevaluation is made in light of newly available authority (see *Bell* v. *Goddard,* supra 366 F.2d at 181; *Ethicon, Inc.* v. *FDA,* 762 F.Supp. 382, 388–391 (D.D.C. 1991)), or in light of changes in ''medical science'' (*Upjohn,* 422 F.2d at 951). Whether data before the Agency are old or new data, the ''new information'' to support reclassification under section 513(e) must be ''valid scientific evidence,'' as defined in section 513(a)(3) of the FD&C Act and § 860.7(c)(2) (21 CFR 860.7(c)(2)). (See, e.g., *General Medical Co.* v. *FDA,* 770 F.2d 214 (D.C. Cir. 1985); *Contact Lens Mfrs. Assoc.* v. *FDA,* 766 F.2d 592 (D.C. Cir.), cert. denied, 474 U.S. 1062 (1985).)

FDA relies upon ''valid scientific evidence'' in the classification process to determine the level of regulation for devices. To be considered in the reclassification process, the ''valid scientific evidence'' upon which the Agency relies must be publicly available. Publicly available information excludes trade secret and/or confidential commercial information, e.g., the contents of a pending PMA. (See section 520(c) of the FD&C Act (21 U.S.C. 360j(c)).)

Section 513(e)(1) of the FD&C Act sets forth the process for issuing a final order. Specifically, prior to the issuance of a final order reclassifying a device, the following must occur: (1) Publication of a proposed order in the **Federal Register**; (2) a meeting of a device classification panel described in section 513(b) of the FD&C Act; and (3) consideration of comments from all affected stakeholders, including patients, payors, and providers. In addition, the proposed order must set forth the proposed reclassification, and a substantive summary of the valid scientific evidence concerning the proposed reclassification, including the public health benefits of the use of the device, and the nature and incidence (if known) of the risk of the device. (See section 513(e)(1)(A)(i) of the FD&C Act.)

Section 510(m) of the FD&C Act provides that a class II device may be exempted from the premarket notification requirements under section 510(k) of the FD&C Act, if the Agency determines that premarket notification is not necessary to assure the safety and effectiveness of the device. FDA has considered rigid pedicle screw systems and decided that the device requires premarket notification (510(k) of the FD&C Act). Therefore, the Agency does not intend to exempt this proposed class II device from premarket notification (510(k)) submission as provided under section 510(m) of the FD&C Act.

B. Requirement for Premarket Approval Application

FDA is proposing to require PMAs for DSSs when intended to provide immobilization and stabilization of spinal segments in the thoracic, lumbar, and sacral spine as an adjunct to fusion in the treatment of any of the following indications for use: DDD; spondylolisthesis; degenerative spondylolisthesis with objective evidence of neurologic impairment; fracture; dislocation; scoliosis; kyphosis; spinal tumor; and failed previous fusion (pseudarthrosis). Section 515(b)(1) of the FD&C Act sets forth the process for issuing a final order. Specifically, prior to the issuance of a final order requiring premarket approval for a preamendments class III device, the following must occur: (1) Publication of a proposed order in the **Federal Register**; (2) a meeting of a device classification panel described in section 513(b) of the FD&C Act; and (3) consideration of comments from all affected stakeholders, including patients, payors, and providers. FDA has held a meeting of a device classification panel described in section 513(b) of the FD&C Act with respect to DSSs, and therefore, has met this requirement under section 515(b)(1) of the FD&C Act. As explained further in section X, a meeting of the device classification panel described in section 513(b) of the FD&C Act took place in 2013 (Ref. 1) to discuss whether DSSs should be reclassified or remain in class III. The panel recommended that DSSs should be classified as class III when intended to provide immobilization and stabilization of spinal segments in the thoracic, lumbar, and sacral spine as an

adjunct to fusion in the treatment of any of the following indications for use: DDD; spondylolisthesis; degenerative spondylolisthesis with objective evidence of neurologic impairment; fracture; dislocation; scoliosis; kyphosis; spinal tumor; and failed previous fusion (pseudarthrosis). Section 515(b)(2) of the FD&C Act provides that a proposed order to require premarket approval shall contain: (1) The proposed order, (2) proposed findings with respect to the degree of risk of illness or injury designed to be eliminated or reduced by requiring the device to have an approved PMA or a declared completed PDP and the benefit to the public from the use of the device, (3) an opportunity for the submission of comments on the proposed order and the proposed findings, and (4) an opportunity to request a change in the classification of the device based on new information relevant to the classification of the device.

Section 515(b)(3) of the FD&C Act provides that FDA shall, after the close of the comment period on the proposed order, consideration of any comments received, and a meeting of a device classification panel described in section 513(b) of the FD&C Act, issue a final order to require premarket approval or publish a document terminating the proceeding together with the reasons for such termination. If FDA terminates the proceeding, FDA is required to initiate reclassification of the device under section 513(e) of the FD&C Act, unless the reason for termination is that the device is a banned device under section 516 of the FD&C Act (21 U.S.C. 360f).

A preamendments class III device may be commercially distributed without a PMA until 90 days after FDA issues a final order (a final rule issued under section 515(b) of the FD&C Act prior to the enactment of FDASIA is considered to be a final order for purposes of section 501(f) of the FD&C Act (21 U.S.C. 351(f))) requiring premarket approval for the device, or 30 months after final classification of the device under section 513 of the FD&C Act, whichever is later. For DSSs, the preamendments class III devices that are the subject of this proposal, the later of these two time periods is the 90-day period. Because these devices were classified in 1998, the 30-month period has expired (63 FR 40025, July 27, 1998). Therefore, if the proposal to require premarket approval for DSSs for the uses described above is finalized, section 501(f)(2)(B) of the FD&C Act requires that a PMA for such device be filed within 90 days of the date of issuance of the final order. If a PMA is not filed for such device within 90 days after the issuance of a final order, the device would be deemed adulterated under section 501(f) of the FD&C Act.

DSSs are currently cleared in either one of two classifications—class II or class III—depending on the indications for use. Therefore, two separate actions are proposed in this proposed order. For those DSSs that are currently class II, the Agency is proposing to reclassify these devices to class III and to require submission of a PMA. For those DSSs that are preamendments class III, the Agency is proposing to maintain these devices in class III and to require submission of a PMA. As stated in the preceding paragraph, for those DSSs that are preamendments class III devices, if the proposal to require premarket approval for DSSs is finalized, section 501(f)(2)(B) of the FD&C Act requires that a PMA for such a device be filed within 90 days of the date of issuance of the final order. However, for reasons discussed below, FDA does not intend to ensure compliance with the 90-day deadline for PMA submission, for those DSSs that are currently in class III (for further discussion see sections IX and XII). Also, a preamendments device subject to the order process under section 515(b) of the FD&C Act is not required to have an approved investigational device exemption (IDE) (see part 812 (21 CFR part 812)) contemporaneous with its interstate distribution until the date identified by FDA in the final order requiring the filing of a PMA for the device. At that time, an IDE is required only if a PMA has not been filed. If the manufacturer, importer, or other sponsor of the device submits an IDE application and FDA approves it, the device may be distributed for investigational use. If a PMA is not filed by the later of the two dates, and the device is not distributed for investigational use under an IDE, the device is deemed to be adulterated within the meaning of section 501(f)(1)(A) of the FD&C Act, and subject to seizure and condemnation under section 304 of the FD&C Act (21 U.S.C. 334) if its distribution continues. Other enforcement actions include, but are not limited to, the following: shipment of devices in interstate commerce may be subject to injunction under section 302 of the FD&C Act (21 U.S.C. 332), and the individuals responsible for such shipment may be subject to prosecution under section 303 of the FD&C Act (21 U.S.C. 333). In the past, FDA has requested that manufacturers take action to prevent the further use of devices for which no PMA has been filed and may determine that such a request is appropriate for the class III devices that are the subject of this proposed order, if finalized.

In accordance with section 515(b)(2) of the FD&C Act, interested persons are being offered the opportunity to request reclassification of DSS for the uses described previously.

II. Regulatory History of the Device

In 1998, FDA issued a final rule classifying pedicle screw spinal systems as class II devices, when intended to provide immobilization and stabilization of spinal segments in the thoracic, lumbar, and sacral spine as an adjunct to fusion in the treatment of degenerative spondylolisthesis with objective evidence of neurologic impairment, fracture, dislocation, scoliosis, kyphosis, tumor, and failed previous fusion (63 FR 40025). For all other indications for use, pedicle screw spinal systems were deemed class III, for which a PMA is required. Classification of these devices followed the recommendations of the August 20, 1993, and July 22, 1994, meetings of the Orthopedic and Rehabilitation Devices Panel (the Panel). The Panel considered the reclassification of pedicle screw spinal systems for all indications, and recommended that FDA reclassify only certain indications into class II, leaving the other indications, including those of the devices that are the subject of this order, as class III devices (60 FR 51946, October 4, 1995).

In 2001, a technical amendment was published in the **Federal Register** to correct several errors and omissions in the July 27, 1998, final rule (66 FR 28051, May 22, 2001).

- The Agency identified the omission of one indication for use within the list of class III uses for pedicle screw spinal systems—the treatment of severe spondylolisthesis (grades 3 and 4) at the L5–S1 level as an adjunct to fusion. This indication was found to fall under preamendments status because devices were marketed for this indication prior to 1976.
- DDD and spondylolisthesis other than severe spondylolisthesis (grades 3 and 4) at L5–S1 were erroneously identified as postamendment uses, when in fact these are preamendment uses. While this error did not affect the final classification of the device for these uses (i.e., class III), it did affect the type of premarket submission required. Because these are preamendment uses, a PMA is not required until the Agency issues a final order under section 515(b) of the FD&C Act (21 U.S.C. 360e(b)) requiring submission of PMAs. Until that time, the devices may enter the

market after clearance of a premarket notification (510(k)) submission.

• DDD and spondylolisthesis (other than either severe spondylolisthesis (grades 3 and 4) at L5–S1 or degenerative spondylolisthesis with objective evidence of neurologic impairment) were the only class III uses specifically discussed by the panel during the August 20, 1993, and July 22, 1994, panel meetings. Therefore, the classification regulation was amended to state that pedicle screw spinal systems are deemed class III only for these specific uses.

In 2009, FDA published an order under section 515(i) of the FD&C Act (21 U.S.C. 360i) to call for information on the remaining class III 510(k) preadmendment device, including pedicle screw spinal systems when intended to provide immobilization and stabilization of spinal segments in the thoracic, lumbar, and sacral spine as an adjunct to fusion in the treatment of DDD and spondylolisthesis (other than either severe spondylolisthesis (grades 3 and 4) at L5–S1 or degenerative spondylolisthesis with objective evidence of neurologic impairment) (74 FR 16214, April 9, 2009). In response to that order, FDA received information from several device manufacturers who all recommended that pedicle screw spinal systems described in the preceding sentence should be reclassified to class II. The manufacturers stated that safety and effectiveness of these devices may be assured via special controls, including labeling, biocompatibility, sterility, and mechanical testing.

A meeting of the Orthopedic and Rehabilitation Devices Panel was convened on May 22, 2013 (2013 Panel). The 2013 Panel recommended that rigid pedicle screw systems should be classified as class II when intended to provide immobilization and stabilization of spinal segments in the thoracic, lumbar, and sacral spine as an adjunct to fusion in the treatment of DDD and spondylolisthesis (other than either severe spondylolisthesis (grades 3 and 4) at L5–S1 or degenerative spondylolisthesis with objective evidence of neurologic impairment). The special controls discussed by the 2013 Panel included those proposed by device manufacturers in response to the 2009 order; as well as an additional control proposed in this order of design characteristics. The 2013 Panel also recommended that DSSs, a subset of pedicle screw spinal systems, be classified as class III when intended to provide immobilization and stabilization of spinal segments in the thoracic, lumbar, and sacral spine as an adjunct to fusion, regardless of the indications for use, requiring submission of a PMA. FDA is not aware of new information that would provide a basis for a different recommendation or finding.

III. Device Description

Pedicle screw spinal systems (i.e., rigid pedicle screw systems) are multiple component devices made from a variety of materials that allow the surgeon to build an implant system to fit the patient's anatomical and physiological requirements. Such a spinal implant assembly may consist of a combination of hooks, screws, longitudinal members (e.g., plates, rods, plate/rod combinations), transverse or cross connectors, and interconnection mechanisms (e.g., rod-to-rod connectors, offset connectors). Rigid pedicle screw systems provide immediate rigid fixation to the spinal column as an adjunct to spinal fusion procedures.

Since the 1998 final classification, changes in technological characteristics have occurred, leading to the emergence of a new type of pedicle screw spinal system, known as DSSs. DSSs are a subset of the pedicle screw spinal systems regulated under § 888.3070 (21 CFR 888.3070). DSSs are defined as systems that contain one or more non-uniform and/or non-metallic longitudinal elements (e.g., polymer cords, moveable screw heads, springs) that allow more motion or flexibility (e.g., bending, rotation, translation) compared to rigid systems and do not provide immediate rigid fixation to the spinal column as an adjunct to spinal fusion procedures.

FDA is proposing to modify the identification language from the way it is presently written in § 888.3070(a) to include this technology and is also seeking comments on alternative means of providing further distinction between rigid pedicle screw systems and DSSs.

IV. Proposed Reclassification

FDA is proposing that rigid pedicle screw systems subject to this order be reclassified from class III to class II. In this proposed order, the Agency has identified special controls under section 513(a)(1)(B) of the FD&C Act that, together with general controls (including prescription use), would provide reasonable assurance of their safety and effectiveness. Absent the special controls identified in this proposed order, general controls applicable to the device are insufficient to provide reasonable assurance of the safety and effectiveness of the device.

Therefore, in accordance with sections 513(e) and 515(i) of the FD&C Act and § 860.130, based on new information with respect to the devices and taking into account the public health benefit of the use of the device and the nature and known incidence of the risk of the device, FDA, on its own initiative, is proposing to reclassify this preamendments class III device into class II when intended to provide immobilization and stabilization of spinal segments in the thoracic, lumbar, and sacral spine as an adjunct to fusion in the treatment of DDD and spondylolisthesis (other than either severe spondylolisthesis (grades 3 and 4) at L5–S1 or degenerative spondylolisthesis with objective evidence of neurologic impairment). FDA believes that this new information is sufficient to demonstrate that the proposed special controls can effectively mitigate the risks to health identified in the next section, and that these special controls, together with the general controls, will provide a reasonable assurance of safety and effectiveness for rigid pedicle screw systems intended to provide immobilization and stabilization of spinal segments in the thoracic, lumbar, and sacral spine as an adjunct to fusion in the treatment of degenerative disc disease and spondylolisthesis other than either severe spondylolisthesis (grades 3 and 4) at L5–S1 or degenerative spondylolisthesis with objective evidence of neurologic impairment.

Section 510(m) of the FD&C Act authorizes the Agency to exempt class II devices from premarket notification (510(k)) submission. FDA has considered rigid pedicle screw systems and decided that the device requires premarket notification (510(k) of the FD&C Act). Therefore, the Agency does not intend to exempt this proposed class II device from premarket notification (510(k)) submission as provided under section 510(m) of the FD&C Act.

The Agency is also taking this opportunity to revise the identification for pedicle screw spinal systems to distinguish between rigid pedicle screw systems currently in class II and DSSs currently in class III. The proposal calling for a PMA requirement for DSS is discussed in section X.

In addition, the Agency is taking the opportunity to add the following indications for use to § 888.3070—spinal stenosis and lordosis (a subset of spinal curvatures and deformities). Spinal stenosis and lordosis are conditions that can be treated with fusion surgery, which can include the use of rigid pedicle screw systems, and the Agency believes that the inclusion of spinal stenosis and lordosis in the regulation is appropriate. It is believed

that the risks to health listed in this document encompass the risks associated with treating patients with both spinal stenosis and lordosis using rigid pedicle screw systems as part of the procedure. It is expected that the special controls identified are appropriate to provide reasonable assurance of the safety and effectiveness for rigid pedicle screw systems when used as an adjunct to fusion to treat spinal stenosis and lordosis. In addition, since the 1998 final classification, the Agency has found pedicle screw spinal systems for the indications of spinal stenosis and lordosis substantially equivalent to devices previously cleared under § 888.3070.

V. Risks to Health

After considering available information, including the recommendations of the advisory committee (panels) for the classification of these devices, FDA has evaluated the risks to health associated with the use of pedicle screw spinal systems (i.e., rigid pedicle screw systems), when intended to provide immobilization and stabilization of spinal segments in the thoracic, lumbar, and sacral spine as an adjunct to fusion in the treatment of DDD and spondylolisthesis (other than either severe spondylolisthesis (grades 3 and 4) at L5–S1 or degenerative spondylolisthesis with objective evidence of neurologic impairment). FDA determined that the following risks to health are associated with its use:

- Device failure—Components may deform, fracture, wear, loosen, or disassemble, resulting in a mechanical or functional failure; this may result in back/leg pain, neurological deficit/injury, or loss of correction.
- Failure at the bone/implant interface—Components may loosen, migrate, or disengage from the bone; this may result in back/leg pain, neurological deficit/injury, or loss of correction.
- Tissue injury—Intraoperative and post-operative risks of tissue injury include: Bone fracture, injury to blood vessels or viscera, neurologic injury, dural tear or cerebrospinal fluid leak and skin penetration or irritation, post-operative wound problems including infection, and hematoma/seroma.
- Adverse tissue reactions—Device material(s) may elicit adverse tissue reactions, such as foreign body response, metal allergy, and metal toxicity.
- Device malposition—Risks of device malposition may include difficulty or inability to implant the device components or incorrect placement of the device.
- Pseudarthrosis—The risk of nonunion, or pseudarthrosis, signifies failure of bony fusion and potential instability or pain.

The risks to health presented to the 2013 Panel such as cardiac, respiratory, gastrointestinal, and death are considered general surgical risks associated with the surgical procedure to implant rigid pedicle screw systems (Ref. 1); these risks are not directly associated with rigid pedicle screw systems and therefore are not included in the above list of risks. Failure of the rigid pedicle screw system as a result of the risks to health listed previously may result in the need for reoperation, revision, or removal.

While presented to the 2013 Panel as a potential risk, graft settling would not be considered a device-specific risk. Rather, it represents a potential mechanism for the development of pseudarthrosis, instability, or lack of correction. Further, graft settling is expected in patients undergoing fusion surgery and does not necessarily result in adverse clinical sequelae. Thus, this item does not appear in the above list.

The 2013 Panel stated that the risks to health for DSSs appear similar to those identified for rigid pedicle screw systems; however, as discussed in section X, few data exist to confirm the risk profile for these devices. Therefore, the risks to health cannot be fully characterized for this device type. FDA is also seeking comments on further characterizing the risks to health for DSSs.

VI. Summary of Reasons for Reclassification

If properly manufactured and used, FDA believes that pedicle screw spinal systems (i.e., rigid pedicle screw systems), when intended to provide immobilization and stabilization of spinal segments in the thoracic, lumbar, and sacral spine as an adjunct to fusion in the treatment of degenerative disc disease and spondylolisthesis (other than either severe spondylolisthesis (grades 3 and 4) at L5–S1 or degenerative spondylolisthesis with objective evidence of neurologic impairment), should be reclassified into class II because special controls, in addition to general controls, can be established to provide reasonable assurance of the safety and effectiveness of the device, and because general controls themselves are insufficient to provide reasonable assurance of its safety and effectiveness. In addition, there is now adequate effectiveness information sufficient to establish special controls to provide such assurance.

VII. Summary of Data Upon Which the Reclassification Is Based

FDA believes that the identified special controls, in addition to general controls, are necessary to provide reasonable assurance of safety and effectiveness of rigid pedicle screw systems. Therefore, in accordance with sections 513(e) and 515(i) of the FD&C Act and § 860.130, based on new information with respect to the device and taking into account the public health benefit of the use of the device and the nature and known incidence of the risk of the device, FDA, on its own initiative, is proposing to reclassify this preamendments class III device into class II. The Agency has identified special controls that would provide reasonable assurance of their safety and effectiveness. Rigid pedicle screw systems are prescription devices restricted to patient use only upon the authorization of a practitioner licensed by law to administer or use the device.

Since the 1998 final classification, when FDA classified pedicle screw spinal systems into class III, sufficient evidence has been developed to support a reclassification of rigid pedicle screw systems to class II with special controls, when such devices are intended to provide immobilization and stabilization of spinal segments in the thoracic, lumbar, and sacral spine as an adjunct to fusion in the treatment of degenerative disc disease and spondylolisthesis (other than either severe spondylolisthesis (grades 3 and 4) at L5–S1 or degenerative spondylolisthesis with objective evidence of neurologic impairment). FDA has been reviewing these devices for many years and their risks are well known. The risks to health are identified in section V, and FDA believes these risks can be adequately mitigated by special controls.

FDA's presentation to the 2013 Panel included a summary of the available safety and effectiveness information for rigid pedicle screw systems for treatment of the previously described uses, including comprehensive reviews of the available literature and adverse event reports from the Manufacturer and User Facility Device Experience (MAUDE) database. Based on the available safety and effectiveness information that supports that rigid pedicle screw systems may be beneficial for patients undergoing fusion treatment of the previously described conditions, FDA recommended that rigid pedicle screw systems be reclassified to class II (special controls) when such devices are intended to provide immobilization and stabilization of spinal segments in the

thoracic, lumbar, and sacral spine as an adjunct to fusion in the treatment of degenerative disc disease and spondylolisthesis (other than either severe spondylolisthesis (grades 3 and 4) at L5–S1 or degenerative spondylolisthesis with objective evidence of neurologic impairment). The 2013 Panel discussed and made recommendations regarding the regulatory classification of rigid pedicle screw systems to either reconfirm to class III (subject to premarket approval application) or reclassify to class II (subject to special controls) as directed by section 515(i) of the FD&C Act. The 2013 Panel agreed with FDA's conclusion that the available scientific evidence is adequate to support the safety and effectiveness of rigid pedicle screw systems for these uses.

The 2013 Panel also agreed with the identified risks to health outlined in section V. The 2013 Panel also recommended that allergic reaction to the device and its materials should be included as a risk to health. FDA agrees with the 2013 Panel's recommendation and has included this risk. The 2013 Panel agreed with FDA's proposed special controls outlined in section VIII.

The 2013 Panel transcript and other meeting materials are available on FDA's Web site (Ref. 1).

VIII. Proposed Special Controls

FDA believes that the following special controls, in addition to general controls (including applicable prescription-use restrictions and continuing 510(k) notification requirements), are sufficient to mitigate the risks to health described in section V for rigid pedicle screw systems:

- The design characteristics of the device, including engineering schematics, must ensure that the geometry and material composition are consistent with the intended use.
- Non-clinical performance testing must demonstrate the mechanical function and durability of the implant.
- Device components must be demonstrated to be biocompatible.
- Validation testing must demonstrate the cleanliness and sterility of, or the ability to clean and sterilize, the device components and device-specific instruments.
- Labeling must specifically include the following:
  - A clear description of the technological features of the device including identification of device materials and the principles of device operation;
  - intended use and indications for use including levels of fixation;
  - identification of magnetic resonance compatibility status;
  - cleaning and sterilization instructions for devices and instruments that are provided non-sterile to the end user; and
  - detailed instructions of each surgical step, including device removal.

Table 1 summarizes how FDA believes the risks to health identified in section V can be mitigated by the proposed special controls.

TABLE 1—RISKS TO HEALTH AND MITIGATION MEASURES FOR RIGID PEDICLE SCREW SYSTEMS

Identified risks to health	Mitigation method
Device Failure	Design characteristics. Non-clinical performance testing. Labeling.
Failure of Bone Implant Interface	Design characteristics. Biocompatibility. Non-clinical performance testing. Labeling.
Tissue Injury	Labeling.
Adverse Tissue Reaction	Design characteristics. Biocompatibility. Sterility. Labeling.
Device Malposition	Labeling.
Pseudoarthrosis	Non-clinical performance testing. Biocompatibility. Labeling.

In addition, under 21 CFR 801.109, the sale, distribution and use of rigid pedicle screw systems are restricted to prescription use. Prescription-use restrictions are a type of general control under section 513(a)(1)(A)(i) of the FD&C Act. Under § 807.81, the device would continue to be subject to 510(k) notification requirements.

While the 2013 Panel recommended that training be a special control, we believe that the general control of prescription use is an adequate substitute. Furthermore, these devices are for prescription use only, which makes adequate surgeon training implicit.

IX. Dates New Requirements Apply

In accordance with section 515(b) of the FD&C Act, FDA is proposing to require that a PMA be filed with the Agency for DSSs that are preamendments class III devices within 90 days after issuance of any final order based on this proposal. In addition, in accordance with section 513(e) of the FD&C Act, FDA is proposing to require that a PMA be filed with the Agency for DSSs that will be reclassified from class II to class III. An applicant whose device was legally in commercial distribution before May 28, 1976, or whose device has been found to be substantially equivalent to such a device, will be permitted to continue marketing such class III device during FDA's review of the PMA, provided that the PMA is timely filed. FDA intends to review any PMA for the device within 180 days of the date of filing. FDA cautions that under section 515(d)(1)(B)(i) of the FD&C Act, the Agency may not enter into an agreement to extend the review period for a PMA beyond 180 days unless the Agency finds that ''the continued availability of the device is necessary for the public health.''

Under the FD&C Act, preamendments class III DSSs currently in distribution for which no PMA is submitted within 90 days of a final order calling for DSS, or for which a denial is rendered on its filed PMA, will be considered adulterated under section 501(f)(1) of the FD&C Act. Nonetheless, for reasons discussed below, FDA does not intend to ensure compliance with the 90-day

deadline for PMA submissions, for those manufacturers of currently marketed class III preamendment DSSs (see further discussion in section XII). Instead, FDA is proposing to consider allowing continued distribution for manufacturers of currently marketed DSSs who notify FDA of their intent to file a PMA within 90 days from the issuance of the final order based on this proposal. The notification of the intent to file a PMA submission should include a list of all part numbers for which a manufacturer plans to seek marketing approval through its PMA. FDA proposes further to allow continued distribution for DSS devices lawfully distributed for 30 months from the issuance of a final order requiring the filing of a PMA for such devices. Manufacturers should be able to collect additional scientific evidence, to the extent any is necessary, and prepare PMA submissions, in this time. No new devices will be allowed into interstate commerce without approval of a PMA. We request comment on whether it is appropriate to allow continued distribution and, if so, whether the 30 month period proposed is reasonable.

FDA intends that under § 812.2(d), the publication in the **Federal Register** of any final order based on this proposal will include a statement that, as of the date on which a PMA is required to be filed, the exemptions from the requirements of the IDE regulations for preamendments class III devices in § 812.2(c)(1) and (c)(2) will cease to apply to any device that is: (1) Not legally on the market on or before that date or (2) legally on the market on or before that date but for which a PMA is not filed by that date, or for which PMA approval has been denied or withdrawn.

If a PMA for a class III device is not filed with FDA within 90 days after the date of issuance of any final order requiring premarket approval for the device, the device would be deemed adulterated under section 501(f) of the FD&C Act. The device may be distributed for investigational use only if the requirements of the IDE regulations are met. The requirements for significant risk devices include submitting an IDE application to FDA for review and approval. An approved IDE is required to be in effect before an investigation of the device may be initiated or continued under § 812.30. FDA usually recommends that IDE applications be submitted to FDA at least 30 days before the end of the 90-day period after the issuance of the final order to avoid interrupting any ongoing investigations.

However, FDA does not intend to enforce compliance with IDE and PMA requirements for manufacturers of DSSs who notify FDA of their intent to file a PMA for such devices within 90 days and file a PMA within 30 months after the date of issuance of any final order requiring premarket approval for these devices. As stated previously in Section I.B, because DSSs are currently cleared in either one of two classifications—class II or class III—if the proposal to require a PMA is finalized, two different requirements would exist for submission of a PMA for the same device type (90 days and 30 months, respectively). Similarly, if the proposal to require a PMA is finalized, two different requirements would exist for an approved IDE to be in effect. The Agency believes that all DSS manufacturers should be provided the same amount of time to comply with the IDE requirements. Therefore, to avoid an imbalance in IDE requirements for the same device type, we propose that an approved IDE need not be in effect until 30 months after the date of issuance of any final order requiring premarket approval for DSSs. FDA recommends that manufacturers file a pre-submission to discuss data requirements that may be necessary to support their individual PMA submission.

Unlike DSSs, rigid pedicle screw systems, when intended to provide immobilization and stabilization of spinal segments in the thoracic, lumbar, and sacral spine as an adjunct to fusion in the treatment of DDD and spondylolisthesis (other than either severe spondylolisthesis (grades 3 and 4) at L5–S1 or degenerative spondylolisthesis with objective evidence of neurologic impairment) can currently be marketed after receiving clearance of a 510(k) submission. Because FDA is proposing to reclassify these devices as class II requiring clearance of a 510(k) submission, this order, if finalized, will not impose any new requirements on rigid pedicle screw systems when intended for these uses.

X. Device Subject to the Proposal to Require a PMA—DSSs (Proposed § 888.3070(a)(2))

A. Identification

DSSs are a subset of the pedicle screw spinal systems regulated under § 888.3070. These systems are defined as systems that contain one or more of the following features (including but not limited to): Non-uniform or non-metallic longitudinal elements, features that allow more motion or flexibility compared to rigid systems, or features that do not provide the system immediate rigid fixation. DSSs encompass a large variety of designs and may perform differently as compared to rigid pedicle screw systems.

B. Summary of Data

As described and summarized in section X.C, FDA concludes that there is very limited valid scientific evidence available for DSSs when used as an adjunct to fusion in the treatment of any spinal condition. Because of the limited data available, FDA believes that safety and effectiveness have not been established, the risks to health cannot be fully characterized, special controls cannot be developed, and the benefits of DSSs cannot be evaluated. The 2013 Panel agreed that the risks appeared similar to those identified for rigid pedicle screw systems; however, few data exist to confirm this. The 2013 Panel recommended that DSSs should remain in class III (subject to premarket approval application) because insufficient information currently exists to determine that general controls are sufficient to provide reasonable assurance of its safety and effectiveness or that application of special controls would provide such assurance.

C. Risks to Health

As required by section 515(b) of the FD&C Act, FDA is publishing its proposed findings regarding: (1) The degree of risk of illness or injury designed to be eliminated or reduced by requiring that DSSs have an approved PMA and (2) the benefits to the public from the use of DSSs.

These findings are based on the reports and recommendations of the 2013 Panel for the classification of these devices and any additional information that FDA has obtained.

Very limited data currently exist regarding the safety and effectiveness of DSSs when used as an adjunct to fusion in the treatment of any of the following indications for use: DDD; spondylolisthesis; degenerative spondylolisthesis with objective evidence of neurologic impairment; fracture; dislocation; scoliosis; kyphosis; spinal tumor; and failed previous fusion (pseudarthrosis). FDA's presentation to the 2013 Panel included a summary of the available safety and effectiveness information for DSSs for treatment of the above described uses, including identification of the limited literature and adverse event reports from the MAUDE database (Ref. 1). The limited information from the available published literature, as well as confounding factors (e.g., lack of identification of the indications for use, data from devices that are not legally marketed in the United States), did not

permit any meaningful conclusions to be drawn. The MAUDE search described in section 7.4 of FDA's presentation to the 2013 Panel suggests a potentially higher rate of incidence of serious adverse events (e.g., device breakage, pain, and reoperation) compared to rigid pedicle screw systems; however, the overall number of adverse event reports are very low, due to the limited use and distribution of these devices. (Ref. 1, FDA Executive Summary, pages 31–33). Given the lack of data available for these devices, FDA believes that the safety and effectiveness profile for DSSs is not well established, the risks to health are not fully characterized for this device subtype, and special controls cannot be developed at this time to mitigate the risks to health. The 2013 Panel agreed that the DSSs risks appeared similar to those listed for rigid pedicle screw systems; however, few data exist to confirm the risk profile for these devices. The 2013 Panel recommended that DSSs should remain in class III (subject to premarket approval application) because insufficient information currently exists to determine that general controls are sufficient to provide reasonable assurance of its safety and effectiveness or that application of special controls would provide such assurance.

Because the benefits of DSSs for the above described uses are unknown, it is not currently possible to truly estimate the direct effect of the DSSs on patient outcomes. However, claims for the devices state the devices have the potential to benefit the public in the following ways: Reduced risk for screw fracture and reduced stress-shielding at the treated level.

XI. PMA Requirements

A PMA for a DSS, when used as an adjunct to fusion in the treatment of any spinal condition, must include the information required by section 515(c)(1) of the FD&C Act. Such a PMA should also include a detailed discussion of the risks to health, as well as a discussion of the effectiveness of the device for which premarket approval is sought. In addition, a PMA must include all data and information on: (1) Any risks known, or that should be reasonably known, to the applicant that have not been identified in this document; (2) the effectiveness of the device that is the subject of the application; and (3) full reports of all preclinical and clinical information from investigations on the safety and effectiveness of the device for which premarket approval is sought. A PMA must include valid scientific evidence to demonstrate reasonable assurance of the safety and effectiveness of the device for its intended use (see § 860.7(c)(1)). Valid scientific evidence is ''evidence from well-controlled investigations, partially controlled studies, studies and objective trials without matched controls, well-documented case histories conducted by qualified experts, and reports of significant human experience with a marketed device, from which it can fairly and responsibly be concluded by qualified experts that there is reasonable assurance of the safety and effectiveness of a device under its conditions of use . . . Isolated case reports, random experience, reports lacking sufficient details to permit scientific evaluation, and unsubstantiated opinions are not regarded as valid scientific evidence to show safety or effectiveness.'' (See § 860.7(c)(2).)

XII. Implementation Strategy for Currently Marketed DSSs

For clarification, if this proposed order is finalized, and under section 501(f)(2)(B), PMAs for currently marketed DSSs are required to be filed on or before 90 days after the date of issuance of a final order in the **Federal Register**. However, for currently marketed DSSs, FDA does not intend to ensure compliance with this 90-day deadline until 30 months after that deadline (i.e., 33 months after the issuance of the final order) for class III preamendments DSSs, as long as notice of intent to file a PMA is submitted within 90 days of issuance of the final order. The notification of the intent to file a PMA submission must include a list of all part numbers for which a manufacturer plans to seek marketing approval through its PMA. Manufacturers should be able to collect additional scientific evidence, to the extent any is necessary, and prepare PMA submissions, in this time. No new devices will be allowed into interstate commerce without approval of a PMA.

In conducting any clinical studies, DSSs may be distributed for investigational use if the requirements of the IDE regulations (part 812) are met. There will be neither extended period for filing an IDE nor exemption from IDE requirements, and studies may not be initiated without appropriate IDE approvals, where necessary.

XIII. Opportunity To Request a Change in Classification

Before requiring the filing of a PMA for a device, FDA is required by section 515(b)(2)(D) of the FD&C Act to provide an opportunity for interested persons to request a change in the classification of the device based on new information relevant to the classification. Any proceeding to reclassify the device will be under the authority of section 513(e) of the FD&C Act.

A request for a change in the classification of DSSs, when used as an adjunct to fusion in the treatment of any spinal condition, is to be in the form of a reclassification petition containing the information required by § 860.123, including new information relevant to the classification of the device.

XIV. Codification of Orders

Prior to the amendments by FDASIA, section 513(e) of the FD&C Act provided for FDA to issue regulations to reclassify devices and section 515(b) of the FD&C Act provided for FDA to issue regulations to require approval of an application for PMA for preamendments devices or devices found to be substantially equivalent to preamendments devices. Because sections 513(e) and 515(b) of the FD&C Act, as amended by FDASIA, require FDA to issue final orders rather than regulations, FDA will continue to codify reclassifications and requirements for approval of a PMA, resulting from changes issued in final orders, in the CFR.

Therefore, under section 513(e)(1)(A)(i) of the FD&C Act, as amended by FDASIA, in this proposed order, we are proposing to revoke the requirements in § 888.3070 related to the classification of rigid pedicle screw systems when used for immobilization and stabilization as an adjunct to fusion in the treatment of DDD and spondylolisthesis (other than either severe spondylolisthesis (grades 3 and 4) at L5–S1 or degenerative spondylolisthesis with objective evidence of neurologic impairment) as class III devices and to codify the reclassification of rigid pedicle screw systems when used for immobilization and stabilization as an adjunct to fusion in the treatment of DDD and spondylolisthesis (other than either severe spondylolisthesis (grades 3 and 4) at L5–S1 or degenerative spondylolisthesis with objective evidence of neurologic impairment) into class II.

XV. Environmental Impact

The Agency has determined under 21 CFR 25.30(h) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

XVI. Paperwork Reduction Act of 1995

This proposed order refers to collections of information that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 814 have been approved under OMB control number 0910–0231. The collections of information in part 807, subpart E, have been approved under OMB control number 0910–0120.

The effect of this order, if finalized, is to shift DSSs devices from the 510(k) premarket notification process to the PMA process. To account for this change, FDA intends to transfer some of the burden from OMB control number 0910–0120, which is the control number for the 510(k) premarket notification process, to OMB control number 0910–0231, which is the control number for the PMA process. FDA estimates that it will receive 16 new PMAs for DSS as a result of this order, if finalized. Based on FDA's most recent estimates, this will result in 16,601 hours burden increase to OMB control number 0910–0231. FDA also estimates that there will be 16 fewer 510(k) submissions as a result of this order, if finalized. Based on FDA's most recent estimates, this will result in 2,179 hours decrease to OMB control number 0910–0120. Therefore, on net, FDA expects a burden hour increase of 14,422 hours due to this proposed regulatory change.

The collections of information in part 812 have been approved under OMB control number 0910–0078.

XVII. Proposed Effective Date

FDA is proposing that any final order based on this proposal become effective on the date of its publication in the **Federal Register** or at a later date if stated in the final order.

XVIII. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

XIX. Reference

The following reference has been placed on display in the Division of Dockets Management (see **ADDRESSES**) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday, and is available electronically at *http://www.regulations.gov.* (FDA has verified the Web site address in this reference section, but FDA is not responsible for any subsequent changes to the Web site after this document publishes in the **Federal Register**.)

1. FDA, the May 22, 2013 Panel transcript and other meeting materials (*http://www.fda.gov/AdvisoryCommittees/CommitteesMeetingMaterials/MedicalDevices/MedicalDevicesAdvisoryCommittee/CirculatorySystemDevicesPanel/ucm352525.htm*).

List of Subjects in 21 CFR Part 888

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 888 be amended as follows:

PART 888—ORTHOPEDIC DEVICES

■ 1. The authority citation for 21 CFR part 888 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

■ 2. Section 888.3070 is amended by revising paragraphs (a) and (b)(2), adding paragraph (b)(3), and revising paragrpah (c) to read as follows:

§ 888.3070 Pedicle screw spinal system.

(a) *Identification.* (1) Rigid pedicle screw systems are prescription devices comprised of multiple components, made from a variety of materials that allow the surgeon to build an implant system to fit the patient's anatomical and physiological requirements. Such a spinal implant assembly consists of a combination of hooks, screws, longitudinal members (e.g., plates, rods, plate/rod combinations), transverse or cross connectors, and interconnection mechanisms (e.g., rod-to-rod connectors, offset connectors). These systems are intended for immediate rigid fixation as an adjunct to fusion.

(2) Dynamic stabilization systems are defined as systems that contain one or more non-uniform and/or non-metallic longitudinal elements (e.g., polymer cords, moveable screw heads, springs) that allow more motion or flexibility (e.g., bending, rotation, translation) compared to rigid pedicle screw systems and do not provide immediate rigid fixation to the spinal column as an adjunct fusion.

(b) * * *

(2) Class II (special controls), when a rigid pedicle screw system is intended to provide immobilization and stabilization of spinal segments in the thoracic, lumbar, and sacral spine as an adjunct to fusion in the treatment of degenerative disc disease and spondylolisthesis other than either severe spondylolisthesis (grades 3 and 4) at L5–S1 or degenerative spondylolisthesis with objective evidence of neurologic impairment. These pedicle screw spinal systems must comply with the following special controls:

(i) The design characteristics of the device, including engineering schematics, must ensure that the geometry and material composition are consistent with the intended use.

(ii) Non-clinical performance testing must demonstrate the mechanical function and durability of the implant.

(iii) Device components must be demonstrated to be biocompatible.

(iv) Validation testing must demonstrate the cleanliness and sterility of, or the ability to clean and sterilize, the device components and device-specific instruments.

(v) Labeling must bear all information required for the safe and effective use of the device, specifically including the following:

(A) A clear description of the technological features of the device including identification of device materials and the principles of device operation;

(B) Intended use and indications for use including levels of fixation;

(C) Identification of magnetic resonance compatibility status;

(D) Cleaning and sterilization instructions for devices and instruments that are provided nonsterile to the end user; and

(E) Detailed instructions of each surgical step, including device removal.

(3) Class III (premarket approval) when a dynamic stabilization system is intended to provide stabilization of spinal segments in the thoracic, lumbar, and sacral spine as an adjunct to fusion for any indication.

(c) *Date PMA or notice of completion of a PDP is required.* A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before [*DATE 90 DAYS AFTER DATE OF PUBLICATION OF A FUTURE FINAL ORDER IN THE* ***FEDERAL REGISTER***] for any dynamic stabilization system that was in commercial distribution before May 28, 1976, or that has, on or before [*DATE 90 DAYS AFTER DATE OF PUBLICATION OF A FUTURE FINAL ORDER IN THE* ***FEDERAL REGISTER***] been found to be substantially equivalent to a pedicle

screw spinal system that was in commercial distribution before May 28, 1976. Any other dynamic stabilization system shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

Dated: November 6, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–26726 Filed 11–10–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 924

[SATS No. MS–024–FOR; Docket No. OSMRE–2014–0005; S1D1SS S08011000 SX066A00067F144S180110; S2D2SS S08011000SX066A00033F14XS501520]

Mississippi Abandoned Mine Land Plan

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

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are announcing receipt of a proposed amendment to the Mississippi Abandoned Mine Land Reclamation (AMLR) Plan (hereinafter, the Mississippi Plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Mississippi has requested concurrence from the Secretary of the Department of the Interior with its certification of completion of all coal-related reclamation objectives. If the Secretary concurs with the certification, Mississippi intends to request AMLR funds to pursue projects in accordance with section 411 of SMCRA.

This document gives the times and locations that the Mississippi Plan and this proposed amendment to that plan are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4:00 p.m., c.d.t., December 12, 2014. If requested, we will hold a public hearing on the amendment on December 8, 2014. We will accept requests to speak at a hearing until 4:00 p.m., c.d.t. on November 28, 2014.

ADDRESSES: You may submit comments, identified by SATS No. MS–024–FOR, by any of the following methods:

- Mail/Hand Delivery: Sherry Wilson, Director, Birmingham Field Office, Office of Surface Mining Reclamation and Enforcement, 135 Gemini Circle, Suite 215, Homewood, Alabama 35209; Telephone: (205) 290–7282.
- Fax: (205) 290–7280.
- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Comment Procedures'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to review copies of the Mississippi Plan, a listing of any scheduled public hearings, and all written comments received in response to this document, you must go to the address of our Birmingham Field Office listed above during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSMRE's Birmingham Field Office or going to *www.regulations.gov.*

Sherry Wilson, Director, Birmingham Field Office, Office of Surface Mining Reclamation and Enforcement, 135 Gemini Circle, Suite 215, Homewood, Alabama 35209, Telephone: (205) 290–7282, Email: *swilson@osmre.gov.*

In addition, you may review a copy of the amendment during regular business hours at the following location:

Mississippi Office of Geology, Department of Environmental Quality, 700 N. State Street Jackson, Mississippi 39202, Telephone: (601) 961–5519.

FOR FURTHER INFORMATION CONTACT: Sherry Wilson, Director, Birmingham Field Office. Telephone: (205) 290–7282. Email: *swilson@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on Mississippi Plan
II. Description of the Proposed Amendment
III. Public Comment Procedures
IV. Procedural Determinations

I. Background on the Mississippi Plan

The Abandoned Mine Land Reclamation Program was established by Title IV of the Act, (30 U.S.C. 1201 *et seq.*) in response to concerns over extensive environmental damage caused by past coal mining activities. The program is funded by a reclamation fee collected on each ton of coal that is produced. The money collected is used to finance the reclamation of abandoned coal mines and for other authorized activities. Section 405 of the Act allows States and Indian tribes to assume exclusive responsibility for reclamation activity within the State or on Indian lands if they develop and submit to the Secretary of the Interior for approval, a program (often referred to as a plan) for the reclamation of abandoned coal mines. On September 27, 2007, the Secretary of the Interior approved the Mississippi plan. You can find background information on the Mississippi Plan, including the Secretary's findings, the disposition of comments, and the approval of the plan in the September 27, 2007, **Federal Register** (72 FR 54832). No amendments have previously been made to the Mississippi Plan.

II. Description of the Proposed Mississippi Amendment

By letter dated August 11, 2014 (Administrative Record No. MS–0424), Mississippi indicated to OSMRE that it has instituted the necessary processes to reclaim the remaining coal related problems within the State. As such, Mississippi seeks certification of completion of all coal-related problems. If this request is approved by OSMRE, it will mark the addressing, for the present, of all known existing coal-related problems within the State that are eligible for funding under Mississippi's AMLR Program.

If approved, the certificate of completion will be codified at 30 CFR 924.25. In accordance with 30 CFR 875.13(c), Mississippi may then implement a program under Section 411 of SMCRA.

OSMRE is seeking public comment on the adequacy of Mississippi's certification that it has addressed all reclamation relating to abandoned coal mine lands. In addition, OSMRE is aware of the potential for problems to occur in the future related to pre-August 3, 1977, coal mining. In accordance with 30 CFR 875.13(a)(3), Mississippi agrees to acknowledge and give top priority to any coal-related problem(s) that may be found or occur after submission of the certificate of completion.

The full text of the plan amendment is available for you to read at the locations listed above under **ADDRESSES** or at *www.regulations.gov.*

III. Public Comment Procedures

Under the provisions of 30 CFR 884.15(a), we are seeking your comments on whether Mississippi's proposed amendment satisfies the applicable reclamation plan approval criteria of 30 CFR 884.14. If we approve

the amendment, it will become part of the Mississippi Plan.

Electronic or Written Comments

If you submit written comments, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for any recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final regulations will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than those listed (see **ADDRESSES**) will be included in the docket for this rulemaking and considered.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment including your personal identifying information may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., c.d.t. on November 28, 2014. If you are disabled and need reasonable accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public; if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

IV. Procedural Determinations

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866.

Other Laws and Executive Orders Affecting Rulemaking

The Federal regulations at 30 CFR 884.14(a) list the requirements that must be met in order for OSMRE to approve a State reclamation plan amendment or revision if it changes the objectives, scope, or major policies followed by the State in the conduct of its reclamation program. Following our review of the proposed amendment or revision, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

List of Subjects in 30 CFR Part 924

Intergovernmental relations, Surface mining, Underground mining.

Dated: August 28, 2014.

William L. Joseph,

Acting Regional Director, Mid-Continent Region.

[FR Doc. 2014–26656 Filed 11–10–14; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 950

[SATS No. WY–046–FOR; Docket ID OSM–2014–0007; S1D1SSS08011000SX066A00067F144S180110; S2D2SSS08011000SX066A00033F14XS501520]

Wyoming Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We are announcing receipt of a proposed amendment to the Wyoming regulatory program (hereinafter, the ''Wyoming program'') under the Surface Mining Control and Reclamation Act of 1977 (''SMCRA'' or ''the Act''). Wyoming proposes both revisions of and additions to its coal rules and regulations concerning valid existing rights and ownership and control, and revises a provision concerning periodic monitoring of blasting. Wyoming intends to revise its program to be consistent with the corresponding Federal regulations and SMCRA, clarify ambiguities, and improve operational efficiency.

This document gives the times and locations that the Wyoming program and proposed amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4:00 p.m., m.d.t. December 12, 2014. If requested, we will hold a public hearing on the amendment on December 8, 2014. We will accept requests to speak until 4:00 p.m., m.d.t. on November 28, 2014.

ADDRESSES: You may submit comments by either of the following two methods:

- Federal eRulemaking Portal: *www.regulations.gov.* This proposed rule has been assigned Docket ID: OSM–2014–0007. If you would like to submit comments through the Federal eRulemaking Portal, go to *www.regulations.gov* and follow the instructions.
- Mail/Hand Delivery/Courier: Jeffrey Fleischman, Director, Casper Area Office, Office of Surface Mining Reclamation and Enforcement, Dick Cheney Federal Building, POB 11018, 150 East B Street, Casper, Wyoming 82601–1018.

For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''III. Public Comment Procedures'' in the **SUPPLEMENTARY INFORMATION** section of this document.

In addition to viewing the docket and obtaining copies of documents at *www.regulations.gov,* you may review copies of the Wyoming program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document, may be obtained at the

addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may also receive one free copy of the amendment by contacting OSMRE's Casper Area Office.

Jeffrey Fleischman, Director, Casper Area Office, Office of Surface Mining Reclamation and Enforcement, Dick Cheney Federal Building, POB 11018, 150 East B Street, Casper, Wyoming 82601–1018, (307) 261–6547, *jfleischman@osmre.gov.*

Todd Parfitt, Director, Wyoming Department of Environmental Quality, Herschler Building, 122 West 25th Street, Cheyenne, Wyoming 82002, (307) 777–7555, *todd.parfitt@wyo.gov.*

FOR FURTHER INFORMATION CONTACT: Jeffrey Fleischman, Telephone: (307) 261–6547. Internet: *jfleischman@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Wyoming Program
II. Description of the Proposed Amendment
III. Public Comment Procedures
IV. Procedural Determinations

I. Background on the Wyoming Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its State program includes, among other things, ''a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of this Act . . .; and rules and regulations consistent with regulations issued by the Secretary pursuant to this Act.'' See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Wyoming program on November 26, 1980. You can find background information on the Wyoming program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Wyoming program in the November 26, 1980, **Federal Register** (45 FR 78637). You can also find later actions concerning Wyoming's program and program amendments at 30 CFR 950.15, 950.16, and 950.20.

II. Description of the Proposed Amendment

By letter dated September 30, 2014, Wyoming sent us a proposed amendment to its approved regulatory program (Administrative Record Docket ID No. OSM–2014–0007) under SMCRA (30 U.S.C. 1201 *et seq.*). Wyoming submitted the amendment to address deficiencies that OSMRE previously identified during its review of formal valid existing rights (WY–044–FOR; Docket ID No. OSM–2013–0001) and ownership and control (WY–045–FOR; Docket ID No. OSM–2013–0002) amendments. The amendment also revises a provision concerning periodic monitoring of blasting in response to a concern that the Casper Area Office identified during its annual oversight review of the Wyoming program.

Specifically, Wyoming proposes to amend the Land Quality Division Coal Rules and Regulations at Chapter 1, Section 2(aa) (definition of ''Control or controller''); the title of Chapter 2 (permit application requirements for surface coal mining operations); Chapter 2, Section 2(a)(i)(B) (ownership and control permit application information including a complete identification of interests); Chapter 2, Section 2(a)(ii)(A)(I) (ownership and control permit application information including a complete statement of compliance); Chapter 6, Section 4(b)(i)(A) (blasting standards; periodic monitoring of blasting); Chapter 12, Section 1(a)(vii)(F) (permitting procedures; availability of records); Chapter 12, Section 1(a)(viii)(B) (permitting procedures; final compliance review); Chapter 12, Section 1(a)(x)(D)(I) (permitting procedures; unanticipated events or conditions at remining sites); Chapter 12, Section 1(a)(xiv)(C) (permitting procedures; challenges to ownership or control listings in AVS); Chapter 12, Section 1(a)(xiv)(F) (permitting procedures; written agency decision on challenges to ownership or control listings or findings); Chapter 12, Section 1(b)(ii) (permitting procedures; transfer, assignment or sale of permit rights); and Chapter 16, Section 4(c)(i)(A) (individual civil penalties; amount of civil penalty). The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES**.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the Wyoming program.

Electronic or Written Comments

If you submit written comments, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for any recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final regulations will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than those listed above (see **ADDRESSES**) will be included in the docket for this rulemaking and considered.

Public Availability of Comments: Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available in the electronic docket for this rulemaking at *www.regulations.gov.* 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.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., m.d.t. on November 28, 2014. If you are disabled and need reasonable accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold the hearing. If only one person expresses an interest, a public meeting rather than a hearing may be held, with the results included in the docket for this rulemaking.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at a public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a

public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public; if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

IV. Procedural Determinations

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Other Laws and Executive Orders Affecting Rulemaking

When a State submits a program amendment to OSMRE for review, our regulations at 30 CFR 732.17(h) require us to publish a notice in the **Federal Register** indicating receipt of the proposed amendment, its text or a summary of its terms, and an opportunity for public comment. We conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved, approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

List of Subjects in 30 CFR Part 950

Intergovernmental relations, Surface mining, Underground mining.

Dated: October 8, 2014.

Ervin J. Barchenger,

Acting Regional Director, Western Region.

[FR Doc. 2014–26660 Filed 11–10–14; 8:45 am]

BILLING CODE 4310–05–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3050

[Docket Nos. RM2015–3; Order No. 2240]

Periodic Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning a Proposed Rulemaking on Analytical Principles Used in Periodic Reporting (Proposal Ten). This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* November 26, 2014.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Summary of Proposal
III. Initial Commission Action
IV. Ordering Paragraphs

I. Introduction

On November 3, 2014, the Postal Service filed a petition pursuant to 39 CFR 3050.11 requesting that the Commission initiate an informal rulemaking proceeding to consider changes to analytical principles relating to periodic reports.[1] Text attached to the Petition identifies the proposed analytical method changes filed in this docket as Proposal Ten, A Proposal to Incorporate New Field Study Data into Three Parcel Mail Processing Cost Models and the Standard Mail Destination Entry Cost Model. *Id.* Attachment at 1. The Postal Service concurrently filed two library references, along with an application for nonpublic treatment for one.[2]

II. Summary of Proposal

New study. Currently, the Postal Service uses productivity data from a 2009 field study to develop cost estimates in four models filed as part of its Annual Compliance Report.[3] *Id.* The Postal Service now has productivity data from a new study (2014 Study) conducted at several types of facilities, and proposes incorporating these results into the referenced cost models.[4] *Id.* at 3.

The Postal Service states that the proposed productivity updates affect two other models because some of the results (from two of the four models) are used as inputs to other cost studies.[5] *Id.* All six models, as revised by the updates, appear in the library references. *Id.*

The 2014 Study also provides NDC data on postal arrival and dispatch profiles and mail piece dimension data by mail type. *Id.* at 6–7. The Postal Service also proposes incorporating these data into the relevant mail processing cost models. *Id.*

Cost impacts. The Postal Service summarizes the cost impacts of the proposed modifications on the public cost models in Tables 1 through 5. *Id.* at 8. It summarizes the cost impacts of the proposed modifications on the Parcel Select/Parcel Return Service mail processing unit cost estimates in an Excel file in the non-public library reference.[6] Petition, Attachment at 8.

III. Initial Commission Action

The Commission establishes Docket No. RM2015–3 for consideration of matters raised by the Petition. Additional information concerning the Petition may be accessed via the Commission's Web site at *http://www.prc.gov.* Interested persons may submit comments on the Petition no later than November 26, 2014. Reply comments are due no later than December 12, 2014. Pursuant to 39 U.S.C. 505, Nina Yeh is designated as officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. RM2015–3 for consideration of the matters raised by the Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Ten), filed November 3, 2014.

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[1] Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Ten), November 3, 2014 (Petition).

[2] Notice of Filing of USPS–RM2015–3/1, USPS–RM2015–3/NP1, and Application for Nonpublic Treatment, November 3, 2014 (Notice). The Notice incorporates by reference the Application for Non-Public Treatment of Materials contained in Attachment Two to the December 27, 2013 United States Postal Service Fiscal Year 2013 Annual Compliance Report. Notice at 1. See 39 CFR part 3007 for information on access to nonpublic material.

[3] The referenced models are the Standard Mail parcel mail processing cost model (USPS–FY13–12); the Standard Mail destination entry cost model (USPS–FY13–13); the Media Mail-Library Mail mail processing cost model (USPS–FY13–15); and the Parcel Select/Parcel Return Service mail processing cost model (USPS–FY13–NP15). Petition, Attachment at 2.

[4] The facilities in the 2014 Study include network distribution centers (NDCs); auxiliary service facilities; processing and distribution centers; and delivery units. *Id.*

[5] The two cost models affected by the results of the productivity updates are the Bulk Parcel Return Service cost model and the Standard Mail Enhanced Carrier Route mail processing cost model. *Id.* at 3.

[6] See USPS–RM2015–3/NP1,'PROP.10.IMPACT.NONPUB.xlsx.'

2. Comments are due no later than November 26, 2014. Reply comments are due no later than December 12, 2014.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Nina Yeh to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2014–26662 Filed 11–10–14; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3050

[Docket Nos. RM2015–2; Order No. 2238]

Periodic Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning the initiation of a proceeding to considered changes to analytical principles relating to periodic reports (Proposal Nine). This document informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* November 21, 2014. *Reply comments are due:* December 5, 2014.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
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I. Introduction

On October 31, 2014, the Postal Service filed a petition pursuant to 39 CFR 3050.11 requesting that the Commission initiate an informal rulemaking proceeding to consider changes to analytical principles relating to periodic reports.[1] Text attached to the Petition identifies the proposed analytical method changes filed in this docket as Proposal Nine, Refine Split of City Carrier Costs into Office and Street Components. *Id.* Attachment at 1. The Postal Service concurrently filed two library references, along with an application for nonpublic treatment for one.[2]

II. Summary of Proposal

The existing costing methodology for city carriers requires data on the percentage of time spent in the office versus on the street. Petition, Attachment at 1. Currently, separating city carrier accrued costs into office costs (cost segment 6) and street costs (cost segment 7) relies on the In-Office Cost System (IOCS). *Id.* The Postal Service proposes replacing this methodology with the Time and Attendance Collection System (TACS), and making related changes. One is the proposed use of a recent set of City Carrier Street Route Inspections (collected on Form 3999), rather than IOCS, to determine the proportion of street costs incurred due to loading or unloading the vehicle. *Id.* Another is a proposed update to the methodology for attributing and distributing certain related costs that are currently part of the combined Office/Street Burdens, with assignment depending on whether the carrier is clocked to the office or to the street. *Id.* The proposed changes are based on the Postal Service's assertion that its operational systems have matured to the point where they can now provide the necessary data, so the percentage estimated by IOCS can be replaced with census data from TACS. *Id.*

The Postal Service also provides details on several components of Proposal Nine, some of which entail additional methodology changes. For example, in the costing methodology for motor vehicle services in cost segment 12, the Postal Service proposes replacing the current IOCS proxy for the office/street percentage split for motorized routes with the split of workhours available from Delivery Operations Information Systems (DOIS). *Id.* at 3. The Postal Service also proposes, in the costing methodology for vehicle driveout and carfare in cost segment 13, to replace the current proxy from IOCS for the office/street percentage split for foot routes with the split of workhours available from DOIS. *Id.* at 3–4.

Cost impacts. The Postal Service states that Table 1 shows that Proposal Nine, in aggregate, results in an increase in support costs from $1.9 billion to $2.7 billion, and a decrease in aggregate office and street costs from $646 million to $291 million. *Id.* at 5–6. It states that Table 2 (public version) shows the impact on product costs, and that an expanded nonpublic version also shows the impact on individual competitive products. *Id.* at 6.

Anticipated implementation date. The Postal Service anticipates implementing this methodology change at the conclusion of fiscal year 2015. *Id.* at 1.

III. Initial Commission Action

The Commission establishes Docket No. RM2015–2 for consideration of matters raised by the Petition. Additional information concerning the Petition may be accessed via the Commission's Web site at *http://www.prc.gov.* Interested persons may submit comments on the Petition and Proposal Nine no later than November 21, 2014. Reply comments are due no later than December 5, 2014. Pursuant to 39 U.S.C. 505, Anne C. O'Connor is designated as officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. RM2015–2 for consideration of the matters raised by the Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Nine), filed October 31, 2014.

2. Comments are due no later than November 21, 2014. Reply comments are due no later than December 5, 2014.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Anne C. O'Connor to serve as officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

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[1] Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Nine), October 31, 2014 (Petition).

[2] Notice of Filing of USPS–RM2015–2/1, USPS–RM2015–2/NP1, and Application for Nonpublic Treatment, October 31, 2014. One library reference is USPS–RM2015–2/1, Public Material Relating to Proposal Nine; the other is USPS–RM2015–2/NP1, Nonpublic Material Relating to Proposal Nine. The Notice of Filing incorporates by reference the Application for Non-Public Treatment of Materials contained in Attachment Two to the December 27, 2013 United States Postal Service Fiscal Year 2013 Annual Compliance Report. Notice at 1. See 39 CFR part 3007 for information on access to nonpublic material.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2014–26538 Filed 11–10–14; 8:45 am]

BILLING CODE 7710–FW–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R04–OAR–2014–0267; FRL–9919–18–Region 4]

Approval of Implementation Plans and Designation of Areas; Georgia; Redesignation of the Georgia Portion of the Chattanooga, 1997 $PM_{2.5}$ Nonattainment Area to Attainment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On September 14, 2012, the Georgia Department of Natural Resources, through the Georgia Environmental Protection Division (GA EPD), submitted a request to redesignate the Georgia portion of the Chattanooga, TN-GA fine particulate matter ($PM_{2.5}$) nonattainment area (hereafter referred to as the ''Chattanooga TN-GA Area'' or ''Area'') to attainment for the 1997 Annual $PM_{2.5}$ national ambient air quality standards (NAAQS) and to approve a state implementation plan (SIP) revision containing a maintenance plan for the Georgia portion of the Chattanooga TN-GA Area. The Georgia portion of the Chattanooga TN-GA Area is comprised of two counties: Catoosa and Walker Counties in Georgia. The Environmental Protection Agency (EPA) is proposing to approve the redesignation request and the related SIP revision, including GA EPD's plan for maintaining attainment of the $PM_{2.5}$ standard, for the Georgia portion of the Chattanooga TN-GA Area. EPA is also proposing to approve into the Georgia SIP the motor vehicle emission budgets (MVEBs) for nitrogen oxides (NO_X) and $PM_{2.5}$ for the year 2025 for the Georgia portion of the Chattanooga TN-GA Area. On April 23, 2013, Alabama submitted a request to redesignate the Alabama portion of the Chattanooga TN-GA Area, and EPA is expecting Tennessee to submit a request to redesignate the Tennessee portion of the Chattanooga TN-GA Area. EPA will be taking separate action on the requests from Georgia and Tennessee.

DATES: Comments must be received on or before December 3, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2014–0267, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. Email: *R4–RDS@epa.gov*.
3. Fax: (404) 562–9019.
4. Mail: EPA–R04–OAR–2014–0267, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960.
5. Hand Delivery or Courier: Ms. Lynorae Benjamin, Chief, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's 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–R04–OAR–2014–0267. EPA 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 through *www.regulations.gov* or email, information that you consider to be CBI or otherwise protected. 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. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

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 at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

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

SUPPLEMENTARY INFORMATION:

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I. What are the actions EPA is proposing to take?

In this action, EPA is proposing to make a determination that the Chattanooga TN-GA Area is continuing to attain the 1997 Annual $PM_{2.5}$ NAAQS [1] and to take additional actions related to Georgia's request to redesignate the Georgia portion of the Chattanooga TN-GA Area, which is summarized as follows and described in greater detail throughout this notice of proposed rulemaking. EPA proposes: (1) to redesignate the Georgia portion of the Chattanooga TN-GA Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS; and (2) to approve, under section 175A of the Clean Air Act (CAA or Act), Georgia's 1997 Annual $PM_{2.5}$ NAAQS maintenance plan, including the associated MVEBs, for the Georgia portion of the Chattanooga TN-GA Area into the Georgia SIP.

First, EPA proposes to determine that the Georgia portion of the Chattanooga TN-GA Area has met the requirements for redesignation under section 107(d)(3)(E) of the CAA. In this action, EPA is proposing to approve a request to change the legal designation of Catoosa and Walker Counties in Georgia, located within the Chattanooga TN-GA Area, from nonattainment to attainment for the 1997 Annual $PM_{2.5}$ NAAQS.

Second, EPA is proposing to approve Georgia's 1997 Annual $PM_{2.5}$ NAAQS maintenance plan for the Georgia portion of the Chattanooga TN-GA Area (such approval being one of the CAA criteria for redesignation to attainment status). The maintenance plan is designed to help keep the Chattanooga TN-GA Area in attainment for the 1997 Annual $PM_{2.5}$ NAAQS through 2025. The maintenance plan that EPA is proposing to approve today includes on-road MVEBs for direct $PM_{2.5}$ and NO_X for the Georgia portion of the Chattanooga TN-GA Area for transportation conformity purposes. EPA is proposing to approve the 2025 MVEBs into the Georgia SIP that are included as part of Georgia's maintenance plan for the 1997 Annual $PM_{2.5}$ NAAQS.

Further, EPA proposes to make the determination that the Chattanooga TN-GA Area is continuing to attain the 1997 Annual $PM_{2.5}$ NAAQS and that all other redesignation criteria have been met for the Georgia portion of the Chattanooga TN-GA Area. The bases for EPA's determination for the Area are discussed in greater detail below.

EPA is also providing the public an update of the status of EPA's adequacy process for the 2025 MVEBs for $PM_{2.5}$ and NO_X for the Georgia portion of the Chattanooga TN-GA Area. Please see Section VIII of this proposed rulemaking for further explanation of this process and for more details.

Today's notice of proposed rulemaking is in response to Georgia's September 14, 2012, SIP revision, which requests redesignation of the Georgia portion of the Chattanooga TN-GA Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS and addresses the specific issues summarized above and the necessary elements for redesignation described in section 107(d)(3)(E) of the CAA.

II. What is the background for EPA's proposed actions?

Fine particle pollution can be emitted directly or formed secondarily in the atmosphere. The main precursors of secondary $PM_{2.5}$ are sulfur dioxide (SO_2), NO_X, ammonia, and volatile organic compounds (VOC). *See* 72 FR 20586, 20589 (April 25, 2007). Sulfates are a type of secondary particle formed from SO_2 emissions of power plants and industrial facilities. Nitrates, another common type of secondary particle, are formed from NO_X emissions of power plants, automobiles, and other combustion sources.

On July 18, 1997, EPA promulgated the first air quality standards for $PM_{2.5}$. EPA promulgated an annual standard at a level of 15 micrograms per cubic meter ($\mu g/m^3$), based on a 3-year average of annual mean $PM_{2.5}$ concentrations. In the same rulemaking, EPA promulgated a 24-hour standard of 65 $\mu g/m^3$, based on a 3-year average of the 98th percentile of 24-hour concentrations. On October 17, 2006, EPA retained the annual average NAAQS at 15 $\mu g/m^3$ but revised the 24-hour NAAQS to 35 $\mu g/m^3$, based again on the 3-year average of the 98th percentile of 24-hour concentrations.[2] *See* 71 FR 61144. Under EPA regulations at 40 CFR part 50, the primary and secondary 1997 Annual $PM_{2.5}$ NAAQS are attained when the annual arithmetic mean concentration, as determined in accordance with 40 CFR part 50, Appendix N, is less than or equal to 15.0 $\mu g/m^3$ at all relevant monitoring sites in the subject area over a 3-year period.

On January 5, 2005, and supplemented on April 14, 2005, EPA designated Catoosa and Walker Counties in Georgia, in association with counties in Alabama and Tennessee in the Chattanooga TN-GA Area, as nonattainment for the 1997 $PM_{2.5}$ NAAQS. *See* 70 FR 944 and 70 FR 19844, respectively. On November 13, 2009, EPA promulgated designations for the 24-hour standard established in 2006, designating counties in the Chattanooga TN-GA Area as unclassifiable/attainment for the 2006 24-hour $PM_{2.5}$ NAAQS. *See* 74 FR 58688. That action also clarified that the Georgia portion of the Chattanooga TN-GA Area was classified unclassifiable/attainment for the 1997 24-hour $PM_{2.5}$ NAAQS. EPA did not promulgate designations for the 2006 Annual $PM_{2.5}$ NAAQS because that NAAQS was essentially identical to the 1997 Annual $PM_{2.5}$ NAAQS. Therefore, the Georgia portion of the Chattanooga TN-GA Area is designated nonattainment for the Annual $PM_{2.5}$ NAAQS promulgated in 1997, and today's action only addresses this designation.

All 1997 $PM_{2.5}$ NAAQS areas were designated under subpart 1 of title I, part D, of the CAA. Subpart 1 contains the general requirements for nonattainment areas for any pollutant governed by a NAAQS and is less prescriptive than the other subparts of title I, part D. On April 25, 2007, EPA promulgated its $PM_{2.5}$ Implementation Rule, codified at 40 CFR part 51, subpart Z, in which the Agency provided guidance for state and tribal plans to implement the 1997 $PM_{2.5}$ NAAQS. *See* 72 FR 20664. This rule, at 40 CFR 51.1004(c), specifies some of the regulatory results of attaining the NAAQS, as discussed below. The United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) remanded the Clean Air Fine Particle Implementation Rule and the final rule entitled ''Implementation of the New Source Review (NSR) Program for Particulate Matter Less than 2.5 Micrometers ($PM_{2.5}$)'' final rule (73 FR 28321, May 16, 2008) (collectively, ''1997 $PM_{2.5}$ Implementation Rule'') to

[1] On September 8, 2011, at 76 FR 55774, EPA determined that the Chattanooga TN-GA Area attained the 1997 $PM_{2.5}$ NAAQS by its applicable attainment date of April 5, 2010, and that the Area was continuing to attain the $PM_{2.5}$ standard with monitoring data that was currently available.

[2] In response to legal challenges of the annual standard promulgated in 2006, the United States Court of Appeals for the District of Columbia Circuit (D.C. Cir.) remanded that NAAQS to EPA for further consideration. *See American Farm Bureau Federation and National Pork Producers Council, et al.* v. *EPA*, 559 F.3d 512 (D.C. Cir. 2009). However, given that the 1997 and 2006 Annual NAAQS are essentially identical, attainment of the 1997 Annual NAAQS would also indicate attainment of the remanded 2006 Annual NAAQS.

EPA on January 4, 2013, in *Natural Resources Defense Council* v. *EPA,* 706 F.3d 428 (D.C. Cir. 2013). The court found that EPA erred in implementing the 1997 $PM_{2.5}$ NAAQS pursuant to the general implementation provisions of subpart 1 of Part D of Title I of the CAA, rather than the particulate matter-specific provisions of subpart 4 of part D of title I. The effect of the court's ruling on this proposed redesignation action is discussed in detail in Section VI of this notice.

The 3-year ambient air quality data for 2007–2009 indicated no violations of the 1997 $PM_{2.5}$ NAAQS for the Chattanooga TN-GA Area. As a result, on September 14, 2012, Georgia requested redesignation of the Georgia portion of the Chattanooga TN-GA Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS. The redesignation request includes three years of complete, quality-assured ambient air quality data for the 1997 Annual $PM_{2.5}$ NAAQS for 2007–2009, indicating that the 1997 $PM_{2.5}$ NAAQS had been achieved for the Chattanooga TN-GA Area. Under the CAA, nonattainment areas may be redesignated to attainment if sufficient, complete, quality-assured data is available for the Administrator to determine that the area has attained the standard and the area meets the other CAA redesignation requirements in section 107(d)(3)(E). The Chattanooga TN-GA Area's design value, based on data from 2007 through 2009, is below 15.0 $\mu g/m^3$, which demonstrates attainment of the standard. While annual $PM_{2.5}$ concentrations are dependent on a variety of conditions, the overall improvement in annual $PM_{2.5}$ concentrations in the Georgia portion of the Chattanooga TN-GA Area can be attributed to the reduction of pollutant emissions, as discussed in more detail in Section V of this proposed rulemaking.

The D.C. Circuit and the United States Supreme Court have issued a number of decisions and orders regarding the status of EPA's regional trading programs for transported air pollution, CAIR and CSAPR, that impact this proposed redesignation action. The effect of those court actions on this rulemaking is discussed in detail in Section V of this notice.

III. What are the criteria for redesignation?

The CAA provides the requirements for redesignating a nonattainment area to attainment. Specifically, section 107(d)(3)(E) of the CAA allows for redesignation provided the following criteria are met: (1) the Administrator determines that the area has attained the applicable NAAQS; (2) the Administrator has fully approved the applicable implementation plan for the area under section 110(k); (3) the Administrator 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) the Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A; and (5) the state containing such area has met all requirements applicable to the area under section 110 and part D of title I of the CAA.

EPA has provided guidance on redesignation in the General Preamble for the Implementation of title I of the CAA Amendments of 1990 (April 16, 1992 (57 FR 13498), and supplemented on April 28, 1992 (57 FR 18070)) 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 ''Calcagni Memorandum'');
2. ''State Implementation Plan (SIP) Actions Submitted in Response to Clean Air Act (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.

IV. Why is EPA proposing these actions?

On September 14, 2012, GA EPD requested the redesignation of the Georgia portion of the Chattanooga TN-GA Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS. The Chattanooga TN-GA Area has attained the 1997 Annual $PM_{2.5}$ NAAQS, and EPA's preliminary evaluation indicates that the Georgia portion of this Area has met the requirements for redesignation set forth in section 107(d)(3)(E), including the maintenance plan requirements under section 175A of the CAA. EPA is also announcing the status of its adequacy determination for both the NO_X and direct $PM_{2.5}$ MVEBs for the Georgia portion of the Chattanooga TN-GA Area. Additionally, EPA is also approving the MVEBs for both NO_X and direct $PM_{2.5}$ that were included in Georgia's maintenance plan.

V. What is EPA's analysis of the request?

As stated above, in accordance with the CAA, EPA proposes in today's action to: (1) Redesignate the Georgia portion of the Chattanooga TN-GA Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS; and (2) approve into the Georgia SIP the 1997 Annual $PM_{2.5}$ NAAQS maintenance plan, including the associated MVEBs, for the for the Georgia portion of the Chattanooga TN-GA Area. Further, EPA proposes to make the determination that the Chattanooga TN-GA Area continues to attain the 1997 Annual $PM_{2.5}$ NAAQS and that all other redesignation criteria have been met for the Georgia portion of the Chattanooga TN-GA Area. The five redesignation criteria provided under CAA section 107(d)(3)(E) are discussed in greater detail for the Area in the following paragraphs of this section.

Criteria (1)—The Chattanooga TN-GA Area Has Attained the 1997 Annual $PM_{2.5}$ NAAQS

For redesignating a nonattainment area to attainment, the CAA requires EPA to determine that the area has attained the applicable NAAQS (CAA section 107(d)(3)(E)(i)). EPA is proposing to determine that the Chattanooga TN-GA Area continues to attain the 1997 Annual $PM_{2.5}$ NAAQS since the May 31, 2011, attainment determination. *See* 76 FR 31239. For $PM_{2.5}$, an area may be considered to be attaining the 1997 Annual $PM_{2.5}$ NAAQS if it meets the 1997 Annual $PM_{2.5}$ NAAQS, as determined in accordance with 40 CFR 50.13 and Appendix N of part 50, based on three complete, consecutive calendar years of quality-assured air quality monitoring data. To attain these NAAQS, the 3-year average of the annual arithmetic mean concentration, as determined in accordance with 40 CFR part 50, Appendix N, must be less than or equal to 15.0 $\mu g/m^3$ at all relevant monitoring sites in the subject area over a 3-year period. The relevant data must be collected and quality-assured in accordance with 40 CFR part 58 and recorded in the EPA Air Quality System (AQS) database. The monitors generally should have remained at the same location for the duration of the monitoring period required for demonstrating attainment.

On May 31, 2011, EPA determined that the Chattanooga TN-GA Area was attaining the 1997 Annual $PM_{2.5}$ NAAQS. *See* 76 FR 31239. For that action, EPA reviewed $PM_{2.5}$ monitoring

data from monitoring stations in the Chattanooga TN-GA Area for the 1997 Annual $PM_{2.5}$ NAAQS for 2007–2009. These data had been quality-assured by the respective state agencies and are recorded in AQS. In addition, on September 8, 2011, at 76 FR 55774, EPA finalized a determination that the Chattanooga TN-GA Area attained the 1997 Annual $PM_{2.5}$ NAAQS by the applicable attainment date of April 5, 2010. As summarized in Table 1, below, the 3-year averages of annual arithmetic mean concentrations (i.e., design values) for the years 2009 through 2013 for the Chattanooga TN-GA Area are below the 1997 Annual $PM_{2.5}$ NAAQS.

TABLE 1—DESIGN VALUE CONCENTRATIONS FOR THE CHATTANOOGA TN-GA AREA FOR THE 1997 ANNUAL $PM_{2.5}$ NAAQS

[μg/m³]

Location	County	Site ID	3-year design values				
			2007–2009	2008–2010	2009–2011	2010–2012	2011–2013
Rossville—Maple St., Georgia.	Walker County, Georgia ...	132950002	* 12.3	10.6	10.1	10.0	10.5
Siskin Drive/UTC, Tennessee.	Hamilton County, Tennessee.	470654002	12.9	11.6	11.1	10.9	10.0
Maxwell Road/East Ridge, Tennessee.	Hamilton County, Tennessee.	470650031	12.7	11.7	11.2	11.1	10.1
Soddy-Daisy High School, Tennessee.	Hamilton County, Tennessee.	470651011	11.8	11.4	11.0	11.2	9.8

* Values subject to data substitution (76 FR 15895).

As discussed above, the design value for an area is the highest 3-year average of annual mean concentrations recorded at any monitor in the area. Therefore, the 3-year design value for the period on which Georgia based its redesignation request (2007–2009) for the Chattanooga TN-GA Area is 12.9 μg/m³, which is below the 1997 Annual $PM_{2.5}$ NAAQS. Additional details can be found in EPA's final clean data determination for the Chattanooga TN-GA Area. *See* 76 FR 31239 (May 31, 2011). EPA has reviewed more recent data which indicate that the Chattanooga TN-GA Area continues to attain the 1997 Annual $PM_{2.5}$ NAAQS beyond the submitted 3-year attainment period of 2007–2009. If the Area does not continue to attain before EPA finalizes the redesignation, EPA will not go forward with the redesignation. As discussed in more detail below, GA EPD has committed to continue monitoring in this Area in accordance with 40 CFR part 58.

Criteria (5)—Georgia Has Met All Applicable Requirements Under Section 110 and Part D of the CAA; and Criteria (2)—Georgia Has a Fully Approved SIP Under Section 110(k) for the Georgia Portion of the Chattanooga TN-GA Area

For redesignating a nonattainment area to attainment, the CAA requires EPA to determine that the state has met all applicable requirements under section 110 and part D of title I of the CAA (CAA section 107(d)(3)(E)(v)) and that the state has a fully approved SIP under section 110(k) for the area (CAA section 107(d)(3)(E)(ii)). EPA proposes to find that Georgia has met all applicable SIP requirements for the Georgia portion of the Chattanooga TN-GA Area under section 110 of the CAA (general SIP requirements) for purposes of redesignation. Additionally, EPA proposes to find that the Georgia SIP satisfies the criterion that it meets applicable SIP requirements for purposes of redesignation under part D of title I of the CAA (requirements specific to 1997 Annual $PM_{2.5}$ nonattainment areas) in accordance with section 107(d)(3)(E)(v). Further, EPA proposes to determine that the SIP is fully approved with respect to all requirements applicable for purposes of redesignation in accordance with section 107(d)(3)(E)(ii). In making these determinations, EPA ascertained which requirements are applicable to the Area and, if applicable, that they are fully approved under section 110(k). SIPs must be fully approved only with respect to requirements that were applicable prior to submittal of the complete redesignation request.

a. The Georgia Portion of the Chattanooga TN-GA Area Has Met All Applicable Requirements Under Section 110 and Part D of the CAA

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. General SIP elements and requirements are delineated in section 110(a)(2) of title I, part A of the CAA. These requirements include, but are not limited to, the following: Submittal of a SIP that has been adopted by the state after reasonable public notice and hearing; provisions for establishment and operation of appropriate procedures needed to monitor ambient air quality; implementation of a source permit program; provisions for the implementation of part C requirements (Prevention of Significant Deterioration (PSD)) and provisions for the implementation of part D requirements (New Source Review (NSR) permit programs); provisions for air pollution modeling; and provisions for public and local agency participation in planning and emission control rule development.

Section 110(a)(2)(D) 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. The section 110(a)(2)(D) 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 the CAA's interstate transport requirements should be

construed to be applicable requirements for purposes of redesignation.

In addition, EPA believes other section 110 elements that are neither connected with nonattainment plan submissions nor linked with an area's attainment status are not applicable requirements for purposes of redesignation. The area will still be subject to these requirements after the area is redesignated. The section 110 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. This approach is consistent with EPA's existing policy on applicability (i.e., for redesignations) of conformity and oxygenated fuels requirements, as well as with section 184 ozone transport requirements. *See* Reading, Pennsylvania, proposed and final rulemakings (61 FR 53174–53176, October 10, 1996), (62 FR 24826, May 7, 1997); Cleveland-Akron-Loraine, Ohio, final rulemaking (61 FR 20458, May 7, 1996); and Tampa, Florida, final rulemaking at (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 50399, October 19, 2001).

On October 25, 2012, EPA approved all infrastructure SIP elements required under section 110(a)(2) for the 1997 Annual $PM_{2.5}$ NAAQS with the exception of the visibility element under section 110(a)(2)(D)(i)(II) (also known as ''prong 4''). *See* 77 FR 65125. EPA approved prong 4 for the 1997 Annual $PM_{2.5}$ NAAQS on May 7, 2014. See 79 FR 26143. These requirements are, however, statewide requirements that are not linked to the $PM_{2.5}$ nonattainment status of the Area. As stated above, EPA believes that section 110 elements not linked to an area's nonattainment status are not applicable for purposes of redesignation. Therefore, EPA believes it has approved all SIP elements under section 110 that must be approved as a prerequisite for the redesignation to attainment of the Georgia portion of the Chattanooga TN-GA Area.

Title I, Part D, subpart 1 applicable SIP requirements. EPA proposes to determine that the Georgia SIP meets the applicable SIP requirements for the Georgia portion of the Chattanooga TN-GA Area for purposes of redesignation under part D of the CAA. Subpart 1 of part D, found in sections 172–176 of the CAA, sets forth the basic nonattainment requirements applicable to all nonattainment areas. All areas that were designated nonattainment for the 1997 Annual $PM_{2.5}$ NAAQS were designated under subpart 1 of the CAA. For purposes of evaluating this redesignation request, the applicable part D, subpart 1 SIP requirements for all nonattainment areas are contained in sections 172(c)(1)–(9) and in section 176. A thorough discussion of the requirements contained in section 172 can be found in the General Preamble for Implementation of title I. *See* 57 FR 13498, April 16, 1992. Section VI of this proposed rulemaking notice discusses the relationship between this proposed redesignation action and subpart 4 of Part D.

Subpart 1 Section 172 Requirements. Section 172(c)(1) requires the plans for all nonattainment areas to provide for the implementation of all reasonably available control measures (RACM) as expeditiously as practicable and to provide for attainment of the NAAQS. EPA interprets this requirement to impose a duty on all nonattainment areas to consider all available control measures and to adopt and implement such measures as are reasonably available for implementation in each area as components of the area's attainment demonstration. Under section 172, states with nonattainment areas must submit plans providing for timely attainment and meeting a variety of other requirements.

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

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

Section 172(c)(3) requires submission approval of a comprehensive, accurate, and current inventory of actual emissions. On March 1, 2012, EPA approved Georgia's 2002 base-year emissions inventory for the Georgia portion of the Chattanooga TN-GA Area as part of the SIP revision submitted by GA EPD to provide for attainment of the 1997 $PM_{2.5}$ NAAQS in the Area. *See* 77 FR 12487.

Section 172(c)(4) requires the identification and quantification of allowable emissions for major new and modified stationary sources to be allowed in an area, and section 172(c)(5)

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

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 PSD requirements will apply after redesignation, areas being redesignated need not comply with the requirement that a 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 New Source Review Requirements for Areas Requesting Redesignation to Attainment.'' Georgia has demonstrated that the Georgia portion of the Chattanooga TN-GA Area will be able to maintain the NAAQS without part D NSR in effect, and therefore, Georgia need not have fully approved part D NSR programs prior to approval of the redesignation request. Georgia's PSD program will become effective in the Georgia portion of the Chattanooga TN-GA Area upon redesignation to attainment.

Section 172(c)(7) requires the SIP to meet the applicable provisions of section 110(a)(2). As noted above, EPA believes the Georgia SIP meets the requirements of section 110(a)(2) applicable for purposes of redesignation.

176 Conformity Requirements. 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 that are 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 that EPA promulgated pursuant to its authority under the CAA.

EPA believes that it is reasonable to interpret the conformity SIP requirements [4] as not applying for purposes of evaluating the redesignation request under section 107(d) because state conformity rules are still required after redesignation and federal conformity rules apply where state rules have not been approved. *See Wall* v. *EPA,* 265 F.3d 426 (upholding this interpretation) (6th Cir. 2001); *See* 60 FR 62748 (December 7, 1995).

Thus, for the reasons discussed above, the Georgia portion of the Chattanooga TN-GA Area has satisfied all applicable requirements for purposes of redesignation under section 110 and part D of the CAA.

b. The Georgia Portion of the Chattanooga TN-GA Area Has a Fully Approved Applicable SIP Under Section 110(k) of the CAA

EPA has fully approved the applicable Georgia SIP for the Georgia portion of the Chattanooga TN-GA Area for the 1997 Annual $PM_{2.5}$ nonattainment area under section 110(k) of the CAA for all requirements applicable for purposes of redesignation. EPA may rely on prior SIP approvals in approving a redesignation request (see Calcagni Memorandum at p. 3; *Southwestern Pennsylvania Growth Alliance* v. *Browner,* 144 F.3d 984 (6th Cir. 1998); *Wall,* 265 F.3d 426) plus any additional measures it may approve in conjunction with a redesignation action. *See* 68 FR 25426 (May 12, 2003) and citations therein. Following passage of the CAA of 1970, Georgia has adopted and submitted, and EPA has fully approved at various times, provisions addressing the various SIP elements applicable for the 1997 Annual $PM_{2.5}$ NAAQS in the Georgia portion of the Chattanooga TN-GA Area (e.g., 77 FR 65125 (October 25, 2012)). As indicated above, EPA believes that the section 110 elements not connected with nonattainment plan submissions and not linked to the area's nonattainment status are not applicable requirements for purposes of redesignation.

Criteria (3)—The Air Quality Improvement in the Chattanooga TN-GA Area Is Due to Permanent and Enforceable Reductions in Emissions Resulting From Implementation of the SIP and Applicable Federal Air Pollution Control Regulations and Other Permanent and Enforceable Reductions

For redesignating a nonattainment area to attainment, the CAA requires EPA to determine that the air quality improvement in the area is due to permanent and enforceable reductions in emissions resulting from implementation of the SIP and applicable Federal air pollution control regulations and other permanent and enforceable reductions (CAA section 107(d)(3)(E)(iii)). EPA believes that Georgia has demonstrated that the observed air quality improvement in the Chattanooga TN-GA Area is due to permanent and enforceable reductions in emissions resulting from implementation of the SIP and Federal measures.

Fine particulate matter, or $PM_{2.5}$, refers to airborne particles less than or equal to 2.5 micrometers in diameter. Although treated as a single pollutant, fine particles come from many different sources and are composed of many different compounds. In the Chattanooga TN-GA Area, one of the largest components of $PM_{2.5}$ is sulfate, which is formed through various chemical reactions from the precursor SO_2. The other major component of $PM_{2.5}$ is organic carbon, which originates predominantly from biogenic emission sources. Nitrate, which is formed from the precursor NO_X, is also a component of $PM_{2.5}$. Crustal materials from windblown dust and elemental carbon from combustion sources are less significant contributors to total $PM_{2.5}$. VOCs, also precursors for PM, are emitted from a variety of sources, including motor vehicles, chemical plants, refineries, factories, consumer and commercial products, and other industrial sources. VOCs also are emitted by natural sources such as vegetation.

Federal measures enacted in recent years have resulted in permanent emission reductions in particulate matter and its precursors. Most of these emission reductions are enforceable through regulations. The Federal measures that have been implemented include:

Tier 2 vehicle standards and low-sulfur gasoline. In addition to requiring NO_X controls, the Tier 2 rule reduced the allowable sulfur content of gasoline to 30 parts per million (ppm) starting in January of 2006. Most gasoline sold prior to this had a sulfur content of approximately 300 ppm.

Heavy-duty gasoline and diesel highway vehicle standards & Ultra Low-Sulfur Diesel Rule. On October 6, 2000, the U.S. EPA promulgated a rule to reduce NO_X and VOC emissions from heavy-duty gasoline and diesel highway vehicles that began to take effect in 2004. *See* 65 FR 59896. A second phase of standards and testing procedures began in 2007 to reduce particulate matter from heavy-duty highway engines, and reduce highway diesel fuel sulfur content to 15 ppm since the sulfur in fuel damages high efficiency catalytic exhaust emission control devices. The total program should

[4] CAA Section 176(c)(4)(E) requires states to submit revisions to their SIPs to reflect certain federal criteria and procedures for determining transportation conformity. Transportation conformity SIPs are different from the motor vehicle emission budgets that are established in control strategy SIPs and maintenance plans.

achieve a 90 percent reduction PM emissions and a 95 percent reduction in NO_X emission for new engines using low-sulfur diesel, compared to existing engines using higher-content sulfur diesel.

Non-road, large spark-ignition engines and recreational engines standards. The non-road spark-ignition and recreational engine standards, effective in July 2003, regulate NO_X, hydrocarbons, and carbon monoxide from groups of previously unregulated non-road engines. These engine standards apply to large spark-ignition engines (e.g., forklifts and airport ground service equipment), recreational vehicles (e.g., off-highway motorcycles and all-terrain-vehicles), and recreational marine diesel engines sold in the United States and imported after the effective date of these standards.

When all of the non-road spark-ignition and recreational engine standards are fully implemented, an overall 72 percent reduction in hydrocarbons, 80 percent reduction in NO_X, and 56 percent reduction in carbon monoxide emissions are expected by 2020. These controls will help reduce ambient concentrations of ozone, carbon monoxide, and fine particulate matter.

Large non-road diesel engine standards. Promulgated in 2004, this rule is being phased in between 2008 and 2014. This rule will reduce sulfur content in non-road diesel fuel and, when fully implemented, will reduce NO_X and direct $PM_{2.5}$ emissions by over 90 percent from these engines.

Reciprocating Internal Combustion Engine standard. Initially promulgated in 2010, this rule regulates emissions of air toxics from existing diesel powered stationary reciprocating internal combustion engines that meet specific site rating, age, and size criteria. With all of the reciprocating internal combustion engine standards fully implemented in 2013, EPA estimates that $PM_{2.5}$ emissions from these engines have been reduced by approximately 2,800 tons per year (tpy).

Category 3 Marine Diesel Engine standard. Promulgated in 2010, this rule establishes more stringent exhaust emission standards for new large marine diesel engines with per cylinder displacement at or above 30 liters (commonly referred to as Category 3 compression-ignition marine engines) as part of a coordinated strategy to address emissions from all ships that affect U.S. air quality. Near-term standards for newly built engines applied beginning in 2011, and long-term standards requiring an 80 percent reduction in NO_X emissions will begin in 2016.

NO_X SIP Call. On October 27, 1998 (63 FR 57356), EPA issued a NO_X SIP Call requiring the District of Columbia and 22 states to reduce emissions of NO_X. 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.

CAIR and CSAPR. The Clean Air Interstate Rule (CAIR) was promulgated in 2005 and required 28 eastern states and the District of Columbia to significantly reduce emissions of SO_2 and NO_X from electric generating units (EGUs) in order to limit the interstate transport of these pollutants and the ozone and fine particulate matter they form in the atmosphere. 70 FR 25162 (May 12, 2005). In 2008, the D.C. Circuit 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, acting on the Court's remand, EPA promulgated CSAPR, to address interstate transport of emissions and resulting secondary air pollutants and to replace CAIR (76 FR 48208).[5] CSAPR requires substantial reductions of SO_2 and NO_X emissions from EGUs in 28 states in the Eastern United States. Implementation of the rule 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 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 issued its ruling, vacating and remanding CSAPR to the Agency 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 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's decision regarding CSAPR and remanded that decision to the D.C. Circuit to resolve remaining issues in accordance with its ruling. *EPA* v. *EME Homer City Generation, L.P.,* 134 S. Ct. 1584 (2014). EPA filed a motion to lift the stay in light of the Supreme Court decision, and on October 23, 2014, the D.C. Circuit granted EPA's motion. *EME Homer City Generation, L.P.* v. *EPA,* Case No. 11–1302, Document No. 1518738.

EPA approved a modification to Georgia's SIP on October 9, 2007, that addressed the requirements of CAIR for the purpose of reducing SO_2 and NO_X emissions (*see* 72 FR 57202), and Georgia's SIP redesignation request lists CAIR/CSAPR as a control measure. CAIR was in place and getting emission reductions when the Chattanooga TN-GA Area began monitoring attainment of the 1997 Annual $PM_{2.5}$ NAAQS. The quality-assured, certified monitoring data used to demonstrate the area's attainment of the 1997 Annual $PM_{2.5}$ NAAQS by the April 5, 2010, attainment deadline was also impacted by CAIR. However, EPA conducted an air quality modeling analysis as part of the CSAPR rulemaking which demonstrates that the Chattanooga TN-GA Area would be able to maintain the 1997 Annual $PM_{2.5}$ NAAQS even in the absence of either CAIR or CSAPR. *See* ''Air Quality Modeling Final Rule Technical Support Document,'' App. B–40 and B–59.[6] This modeling is available in the docket for this proposed redesignation action. In addition, as noted above, the D.C. Circuit has lifted the stay of CSAPR. Therefore, to the extent that these transport rules impact attainment of the 1997 Annual $PM_{2.5}$ NAAQS in the Chattanooga TN-GA Area, any emission reductions associated with CAIR that helped the Chattanooga TN-GA Area achieve attainment of the 1997 Annual $PM_{2.5}$ NAAQS are 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.

State-only Measures. In its redesignation request, GA EPD

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

[6] The air quality modeling analysis for the CSAPR rulemaking did not identify any of the four monitors in the Chattanooga TN-GA Area as receptors.

identified Georgia rules 391–3–1–.02(2)(sss) (''Multipollutant Rule'') and 391–3–1–.02(2)(uuu) (''SO_2 Emissions from Electric Steam Utility Steam Generating Units'') as two state-only measures that improve $PM_{2.5}$ air quality in the Chattanooga TN-GA Area. Rule (sss) requires flue gas desulfurization (FGD) and selective catalytic reduction (SCR) on the majority of the coal-fired EGUs in Georgia, and Rule (uuu) requires a 95 percent reduction in SO_2 emissions from the majority of the coal-fired EGUs in Georgia. The implementation dates for Rules (sss) and (uuu) vary by EGU, starting on December 31, 2008, for Rule (sss) and January 1, 2010 for Rule (uuu). By the end of 2009, FGDs mandated by Rule (sss) were operating at Plant Hammond (4 of 4 subject units), Plant Bowen (2 of 4 subject units), and Plant Wansley (1 of 2 subject units). Although GA EPD discusses the emissions reductions resulting from Rules (sss) and (uuu) in its redesignation request, these rules were not necessary for attainment of the 1997 Annual $PM_{2.5}$ NAAQS for the reasons discussed below. EPA has therefore not relied on these state-only rules as a basis for proposing approval of the redesignation request and associated maintenance plan.

GA EPD analyzed the sensitivity of $PM_{2.5}$ concentrations at the four $PM_{2.5}$ monitors in the Chattanooga TN-GA Area to reductions in SO_2 emissions due to the installation and operation of FGD by the end of 2009 pursuant to Rule (sss) at the EGUs identified above.[7] The analysis was based on modeling conducted by the Visibility Improvement State and Tribal Association of the Southeast (VISTAS) using emissions inventories for 2002 and 2009 and CMAQ version 4.5 with the CB–IV chemical mechanism.

Based on the sensitivity analysis, GA EPD concluded that the emissions reductions from Rule (sss) were not necessary for attainment of the 1997 Annual $PM_{2.5}$ NAAQS.[8] GA EPD estimated that the Rule (sss) controls in place by the end of 2009 impacted the 2007–09 Annual $PM_{2.5}$ design value by approximately 0.5 μg/m³. Therefore, removing the effect of these controls would result in a 2007–09 design value of 13.4 μg/m³ (12.9 μg/m³ plus 0.5 μg/m³), well below the 15.0 μg/m³ standard.[9] Furthermore, Rule (uuu) was not necessary for attainment of the 1997 Annual $PM_{2.5}$ NAAQS in 2007–09 because it was not implemented until January 1, 2010. All monitors in the Chattanooga Area have registered annual $PM_{2.5}$ readings below 15 μg/m³ since 2006, and the 2006–08 design value for the Area was below the 1997 Annual $PM_{2.5}$ NAAQS.

Criteria (4)—The Georgia Portion of the Chattanooga TN-GA Area Has a Fully Approved Maintenance Plan Pursuant to Section 175A of the CAA

For redesignating a nonattainment area to attainment, the CAA requires EPA to determine that the area has a fully approved maintenance plan pursuant to section 175A of the CAA (CAA section 107(d)(3)(E)(iv)). In conjunction with its request to redesignate the Georgia portion of the Chattanooga TN-GA Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS, GA EPD submitted a SIP revision to provide for the maintenance of the 1997 Annual $PM_{2.5}$ NAAQS for at least 10 years after the effective date of redesignation to attainment. EPA believes that this maintenance plan meets the requirements for approval under section 175A of the CAA.

a. What is required in 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, the plan must demonstrate continued attainment of the applicable NAAQS for at least 10 years after the Administrator approves a redesignation to attainment. Eight years after the redesignation, GA EPD must submit a revised maintenance plan which demonstrates 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, as EPA deems necessary, to assure prompt correction of any future 1997 Annual $PM_{2.5}$ violations. The Calcagni Memorandum provides further guidance on the content of a maintenance plan, explaining that a maintenance plan should address five requirements: The attainment emissions inventory, maintenance demonstration, monitoring, verification of continued attainment, and a contingency plan. As is discussed below, EPA finds that GA EPD's maintenance plan includes all the necessary components and is thus proposing to approve it as a revision to the Georgia SIP.

b. CAA 175 Maintenance Plan Requirements

1. Attainment Emissions Inventory

The Chattanooga TN-GA Area attained the 1997 Annual $PM_{2.5}$ NAAQS based on monitoring data for the 3-year period from 2007–2009. GA EPD has selected 2007 as the attainment emission inventory year. The attainment inventory identifies a level of emissions in the Area that is sufficient to attain the 1997 Annual $PM_{2.5}$ NAAQS. GA EPD began development of the attainment inventory by first generating a baseline emissions inventory for the Georgia portion of the Chattanooga TN-GA Area. As noted above, the year 2007 was chosen as the base year for developing a comprehensive emissions inventory for direct $PM_{2.5}$ and $PM_{2.5}$ precursors SO_2 and NO_X. Emissions projections to support maintenance through 2025 have been prepared for the years 2017 and 2025. In addition, emissions have been calculated by interpolation for the years 2014 and 2020. The projected inventory included with the maintenance plan estimates emissions forward to 2025, which satisfies the 10-year interval required in section 175(A) of the CAA.

The emissions inventories are composed of four major types of sources: Point, area, on-road mobile, and non-road mobile. The 2007 inventory, with the exception of on-road emissions, was prepared for Georgia by the contractor for the Southeastern Modeling, Analysis, and Planning (SEMAP) project. Under the SEMAP project, emissions estimates are reported by county and source classification code. The SEMAP emissions inventories were developed using data from a number of sources, including state and local agencies and EPA's National Emissions Inventory (NEI). The Georgia Department of Transportation developed the 2007 inventory of on-road mobile emissions. The 2007 SO_2, NO_X, and $PM_{2.5}$ emissions for the Georgia portion of the Chattanooga TN-GA Area, as well as the emissions for other years, were developed consistent with EPA guidance and are summarized in Tables 2 through 6 of the following subsection discussing the maintenance demonstration.

[7] GA EPD, Sensitivity of Annual $PM_{2.5}$ in Chattanooga to SO_2 Emission Reductions Resulting from Georgia's Multipollutant Rule [391–3–1–.02(2)(sss)] (attached to an October 28, 2014 email from James Boylan, GA EPD, to Lynorae Benjamin, EPA Region 4). The email and attachments are included in the docket for this action.

[8] Because Rules (sss) and (uuu) were unnecessary for attainment in 2007–09 and because the permanent and enforceable measures necessary for attainment are expected to remain in place during the first maintenance period, these rules are also unnecessary for maintenance of the standard through 2025.

[9] In its redesignation request and October 28, 2014 technical analysis, Georgia identified a 2007–09 design value of 12.7 μg/m³. The correct design value is 12.9 μg/m³ as identified in Table 1 of this **Federal Register** notice.

2. Maintenance Demonstration

The September 14, 2012, final submittal includes a maintenance plan for the Georgia portion of the Chattanooga TN-GA Area. This demonstration:

(i) Shows compliance with and maintenance of the Annual $PM_{2.5}$ standard by providing information to support the demonstration that current and future emissions of SO_2 and NO_X will remain below 2007 emission levels and that a slight increase in direct $PM_{2.5}$ emissions will not interfere with maintenance.

(ii) Uses 2007 as the attainment year and includes future emission inventory projections for 2017 and 2025.

(iii) Identifies an ''out year'' at least 10 years after EPA review and potential approval of the maintenance plan. Per 40 CFR part 93, NO_X and $PM_{2.5}$ MVEBs were established for the last year (2025) of the maintenance plan.

(iv) Provides, as shown in Tables 2, 3, 4, 5, and 6 below, the actual and projected emissions inventories, in tpy, for the Georgia portion of the Chattanooga TN-GA Area.

TABLE 2—ACTUAL (2007) AND PROJECTED POINT SOURCE EMISSIONS FOR THE GEORGIA PORTION OF THE CHATTANOOGA TN-GA AREA

[Tons]

Pollutant	2007	2014	2017	2020	2025
SO_2	280	285	287	290	295
NO_X	48	49	49	50	52
$PM_{2.5}$	0	0	0	0	0

TABLE 3—ACTUAL (2007) AND PROJECTED NON-POINT SOURCE EMISSIONS FOR THE GEORGIA PORTION OF THE CHATTANOOGA TN-GA AREA

[Tons]

Pollutant	2007	2014	2017	2020	2025
SO_2	77	81	82	84	87
NO_X	359	397	414	430	456
$PM_{2.5}$	1,548	1,729	1,807	1,878	1,998

TABLE 4—ACTUAL (2007) AND PROJECTED ON-ROAD MOBILE SOURCES EMISSIONS FOR THE GEORGIA PORTION OF THE CHATTANOOGA TN-GA AREA

[Tons]

Pollutant	2007	2014	2017	2020	2025
SO_2	20	17	15	14	11
NO_X	4,442	3,112	2,542	1,972	1,022
$PM_{2.5}$	134	96	80	63	36

TABLE 5—ACTUAL (2007) AND PROJECTED NON-ROAD MOBILE SOURCE EMISSIONS FOR THE GEORGIA PORTION OF THE CHATTANOOGA TN-GA AREA

[Tons]

Pollutant	2007	2014	2017	2020	2025
SO_2	27	8.8	0.8	0.8	0.9
NO_X	633	450	372	336	277
$PM_{2.5}$	51	38	32	28	22

TABLE 6—ACTUAL (2007) AND PROJECTED EMISSIONS FOR ALL SECTORS FOR THE GEORGIA PORTION OF THE CHATTANOOGA TN-GA AREA

[Tons]

Pollutant	2007	2014	2017	2020	2025
SO_2	404	391	385	389	394
NO_X	5,482	4,009	3,377	2,788	1,806
$PM_{2.5}$	1,733	1,863	1,918	1,970	2,056

As reflected in Table 6, future emissions of NO_X and SO_2 are expected to be below the ''attainment level'' emissions in 2007, while direct $PM_{2.5}$ emissions are expected to increase slightly. In situations where local emissions are the primary contributor to nonattainment, such as the Chattanooga TN-GA Area, if the future projected emissions in the nonattainment area remain at or below the baseline emissions in the nonattainment area,

then the ambient air quality standard should not be exceeded in the future. As explained below, EPA finds that the overall emission projections illustrate that the Chattanooga TN-GA Area is expected to continue to attain the 1997 $PM_{2.5}$ NAAQS through 2025.[10]

Emissions of SO_2 and NO_X are projected to decline by 2.5 percent and 67.1 percent, respectively, from 2007 to 2025. During the same period, emissions of $PM_{2.5}$ are projected to increase slightly, by 18.6 percent. EPA does not believe that this 18.6 percent increase in $PM_{2.5}$ emissions will threaten maintenance in the Area because even with this projected increase, as explained below, the overall projected design value remains well below the standard.

Because the relationship between pollutant emissions and ambient air quality is different for each of the three pollutants, the changes in emissions for each pollutant must be weighted according to the air quality impact of each pollutant to obtain an appropriate indicator of the overall impact. For this purpose, GA EPD examined speciation data available from the EPA Air Explorer Web site for 2007–2009 for Chattanooga monitor ID 47–065–4002. The 3-year average of this data suggests that ambient $PM_{2.5}$ in Chattanooga consists of approximately 48.1 percent sulfate; 2.4 percent nitrate; 40.6 percent organic particulate matter (which consists of directly-emitted primary organic matter and atmospherically formed secondary organic aerosol); 5 percent miscellaneous inorganic particulate matter; and 3.9 percent other types of particulate matter. Therefore, using a conservative assumption that all of the organic particulate matter is primary organic matter, the direct $PM_{2.5}$ species make up 45.6 percent of the total ambient $PM_{2.5}$.

GA EPD used a conservative approach that assumes the full ambient concentration of organic particulate matter plus miscellaneous inorganic particulate matter will vary in accordance with changes in total nonattainment area emissions of direct $PM_{2.5}$. This analysis thus assumes that the direct $PM_{2.5}$ component of ambient $PM_{2.5}$ will increase by the 18.6 percent projected increase in direct $PM_{2.5}$ emissions for the Georgia portion of the Chattanooga TN-GA Area. The baseline concentration is conservatively assumed to be 15.0 $\mu g/m^3$, and direct $PM_{2.5}$ is estimated to contribute 45.6 percent, or 6.84 $\mu g/m^3$, of that value. Thus, an 18.6 percent increase in the 6.84 $\mu g/m^3$ of the direct $PM_{2.5}$ component would suggest a resulting 1.27 $\mu g/m^3$ increase in the ambient $PM_{2.5}$ concentration.

EPA believes that the projected increase in direct $PM_{2.5}$ emissions will be overcompensated by a significant projected decrease in sulfate and nitrate emissions. As shown in Table 1, above, the emissions reductions that have already occurred have brought the $PM_{2.5}$ design value for the Chattanooga TN-GA Area down to 11.7 $\mu g/m^3$, based on 2008–2010 data. Therefore, the 1.27 $\mu g/m^3$ increase in the components associated with direct $PM_{2.5}$ would not be expected to yield concentrations above the standard. The emissions reductions in SO_2 and NO_X projected by Georgia are due, in part, to the federal mobile source rules described in section V of this notice, and EPA believes that the State's projections are reasonable. In EPA's Regulatory Impact Analysis (RIA) entitled ''Control of Air Pollution from New Motor Vehicles: Tier 2 Motor Vehicle Emissions Standards and Gasoline Sulfur Control Requirements released December 1999,'' [11] EPA projected that implementation of the Tier 2/Low Sulfur rule would immediately and substantially reduce SO_X emissions from cars and trucks once its fuel sulfur provisions began to take effect in 2004. EPA estimated that 90 percent of light-duty SO_X emissions would be reduced when fuel with 30 ppm of sulfur was introduced into the market in 2006. EPA noted that SO_X emission reductions would also occur from heavy-duty gasoline vehicles and motorcycles due to the reduced sulfur content in fuel. In the RIA, EPA estimated that the reductions would be approximately 10,000 tpy in 2005, growing to 16,000 tons by 2030. In addition, the Agency anticipated that emissions from all gasoline-powered nonroad equipment would be reduced due to reduced sulfur content in fuel, by approximately 25,000 tpy between 2005 and 2020. EPA expects additional reductions in SO_2 and NO_X emissions from mobile sources as a result of the Tier 3 vehicle standards that will take effect in 2017 and reduce both tailpipe and evaporative emissions from passenger cars, light-duty trucks, medium-duty passenger vehicles, and some heavy-duty vehicles. See 79 FR 23414 (April 28, 2014). Georgia's projections of mobile source emissions through 2025 did not include the emissions reductions expected from the implementation of the Tier 3 standards, and therefore, likely underestimate the mobile source emissions reductions in NO_X and SO_2 expected from 2017 through 2025 in the Georgia portion of the Chattanooga TN-GA Area.

A maintenance plan requires the state to show that projected future year overall emissions will not exceed the level of emissions which led the Area to attain the NAAQS. For the reasons discussed above, EPA agrees that Georgia's projected emissions demonstrate that the Chattanooga TN-GA Area will continue to attain for the duration of the maintenance plan.

3. Monitoring Network

There is currently one monitor measuring ambient $PM_{2.5}$ in the Georgia portion of the Chattanooga TN-GA Area. GA EPD has committed to continue operation of the monitor in the Georgia portion of the Chattanooga TN-GA Area in compliance with 40 CFR part 58 and has thus addressed the requirement for monitoring. EPA approved Georgia's 2013 monitoring plan on November 25, 2013.

4. Verification of Continued Attainment

GA EPD has the legal authority to enforce and implement the requirements of the Georgia portion of the Chattanooga TN-GA Area 1997 Annual $PM_{2.5}$ maintenance plan. This includes the authority to adopt, implement, and enforce any subsequent emissions control contingency measures determined to be necessary to correct future $PM_{2.5}$ attainment problems.

GA EPD will track the progress of the maintenance plan by performing future reviews of triennial emission inventories for the Georgia portion of the Chattanooga TN-GA Area as required in the Air Emissions Reporting Rule (AERR) and Consolidated Emissions Reporting Rule (CERR). For these periodic inventories, GA EPD will review the assumptions made for the purpose of the maintenance demonstration concerning projected growth of activity levels. If any of these assumptions appear to have changed substantially, then GA EPD will re-project emissions for the Georgia portion of the Chattanooga TN-GA Area.

5. Contingency Measures in the Maintenance Plan

Section 175A of the CAA requires that a maintenance plan include such contingency measures as EPA deems necessary to assure that the state will

[10] Based on a limited review of data and emissions projections available to EPA from the Alabama and Tennessee portions of the Chattanooga TN-GA Area, EPA does not at this time believe that projected emissions from those portions of the Area present a maintenance problem for air quality in the Area as a whole.

[11] EPA's RIA entitled ''Control of Air Pollution from New Motor Vehicles: Tier 2 Motor Vehicle Emissions Standards and Gasoline Sulfur Control Requirements released December 1999 can be found under EPA document number, EPA420–R–99–023.

promptly correct a violation of the NAAQS that occurs after redesignation. The maintenance plan should identify the contingency measures to be adopted, a schedule and procedure for adoption and implementation, and a time limit for action by GA EPD. A state should also identify specific indicators to be used to determine when the contingency measures need to be implemented. The maintenance plan must include a requirement that a state will implement all measures with respect to control of the pollutant that were contained in the SIP before redesignation of the area to attainment in accordance with section 175A(d).

The contingency plan included in the submittal includes a triggering mechanism to determine when contingency measures are needed and a process of developing and implementing appropriate control measures. GA EPD will use actual ambient monitoring data to determine whether a trigger event has occurred and when contingency measures should be implemented.

Georgia has identified a Tier 1 trigger as occurring when any of the following conditions occurs, as described in the State's submittal for the Georgia portion of the Chattanooga TN-GA Area:

- The previous calendar year's annual average $PM_{2.5}$ concentration exceeds the standard by 1.5 μg/m^3 or more;
- The annual mean $PM_{2.5}$ concentration in each of the previous two consecutive calendar years exceeds the NAAQS by 0.5 μg/m^3 or more;
- The total maintenance area SO_2 emissions in the most recent NEI exceeds the corresponding attainment-year inventory by more than 30.0 percent;
- The total maintenance area $PM_{2.5}$ emissions in the most recent NEI exceed the corresponding attainment-year inventory by more than 30.0 percent.

GA EPD will evaluate a Tier I condition, if it occurs, as expeditiously as practicable to determine the causes of the ambient $PM_{2.5}$ or emissions inventory increase and to determine if a Tier II condition is likely to occur. A Tier II trigger will be activated when any violation of the Annual $PM_{2.5}$ NAAQS at any federal reference method (FRM) monitor in the Georgia portion of the Chattanooga TN-GA maintenance area is recorded, based on quality-assured monitoring data. In this event, GA EPD will conduct a comprehensive study to determine the cause of the ambient $PM_{2.5}$ increase and to determine if the increase is likely to continue and will implement any required measures as expeditiously as practicable, taking into consideration the ease of implementation and the technical and economic feasibility of selected measures.

The comprehensive study will be completed and submitted to EPA as expeditiously as practical but no later than nine months after the Tier I or Tier II trigger is activated, and the appropriate corrective measures will be adopted and implemented within 18 to 24 months after the trigger occurs. If the study determines that additional measures are required, the State will adopt rules no later than 18 months following the date that the trigger is activated.[12] The comprehensive measures will be selected from the following types of measures or from any other measure deemed appropriate and effective at the time the selection is made by GA EPD:

- RACM for sources of SO_2 and $PM_{2.5}$;
- Reasonably Available Control Technologies (RACT) for point sources of SO_2 and $PM_{2.5}$;
- Expansion of RACM/RACT to areas of transport within the State;
- Mobile source measures; and
- Additional SO_2 and/or $PM_{2.5}$ reduction measures yet to be identified.

In addition to the triggers indicated above, Georgia will monitor regional emissions through the CERR and AERR and compare them to the projected inventories and the attainment year inventory. In the September 14, 2012, submittal, the State acknowledges that the contingency plan requires the implementation of all measures contained in the SIP for the Area prior to redesignation. The State also notes that these measures are currently in effect and may be evaluated by the State to determine if they are adequate or up-to-date.

EPA has concluded that the maintenance plan adequately addresses the five basic components required: The attainment emissions inventory, maintenance demonstration, monitoring, verification of continued attainment, and a contingency plan. Therefore, the maintenance plan SIP revision submitted by GA EPD for the Georgia portion of the Chattanooga TN-GA Area meets the requirements of section 175A of the CAA and is approvable.

[12] In a September 23, 2013, letter to EPA, the State reaffirmed its commitment to address and correct any violation of the 1997 Annual $PM_{2.5}$ NAAQS as expeditiously as practicable and no later than 24 months from the trigger activation.

VI. What is the effect of the January 4, 2013, D.C. Circuit decision regarding $PM_{2.5}$ implementation under Subpart 4?

a. Background

As discussed in Section I of this action, the D.C. Circuit remanded the 1997 $PM_{2.5}$ Implementation Rule to EPA on January 4, 2013, in *Natural Resources Defense Council* v. *EPA,* 706 F.3d 428. The court found that EPA erred in implementing the 1997 $PM_{2.5}$ NAAQS pursuant to the general implementation provisions of subpart 1 of part D of Title I of the CAA rather than the particulate matter-specific provisions of subpart 4 of part D of Title I.

b. Proposal on This Issue

In this portion of the proposed redesignation, EPA addresses the effect of the Court's January 4, 2013, ruling on the proposed redesignation. As explained below, EPA is proposing to determine that the Court's January 4, 2013, decision does not prevent EPA from redesignating the Georgia portion of the Chattanooga TN-GA Area to attainment. Even in light of the Court's decision, redesignation for this area 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 Georgia portion of the Chattanooga TN-GA Area redesignation request and disregards the provisions of its 1997 $PM_{2.5}$ Implementation Rule recently remanded by the Court, the State's request for redesignation of Georgia portion of the Chattanooga TN-GA Area still qualifies for approval. EPA's discussion takes into account the effect of the Court's ruling on the maintenance plan for the Georgia portion of the Chattanooga TN-GA Area, which EPA views as approvable when subpart 4 requirements are considered.

c. Applicable Requirements for the Purpose of Evaluating the Redesignation Request

With respect to the 1997 $PM_{2.5}$ Implementation Rule, the 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 to address

implementation of the 1997 $PM_{2.5}$ NAAQS under subpart 4 of part D of the CAA, in addition to subpart 1. For the purposes of evaluating Georgia's redesignation request for the Georgia portion of the Chattanooga TN-GA Area, to the extent that implementation under subpart 4 would impose additional requirements for areas designated nonattainment, EPA believes that those requirements are not ''applicable'' for the purposes of CAA section 107(d)(3)(E), and thus EPA is not required to consider subpart 4 requirements with respect to the redesignation of the Georgia portion of the Chattanooga TN-GA Area. Under its longstanding interpretation of the CAA, EPA has interpreted section 107(d)(3)(E) to mean, as a threshold matter, that the part D provisions which are ''applicable'' and which must be approved in order for EPA to redesignate an area include only those which came due prior to a state's submittal of a complete redesignation request. *See* ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992 (Calcagni memorandum). *See also* ''State Implementation Plan (SIP) Requirements for Areas Submitting Requests for the plan and Redesignation to Attainment of the Ozone and Carbon Monoxide (CO) National Ambient Air Quality Standards (NAAQS) on or after November 15, 1992,'' Memorandum from Michael Shapiro, Acting Assistant Administrator, Air and Radiation, September 17, 1993 (Shapiro memorandum); Final Redesignation of Detroit-Ann Arbor, (60 FR 12459, 12465–66, March 7, 1995); Final Redesignation of St. Louis, Missouri, (68 FR 25418, 25424–27, May 12, 2003); *Sierra Club* v. *EPA,* 375 F.3d 537, 541 (7th Cir. 2004) (upholding EPA's redesignation rulemaking applying this interpretation and expressly rejecting Sierra Club's view that the meaning of ''applicable'' under the statute is ''whatever should have been in the plan at the time of attainment rather than whatever actually was in already implemented or due at the time of attainment'').[13] In this case, at the time that Georgia submitted its redesignation request on September 14, 2012, requirements under subpart 4 were not due, and indeed, were not yet known to apply.

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

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

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

In the context of this redesignation, the timing and nature of the Court's January 4, 2013, decision in *NRDC* v. *EPA* compound the consequences of imposing requirements that come due after the redesignation request is submitted. The State submitted its redesignation request on September 14, 2012, but the Court did not issue its decision remanding EPA's 1997 $PM_{2.5}$ implementation rule concerning the applicability of the provisions of subpart 4 until January 2013.

To require the State's fully-completed and pending redesignation request to comply now with requirements of subpart 4 that the Court announced only in January 2013 would be to give retroactive effect to such requirements when the State had no notice that it was required to meet them. The D.C. Circuit recognized the inequity of this type of retroactive impact in *Sierra Club* v. *Whitman,* 285 F.3d 63 (D.C. Cir. 2002),[14]

[13] 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.

[14] *Sierra Club* v. *Whitman* was discussed and distinguished in a recent D.C. Circuit decision that addressed retroactivity in a quite different context, where, unlike the situation here, EPA sought to give its regulations retroactive effect. *National*

Continued

where it upheld the District Court's ruling refusing to make retroactive EPA's determination that the St. Louis area did not meet its attainment deadline. In that case, petitioners urged the 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 Court rejected this view, stating that applying it ''would likely impose large costs on States, which would face fines and suits for not implementing air pollution prevention plans . . . even though they were not on notice at the time.'' *Id.* at 68. Similarly, it would be unreasonable to penalize the State of Georgia by rejecting its redesignation request for an area that is already attaining the 1997 $PM_{2.5}$ standard and that met all applicable requirements known to be in effect at the time of the request. For EPA now to reject the redesignation request solely because the state did not expressly address subpart 4 requirements of which it had no notice would inflict the same unfairness condemned by the Court in *Sierra Club* v. *Whitman.*

d. Subpart 4 Requirements and the Georgia Portion of the Chattanooga TN-GA Area Redesignation Request

Even if EPA were to take the view that the Court's January 4, 2013, decision requires that, in the context of pending redesignations, subpart 4 requirements were due and in effect at the time the State submitted its redesignation request, EPA proposes to determine that the Georgia portion of the Chattanooga TN-GA Area still qualifies for redesignation to attainment. As explained below, EPA believes that the redesignation request for the Georgia portion of the Chattanooga TN-GA Area, though not expressed in terms of subpart 4 requirements, substantively meets the requirements of that subpart for purposes of redesignating the Georgia portion of the Chattanooga TN-GA Area to attainment.

With respect to evaluating the relevant substantive requirements of subpart 4 for purposes of redesignating the Georgia portion of the Chattanooga TN-GA Area, EPA notes that subpart 4 incorporates components of subpart 1 of part D, which contains general air quality planning requirements for areas designated as nonattainment. *See* section 172(c). Subpart 4 itself contains specific planning and scheduling requirements for PM_{10} [15] nonattainment areas, and under the 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.[16] 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.'' *See* 57 FR 13538. The subpart 1 requirements include, among other things, provisions for attainment demonstrations, RACM RFP, emissions inventories, and contingency measures.

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

The permit requirements of subpart 4, as contained in section 189(a)(1)(A), refer to and apply the subpart 1 permit provisions requirements of sections 172 and 173 to PM_{10}, without adding to them. Consequently, EPA believes that section 189(a)(1)(A) does not itself impose for redesignation purposes any additional requirements for moderate areas beyond those contained in subpart 1.[17] In any event, in the context of redesignation, EPA has long relied on the interpretation that a fully approved nonattainment new source review program is not considered an applicable requirement for redesignation, provided the area can maintain the standard with a 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 New Source Review 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,[18] when EPA evaluates a redesignation request under either subpart 1 or 4, any area that is attaining the $PM_{2.5}$ standard is viewed as having satisfied the attainment planning requirements for these subparts. As discussed above, for redesignations, EPA has for many years interpreted attainment-linked requirements as not applicable for areas attaining the standard.

Therefore, even if we were to consider the Court's January 4, 2013, decision in *NRDC* v. *EPA* to mean that attainment-related requirements specific to subpart 4 should be imposed retroactively [19] and thus are now past due, those requirements do not apply to an area that is attaining the 1997 $PM_{2.5}$ standard for the purpose of evaluating a pending request to redesignate the area to attainment.

Elsewhere in this notice, EPA proposes to determine that the Area has attained the 1997 $PM_{2.5}$ standard. Under its longstanding interpretation, EPA is proposing to determine here that the Area meets the attainment-related plan requirements of subparts 1 and 4.

Thus, EPA is proposing to conclude that the requirements to submit an attainment demonstration under 189(a)(1)(B), a RACM determination

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).

[15] PM_{10} refers to particles nominally 10 micrometers in diameter or smaller.

[16] *See* ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clear Air Act Amendments of 1990,'' 57 FR 13498 (April 16, 1992) (the ''General Preamble'').

[17] The potential effect of section 189(e) on section 189(a)(1)(A) for purposes of evaluating this redesignation is discussed below.

[18] i.e., attainment demonstration, RFP milestone requirements, and RACM.

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

under section 189(a)(1)(C), and a RFP demonstration under 189(c)(1) are satisfied for purposes of evaluating the redesignation request.

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

The D.C. Circuit 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 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, CAA section 189(e) 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, contained rebuttable presumptions concerning certain $PM_{2.5}$ precursors applicable to attainment plans and control measures related to those plans. Specifically, in 40 CFR 51.1002, EPA provided, among other things, that a state was ''not required to address VOC [and ammonia] as . . . $PM_{2.5}$ attainment plan precursor[s] and to evaluate sources of VOC [and ammonia] emissions in the State for control measures.'' EPA intended these to be rebuttable presumptions. EPA established these presumptions at the time because of uncertainties regarding the emission inventories for these pollutants and the effectiveness of specific control measures in various regions of the country in reducing $PM_{2.5}$ concentrations. EPA also left open the possibility for such regulation of VOC and ammonia in specific areas where that was necessary.

The 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 volatile organic compounds and ammonia are not $PM_{2.5}$ precursors, as subpart 4 expressly governs precursor presumptions.'' *NRDC* v. *EPA,* at 27, n.10.

Elsewhere in the Court's opinion, however, the Court observed:

Ammonia is a precursor to fine particulate matter, making it a precursor to both $PM_{2.5}$ and PM_{10}. For a PM_{10} nonattainment area governed by subpart 4, a precursor is presumptively regulated. *See* 42 U.S.C. § 7513a(e) [section 189(e)]. *Id.* at 21, n.7.

For a number of reasons, EPA believes that its proposed redesignation of the Georgia portion of the Chattanooga TN-GA Area is consistent with the Court's decision on this aspect of subpart 4. First, while the Court, citing section 189(e), stated that ''for a PM_{10} area governed by subpart 4, a precursor is 'presumptively regulated,''' the Court expressly declined to decide the specific challenge to EPA's 1997 $PM_{2.5}$ implementation rule provisions regarding ammonia and VOC as precursors. The Court had no occasion to determine 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 that the state submitted the redesignation request, and disregards the implementation rule's rebuttable presumptions regarding ammonia and VOC as $PM_{2.5}$ precursors, the regulatory consequence would be to consider the need for regulation of all precursors from any sources in the area to demonstrate attainment and to apply the section 189(e) provisions to major stationary sources of precursors. In the case of the Chattanooga TN-GA Area, EPA believes that doing so is consistent with proposing redesignation of the area for the $PM_{2.5}$ standard. The Chattanooga TN-GA Area has attained the standard without any specific additional controls of VOC and ammonia emissions from any sources in the Area.

Precursors in subpart 4 are specifically regulated under the provisions of section 189(e), which requires, with important exceptions, control requirements for major stationary sources of PM_{10} precursors.[20] 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 ammonia and VOC. Thus, we must address here whether additional controls of ammonia and VOC from major stationary sources are required under section 189(e) of subpart 4 in order to redesignate the area for the 1997 $PM_{2.5}$ standard. As explained below, we do not believe that any additional controls of ammonia and VOC are required in the context of this redesignation.

In the General Preamble, EPA discusses its approach to implementing section 189(e). *See* 57 FR 13538 (April 16, 1992). With regard to precursor regulation under section 189(e), the General Preamble explicitly stated that control of VOCs under other Act 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 proposes to determine that even if not explicitly addressed by the State in its submission, the State does not need to take further action with respect to ammonia and VOCs as precursors to satisfy the requirements of section 189(e). This proposed determination is based on our findings that: (1) the Georgia portion of the Chattanooga TN-GA Area contains no major stationary sources of ammonia, and (2) existing major stationary sources of VOC are adequately controlled under other provisions of the CAA regulating the ozone NAAQS.[21] 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 Area, which is attaining the 1997 Annual $PM_{2.5}$ standard, at present ammonia and VOC precursors from major stationary sources do not contribute significantly to levels exceeding the 1997 $PM_{2.5}$ standard in the Chattanooga TN-GA Area. *See* 57 FR 13539.

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 rather the rule assesses SIP plans and control measures required to bring a nonattainment area into attainment of the 1997 $PM_{2.5}$ NAAQS. By contrast, redesignation to attainment primarily requires the 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 Court's January 4, 2013, decision as calling for ''presumptive regulation'' of ammonia 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

[20] 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.

[21] The Chattanooga TN-GA Area has reduced VOC emissions through the implementation of various control programs including various on-road and non-road motor vehicle control programs.

qualifies for redesignation. Nor does EPA believe that requiring the State to address precursors differently than they have 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.[22] Courts have upheld this approach to the requirements of subpart 4 for PM_{10}.[23] EPA believes that application of this approach to $PM_{2.5}$ precursors under subpart 4 is reasonable. Because the Chattanooga TN-GA Area has already attained the 1997 $PM_{2.5}$ NAAQS with its current approach to regulation of $PM_{2.5}$ precursors, EPA believes that it is reasonable to conclude in the context of this redesignation that there is no need to revisit the attainment control strategy with respect to the treatment of precursors. Even if the court's decision is construed to impose an obligation, in evaluating this redesignation request, to consider additional precursors under subpart 4, it would not affect EPA's approval here of Georgia's request for redesignation of the Georgia portion of the Chattanooga TN-GA Area. In the context of a redesignation, Georgia has shown that the Chattanooga TN-GA Area has attained the standard. Moreover, the State has shown, and EPA has proposed to determine, that attainment in this Area is due to permanent and enforceable emissions reductions on all precursors necessary to provide for continued attainment. It follows logically that no further control of additional precursors is necessary. Accordingly, EPA does not view the January 4, 2013, decision of the court as precluding redesignation of the Georgia portion of the Chattanooga TN-GA Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS at this time. In sum, even if Georgia were required to address precursors for Georgia portion of the Chattanooga TN-GA Area under subpart 4 rather than under subpart 1, EPA would still conclude that the area had met all applicable requirements for purposes of redesignation in accordance with section 107(d)(3(E)(ii) and (v).

f. Maintenance Plan and Evaluation of Precursors

With regard to the redesignation of the Georgia portion of the Chattanooga TN-GA Area, in evaluating the effect of the court's remand of EPA's implementation rule, which included presumptions against consideration of VOC and ammonia as $PM_{2.5}$ precursors, EPA in this proposal is also considering the impact of the decision on the maintenance plan required under sections 175A and 107(d)(3)(E)(iv). To begin with, EPA notes that the Area has attained the 1997 Annual $PM_{2.5}$ NAAQS and that the State has shown that attainment of that standard is due to permanent and enforceable emission reductions.

EPA proposes to determine that the State's maintenance plan shows continued maintenance of the standard by tracking the levels of the precursors whose control brought about attainment of the 1997 $PM_{2.5}$ standard in the Chattanooga TN-GA Area. EPA therefore believes that the only additional consideration related to the maintenance plan requirements that results from the Court's January 4, 2013, decision is that of assessing the potential role of VOC and ammonia in demonstrating continued maintenance in this area. As explained below, based upon documentation provided by Georgia and supporting information, EPA believes that the maintenance plan for the Georgia portion of the Chattanooga TN-GA Area need not include any additional emission reductions of VOC or ammonia in order to provide for continued maintenance of the standard.

First, as noted above in EPA's discussion of section 189(e), VOC emission levels in this area have historically been well-controlled under SIP requirements related to ozone and other pollutants. Second, as shown in table 7 below, VOC emissions are projected to decrease by over 2,000 tpy by 2020, and ammonia emissions are projected to increase only slightly. As described below, available information shows that no precursor, including VOC and ammonia, is expected to increase significantly over the maintenance period so as to interfere with or undermine the State's maintenance demonstration.

TABLE 7—COMPARISON OF 2007 AND 2020 VOC AND AMMONIA EMISSION TOTALS BY SOURCE SECTOR (tpy) FOR THE GEORGIA PORTION OF THE CHATTANOOGA TN-GA AREA[24]

Source sector	VOC			Ammonia		
	2007	2020	Net change	2007	2020	Net change
Nonpoint	2,265.68	2,248.06	−17.62	2,035.25	2,352.73	317.48
Nonroad	634.32	357.18	−277.14	0.5	0.63	0.13
Onroad	2,622.3	859.26	−1,763.04	80.45	42.05	−38.40
Point	45.66	45.62	−0.04	0	0	0
Total	5,567.96	3,510.12	−2,057.84	2,116.20	2,395.41	279.21

Georgia's maintenance plan shows that emissions of SO_2 and NO_X are projected to decrease over the maintenance period in the Georgia portion of the Chattanooga TN-GA Area by 10 tpy and 3,676 tpy, respectively, while direct $PM_{2.5}$ emissions are projected to increase by 323 tpy. *See* Table 6, above. In addition, emissions inventories used in the RIA for the 2012

[22] *See* ''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 ammonia emissions).

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

[24] These emissions estimates were taken from the emissions inventories developed for the RIA for the 2012 $PM_{2.5}$ NAAQS.

$PM_{2.5}$ NAAQS [25] show that VOC emissions are projected to decrease by 2,057.84 tpy and that ammonia emissions are projected to increase by 279.21 tpy between 2007 and 2020. Although ammonia emissions are projected to increase slightly between 2007 and 2020, the decrease in emissions of other precursors in comparison will keep the Area well below the standard. *See* Table 6 and 7, above. While the RIA emissions inventories are only projected out to 2020, there is no reason to believe that this overall downward trend would not continue through 2025. Given that the Chattanooga TN-GA Area is already attaining the 1997 Annual $PM_{2.5}$ NAAQS even with the current level of emissions from sources in the Area, the overall trend of emissions inventories would be consistent with continued attainment. Indeed, projected emissions reductions for the precursors that the State is addressing for purposes of the 1997 Annual $PM_{2.5}$ NAAQS indicate that the Area should continue to attain the NAAQS following the precursor control strategy that the State has already elected to pursue. Even if VOC and ammonia emissions were to increase unexpectedly between 2020 and 2025, the overall emission reductions projected in SO_2 and NO_X would be sufficient to offset any increases. For these reasons, EPA believes that local emissions of all the potential $PM_{2.5}$ precursors will not increase to the extent that they will cause monitored $PM_{2.5}$ levels to violate the 1997 Annual $PM_{2.5}$ standard during the maintenance period.

In addition, available air quality data and modeling analyses show continued maintenance of the standard during the maintenance period. As noted in section V, above, the Chattanooga TN-GA Area recorded a $PM_{2.5}$ design value of 10.5 $\mu g/m^3$ during 2011–2013, the most recent three years available with complete, quality-assured and certified ambient air monitoring data. This is well below the 1997 Annual $PM_{2.5}$ NAAQS of 15 $\mu g/m^3$. Moreover, the modeling analysis conducted for the RIA for the 2012 $PM_{2.5}$ NAAQS indicates that the design value for this area is expected to continue to decline through 2020. Given the decrease in overall precursor emissions projected through 2025, it is reasonable to conclude that monitored $PM_{2.5}$ levels in this area will also continue to decrease through 2025.

[25] The RIA for the 2012 $PM_{2.5}$ NAAQS standard can be found on EPA's Web site at *http://www.epa.gov/ttn/ecas/regdata/RIAs/finalria.pdf.*

Thus, EPA believes that there is ample justification to conclude that the Georgia portion of the Chattanooga TN-GA Area should be redesignated, even taking into consideration the emissions of VOC and ammonia potentially relevant to $PM_{2.5}$. After consideration of the D.C. Circuit's January 4, 2013, decision, and for the reasons set forth in this notice, EPA continues to propose approval of the State's maintenance plan and its request to redesignate the Georgia portion of the Chattanooga TN-GA Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS.

VII. What is EPA's analysis of Georgia's proposed NO_X and $PM_{2.5}$ MVEBs for the Georgia portion of the Chattanooga TN-GA Area?

Under section 176(c) of the CAA, new transportation plans, programs, and projects, such as the construction of new highways, must ''conform'' to (i.e., be consistent with) the part of the state's air quality plan that addresses pollution from cars and trucks. Conformity to the SIP means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS or any interim milestones. If a transportation plan does not conform, most new projects that would expand the capacity of roadways cannot go forward. Regulations at 40 CFR part 93 set forth EPA policy, criteria, and procedures for demonstrating and assuring conformity of such transportation activities to a SIP. The regional emissions analysis is one, but not the only, requirement for implementing transportation conformity. Transportation conformity is a requirement for nonattainment and maintenance areas. Maintenance areas are areas that were previously nonattainment for a particular NAAQS but have since been redesignated to attainment with an approved maintenance plan for that NAAQS.

Under the CAA, states are required to submit, at various times, control strategy SIPs and maintenance plans for nonattainment areas. These control strategy SIPs (including RFP and attainment demonstration) and maintenance plans create MVEBs for criteria pollutants and/or their precursors to address pollution from cars and trucks. Per 40 CFR part 93, a MVEB must be established for the last year of the maintenance plan. A state may adopt MVEBs for other years as well. The MVEBs is the portion of the total allowable emissions in the maintenance demonstration that is allocated to highway and transit vehicle use and emissions. *See* 40 CFR 93.101. The MVEBs serves as a ceiling on emissions from an area's planned transportation system. The MVEBs concept is further explained in the preamble to the November 24, 1993, Transportation Conformity Rule. *See* 58 FR 62188. The preamble also describes how to establish the MVEBs in the SIP and how to revise the MVEBs.

After interagency consultation with the transportation partners for the Georgia portion of the Chattanooga TN-GA Area, Georgia has elected to develop MVEBs for NO_X and $PM_{2.5}$ for the Georgia portion of the Chattanooga TN-GA Area. Georgia has developed these MVEBs, as required, for the last year of its maintenance plan, 2025. The MVEBs reflect the total on-road emissions for 2025, plus an allocation from the available NO_X and $PM_{2.5}$ safety margin. Under 40 CFR 93.101, the term ''safety margin'' is the difference between the attainment level (from all sources) and the projected level of emissions (from all sources) in the maintenance plan. The safety margin can be allocated to the transportation sector; however, the total emissions must remain below the attainment level. The NO_X and $PM_{2.5}$ MVEBs and allocation from the safety margin were developed in consultation with the transportation partners and were added to account for uncertainties in population growth, changes in model vehicle miles traveled and new emission factor models. The NO_X and $PM_{2.5}$ MVEBs for the Georgia portion of the Chattanooga TN-GA Area are defined in Table 8 below.

TABLE 8—$PM_{2.5}$ AND NO_X MVEBS (tpy) FOR THE GEORGIA PORTION OF THE CHATTANOOGA TN-GA AREA

	$PM_{2.5}$	NO_X
2025 Mobile Emissions	36	1,021.8
2025 Safety Margin Allocated	8.2	364.6
2025 Total Mobile Budget	44.2	1,386.5

In an effort to accommodate future variations in Travel Demand Models (TDM) and the vehicle miles traveled forecast when no change to the network is planned, GA EPD consulted with the interagency consultation group, including EPA, to determine a reasonable approach to address this variation. The projected 2025 on-road motor vehicle emissions for direct $PM_{2.5}$ and NO_X are 36 tpy and 1,021.8 tpy, respectively. On-road emissions of SO_2

are considered de-minimus; therefore, no budget for SO_2 is required.[26]

A safety margin is necessary to accommodate the variabilities, or worst-case scenarios that can occur due to future planning assumptions. The worst-case daily motor vehicle emissions projection for $PM_{2.5}$ is 22.8 percent above the projected 2025 on-road emissions. In a worst-case scenario, the needed annual safety margin for the $PM_{2.5}$ MVEB would be 8.2 tpy resulting in an overall MVEB of 44.2 tpy. The worst-case daily motor vehicle emissions projection for NO_X is 35.7 percent above the projected 2025 on-road emissions. In a worst-case scenario, the required annual safety margin for the NO_X MVEB would be 364.6 tpy resulting in an overall MVEB of 1,386.5 tpy.

Through this rulemaking, EPA is proposing to approve the MVEBs for NO_X and $PM_{2.5}$ for 2025 for the Georgia portion of the Chattanooga TN-GA Area because EPA has determined that the Area maintains the 1997 Annual $PM_{2.5}$ NAAQS with the emissions at the levels of the budgets. Once the MVEBs for the Georgia portion of the Chattanooga TN-GA Area are approved or found adequate (whichever is completed first), they must be used for future conformity determinations. After thorough review, EPA has determined that the budgets meet the adequacy criteria, as outlined in 40 CFR 93.118(e)(4). Therefore, EPA is proposing to approve the budgets because they are consistent with maintenance of the 1997 Annual $PM_{2.5}$ NAAQS through 2025.

VIII. What is the status of EPA's adequacy determination for the proposed NO_X and $PM_{2.5}$ MVEBs for 2025 for the Georgia portion of the Chattanooga TN-GA Area?

When reviewing submitted ''control strategy'' SIPs or maintenance plans containing MVEB, EPA may affirmatively find the MVEB contained therein adequate for use in determining transportation conformity. Once EPA affirmatively finds the submitted MVEB is adequate for transportation conformity purposes, that MVEBs must be used by state and federal agencies in determining whether proposed transportation projects conform to the SIP as required by section 176(c) of the CAA.

EPA's substantive criteria for determining adequacy of MVEBs are set out in 40 CFR 93.118(e)(4). The process for determining adequacy consists of three basic steps: Public notification of a SIP submission, a public comment period, and EPA's adequacy determination. This process for determining the adequacy of submitted MVEBs for transportation conformity purposes was initially outlined in EPA's May 14, 1999, guidance entitled ''Conformity Guidance on Implementation of March 2, 1999, Conformity Court Decision.'' EPA adopted regulations to codify the adequacy process in rulemaking entitled Transportation Conformity Rule Amendments for the ''New 8-Hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Change''; July 1, 2004 (69 FR 40004). Additional information on the adequacy process for transportation conformity purposes is available in the proposed rule entitled ''Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes''; June 30, 2003 (68 FR 38974, 38984).

As discussed earlier, Georgia's maintenance plan submission includes NO_X and $PM_{2.5}$ MVEBs for the Georgia portion of the Chattanooga TN-GA Area for 2025, the last year of the maintenance plan. EPA reviewed the NO_X and $PM_{2.5}$ MVEBs through the adequacy process, and the adequacy of the MVEBs, was open for public comment on EPA's adequacy Web site on March 4, 2013, found at: *http://www.epa.gov/otaq/stateresources/transconf/currsips.htm.* The EPA public comment period on adequacy for the MVEBs for 2025 for the Georgia portion of the Chattanooga TN-GA Area closed on April 3, 2013. EPA did not receive any comments on the adequacy of the MVEBs, nor did EPA receive any requests for the SIP submittal.

EPA intends to make its determination on the adequacy of the 2025 MVEBs for the Georgia portion of the Chattanooga TN-GA Area for transportation conformity purposes in the near future by completing the adequacy process that was started on March 4, 2013. After EPA finds the 2025 MVEBs adequate or takes final action to approve them into the Georgia SIP, the new MVEBs for NO_X and $PM_{2.5}$ must be used for future transportation conformity determinations. For required regional emissions analysis years that involve 2025 or beyond, the applicable budgets will be the new 2025 MVEBs established in the maintenance plan.

IX. Proposed Actions on the Redesignation Request and Maintenance Plan SIP Revisions Including Approval of the NO_X and $PM_{2.5}$ MVEBs for 2025 for the Georgia Portion of the Chattanooga TN-GA Area

On May 31, 2011, EPA determined that the Chattanooga TN-GA Area was attaining the 1997 $PM_{2.5}$ NAAQS. *See* 76 FR 31239. EPA is now taking two separate but related actions regarding the Area's redesignation and maintenance of the 1997 Annual $PM_{2.5}$ NAAQS.

First, EPA is proposing to determine that, based upon review of complete, quality-assured and certified ambient monitoring data for the 2007–2009 period, and review of data in AQS for 2010 through 2013 that the Chattanooga TN-GA Area continues to attain the 1997 Annual $PM_{2.5}$ NAAQS. EPA is also proposing to determine that the Georgia portion of the Chattanooga TN-GA Area has met the criteria under CAA section 107(d)(3)(E) for redesignation from nonattainment to attainment for the 1997 Annual $PM_{2.5}$ NAAQS. On this basis, EPA is proposing to approve Georgia's redesignation request for the Georgia portion of the Chattanooga TN-GA Area.

Second, EPA is proposing to approve the maintenance plan for the Georgia portion of the Chattanooga TN-GA Area, including the $PM_{2.5}$ and NO_X MVEBs for 2025 submitted by Georgia into the State's SIP (under section 175A). The maintenance plan demonstrates that the Area will continue to maintain the 1997 Annual $PM_{2.5}$ NAAQS, and the budgets meet all of the adequacy criteria contained in 40 CFR 93.118(e)(4) and (5). Further, as part of today's action, EPA is describing the status of its adequacy determination for transportation conformity purposes for the $PM_{2.5}$ and NO_X MVEBs for 2025 under 40 CFR 93.118(f)(1). Within 24 months from the effective date of EPA's adequacy determination for the MVEBs or the effective date for the final rule approving the MVEBs into the Georgia SIP, whichever is earlier, the transportation partners will need to demonstrate conformity to the new NO_X and $PM_{2.5}$ MVEBs pursuant to 40 CFR 93.104(e).

If finalized, approval of the redesignation request would change the official designation of Georgia portion of the Chattanooga TN-GA Area for the 1997 Annual $PM_{2.5}$ NAAQS, found at 40 CFR part 81 from nonattainment to attainment.

[26] 70 FR 24280, 24283 (May 6, 2005) (''While speciated air quality data show that sulfate is a relatively significant component (e.g., ranging from nine to 40 percent) of $PM_{2.5}$ mass in all regions of the country, emissions inventory data and projections show that on-road emissions of SO_X constitute a ''*de minimis*'' (i.e., extremely small) portion of total SO_X emissions.'').

X. What is the effect of EPA's proposed actions?

EPA's proposed actions establish the basis upon which EPA may take final action on the issues being proposed for approval today. Approval of Georgia's redesignation request would change the legal designation of Catoosa and Walker Counties in Georgia for the 1997 Annual $PM_{2.5}$ NAAQS, found at 40 CFR part 81, from nonattainment to attainment. Approval of GA EPD's request would also incorporate a plan for maintaining the 1997 Annual $PM_{2.5}$ NAAQS in the Chattanooga TN-GA Area through 2025 into the Georgia SIP. The maintenance plan includes contingency measures to remedy any future violations of the 1997 Annual $PM_{2.5}$ NAAQS and procedures for evaluation of potential violations. The maintenance plan also includes NO_X and $PM_{2.5}$ MVEBs for the Georgia portion of the Chattanooga TN-GA Area. Additionally, EPA is notifying the public of the status of its adequacy determination for the NO_X and $PM_{2.5}$ MVEBs for 2025 under 40 CFR 93.118(f)(1).

XI. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by state law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, these proposed actions merely approve state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, these proposed actions:

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

In addition, this proposed 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 Georgia, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control.

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

Dated: November 3, 2014.

V. Anne Heard

Acting Regional Administrator, Region 4.

[FR Doc. 2014–26735 Filed 11–10–14; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R04–OAR–2014–0674; FRL–9919–17–Region 4]

Approval of Implementation Plans and Designation of Areas: Alabama; Redesignation of the Alabama Portion of the Chattanooga, 1997 $PM_{2.5}$ Nonattainment Area to Attainment

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

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

DATES: Comments must be received on or before December 3, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2014–0674 by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. Email: *R4-RDS@epa.gov.*
3. Fax: (404) 562–9019.
4. Mail: EPA–R04–OAR–2014–0674, Regulatory Development Section, Air Planning Branch, Air, Pesticides and

Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960.

5. Hand Delivery or Courier: Ms. Lynorae Benjamin, Chief, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R04–OAR–2014–0674. 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 through *www.regulations.gov* or email, information that you consider to be CBI or otherwise protected. 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. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

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 at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

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

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I. What are the actions EPA is proposing to take?

In this action, EPA is proposing to make a determination that Chattanooga TN-GA Area is continuing to attain the 1997 Annual $PM_{2.5}$ NAAQS [1] and to take additional actions related to Alabama's request to redesignate the Alabama portion of the Area, which are summarized as follows and described in greater detail throughout this notice of proposed rulemaking. EPA proposes: (1) To redesignate the Alabama portion of the Chattanooga TN-GA Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS; and (2) to approve, under section 175A of the Clean Air Act (CAA or Act), Alabama's 1997 Annual $PM_{2.5}$ NAAQS maintenance plan for the Alabama portion of the Chattanooga TN-GA Area into the Alabama SIP.

First, EPA proposes to determine that the Alabama portion of the Chattanooga TN-GA Area has met the requirements for redesignation under section 107(d)(3)(E) of the CAA. In this action, EPA is proposing to approve a request to change the legal designation of the portion of Jackson County, Alabama, that is located within the Chattanooga TN-GA Area from nonattainment to attainment for the 1997 Annual $PM_{2.5}$ NAAQS.

Second, EPA is proposing to approve Alabama's 1997 Annual $PM_{2.5}$ NAAQS maintenance plan for the Alabama portion of the Chattanooga TN-GA Area (such approval being one of the CAA criteria for redesignation to attainment status). The maintenance plan is designed to help keep the Chattanooga TN-GA Area in attainment of the 1997 Annual $PM_{2.5}$ NAAQS through 2025. The maintenance plan that EPA is proposing to approve includes an insignificance determination for the on-road motor vehicle contribution of direct $PM_{2.5}$ and NO_X to ambient $PM_{2.5}$ levels in the Alabama portion of the Chattanooga TN-GA Area for transportation conformity purposes. EPA is proposing to approve the on-road motor vehicle insignificance determination into the Alabama SIP that is included as part of Alabama's maintenance plan for the 1997 Annual $PM_{2.5}$ NAAQS.

Further, EPA proposes to make the determination that the Chattanooga TN-GA Area is continuing to attain the 1997 Annual $PM_{2.5}$ NAAQS and that all other redesignation criteria have been met for the Alabama portion of the Chattanooga TN-GA Area. The bases for EPA's determination for the Area are discussed in greater detail below.

EPA is also providing the public with an update on the status of EPA's adequacy process for the on-road motor vehicle insignificance determination for the Alabama portion of the Chattanooga

[1] On September 8, 2011, at 76 FR 55774, EPA determined that the Chattanooga TN-GA Area attained the 1997 $PM_{2.5}$ NAAQS by its applicable attainment date of April 5, 2010, and that the Area was continuing to attain the $PM_{2.5}$ standard with monitoring data that was currently available.

TN-GA Area. Please see section VIII of this proposed rulemaking for further explanation of this process and for details.

Today's notice of proposed rulemaking is in response to Alabama's April 23, 2013, SIP revision, which requests redesignation of the Alabama portion of the Chattanooga TN-GA Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS and addresses the specific issues summarized above and the necessary elements for redesignation described in section 107(d)(3)(E) of the CAA.

II. What is the background for EPA's proposed actions?

Fine particle pollution can be emitted directly or formed secondarily in the atmosphere. The main precursors of secondary $PM_{2.5}$ are sulfur dioxide (SO_2), NO_X, ammonia, and volatile organic compounds (VOC). *See* 72 FR 20586, 20589 (April 25, 2007). Sulfates are a type of secondary particle formed from SO_2 emissions of power plants and industrial facilities. Nitrates, another common type of secondary particle, are formed from NO_X emissions of power plants, automobiles, and other combustion sources.

On July 18, 1997, EPA promulgated the first air quality standards for $PM_{2.5}$. EPA promulgated an annual standard at a level of 15 micrograms per cubic meter (μg/m³), based on a 3-year average of annual mean $PM_{2.5}$ concentrations. In the same rulemaking, EPA promulgated a 24-hour standard of 65 μg/m³, based on a 3-year average of the 98th percentile of 24-hour concentrations. On October 17, 2006, EPA retained the annual average NAAQS at 15 μg/m³ but revised the 24-hour NAAQS to 35 μg/m³, based again on the 3-year average of the 98th percentile of 24-hour concentrations.[2] *See* 71 FR 61144. Under EPA regulations at 40 CFR part 50, the primary and secondary 1997 Annual $PM_{2.5}$ NAAQS are attained when the annual arithmetic mean concentration, as determined in accordance with 40 CFR part 50, Appendix N, is less than or equal to 15.0 μg/m³ at all relevant monitoring sites in the subject area over a 3-year period.

On January 5, 2005, and supplemented on April 14, 2005, EPA designated a portion of Jackson County, Alabama, in association with counties in Georgia and Tennessee in the Chattanooga TN-GA Area, as nonattainment for the 1997 $PM_{2.5}$ NAAQS. See 70 FR 944 and 70 FR 19844, respectively. On November 13, 2009, EPA promulgated designations for the 24-hour standard established in 2006, designating counties in the Chattanooga TN-GA Area as unclassifiable/attainment for the 2006 24-hour $PM_{2.5}$ NAAQS. *See* 74 FR 58688. That action also clarified that the Alabama portion of the Chattanooga TN-GA Area was classified unclassifiable/attainment for the 1997 24-hour $PM_{2.5}$ NAAQS promulgated. EPA did not promulgate designations for the annual $PM_{2.5}$ NAAQS promulgated in 2006 since that NAAQS was essentially identical to the 1997 annual $PM_{2.5}$ NAAQS. Therefore, the Alabama portion of the Chattanooga TN-GA Area is designated nonattainment for the annual $PM_{2.5}$ NAAQS promulgated in 1997, and today's action only addresses this designation.

All 1997 $PM_{2.5}$ NAAQS areas were designated under subpart 1 of title I, part D, of the CAA. Subpart 1 contains the general requirements for nonattainment areas for any pollutant governed by a NAAQS and is less prescriptive than the other subparts of title I, part D. On April 25, 2007, EPA promulgated its $PM_{2.5}$ Implementation Rule, codified at 40 CFR part 51, subpart Z, in which the Agency provided guidance for state and tribal plans to implement the 1997 $PM_{2.5}$ NAAQS. *See* 72 FR 20664. That rule, at 40 CFR 51.1004(c), specifies some of the regulatory results of attaining the NAAQS, as discussed below. The United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) remanded the Clean Air Fine Particle Implementation Rule and the final rule entitled ''Implementation of the New Source Review (NSR) Program for Particulate Matter Less than 2.5 Micrometers ($PM_{2.5}$)'' final rule (73 FR 28321, May 16, 2008) (collectively, ''1997 $PM_{2.5}$ Implementation Rule'') to EPA on January 4, 2013, in *Natural Resources Defense Council* v. *EPA,* 706 F.3d 428 (D.C. Cir. 2013). The court found that EPA erred in implementing the 1997 $PM_{2.5}$ NAAQS pursuant to the general implementation provisions of subpart 1 of Part D of Title I of the CAA, rather than the particulate matter-specific provisions of subpart 4 of part D of title I. The effect of the court's ruling on this proposed redesignation action is discussed in detail in Section VI of this notice.

The 3-year ambient air quality data for 2007–2009 indicated no violations of the 1997 Annual $PM_{2.5}$ NAAQS for the Chattanooga TN-GA Area. As a result, on April 23, 2013, Alabama requested redesignation of the Alabama portion of the Chattanooga TN-GA Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS. The redesignation request includes three years of complete, quality-assured ambient air quality data for the 1997 Annual $PM_{2.5}$ NAAQS for 2007–2009, indicating that this NAAQS had been achieved for the entire Chattanooga TN-GA Area. Under the CAA, nonattainment areas may be redesignated to attainment if sufficient, complete, quality-assured data is available for the Administrator to determine that the area has attained the standard and the area meets the other CAA redesignation requirements in section 107(d)(3)(E). The Chattanooga TN-GA Area's design value, based on data from 2007 through 2009, is below 15.0 μg/m³, which demonstrates attainment of the standards. While annual $PM_{2.5}$ concentrations are dependent on a variety of conditions, the overall improvement in annual $PM_{2.5}$ concentrations in the Chattanooga TN-GA Area can be attributed to the reduction of pollutant emissions, as will be discussed in more detail in section V of this proposed rulemaking.

The D.C. Circuit and the United States Supreme Court have issued a number of decisions and orders regarding the status of EPA's regional trading programs for transported air pollution, CAIR and CSAPR, that impact this proposed redesignation action. The effect of those court actions on this rulemaking is discussed in detail in Section V of this notice.

III. What are the criteria for redesignation?

The CAA provides the requirements for redesignating a nonattainment area to attainment. Specifically, section 107(d)(3)(E) of the CAA allows for redesignation provided the following criteria are met: (1) The Administrator determines that the area has attained the applicable NAAQS; (2) the Administrator has fully approved the applicable implementation plan for the area under section 110(k); (3) the Administrator 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) the Administrator has fully approved a maintenance plan for the area as

[2] In response to legal challenges of the annual standard promulgated in 2006, the United States Court of Appeals for the District of Columbia Circuit (D.C. Cir.) remanded this NAAQS to EPA for further consideration. *See American Farm Bureau Federation and National Pork Producers Council, et al.* v. *EPA,* 559 F.3d 512 (D.C. Cir. 2009). However, given that the 1997 and 2006 Annual NAAQS are essentially identical, attainment of the 1997 Annual NAAQS would also indicate attainment of the remanded 2006 Annual NAAQS.

meeting the requirements of section 175A; and (5) the state containing such area has met all requirements applicable to the area under section 110 and part D of title I of the CAA.

EPA has provided guidance on redesignation in the General Preamble for the Implementation of title I of the CAA Amendments of 1990 (April 16, 1992 (57 FR 13498) and supplemented on April 28, 1992 (57 FR 18070)) 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 ''Calcagni Memorandum'');

2. ''State Implementation Plan (SIP) Actions Submitted in Response to Clean Air Act (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.

IV. Why is EPA proposing these actions?

On April 23, 2013, ADEM requested the redesignation of the Alabama portion of the Chattanooga TN-GA Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS. The Chattanooga TN-GA Area has attained the 1997 Annual $PM_{2.5}$ NAAQS, and EPA's preliminary evaluation indicates that the Alabama portion of the Chattanooga TN-GA Area has met the requirements for redesignation set forth in section 107(d)(3)(E), including the maintenance plan requirements under section 175A of the CAA. EPA is also announcing the status of its adequacy determination for the insignificance determinations for both NO_X and direct $PM_{2.5}$ for the Alabama portion of the Chattanooga TN-GA Area. Additionally, EPA is also approving the insignificance determinations for both NO_X and direct $PM_{2.5}$ that were included in Alabama's maintenance plan.

V. What is EPA's analysis of the request?

As stated above, in accordance with the CAA, EPA proposes in today's action to: (1) Redesignate the Alabama portion of the Chattanooga TN-GA Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS; and (2) approve, into the Alabama SIP, the 1997 Annual $PM_{2.5}$ NAAQS maintenance plan, including the mobile source emissions insignificance determination under transportation conformity, for the Alabama portion of the Chattanooga TN-GA Area. Further, EPA proposes to make the determination that the Chattanooga TN-GA Area continues to attain the 1997 Annual $PM_{2.5}$ NAAQS and that all other redesignation criteria have been met for the Alabama portion of the Chattanooga TN-GA Area. The five redesignation criteria provided under CAA section 107(d)(3)(E) are discussed in greater detail for the Area in the following paragraphs of this section.

Criteria (1)—*The Chattanooga TN-GA Area has attained the 1997 Annual $PM_{2.5}$ NAAQS.*

For redesignating a nonattainment area to attainment, the CAA requires EPA to determine that the area has attained the applicable NAAQS (CAA section 107(d)(3)(E)(i)). EPA is proposing to determine that the Chattanooga TN-GA Area continues to attain the 1997 Annual $PM_{2.5}$ NAAQS since the May 31, 2011, attainment determination. *See* 76 FR 31239. For $PM_{2.5}$, an area may be considered to be attaining the 1997 Annual $PM_{2.5}$ NAAQS if it meets the 1997 Annual $PM_{2.5}$ NAAQS, as determined in accordance with 40 CFR 50.13 and Appendix N of part 50, based on three complete, consecutive calendar years of quality-assured air quality monitoring data. To attain these NAAQS, the 3-year average of the annual arithmetic mean concentration, as determined in accordance with 40 CFR part 50, Appendix N, must be less than or equal to 15.0 $\mu g/m^3$ at all relevant monitoring sites in the subject area over a 3-year period. The relevant data must be collected and quality-assured in accordance with 40 CFR part 58 and recorded in the EPA Air Quality System (AQS) database. The monitors generally should have remained at the same location for the duration of the monitoring period required for demonstrating attainment.

On May 31, 2011, EPA determined that the Chattanooga TN-GA Area was attaining the 1997 Annual $PM_{2.5}$ NAAQS. *See* 76 FR 31239. For that action, EPA reviewed $PM_{2.5}$ monitoring data from monitoring stations in the Chattanooga TN-GA Area for the 1997 Annual $PM_{2.5}$ NAAQS for 2007–2009. These data had been quality-assured by the respective state agencies and are recorded in AQS. In addition, on September 8, 2011, at 76 FR 55774, EPA finalized a determination that the Chattanooga TN-GA Area attained the 1997 Annual $PM_{2.5}$ NAAQS by the applicable attainment date of April 5, 2010. As summarized in Table 1, below, the 3-year averages of annual arithmetic mean concentrations (i.e., design values) for the years 2009 through 2013 for the Chattanooga TN-GA Area are below the 1997 Annual $PM_{2.5}$ NAAQS.

TABLE 1—DESIGN VALUE CONCENTRATIONS FOR THE CHATTANOOGA TN-GA AREA FOR THE 1997 ANNUAL $PM_{2.5}$ NAAQS ($\mu G/M^3$)

Location	County	Site ID	3-year design values				
			2007–2009	2008–2010	2009–2011	2010–2012	2011–2013
Rossville—Maple St., Georgia.	Walker County, Georgia.	132950002	* 12.3	10.6	10.1	10.0	10.5
Siskin Drive/UTC, Tennessee.	Hamilton County, Tennessee.	470654002	12.9	11.6	11.1	10.9	10.0
Maxwell Road/East Ridge, Tennessee.	Hamilton County, Tennessee.	470650031	12.7	11.7	11.2	11.1	10.1
Soddy-Daisy High School, Tennessee.	Hamilton County, Tennessee.	470651011	11.8	11.4	11.0	11.2	9.8

* Values subject to data substitution (76 FR 15895)

As discussed above, the design value for an area is the highest 3-year average of annual mean concentrations recorded at any monitor in the Area. Therefore, the 3-year design value for the period on which Alabama based its redesignation request (2007–2009) for the Chattanooga TN-GA Area is 12.9 μg/m³, which is below the 1997 Annual $PM_{2.5}$ NAAQS. Additional details can be found in EPA's final clean data determination for the Chattanooga TN-GA Area. *See* 76 FR 31239 (May 31, 2011). EPA has reviewed more recent data which indicate that the Chattanooga TN-GA Area continues to attain the 1997 Annual $PM_{2.5}$ NAAQS beyond the submitted 3-year attainment period of 2007–2009. If the Area does not continue to attain before EPA finalizes the redesignation, EPA will not go forward with the redesignation. As discussed in more detail below, the four $PM_{2.5}$ monitors in the Area will continue to operate in accordance with 40 CFR part 58 unless a change is approved by EPA.

Criteria (5)—*Alabama has met all Applicable Requirements under Section 110 and part D of the CAA;* and Criteria (2)—Alabama *has a fully approved SIP under section 110(k) for the Alabama Portion of the Chattanooga TN-GA Area.*

For redesignating a nonattainment area to attainment, the CAA requires EPA to determine that the state has met all applicable requirements under section 110 and part D of title I of the CAA (CAA section 107(d)(3)(E)(v)) and that the state has a fully approved SIP under section 110(k) for the area (CAA section 107(d)(3)(E)(ii)). EPA proposes to find that Alabama has met all applicable SIP requirements for the Alabama portion of the Chattanooga TN-GA Area under section 110 of the CAA (general SIP requirements) for purposes of redesignation. Additionally, EPA proposes to find that the Alabama SIP satisfies the criterion that it meets applicable SIP requirements for purposes of redesignation under part D of title I of the CAA (requirements specific to 1997 Annual $PM_{2.5}$ nonattainment areas) in accordance with section 107(d)(3)(E)(v). Further, EPA proposes to determine that the SIP is fully approved with respect to all requirements applicable for purposes of redesignation in accordance with section 107(d)(3)(E)(ii). In making these determinations, EPA ascertained which requirements are applicable to the Area and, if applicable, that they are fully approved under section 110(k). SIPs must be fully approved only with respect to requirements that were applicable prior to submittal of the complete redesignation request.

a. The Alabama portion of the Chattanooga TN-GA Area has met all applicable requirements under section 110 and part D of the CAA.

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. General SIP elements and requirements are delineated in section 110(a)(2) of title I, part A of the CAA. These requirements include, but are not limited to, the following: submittal of a SIP that has been adopted by the state after reasonable public notice and hearing; provisions for establishment and operation of appropriate procedures needed to monitor ambient air quality; implementation of a source permit program; provisions for the implementation of part C requirements (Prevention of Significant Deterioration (PSD)) and provisions for the implementation of part D requirements (New Source Review (NSR) permit programs); provisions for air pollution modeling; and provisions for public and local agency participation in planning and emission control rule development.

Section 110(a)(2)(D) 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. The section 110(a)(2)(D) 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 the CAA's interstate transport requirements should be construed to be applicable requirements for purposes of redesignation.

In addition, EPA believes other section 110 elements that are neither connected with nonattainment plan submissions nor linked with an area's attainment status are not applicable requirements for purposes of redesignation. The area will still be subject to these requirements after the area is redesignated. The section 110 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. This approach is consistent with EPA's existing policy on applicability (i.e., for redesignations) of conformity and oxygenated fuels requirements, as well as with section 184 ozone transport requirements. *See* Reading, Pennsylvania, proposed and final rulemakings (61 FR 53174–53176, October 10, 1996), (62 FR 24826, May 7, 1997); Cleveland-Akron-Loraine, Ohio, final rulemaking (61 FR 20458, May 7, 1996); and Tampa, Florida, final rulemaking at (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 50399, October 19, 2001).

On October 1, 2012, April 12, 2013, and May 7, 2014, EPA approved all infrastructure SIP elements required under section 110(a)(2) for the 1997 Annual $PM_{2.5}$ NAAQS with the exception of the section 110(a)(2)(E)(ii) element that requires the State to comply with section 128 of the CAA. *See* 77 FR 59755 (October 1, 2012), 77 FR 62452 (October 15, 2012), 78 FR 21841 (April 12, 2013), and 79 FR 26143 (May 7, 2014). These requirements are, however, statewide requirements that are not linked to the $PM_{2.5}$ nonattainment status of the Area. As stated above, EPA believes that section 110 elements not linked to an area's nonattainment status are not applicable for purposes of redesignation. Therefore, EPA believes it has approved all SIP elements under section 110 that must be approved as a prerequisite for the redesignation to attainment of the Alabama portion of the Chattanooga TN-GA Area.

Title I, Part D, subpart 1 applicable SIP requirements. EPA proposes to determine that the Alabama SIP meets the applicable SIP requirements for the Alabama portion of the Chattanooga TN-GA Area for purposes of redesignation under part D of the CAA. Subpart 1 of part D, found in sections 172–176 of the CAA, sets forth the basic nonattainment requirements applicable to all nonattainment areas. All areas that were designated nonattainment for the 1997 Annual $PM_{2.5}$ NAAQS were designated under subpart 1 of the CAA. For purposes of evaluating this redesignation request, the applicable part D, subpart 1 SIP requirements for all nonattainment areas are contained in sections 172(c)(1)–(9) and in section

176. A thorough discussion of the requirements contained in section 172 can be found in the General Preamble for Implementation of title I. *See* 57 FR 13498 (April 16, 1992). Section VI of this proposed rulemaking notice discusses the relationship between this proposed redesignation action and subpart 4 of Part D.

Subpart 1 Section 172 Requirements. Section 172(c)(1) requires the plans for all nonattainment areas to provide for the implementation of all reasonably available control measures (RACM) as expeditiously as practicable and to provide for attainment of the NAAQS. EPA interprets this requirement to impose a duty on all nonattainment areas to consider all available control measures and to adopt and implement such measures as are reasonably available for implementation in each area as components of the area's attainment demonstration. Under section 172, states with nonattainment areas must submit plans providing for timely attainment and meeting a variety of other requirements.

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

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

Section 172(c)(3) requires submission approval of a comprehensive, accurate, and current inventory of actual emissions. On February 8, 2012, EPA approved Alabama's 2002 base-year emissions inventory for the Alabama Portion of the Chattanooga TN-GA Area as part of the SIP revision submitted by ADEM to provide for attainment of the 1997 $PM_{2.5}$ NAAQS in the Area. *See* 77 FR 6467.

Section 172(c)(4) requires the identification and quantification of allowable emissions for major new and modified stationary sources to be allowed in an area, and section 172(c)(5) 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 PSD requirements will apply after redesignation, areas being redesignated need not comply with the requirement that a 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 New Source Review Requirements for Areas Requesting Redesignation to Attainment.'' Alabama has demonstrated that the Alabama portion of the Chattanooga TN-GA Area will be able to maintain the NAAQS without part D NSR in effect, and therefore, Alabama need not have fully approved part D NSR programs prior to approval of the redesignation request. Alabama's PSD program will become effective in the Alabama portion of the Chattanooga TN-GA Area upon redesignation to attainment.

Section 172(c)(7) requires the SIP to meet the applicable provisions of section 110(a)(2). As noted above, EPA believes the Alabama SIP meets the requirements of section 110(a)(2) applicable for purposes of redesignation.

176 Conformity Requirements. 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 that are 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 that EPA promulgated pursuant to its authority under the CAA.

EPA believes that it is reasonable to interpret the conformity SIP requirements[4] as not applying for purposes of evaluating the redesignation request under section 107(d) because state conformity rules are still required after redesignation and federal conformity rules apply where state rules have not been approved. *See Wall* v.

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

[4] CAA Section 176(c)(4)(E) requires states to submit revisions to their SIPs to reflect certain federal criteria and procedures for determining transportation conformity. Transportation conformity SIPs are different from the motor vehicle emission budgets that are established in control strategy SIPs and maintenance plans.

EPA, 265 F.3d 426 (upholding this interpretation) (6th Cir. 2001); *See* 60 FR 62748 (December 7, 1995).

Thus, for the reasons discussed above, the Alabama portion of the Chattanooga TN-GA Area has satisfied all applicable requirements for purposes of redesignation under section 110 and part D of the CAA.

b. The Alabama portion of the Chattanooga TN-GA Area has a fully approved applicable SIP under section 110(k) of the CAA.

EPA has fully approved the applicable Alabama SIP for the Alabama portion of the Chattanooga TN-GA Area for the 1997 Annual $PM_{2.5}$ nonattainment area under section 110(k) of the CAA for all requirements applicable for purposes of redesignation. EPA may rely on prior SIP approvals in approving a redesignation request (see Calcagni Memorandum at p. 3; *Southwestern Pennsylvania Growth Alliance* v. *Browner,* 144 F.3d 984 (6th Cir. 1998); *Wall,* 265 F.3d 426) plus any additional measures it may approve in conjunction with a redesignation action. *See* 68 FR 25426 (May 12, 2003) and citations therein. Following passage of the CAA of 1970, Alabama has adopted and submitted, and EPA has fully approved at various times, provisions addressing the various SIP elements applicable for the 1997 Annual $PM_{2.5}$ NAAQS in the Alabama portion of the Chattanooga TN-GA Area (e.g., 77 FR 59755 (October 1, 2012)). As indicated above, EPA believes that the section 110 elements not connected with nonattainment plan submissions and not linked to the area's nonattainment status are not applicable requirements for purposes of redesignation.

Criteria (3)—*The air quality improvement in the Chattanooga TN-GA Area is due to permanent and enforceable reductions in emissions resulting from implementation of the SIP and applicable federal air pollution control regulations and other permanent and enforceable reductions.*

For redesignating a nonattainment area to attainment, the CAA requires EPA to determine that the air quality improvement in the area is due to permanent and enforceable reductions in emissions resulting from implementation of the SIP and applicable Federal air pollution control regulations and other permanent and enforceable reductions (CAA section 107(d)(3)(E)(iii)). EPA believes that Alabama has demonstrated that the observed air quality improvement in the Chattanooga TN-GA Area is due to permanent and enforceable reductions in emissions resulting from implementation of the SIP and Federal measures.

Fine particulate matter, or $PM_{2.5}$, refers to airborne particles less than or equal to 2.5 micrometers in diameter. Although treated as a single pollutant, fine particles come from many different sources and are composed of many different compounds. In the Chattanooga TN-GA Area, one of the largest components of $PM_{2.5}$ is sulfate, which is formed through various chemical reactions from the precursor SO_2. The other major component of $PM_{2.5}$ is organic carbon, which originates predominantly from biogenic emission sources. Nitrate, which is formed from the precursor NO_X, is also a component of $PM_{2.5}$. Crustal materials from windblown dust and elemental carbon from combustion sources are less significant contributors to total $PM_{2.5}$. VOCs, also precursors for PM, are emitted from a variety of sources, including motor vehicles, chemical plants, refineries, factories, consumer and commercial products, and other industrial sources. VOCs also are emitted by natural sources such as vegetation.

Federal measures enacted in recent years have resulted in permanent emission reductions in particulate matter and its precursors. Most of these emission reductions are enforceable through regulations. The Federal measures that have been implemented include:

Tier 2 vehicle standards and low-sulfur gasoline. In addition to requiring NO_X controls, the Tier 2 rule reduced the allowable sulfur content of gasoline to 30 parts per million (ppm) starting in January of 2006. Most gasoline sold prior to this had a sulfur content of approximately 300 ppm.

Heavy-duty gasoline and diesel highway vehicle standards & Ultra Low-Sulfur Diesel Rule. On October 6, 2000, the U.S. EPA promulgated a rule to reduce NO_X and VOC emissions from heavy-duty gasoline and diesel highway vehicles that began to take effect in 2004. *See* 65 FR 59896. A second phase of standards and testing procedures began in 2007 to reduce particulate matter from heavy-duty highway engines, and reduce highway diesel fuel sulfur content to 15 ppm since the sulfur in fuel damages high efficiency catalytic exhaust emission control devices. The total program should achieve a 90 percent reduction PM emissions and a 95 percent reduction in NO_X emission for new engines using low-sulfur diesel, compared to existing engines using higher-content sulfur diesel.

Non-road, large spark-ignition engines and recreational engines standards. The non-road spark-ignition and recreational engine standards, effective in July 2003, regulate NO_X, hydrocarbons, and carbon monoxide from groups of previously unregulated non-road engines. These engine standards apply to large spark-ignition engines (e.g., forklifts and airport ground service equipment), recreational vehicles (e.g., off-highway motorcycles and all-terrain-vehicles), and recreational marine diesel engines sold in the United States and imported after the effective date of these standards.

When all of the non-road spark-ignition and recreational engine standards are fully implemented, an overall 72 percent reduction in hydrocarbons, 80 percent reduction in NO_X, and 56 percent reduction in carbon monoxide emissions are expected by 2020. These controls will help reduce ambient concentrations of ozone, carbon monoxide, and fine particulate matter.

Large non-road diesel engine standards. Promulgated in 2004, this rule is being phased in between 2008 and 2014. This rule will reduce sulfur content in non-road diesel fuel and, when fully implemented, will reduce NO_X and direct $PM_{2.5}$ emissions by over 90 percent from these engines.

Reciprocating Internal Combustion Engine standard. Initially promulgated in 2010, this rule regulates emissions of air toxics from existing diesel powered stationary reciprocating internal combustion engines that meet specific site rating, age, and size criteria. With all of the reciprocating internal combustion engine standards fully implemented in 2013, EPA estimates that $PM_{2.5}$ emissions from these engines have been reduced by approximately 2,800 tons per year (tpy).

Category 3 Marine Diesel Engine standard. Promulgated in 2010, this rule establishes more stringent exhaust emission standards for new large marine diesel engines with per cylinder displacement at or above 30 liters (commonly referred to as Category 3 compression-ignition marine engines) as part of a coordinated strategy to address emissions from all ships that affect U.S. air quality. Near-term standards for newly built engines applied beginning in 2011, and long-term standards requiring an 80 percent reduction in NO_X emissions will begin in 2016.

NO_X SIP Call. On October 27, 1998 (63 FR 57356), EPA issued a NO_X SIP Call requiring the District of Columbia and 22 states to reduce emissions of NO_X. 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.

CAIR and CSAPR. The Clean Air Interstate Rule (CAIR) was promulgated in 2005 and required 28 eastern states and the District of Columbia to significantly reduce emissions of SO_2 and NO_X from electric generating units (EGUs) in order to limit the interstate transport of these pollutants and the ozone and fine particulate matter they form in the atmosphere. 70 FR 25162 (May 12, 2005). In 2008, the D.C. Circuit 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, acting on the Court's remand, EPA promulgated CSAPR, to address interstate transport of emissions and resulting secondary air pollutants and to replace CAIR (76 FR 48208).[5] CSAPR requires substantial reductions of SO_2 and NO_X emissions from EGUs in 28 states in the Eastern United States. Implementation of the rule 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 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 issued its ruling, vacating and remanding CSAPR to the Agency 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 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's decision regarding CSAPR and remanded that decision to the D.C. Circuit to resolve remaining issues in accordance with its ruling. *EPA* v. *EME Homer City Generation, L.P.,* 134 S. Ct. 1584 (2014). EPA filed a motion to lift the stay in light of the Supreme Court decision, and on October 23, 2014, the D.C. Circuit granted EPA's motion. *EME Homer City Generation, L.P.* v. *EPA,* Case No. 11–1302, Document No. 1518738.

EPA approved a modification to Alabama's SIP on October 1, 2007, that addressed the requirements of CAIR for the purpose of reducing SO_2 and NO_X emissions (*see* 72 FR 55659), and Alabama's SIP redesignation request lists CAIR/CSAPR as a control measure. CAIR was in place and getting emission reductions when the Chattanooga TN-GA Area began monitoring attainment of the 1997 Annual $PM_{2.5}$ NAAQS. The quality-assured, certified monitoring data used to demonstrate the area's attainment of the 1997 Annual $PM_{2.5}$ NAAQS by the April 5, 2010, attainment deadline was also impacted by CAIR. However, EPA conducted an air quality modeling analysis as part of the CSAPR rulemaking which demonstrates that the Chattanooga TN-GA Area would be able to maintain the 1997 Annual $PM_{2.5}$ NAAQS even in the absence of either CAIR or CSAPR. *See* ''Air Quality Modeling Final Rule Technical Support Document,'' App. B, B–39.[6] This modeling is available in the docket for this proposed redesignation action. In addition, as noted above, the D.C. Circuit has lifted the stay of CSAPR. Therefore, to the extent that these transport rules impact attainment of the 1997 Annual $PM_{2.5}$ NAAQS in the Chattanooga TN-GA Area, any emission reductions associated with CAIR that helped the Chattanooga TN-GA Area achieve attainment of the 1997 Annual $PM_{2.5}$ NAAQS are 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.

Criteria (4) —*The Alabama portion of the Chattanooga TN-GA Area has a fully approved maintenance plan pursuant to section 175A of the CAA.*

For redesignating a nonattainment area to attainment, the CAA requires EPA to determine that the area has a fully approved maintenance plan pursuant to section 175A of the CAA (CAA section 107(d)(3)(E)(iv)). In conjunction with its request to redesignate the Alabama portion of the Chattanooga TN-GA Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS, ADEM submitted a SIP revision to provide for the maintenance of the 1997 Annual $PM_{2.5}$ NAAQS for at least 10 years after the effective date of redesignation to attainment. EPA believes that this maintenance plan meets the requirements for approval under section 175A of the CAA.

a. What is required in 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, the plan must demonstrate continued attainment of the applicable NAAQS for at least 10 years after the Administrator approves a redesignation to attainment. Eight years after the redesignation, ADEM must submit a revised maintenance plan which demonstrates 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, as EPA deems necessary, to assure prompt correction of any future 1997 Annual $PM_{2.5}$ NAAQS violations. The Calcagni Memorandum provides further guidance on the content of a maintenance plan, explaining that a maintenance plan should address five requirements: the attainment emissions inventory, maintenance demonstration, monitoring, verification of continued attainment, and a contingency plan. As is discussed below, EPA finds that ADEM's maintenance plan includes all the necessary components and is thus proposing to approve it as a revision to the Alabama SIP.

b. CAA 175 Maintenance Plan Requirements

1. Attainment Emissions Inventory

The Chattanooga TN-GA Area attained the 1997 Annual $PM_{2.5}$ NAAQS based on monitoring data for the 3-year period from 2007–2009. ADEM has selected 2007 as the attainment emission inventory year. The attainment inventory identifies a level of emissions in the Area that is sufficient to attain the 1997 Annual $PM_{2.5}$ NAAQS. ADEM began development of the attainment inventory by first generating a baseline emissions inventory for the Alabama portion of the Chattanooga TN-GA Area.

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

[6] The air quality modeling analysis for the CSAPR rulemaking did not identify any of the four monitors in the Chattanooga TN-GA Area as receptors.

As noted above, the year 2007 was chosen as the base year for developing a comprehensive emissions inventory for direct $PM_{2.5}$ and $PM_{2.5}$ precursors SO_2 and NO_X. Emissions projections to support maintenance through 2025 have been prepared for the years 2017 and 2025. The projected inventory included with the maintenance plan estimates emissions forward to 2025, which satisfies the 10-year interval required in section 175(A) of the CAA.

The emissions inventories are composed of four major types of sources: point, area, on-road mobile, and non-road mobile. The 2007 inventory, with the exception of on-road mobile emissions, was prepared for Alabama by the contractor for the Southeastern Modeling, Analysis, and Planning (SEMAP) project. Under the SEMAP project, emissions estimates are reported by county and source classification code. The SEMAP emissions inventories were developed using data from a number of sources, including state and local agencies and EPA's National Emissions Inventory (NEI). ADEM developed the 2007 inventory of on-road mobile emissions. The 2007 SO_2, NO_X, and $PM_{2.5}$ emissions for the Alabama portion of the Chattanooga TN-GA Area, as well as the emissions for other years, were developed consistent with EPA guidance and are summarized in Tables 2 through 6 of the following subsection discussing the maintenance demonstration.

2. Maintenance Demonstration

The April 23, 2013, final submittal includes a maintenance plan for the Alabama portion of the Chattanooga TN-GA Area. This demonstration:

(i) Shows compliance with and maintenance of the Annual $PM_{2.5}$ standard by providing information to support the demonstration that current and future emissions of SO_2 and NO_X will remain below 2007 emission levels.

(ii) Uses 2007 as the attainment year and includes future emission inventory projections for 2017 and 2025.

(iii) Identifies an ''out year'' at least 10 years after EPA review and potential approval of the maintenance plan. ADEM submitted an insignificance determination for transportation conformity purposes for $PM_{2.5}$ and NO_X for the mobile source contribution for the Alabama portion of the Chattanooga TN-GA Area, per 40 CFR part 93.

(iv) Provides, as shown in Tables 2, 3, 4, 5, and 6 below, the actual and projected emissions inventories, in tpy, for the Alabama portion of the Chattanooga TN-GA Area.

TABLE 2—ACTUAL (2007) AND PROJECTED POINT SOURCE EMISSIONS FOR THE ALABAMA PORTION OF THE CHATTANOOGA TN-GA AREA

[Tons]

Pollutant	2007	2017	2025
SO_2	32,803.98	10,515.63	10,517.47
NO_X	18,591.83	3,468.44	3,607.05
$PM_{2.5}$	755.49	534.89	534.89

TABLE 3—ACTUAL (2007) AND PROJECTED NON-POINT SOURCE EMISSIONS FOR THE ALABAMA PORTION OF THE CHATTANOOGA TN-GA AREA

[Tons]

Pollutant	2007	2017	2025
SO_2	0.25	0.25	0.24
NO_X	1.58	1.55	1.57
$PM_{2.5}$	27.11	28.08	29.17

TABLE 4—ACTUAL (2007) AND PROJECTED ON-ROAD MOBILE SOURCES EMISSIONS FOR THE ALABAMA PORTION OF THE CHATTANOOGA TN-GA AREA

[Tons]

Pollutant	2007	2017	2025
SO_2	0.19	0.07	0.07
NO_X	23.00	9.00	6.00
$PM_{2.5}$	0.73	0.31	0.24

TABLE 5—ACTUAL (2007) AND PROJECTED NON-ROAD MOBILE SOURCE EMISSIONS FOR THE ALABAMA PORTION OF THE CHATTANOOGA TN-GA AREA

[Tons]

Pollutant	2007	2017	2025
SO_2	0.91	0.15	0.15
NO_X	37.32	25.86	18.95
$PM_{2.5}$	2.05	1.01	0.63

TABLE 6—ACTUAL (2007) AND PROJECTED EMISSIONS FOR ALL SECTORS FOR THE ALABAMA PORTION OF THE CHATTANOOGA TN-GA AREA

[Tons]

Pollutant	2007	2017	2025
SO_2	32,805.33	10,516.10	10,517.93
NO_X	18,653.73	3,504.83	3,633.57
$PM_{2.5}$	785.38	564.29	564.93

As reflected in Table 6, future emissions of direct $PM_{2.5}$ and the relevant precursors are expected to be below the ''attainment level'' emissions in 2007. In situations where local emissions are the primary contributor to nonattainment, such as the Chattanooga TN-GA Area, if the future projected emissions in the nonattainment area remain at or below the baseline emissions in the nonattainment area, then the ambient air quality standard should not be exceeded in the future. As explained below, EPA finds that the overall emission projections illustrate that the Chattanooga TN-GA Area is expected to continue to attain the 1997 $PM_{2.5}$ NAAQS through 2025.[7]

Emissions of SO_2, NOx, and $PM_{2.5}$ are projected to decline by 68 percent, 81 percent, and 28 percent, respectively, from 2007 to 2025. This is a reflection of the implementation of the majority of Federal controls during the first half of the maintenance period. The projected declines in emissions demonstrate that the 1997 Annual $PM_{2.5}$ NAAQS will be maintained.

A maintenance plan requires the state to show that projected future year emissions will not exceed the level of emissions which led the Area to attain the NAAQS. EPA agrees that Alabama's projected emissions demonstrate that the Chattanooga TN-GA Area will continue to attain for the duration of the maintenance plan.

3. Monitoring Network

There is no monitor measuring ambient $PM_{2.5}$ in the Alabama portion of the Chattanooga TN-GA Area. However, there are four monitors located in the Chattanooga TN-GA Area. Three monitors are located in Hamilton County, Tennessee, and one monitor is located in Walker County, Georgia. As noted in Alabama's maintenance plan, all four monitors will continue to operate in the Chattanooga TN-GA Area in compliance with 40 CFR part 58 unless a change is approved by EPA, and no plans are underway to discontinue operation, relocate, or otherwise affect the integrity of these monitors. EPA proposes to find that Alabama has thus addressed the requirement for monitoring.

4. Verification of Continued Attainment

ADEM has the legal authority to enforce and implement the requirements of the Alabama portion of the Chattanooga TN-GA Area through the 1997 Annual $PM_{2.5}$ maintenance plan. This includes the authority to adopt, implement, and enforce any subsequent emissions control contingency measures determined to be necessary to correct future $PM_{2.5}$ attainment problems.

ADEM will track the progress of the maintenance plan by performing future reviews of triennial emission inventories for the Alabama portion of the Chattanooga TN-GA Area as required in the Air Emissions Reporting Rule (AERR) and Consolidated Emissions Reporting Rule (CERR). For these periodic inventories, ADEM will review the assumptions made for the purpose of the maintenance demonstration concerning projected growth of activity levels. If any of these assumptions appear to have changed substantially, then ADEM will re-project emissions for the Alabama portion of the Chattanooga TN-GA Area.

5. Contingency Measures in the Maintenance Plan.

Section 175A of the CAA requires that a maintenance plan include such contingency measures as EPA deems necessary to assure that the state will promptly correct a violation of the NAAQS that occurs after redesignation. The maintenance plan should identify the contingency measures to be adopted, a schedule and procedure for adoption and implementation, and a time limit for action by ADEM. A state should also identify specific indicators to be used to determine when the contingency measures need to be implemented. The maintenance plan must include a requirement that a state will implement all measures with respect to control of the pollutant that were contained in the SIP before redesignation of the area to attainment in accordance with section 175A(d).

The contingency plan included in the submittal includes a triggering mechanism to determine when contingency measures are needed and a process of developing and implementing appropriate control measures. ADEM will use actual ambient monitoring data to determine whether a trigger event has occurred and when contingency measures should be implemented. ADEM commits to adopt, within 18 months of certification of a violation of the Annual $PM_{2.5}$ standard, one or more control measures as needed to re-attain the standard.

In accordance with 40 CFR part 58, ambient fine particulate matter monitoring data that indicates a future violation of the 1997 Annual $PM_{2.5}$ NAAQS will begin the process to implement these contingency measures. Also, in the event that the annual average $PM_{2.5}$ concentrations in a year at any individual monitor in the Area records a reading of 15.0 $\mu g/m^3$ or higher, the State will evaluate existing control measures to determine whether any further emissions reduction measures should be implemented at that time.

Several factors will be considered in determining the need for additional control measures in the event of a future year violation of the 1997 Annual $PM_{2.5}$ standard. Depending on when such future year violation occurs, additional local and regional emissions reductions may still be expected from various regulatory programs not accounted for in the redesignation request. If a future year violation occurs, ADEM will consider the air quality impact of these various regulatory programs in determining the need for additional local reductions in emissions of direct $PM_{2.5}$ and/or SO_2.

If deemed necessary, contingency measures will be selected from the following types of measures or from any other measures deemed appropriate and effective at the time the selection is made:

- Reasonably Available Control Measures (RACM) for sources of SO_2 and $PM_{2.5}$;

[7] Based on a limited review of data and emissions projections available to EPA from the Georgia and Tennessee portions of the Chattanooga TN-GA Area, EPA does not at this time believe that projected emissions from those portions of the Area present a maintenance problem for air quality in the Area as a whole.

• Reasonably Available Control Technology (RACT) for point sources of SO_2 and $PM_{2.5}$;

• Expansion of RACM/RACT to area of transport within the State; and

• Additional SO_2 and/or $PM_{2.5}$ reduction measures yet to be identified.

Any resulting contingency measures will be based upon cost effectiveness, emission reduction potential, economic and social consideration, ease and timing of implementation, and other appropriate factors.

A timeline of the development of $PM_{2.5}$, and/or SO_2 regulations or permit conditions follows. This schedule initiates with certification of ambient air quality monitoring data indicating a violation of the 1997 Annual $PM_{2.5}$ NAAQS:

TABLE 7—SCHEDULE FOR PERMIT REVISIONS OR RULE REVISIONS FOR CONTINGENCY MEASURES

1	Identify and quantify the emissions reductions expected to result in the future from existing and future state and federal regulatory programs.	3 months.
2	Use the best available air quality modeling to evaluate the air quality improvement expected to result in Jackson County from the programs and emissions reductions identified in Step 1 above.	6 months.
3	Draft any needed permit conditions or SIP regulations	3 months.
4	Complete rulemaking or permit revision process and submit to EPA	6 months.
	Completion no later than	18 months.

EPA has concluded that the maintenance plan adequately addresses the five basic components required: the attainment emissions inventory, maintenance demonstration, monitoring, verification of continued attainment, and a contingency plan. Therefore, the maintenance plan SIP revision submitted by ADEM for the Alabama portion of the Chattanooga TN-GA Area meets the requirements of section 175A of the CAA and EPA is proposing that Alabama's submission is approvable.

VI. What is the effect of the January 4, 2013, D.C. Circuit decision regarding $PM_{2.5}$ implementation under subpart 4?

a. Background

As discussed in Section I of this action, the D.C. Circuit remanded the 1997 $PM_{2.5}$ Implementation Rule to EPA on January 4, 2013, in *Natural Resources Defense Council* v. *EPA,* 706 F.3d 428. The court found that EPA erred in implementing the 1997 $PM_{2.5}$ NAAQS pursuant to the general implementation provisions of subpart 1 of part D of Title I of the CAA rather than the particulate matter-specific provisions of subpart 4 of part D of Title I.

b. Proposal on This Issue

In this portion of the proposed redesignation, EPA addresses the effect of the Court's January 4, 2013, ruling on the proposed redesignation. As explained below, EPA is proposing to determine that the Court's January 4, 2013, decision does not prevent EPA from redesignating the Alabama portion of the Chattanooga TN-GA Area to attainment. Even in light of the Court's decision, redesignation for this area 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 Alabama portion of the Chattanooga TN-GA Area redesignation request and disregards the provisions of its 1997 $PM_{2.5}$ Implementation Rule recently remanded by the Court, the State's request for redesignation of the Alabama portion of the Chattanooga TN-GA Area still qualifies for approval. EPA's discussion takes into account the effect of the Court's ruling on the maintenance plan for the Alabama portion of the Chattanooga TN-GA Area, which EPA views as approvable when subpart 4 requirements are considered.

c. Applicable Requirements for the Purpose of Evaluating the Redesignation Request

With respect to the 1997 $PM_{2.5}$ Implementation Rule, the 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 to address implementation of the 1997 $PM_{2.5}$ NAAQS under subpart 4 of part D of the CAA, in addition to subpart 1. For the purposes of evaluating Alabama's redesignation request for the Alabama portion of the Chattanooga TN-GA Area, to the extent that implementation under subpart 4 would impose additional requirements for areas designated nonattainment, EPA believes that those requirements are not ''applicable'' for the purposes of CAA section 107(d)(3)(E), and thus EPA is not required to consider subpart 4 requirements with respect to the redesignation of the Alabama portion of the Chattanooga TN-GA Area. Under its longstanding interpretation of the CAA, EPA has interpreted section 107(d)(3)(E) to mean, as a threshold matter, that the part D provisions which are ''applicable'' and which must be approved in order for EPA to redesignate an area include only those which came due prior to a state's submittal of a complete redesignation request. *See* ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992 (Calcagni memorandum). *See also* ''State Implementation Plan (SIP) Requirements for Areas Submitting Requests for the plan and Redesignation to Attainment of the Ozone and Carbon Monoxide (CO) National Ambient Air Quality Standards (NAAQS) on or after November 15, 1992,'' Memorandum from Michael Shapiro, Acting Assistant Administrator, Air and Radiation, September 17, 1993 (Shapiro memorandum); Final Redesignation of Detroit-Ann Arbor, (60 FR 12459, 12465–66, March 7, 1995); Final Redesignation of St. Louis, Missouri, (68 FR 25418, 25424–27, May 12, 2003); *Sierra Club* v. *EPA,* 375 F.3d 537, 541 (7th Cir. 2004) (upholding EPA's redesignation rulemaking applying this interpretation and expressly rejecting Sierra Club's view that the meaning of ''applicable'' under the statute is ''whatever should have been in the plan at the time of attainment rather than whatever actually was in already implemented or due at the time of attainment'').[8] In this case, at the time that Alabama submitted its redesignation request on April 23, 2013,

[8] 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.

requirements under subpart 4 were not due.

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

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

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

d. Subpart 4 Requirements and the Alabama Portion of the Chattanooga TN-GA Area Redesignation Request

Even if EPA were to take the view that the Court's January 4, 2013, decision requires that, in the context of pending redesignations, subpart 4 requirements were due and in effect at the time the State submitted its redesignation request, EPA proposes to determine that the Alabama portion of the Chattanooga TN-GA Area still qualifies for redesignation to attainment. As explained below, EPA believes that the redesignation request for the Alabama portion of the Chattanooga TN-GA Area, though not expressed in terms of subpart 4 requirements, substantively meets the requirements of that subpart for purposes of redesignating the Alabama portion of the Chattanooga TN-GA Area to attainment.

With respect to evaluating the relevant substantive requirements of subpart 4 for purposes of redesignating the Alabama portion of the Chattanooga TN-GA Area, EPA notes that subpart 4 incorporates components of subpart 1 of part D, which contains general air quality planning requirements for areas designated as nonattainment. *See* section 172(c). Subpart 4 itself contains specific planning and scheduling requirements for PM_{10}[9] nonattainment areas, and under the 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.[10] 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.'' *See* 57 FR 13538 (April 16, 1992). The subpart 1 requirements include, among other things, provisions for attainment demonstrations, RACM RFP, emissions inventories, and contingency measures.

For the purposes of this redesignation, in order to identify any additional requirements which would apply under subpart 4, we are considering the Alabama portion of the Chattanooga TN-GA Area to be a ''moderate'' $PM_{2.5}$ nonattainment area. Under section 188 of the CAA, all areas designated nonattainment areas under subpart 4 would initially be classified by operation of law as ''moderate'' nonattainment areas and would 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

[9] PM_{10} refers to particles nominally 10 micrometers in diameter or smaller.

[10] *See,* ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 57 FR 13498 (April 16, 1992) (the ''General Preamble'').

and 173 to PM_{10}, without adding to them. Consequently, EPA believes that section 189(a)(1)(A) does not itself impose for redesignation purposes any additional requirements for moderate areas beyond those contained in subpart 1.[11] In any event, in the context of redesignation, EPA has long relied on the interpretation that a fully approved nonattainment new source review program is not considered an applicable requirement for redesignation, provided the area can maintain the standard with a 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 New Source Review 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,[12] when EPA evaluates a redesignation request under either subpart 1 or 4, any area that is attaining the $PM_{2.5}$ standard is viewed as having satisfied the attainment planning requirements for these subparts. As discussed above, for redesignations, EPA has for many years interpreted attainment-linked requirements as not applicable for areas attaining the standard.

Therefore, even if we were to consider the Court's January 4, 2013, decision in *NRDC* v. *EPA* to mean that attainment-related requirements specific to subpart 4 should be imposed retroactively[13] and thus are now past due, those requirements do not apply to an area that is attaining the 1997 $PM_{2.5}$ standard for the purpose of evaluating a pending request to redesignate the area to attainment. Elsewhere in this notice, EPA proposes to determine that the Area has attained the 1997 $PM_{2.5}$ standard. Under its longstanding interpretation, EPA is proposing to determine here that the Area meets the attainment-related plan requirements of subparts 1 and 4.

Thus, EPA is proposing to conclude that the requirements to submit an attainment demonstration under 189(a)(1)(B), a RACM determination under section 189(a)(1)(C), and a RFP demonstration under 189(c)(1) are satisfied for purposes of evaluating the redesignation request.

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

The D.C. Circuit 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 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, CAA section 189(e) 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, contained rebuttable presumptions concerning certain $PM_{2.5}$ precursors applicable to attainment plans and control measures related to those plans. Specifically, in 40 CFR 51.1002, EPA provided, among other things, that a state was ''not required to address VOC [and ammonia] as . . . $PM_{2.5}$ attainment plan precursor[s] and to evaluate sources of VOC [and ammonia] emissions in the State for control measures.'' EPA intended these to be rebuttable presumptions. EPA established these presumptions at the time because of uncertainties regarding the emission inventories for these pollutants and the effectiveness of specific control measures in various regions of the country in reducing $PM_{2.5}$ concentrations. EPA also left open the possibility for such regulation of VOC and ammonia in specific areas where that was necessary.

The 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 volatile organic compounds and ammonia are not $PM_{2.5}$ precursors, as subpart 4 expressly governs precursor presumptions.'' *NRDC* v. *EPA,* at 27, n.10.

Elsewhere in the Court's opinion, however, the Court observed:

> Ammonia is a precursor to fine particulate matter, making it a precursor to both $PM_{2.5}$ and PM_{10}. For a PM_{10} nonattainment area governed by subpart 4, a precursor is presumptively regulated. *See* 42 U.S.C. § 7513a(e) [section 189(e)].

Id. at 21, n.7.

For a number of reasons, EPA believes that its proposed redesignation of the Alabama portion of the Chattanooga TN-GA Area is consistent with the Court's decision on this aspect of subpart 4. First, while the Court, citing section 189(e), stated that ''for a PM_{10} area governed by subpart 4, a precursor is 'presumptively regulated,'" the Court expressly declined to decide the specific challenge to EPA's 1997 $PM_{2.5}$ implementation rule provisions regarding ammonia and VOC as precursors. The Court had no occasion to determine 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 that the state submitted the redesignation request, and disregards the implementation rule's rebuttable presumptions regarding ammonia and VOC as $PM_{2.5}$ precursors, the regulatory consequence would be to consider the need for regulation of all precursors from any sources in the area to demonstrate attainment and to apply the section 189(e) provisions to major stationary sources of precursors. In the case of the Chattanooga TN-GA Area, EPA believes that doing so is consistent with proposing redesignation of the area for the $PM_{2.5}$ standard. The Chattanooga TN-GA Area has attained the standard without any specific additional controls of VOC and ammonia emissions from any sources in the Area.

Precursors in subpart 4 are specifically regulated under the provisions of section 189(e), which requires, with important exceptions, control requirements for major stationary sources of PM_{10} precursors.[14] Under subpart 1 and EPA's prior implementation rule, all major stationary sources of $PM_{2.5}$ precursors

[11] The potential effect of section 189(e) on section 189(a)(1)(A) for purposes of evaluating this redesignation is discussed below.

[12] i.e., attainment demonstration, RFP milestone requirements, and RACM.

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

[14] 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.

were subject to regulation, with the exception of ammonia and VOC. Thus, we must address here whether additional controls of ammonia and VOC from major stationary sources are required under section 189(e) of subpart 4 in order to redesignate the area for the 1997 $PM_{2.5}$ standard. As explained below, we do not believe that any additional controls of ammonia and VOC are required in the context of this redesignation.

In the General Preamble, EPA discusses its approach to implementing section 189(e). *See* 57 FR 13538 (April 16, 1992). With regard to precursor regulation under section 189(e), the General Preamble explicitly stated that control of VOCs under other Act 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 proposes to determine that even if not explicitly addressed by the State in its submission, the State does not need to take further action with respect to ammonia and VOCs as precursors to satisfy the requirements of section 189(e). This proposed determination is based on our findings that: (1) The Alabama portion of the Chattanooga TN-GA Area contains no major stationary sources of ammonia, and (2) existing major stationary sources of VOC are adequately controlled under other provisions of the CAA regulating the ozone NAAQS.[15] 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 Area, which is attaining the 1997 Annual $PM_{2.5}$ standard, at present ammonia and VOC precursors from major stationary sources do not contribute significantly to levels exceeding the 1997 $PM_{2.5}$ standard in the Chattanooga TN-GA Area. *See* 57 FR 13539.

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 rather the rule assesses SIP plans and control measures required to bring a nonattainment area into attainment of the 1997 $PM_{2.5}$ NAAQS. By contrast, redesignation to attainment primarily requires the 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 Court's January 4, 2013, decision as calling for ''presumptive regulation'' of ammonia 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 the State to address precursors differently than they have 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.[16] Courts have upheld this approach to the requirements of subpart 4 for PM_{10}.[17] EPA believes that application of this approach to $PM_{2.5}$ precursors under subpart 4 is reasonable. Because the Chattanooga TN-GA Area has already attained the 1997 $PM_{2.5}$ NAAQS with its current approach to regulation of $PM_{2.5}$ precursors, EPA believes that it is reasonable to conclude in the context of this redesignation that there is no need to revisit the attainment control strategy with respect to the treatment of precursors. Even if the court's decision is construed to impose an obligation, in evaluating this redesignation request, to consider additional precursors under subpart 4, it would not affect EPA's approval here of Alabama's request for redesignation of the Alabama portion of the Chattanooga TN-GA Area. In the context of a redesignation, Alabama has shown that the Chattanooga TN-GA Area (of which Jackson County is a part) has attained the standard. Moreover, the State has shown, and EPA has proposed to determine, that attainment in this Area is due to permanent and enforceable emissions reductions on all precursors necessary to provide for continued attainment. It follows logically that no further control of additional precursors is necessary. Accordingly, EPA does not view the January 4, 2013, decision of the court as precluding redesignation of the Alabama portion of the Chattanooga TN-GA Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS at this time. In sum, even if Alabama were required to address precursors for Chattanooga TN-GA Area under subpart 4 rather than under subpart 1, EPA would still conclude that the Alabama portion of the Chattanooga TN-GA Area had met all applicable requirements for purposes of redesignation in accordance with section 107(d)(3(E)(ii) and (v).

f. Maintenance Plan and Evaluation of Precursors

With regard to the redesignation of the Alabama portion of the Chattanooga TN-GA Area, in evaluating the effect of the court's remand of EPA's implementation rule, which included presumptions against consideration of VOC and ammonia as $PM_{2.5}$ precursors, EPA in this proposal is also considering the impact of the decision on the maintenance plan required under sections 175A and 107(d)(3)(E)(iv). To begin with, EPA notes that the Area has attained the 1997 Annual $PM_{2.5}$ NAAQS and that the State has shown that attainment of that standard is due to permanent and enforceable emission reductions.

EPA proposes to determine that the State's maintenance plan shows continued maintenance of the standard by tracking the levels of the precursors whose control brought about attainment of the 1997 $PM_{2.5}$ standard in the Chattanooga TN-GA Area. EPA therefore believes that the only additional consideration related to the maintenance plan requirements that results from the Court's January 4, 2013, decision is that of assessing the potential role of VOC and ammonia in demonstrating continued maintenance in this area. As explained below, based upon documentation provided by Alabama and supporting information, EPA believes that the maintenance plan for the Alabama portion of the Chattanooga TN-GA Area need not include any additional emission reductions of VOC or ammonia in order to provide for continued maintenance of the standard.

First, as noted above in EPA's discussion of section 189(e), VOC emission levels in this area have historically been well-controlled under SIP requirements related to ozone and other pollutants. Second, total ammonia emissions throughout the portion of Jackson County in the Chattanooga TN-

[15] The Chattanooga TN-GA Area has reduced VOC emissions through the implementation of various control programs including various on-road and non-road motor vehicle control programs.

[16] *See* ''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 ammonia emissions).

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

GA Area are estimated to be approximately 1,820.86 tons per year in 2020, a slight increase over 2007 levels. *See* Table 7 below. As described below, available information shows that no precursor, including VOC and ammonia, is expected to increase significantly over the maintenance period so as to interfere with or undermine the State's maintenance demonstration.

TABLE 7—COMPARISON OF 2007 AND 2020 VOC AND AMMONIA EMISSION TOTALS BY SOURCE SECTOR (tpy) FOR THE ALABAMA PORTION OF THE CHATTANOOGA TN-GA AREA [18]

Source sector	VOC			Ammonia		
	2007	2020	Net change	2007	2020	Net change
Nonpoint	712.30	685.66	−26.6	1,552.38	1,745.57	193.19
Nonroad	1,318.58	563.98	−754.6	0.94	1.01	0.07
Onroad	1,005.61	327.77	−677.84	40.43	21.54	−18.89
Point	142.71	161.74	19.03	74.24	52.74	−21.5
Total	3,179.20	1,739.15	−1,440.05	1,668.00	1,820.86	152.86

Alabama'smaintenance plan shows that emissions of SO_2, NO_X, and $PM_{2.5}$ are projected to decrease over the maintenance period in the Alabama Portion of the Chattanooga, TN-GA Area by 22,287.4 tpy, 15,020.16, and 220.45 tpy, respectively. *See* Table 6, above. In addition, emissions inventories used in the regulatory impact analysis (RIA) for the 2012 $PM_{2.5}$ NAAQS [19] show that VOC emissions are projected to decrease by 1,440.05 tpy, and the ammonia emissions are projected to increase by 152.86 tpy between 2007 and 2020. Although ammonia emissions are projected to increase slightly between 2007 and 2020, the decrease in emissions of other precursors in comparison will keep the Area well below the standard. *See* Table 6 and 7, above. While the RIA emissions inventories are only projected out to 2020, there is no reason to believe that this overall downward trend would not continue through 2025. Given that the Chattanooga TN-GA Area is already attaining the 1997 Annual $PM_{2.5}$ NAAQS even with the current level of emissions from sources in the Area, the overall trend of emissions inventories would be consistent with continued attainment. Indeed, projected emissions reductions for the precursors that the State is addressing for purposes of the 1997 Annual $PM_{2.5}$ NAAQS indicate that the Area should continue to attain the NAAQS following the precursor control strategy that the State has already elected to pursue. Even if VOC and ammonia emissions were to increase unexpectedly between 2020 and 2025, the overall emission reductions projected in SO_2, NO_X, and $PM_{2.5}$ would be sufficient to offset any increases. For these reasons, EPA believes that local emissions of all the potential $PM_{2.5}$ precursors will not increase to the extent that they will cause monitored $PM_{2.5}$ levels to violate the 1997 Annual $PM_{2.5}$ standard during the maintenance period.

In addition, available air quality data and modeling analyses show continued maintenance of the standard during the maintenance period. As noted in section V, above, the Chattanooga TN-GA Area recorded a $PM_{2.5}$ design value of 10.5 $\mu g/m^3$ during 2011–2013, the most recent three years available with complete, quality-assured and certified ambient air monitoring data. This is well below the 1997 Annual $PM_{2.5}$ NAAQS of 15.0 $\mu g/m^3$. Moreover, the modeling analysis conducted for the RIA for the 2012 $PM_{2.5}$ NAAQS indicates that the design value for this area is expected to continue to decline through 2020. Given the decrease in overall precursor emissions projected through 2025, it is reasonable to conclude that monitored $PM_{2.5}$ levels in this area will also continue to decrease through 2025.

Thus, EPA believes that there is ample justification to conclude that the Alabama portion of the Chattanooga TN-GA Area should be redesignated, even taking into consideration the emissions of VOC and ammonia potentially relevant to $PM_{2.5}$. After consideration of the D.C. Circuit's January 4, 2013, decision, and for the reasons set forth in this notice, EPA continues to propose approval of the State's maintenance plan and its request to redesignate the Alabama portion of the Chattanooga TN-GA Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS.

VII. What is EPA's analysis of Alabama's proposed regional on-road motor vehicle insignificance determination for the Alabama portion of the Chattanooga TN-GA area?

Under section 176(c) of the CAA, new transportation plans, programs, and projects, such as the construction of new highways, must ''conform'' to (i.e., be consistent with) the part of the state's air quality plan that addresses pollution from cars and trucks. Conformity to the SIP means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS or any interim milestones. If a transportation plan does not conform, most new projects that would expand the capacity of roadways cannot go forward. Regulations at 40 CFR part 93 set forth EPA policy, criteria, and procedures for demonstrating and assuring conformity of such transportation activities to a SIP. The regional emissions analysis is one, but not the only, requirement for implementing transportation conformity. Transportation conformity is a requirement for nonattainment and maintenance areas. Maintenance areas are areas that were previously nonattainment for a particular NAAQS but have since been redesignated to attainment with an approved maintenance plan for that NAAQS.

Under the CAA, states are required to submit, at various times, control strategy SIPs and maintenance plans in nonattainment areas. These control strategy SIPs (including RFP and attainment demonstration) and maintenance plans create MVEBs for criteria pollutants and/or their precursors to address pollution from cars and trucks. Per 40 CFR part 93, a MVEB must be established for the last year of the maintenance plan. A state

[18] These emissions estimates were taken from the emissions inventories developed for the regulatory impact analysis for the 2012 $PM_{2.5}$ NAAQS.

[19] The RIA for the 2012 $PM_{2.5}$ NAAQS standard can be found on EPA's Web site at *http://www.epa.gov/ttn/ecas/regdata/RIAs/finalria.pdf.*

may adopt MVEBs for other years as well. The MVEB is the portion of the total allowable emissions in the maintenance demonstration that is allocated to highway and transit vehicle use and emissions. *See* 40 CFR 93.101. The MVEB serves as a ceiling on emissions from an area's planned transportation system. The MVEB concept is further explained in the preamble to the November 24, 1993, Transportation Conformity Rule (58 FR 62188). The preamble also describes how to establish the MVEB in the SIP and how to revise the MVEB.

Today's action addresses the element regarding on-road motor vehicle emissions and the requirement to establish MVEB. EPA is proposing to find that the direct $PM_{2.5}$ and NO_X emission contribution from motor vehicles in the Alabama portion of the Area are insignificant to the air pollution in the Chattanooga TN-GA Area. The result of this determination, if finalized, is that Alabama will not need to develop MVEB for direct $PM_{2.5}$ and NO_X for the Alabama portion of the Chattanooga TN-GA Area and the Metropolitan Planning Organization or Department of Transportation (whichever is applicable) will not need to perform a regional emissions analysis for either pollutant when it demonstrates conformity. See below for further information on the insignificance determination.

Regional on-road motor vehicle insignificance. For motor vehicle emissions budgets to be approvable, they must meet, at a minimum, EPA's adequacy criteria (40 CFR 93.118(e)(4)). In certain instances, the Transportation Conformity Rule allows areas to forgo establishment of a MVEB where it is demonstrated that the regional motor vehicle emissions for a particular pollutant or precursor are an insignificant contributor to the air quality problem in an area. The general criteria for insignificance determinations can be found in 40 CFR 93.109(f). Insignificance determinations are based on a number of factors, including (1) the percentage of motor vehicle emissions in context of the total SIP inventory; (2) the current state of air quality as determined by monitoring data for that NAAQS; (3) the absence of SIP motor vehicle control measures; and (4) historical trends and future projections of the growth of motor vehicle emissions. EPA's rationale for providing for insignificance determinations is described in the July 1, 2004, revision to the Transportation Conformity Rule at 69 FR 40004.[20] Specifically, the rationale is explained on page 40061 under the subsection entitled ''XXIII.B. Areas With Insignificant Motor Vehicle Emissions.'' Any insignificance determination under review by EPA is subject to the adequacy and approval process for EPA's action on the SIP.

Through the adequacy and SIP approval process, EPA may find that a SIP demonstrates that regional motor vehicle emissions are an insignificant contributor to the air quality problem for the pollutant or precursor at issue. Upon the effective date of EPA's adequacy determination, federal regulations no longer require a regional emissions analysis (for the purpose of transportation conformity implementation) for the relevant insignificant pollutant or precursor. Areas with insignificant regional motor vehicle emissions for a pollutant or precursor are still required to make a conformity determination that satisfies other relevant conformity requirements. Additionally, such areas are required to satisfy the regional emissions analysis requirements for pollutants or precursors for which EPA has not made a determination of insignificance.

The maintenance plan for the Alabama portion of the Chattanooga TN-GA Area, included as part of the SIP revision, contains a regional on-road motor vehicle insignificance determination for the direct $PM_{2.5}$ and NO_X contribution of motor vehicles in the Alabama portion of the Chattanooga TN-GA Area to the air quality problem in the Chattanooga TN-GA Area. As part of the preparation for its redesignation request, Alabama used the on-road emissions of $PM_{2.5}$ and NO_X from motor vehicles in that portion of Jackson County, from the document titled ''Chattanooga Non-Attainment Area Year 2030 Conformity Determination Report.'' In order to estimate on-road mobile source emissions for the nonattainment portion of Jackson County, a ratio of the size of the nonattainment portion of Jackson County in square miles to the size of the entire county in square miles was calculated. The nonattainment portion of Jackson County was determined to be only about one percent of the total area of Jackson County. The same rational was applied to obtain area and non-road mobile source emissions for the nonattainment portion for the county. Alabama determined that direct $PM_{2.5}$ and NO_X emissions from on-road mobile sources in the Alabama portion of the Chattanooga TN-GA Area are 0.2 percent, and 0.18 percent, respectively, of the total emissions from on-road mobile source in the entire Chattanooga TN-GA Area for 2007, 2017, and 2025.

The information provided by Alabama supports EPA's proposal to determine that the direct $PM_{2.5}$ and NO_X contribution from on-road vehicles in the Alabama portion of the Chattanooga TN-GA Area are insignificant to the $PM_{2.5}$ air pollution the Chattanooga TN-GA Area. As shown in Tables 2 through 6 above, Alabama's maintenance plan demonstrates that on-road direct $PM_{2.5}$ emissions and NO_X emissions will continue to decrease through 2025, the end of the initial maintenance plan for the Alabama portion of the Chattanooga TN-GA Area. In addition, since 2007, the $PM_{2.5}$ design value concentration has decreased by approximately 15 percent such that the Area is now attaining the Annual $PM_{2.5}$ NAAQS with a 2011–2013 design value of 10.5 $\mu g/m^3$, well below the standard of 15.0 $\mu g/m^3$. According to information provided by Alabama, point sources contributed over 99 percent of the emissions in future years in the Alabama portion of the Chattanooga TN-GA Area. The maintenance plan does not contain any control measures that apply to on-road motor vehicles.

After evaluating the information provided by Alabama and weighing the factors for the insignificance determination outlined in 40 CFR 93.109(f), EPA is now proposing to approve Alabama's determination that the direct $PM_{2.5}$ and NO_X contribution from motor vehicle emissions in the Alabama portion of the Chattanooga Area are insignificant to the pollution problem in the Chattanooga TN-GA Area. EPA's insignificance determination should be considered and specifically noted in the transportation conformity documentation that is prepared for the Area. EPA is proposing that the submitted insignificance finding is consistent with maintenance of the 1997 Annual $PM_{2.5}$ NAAQS through 2025.

VIII. What is the status of EPA's adequacy determination for the on-road motor vehicle insignificance determination for the Alabama portion of the Chattanooga TN-GA area?

When reviewing submitted ''control strategy'' SIPs or maintenance plans containing MVEB and/or insignificance determinations, EPA may affirmatively find the MVEB and/or insignificance determination contained therein

[20] In the March 24, 2010, final rule (75 FR 14260), provisions for insignificance determinations were outlined in 40 CFR 93.109(m). EPA revised 40 CFR 93.109 in its March 14, 2012, final rule (77 FR 14979), and the provisions for insignificance determinations are now located at 40 CFR 93.109(f).

adequate for use in determining transportation conformity. Once EPA affirmatively finds the submitted MVEB is adequate for transportation conformity purposes, that MVEB must be used by state and federal agencies in determining whether proposed transportation projects conform to the SIP as required by section 176(c) of the CAA. Further, once EPA affirmatively finds the submitted insignificance determination is adequate for transportation conformity purposes, the transportation partners are relieved of performing a regional emissions analysis of that pollutant or precursor but must document the insignificance determination in its conformity determination.

EPA's substantive criteria for determining adequacy of an MVEB and/or insignificance determination are set out in 40 CFR 93.118(e)(4). The process for determining adequacy consists of three basic steps: Public notification of a SIP submission, a public comment period, and EPA's adequacy determination. This process for determining the adequacy of submitted MVEB for transportation conformity purposes was initially outlined in EPA's May 14, 1999, guidance, ''Conformity Guidance on Implementation of March 2, 1999, Conformity Court Decision.'' EPA adopted regulations to codify the adequacy process in the Transportation Conformity Rule Amendments for the ''New 8-Hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments—Response to Court Decision and Additional Rule Change,'' on July 1, 2004 (69 FR 40004). Additional information on the adequacy process for transportation conformity purposes is available in the proposed rule entitled, ''Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes,'' 68 FR 38974, 38984 (June 30, 2003).

As discussed earlier, Alabama's maintenance plan submission includes an insignificance determination that direct $PM_{2.5}$ and NO_X emissions from on-road motor vehicles are an insignificant contributor to the air quality problem in the Chattanooga TN-GA Area. The Alabama maintenance SIP submission, including the on-road motor vehicle insignificance finding, was open for public comment on EPA's adequacy Web site found at: *http://www.epa.gov/otaq/stateresources/transconf/currsips.htm.* The EPA public comment period closed on October 22, 2014. EPA did not receive any comments on the adequacy of the insignificance determination, nor did EPA receive any requests for the SIP revision.

EPA intends to make its determination on the adequacy of the insignificance finding for the Alabama portion of the Chattanooga TN-GA Area for transportation conformity purposes in the near future. Section 93.109(f) states that a regional emissions analysis is no longer necessary if EPA finds through the adequacy or approval process that a SIP demonstrates that regional motor vehicle emissions are an insignificant contributor to the air quality problem for that pollutant/precursor. A finding of insignificance does not change the requirement for a regional analysis for other pollutants and precursors and does not change the requirement for hot-spot analysis. After EPA finds the insignificance determination adequate or approves it, this on-road motor vehicle insignificance finding for direct $PM_{2.5}$ and NO_X applies to future transportation conformity determinations.[21]

IX. Proposed Actions on the Redesignation Request and Maintenance Plan SIP Revision for the Alabama Portion of the Chattanooga TN-GA Area

On May 31, 2011, EPA determined that the Chattanooga TN-GA Area was attaining the 1997 Annual $PM_{2.5}$ NAAQS. *See* 76 FR 31239. EPA is now taking two separate but related actions regarding the Area's redesignation and maintenance of the 1997 Annual $PM_{2.5}$ NAAQS.

First, EPA is proposing to determine that, based upon review of complete, quality-assured and certified ambient monitoring data for the 2007–2009 period, and review of data in AQS for 2010 through 2013 that the Chattanooga TN-GA Area continues to attain the 1997 Annual $PM_{2.5}$ NAAQS. EPA is also proposing to determine that the Alabama portion of the Chattanooga TN-GA Area has met the criteria under CAA section 107(d)(3)(E) for redesignation from nonattainment to attainment for the 1997 Annual $PM_{2.5}$ NAAQS. On this basis, EPA is proposing to approve Alabama's redesignation request for the Alabama portion of the Chattanooga TN-GA Area.

Second, EPA is proposing to approve the maintenance plan for the Alabama portion of the Chattanooga TN-GA Area as meeting the requirements of section 175A of the CAA. The maintenance plan demonstrates that the Area will continue to maintain the 1997 Annual $PM_{2.5}$ NAAQS.

If finalized, approval of the redesignation request would change the official designation of the portion of Jackson County in the Chattanooga TN-GA Area for the 1997 Annual $PM_{2.5}$ NAAQS, found at 40 CFR part 81 from nonattainment to attainment. EPA is also proposing to approve, into the Alabama SIP, the maintenance plan for the Alabama portion of the Chattanooga TN-GA Area.

X. What is the effect of EPA's proposed actions?

EPA's proposed actions establish the basis upon which EPA may take final action on the issues being proposed for approval today. Approval of Alabama's redesignation request would change the legal designation of a portion of Jackson County in Alabama for the 1997 Annual $PM_{2.5}$ NAAQS, found at 40 CFR part 81, from nonattainment to attainment. Approval of the ADEM's request would also incorporate a plan for maintaining the 1997 Annual $PM_{2.5}$ NAAQS in the Alabama portion of the Chattanooga TN-GA Area through 2025 into the Alabama SIP. This maintenance plan includes contingency measures to remedy any future violations of the 1997 Annual $PM_{2.5}$ NAAQS and procedures for evaluation of potential violations. Additionally, EPA is notifying the public of the status of its adequacy determination for the NO_X and $PM_{2.5}$ insignificance pursuant to 40 CFR 93.118(f)(1).

XI. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by state law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, these proposed actions merely approve state law as

[21] The Alabama portion of the Chattanooga TN-GA Area already has an adequate insignificance finding for its previously-submitted attainment demonstration.

meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, these proposed actions:

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

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, and Particulate matter.

40 CFR Part 81

Environmental protection, Air pollution control.

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

Dated: November 3, 2014.

V. Anne Heard,

Acting Regional Administrator, Region 4.

[FR Doc. 2014–26736 Filed 11–10–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–R06–OAR–2012–0765; FRL–9918–62–Region 6]

National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Arkansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve, through a ''direct final'' procedure, a request for delegation of the Federal air toxics program contained within 40 CFR Parts 63 pursuant to Section 112(l) of the Clean Air Act (Act). The State's mechanism of delegation involves the straight delegation of certain existing and future Section 112 standards unchanged from the Federal standards. The actual delegation of authority of individual standards, except standards addressed specifically in this action, will occur through a mechanism set forth in a memorandum of agreement (MOA) between the Arkansas Department of Environmental Quality (ADEQ) and EPA. ADEQ is requesting delegation and approval to implement and enforce the existing Part 63 standards as they apply to Part 70 sources, including major and area sources subject to the Title V (Part 70) permitting requirements. The delegation of authority under this action does not include CAA Section 112(r).

DATES: Written comments on this proposed rule must be received on or before December 12, 2014.

ADDRESSES: Comments may be mailed to Mr. Rick Barrett, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the Addresses section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Barrett, (214) 665–7227, *barrett.richard@epa.gov.*

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, EPA is approving ADEQ's request for delegation of authority to implement and enforce certain NESHAPs for all sources which are subject to part 70 as a direct rule without prior proposal because the Agency views this as noncontroversial action and anticipates no adverse comments. A detailed rationale for this proposed approval is set forth in the direct final rule. If no relevant, adverse comments are received in response to this action no further activity is contemplated. If EPA receives relevant, 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.

For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: October 14, 2014.

Ron Curry,

Regional Administrator, Region 6.

[FR Doc. 2014–25947 Filed 11–10–14; 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–2013–0011; 4500030114]

RIN 1018–AZ44

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Western Distinct Population Segment of the Yellow-Billed Cuckoo (Coccyzus americanus)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: On August 15, 2014, we, the U.S. Fish and Wildlife Service (Service), announced a proposal to designate critical habitat for the western distinct population segment of the yellow-billed cuckoo under the Endangered Species Act of 1973, as amended (Act). We now announce a reopening of the comment period for our August 15, 2014, proposed rule to allow for us to accept and consider additional public comments on the proposed rule.

DATES: The comment period for the proposed rule published on August 15, 2014 (79 FR 48548), is reopened. We

request that comments on this proposal be submitted by the close of business on January 12, 2015.

ADDRESSES: *Document availability:* You may obtain a copy of the proposed rule on the Internet at *http://www.regulations.gov* at Docket No. FWS–R8–ES–2013–0011, or contact the U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**), or by mail from U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

Comment Submission: You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter FWS–R8–ES–2013–0011, which is the docket number for this rulemaking. Then, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rule link to locate the document. You may submit a comment by clicking on ''Comment Now!''

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R8–ES–2013–0011; Division of Policy and Directives Management; U.S. Fish & Wildlife Headquarters, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by 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: For information about the proposed listing, contact Jennifer Norris, Field Supervisor, U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, W–2605, Sacramento, California 95825; by telephone 916–414–6600; or by facsimile 916–414–6712. 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

On August 15, 2014, we published in the **Federal Register** a proposed rule to designate critical habitat for the western distinct population segment (DPS) of the yellow-billed cuckoo (western yellow-billed cuckoo) (*Coccyzus americanus*) under the Endangered Species Act (79 FR 48548). In total, approximately 546,335 acres (221,094 hectares) are being proposed for designation as critical habitat in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Texas, Utah, and Wyoming for the western yellow-billed cuckoo under the Act. During the public comment period, we received requests to extend or reopen the public comment period on the proposed rule beyond the October 14, 2014, due date. In order to ensure that the public has an adequate opportunity to review and comment on our proposed rule, we are reopening the comment period for an additional 60 days. We are also in the process of determining the appropriate location and time of any public meeting(s) or hearing(s) and will publish a subsequent notice in the **Federal Register** once the details of such meetings are confirmed.

Information Requested

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from other concerned Federal and State agencies, the scientific community, or any other interested party concerning the proposed critical habitat designation. Please see the Information Requested section of the August 15, 2014, proposed critical habitat rule for a list of the comments that we particularly seek (79 FR 48548–48549).

For more background on our proposed designation, see the August 15, 2014, **Federal Register** (79 FR 48548). The proposed rule is available at the Federal eRulemaking Portal at *http://www.regulations.gov* (see **ADDRESSES**).

If you previously submitted comments or information on the proposed rule, please do not resubmit them. We have incorporated them into the public record, and we will fully consider them in our final rulemaking. Our final determination concerning this proposed rulemaking will take into consideration all written comments and any additional information we receive.

Please note that submissions merely stating support for or opposition to the action under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or threatened species must be made ''solely on the basis of the best scientific and commercial data available.''

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 information via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the Web site. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *http://www.regulations.gov.* Please include sufficient information with your comments to allow us to verify any scientific or commercial information you include.

Comments and materials we receive, as well as supporting documentation we used in preparing the proposed designation, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Sacramento 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 27, 2014.

Michael Bean,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2014–26685 Filed 11–10–14; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register

Vol. 79, No. 218

Wednesday, November 12, 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 COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Survey of Housing Starts, Sales, and Completions

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: To ensure consideration, written comments must be submitted on or before January 12, 2015.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *jjessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Erica Filipek, U.S. Census Bureau, MCD, CENHQ Room 7K057, 4600 Silver Hill Road, Washington, DC 20233, telephone (301) 763–5161 (or via the Internet at *Erica.Mary.Filipek@census.gov*).

SUPPLEMENTARY INFORMATION:

I. Abstract

The U.S. Census Bureau plans to request a three-year extension of the current Office of Management and Budget (OMB) clearance of the Survey of Housing Starts, Sales and Completions, also known as the Survey of Construction (SOC). The SOC collects monthly data on new residential construction from a sample of owners or builders. The Census Bureau uses the Computer-Assisted Personal Interviewing (CAPI) electronic questionnaires SOC–QI/SF.1 and SOC–QI/MF.1 to collect data on start and completion dates of construction, physical characteristics of the structure (floor area, number of bathrooms, type of heating system, etc.), and if applicable, date of sale, sales price, and type of financing. The SOC provides widely used measures of construction activity, including the economic indicators Housing Starts and Housing Completions, which are from the New Residential Construction series, and New Residential Sales.

We sample about 1,700 new buildings each month (20,400 per year). We inquire about the progress of each building multiple times until it is completed (and a sales contract is signed, if it is a single-family house that is built for sale). For single-family buildings, we conduct an average of 8.17 interviews and for multifamily buildings, we conduct an average of 7.0 interviews. The total number of interviews conducted each year for single-family buildings is about 107,844 and for multifamily buildings is about 50,400. Each interview takes 5 minutes on average. Therefore, the total annual burden is 13,187 hours.

II. Method of Collection

The Census Bureau uses its field representatives to collect the data. The field representatives conduct interviews to obtain data.

III. Data

OMB Control Number: 0607–0110.

Form Number(s): SOC–QI/SF.1 and SOC–QI/MF.1.

Type of Review: Regular submission.

Affected Public: Individuals or households, business, or other for-profit institutions.

Estimated Number of Respondents: 20,400.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 13,187.

Estimated Total Annual Cost to Public: The estimated cost to the respondent is $404,841 based on an average hourly pay for the respondent of $30.70. This estimate was taken from the Department of Labor, Bureau of Labor Statistics, Occupational Employment Statistics Survey for 2013.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. 182.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: November 6, 2014.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–26734 Filed 11–10–14; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

First Responder Network Authority

[Docket Number: 141104926–4926–01]

RIN 0660–XC014

Notice of Intent To Prepare Programmatic Environmental Impact Statements and Conduct Scoping for the Nationwide Public Safety Broadband Network

AGENCY: First Responder Network Authority, National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of Intent.

SUMMARY: The First Responder Network Authority (''FirstNet'') announces its intent to prepare five regional

Programmatic Environmental Impact Statements (''PEISs'') and conduct public scoping meetings to evaluate the potential environmental impacts of the proposed nationwide public safety broadband network. The specific locations, dates, and times for the scoping meetings will be announced on the FirstNet Web site, no later than one week prior to each meeting.

DATES: The scoping period for this notice will begin on the date of publication of this notice and will end December 29, 2014. Comments to this notice must be submitted on or before December 29, 2014.

ADDRESSES: The public is invited to submit written comments to this Notice. Written comments may be submitted electronically via email to *PEIScomments@firstnet.gov* or by mail (to the address listed in **FOR FURTHER INFORMATION CONTACT**). Comments received will be made a part of the public record and may be posted to FirstNet's Web site (*www.firstnet.gov)* without change. Comments should be machine readable and should not be copy-protected. All personally identifiable information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Amanda Pereira, NEPA Coordinator, First Responder Network Authority, National Telecommunications and Information Administration, U.S. Department of Commerce, 12201 Sunrise Valley Drive, M/S 243, Reston, VA 20192.

SUPPLEMENTARY INFORMATION: The Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. 112–96, Title VI, 126 Stat. 256 (codified at 47 U.S.C. 1401 *et seq.*)) (the ''Act'') created and authorized FirstNet to take all actions necessary to ensure the building, deployment, and operation of an interoperable, nationwide public safety broadband network (''NPSBN'') based on a single, national network architecture. The Act meets a long-standing and critical national infrastructure need, to create a single, nationwide network that will, for the first time, allow police officers, fire fighters, emergency medical service professionals, and other public safety entities to effectively communicate with each other across agencies and jurisdictions.

The National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347) (''NEPA'') requires federal agencies to undertake an assessment of environmental effects of their proposed actions prior to making a final decision and implementing the action. NEPA requirements apply to any federal project, decision, or action that may have a significant impact on the quality of the human environment. NEPA also establishes the Council on Environmental Quality (''CEQ''), which issued regulations implementing the procedural provisions of NEPA (see 40 CFR parts 1500–1508). Among other considerations, CEQ regulations at 40 CFR 1508.28 recommend the use of *tiering* from a ''broader environmental impact statement (such as a national program or policy statements) with subsequent narrower statements or environmental analysis (such as regional or basin wide statements or ultimately site-specific statements) incorporating by reference the general discussions and concentrating solely on the issues specific to the statement subsequently prepared.''

Due to the geographic scope of FirstNet (all 50 states, the District of Columbia, and five territories) and the diversity of ecosystems potentially traversed by the project, FirstNet has elected to prepare five regional PEISs. The five PEISs will be divided as follows:

East	Central	West	South	Non-contiguous
Delaware	Colorado	Arizona	Alabama	Alaska
District of Columbia	Illinois	California	Arkansas	American Samoa
Connecticut	Indiana	Idaho	Florida	CNMI
Maine	Iowa	Nevada	Georgia	Guam
Maryland	Kansas	Oregon	Kentucky	Hawaii
Massachusetts	Michigan	Washington	Louisiana	Puerto Rico
New Hampshire	Minnesota		Mississippi	U.S. Virgin Islands
New Jersey	Missouri		New Mexico	
New York	Montana		North Carolina	
Pennsylvania	Nebraska		Oklahoma	
Rhode Island	North Dakota		South Carolina	
Vermont	Ohio		Tennessee	
Virginia	South Dakota		Texas	
West Virginia	Utah			
	Wisconsin			
	Wyoming			

Once a PEIS is completed and a Record of Decision (ROD) is signed, the proposed FirstNet projects can begin to submit the site-specific environmental documentation to determine if the proposed project has been adequately evaluated in the PEIS or warrants a Categorical Exclusion, an Environmental Assessment, or an Environmental Impact Statement.

Dated: November 6, 2014.

Genevieve Walker,

Director of Environmental Compliance, First Responder Network Authority.

[FR Doc. 2014–26772 Filed 11–10–14; 8:45 am]

BILLING CODE 3510–TL–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

First Responder Network Authority

Special Meeting of the First Responder Network Authority Board Finance Committee

AGENCY: First Responder Network Authority, National Telecommunications and Information

Administration, U.S. Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Finance Committee of the First Responder Network Authority (FirstNet) Board will hold a Special Meeting via telephone conference (teleconference) on November 17, 2014.

DATES: The Special Meeting will be held on Monday, November 17, 2014, from 9:30 a.m. to 10:30 a.m. Eastern Standard Time.

ADDRESSES: The Special Meeting will be conducted via teleconference. Members of the public may listen to the meeting by dialing toll-free 1–888–997–9859 and using passcode ''FirstNet.'' Due to the limited number of ports, attendance via teleconference will be on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Margaret Baldwin, 12201 Sunrise Valley Drive Reston, VA 20192: telephone (703) 648–4161 or via email *margaret.baldwin@firstnet.gov*. Please direct media inquiries to Corey Ray at (703) 648–4109.

SUPPLEMENTARY INFORMATION: The Middle Class Tax Relief and Job Creation Act of 2012 (Act), Public Law 112–96, 126 Stat. 156 (2012), created FirstNet as an independent authority within the NTIA. The Act directs FirstNet to establish a single nationwide, interoperable public safety broadband network. The FirstNet Board is responsible for making strategic decisions regarding FirstNet's operations. As provided in section 4.08 of the FirstNet Bylaws, the Board through this Notice provides at least two days' notice of a Special Meeting of the Board to be held on November 17, 2014. The Board may, by a majority vote, close a portion of the Special Meeting as necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting FirstNet, including pending or potential litigation. See 47 U.S.C. 1424(e)(2).

Matters To Be Considered: FirstNet will post an agenda for the Special Meeting on its Web site at *www.firstnet.gov* prior to the meeting. The agenda topics are subject to change.

Time and Date: The Special Meeting will be held on November 17, 2014, from 9:30 a.m. to 10:30 a.m. Eastern Standard Time. The times and dates are subject to change. Please refer to FirstNet's Web site at *www.firstnet.gov* for the most up-to-date information.

Other Information: The teleconference for the Special Meeting is open to the public. On the date and time of the Special Meeting, members of the public may call toll-free 1–888–997–9859 and use passcode ''FirstNet'' to listen to the meeting. If you experience technical difficulty, please contact Margaret Baldwin by telephone (703) 648–4161 or via email *margaret.baldwin@firstnet.gov*. Public access will be limited to listen-only. Due to the limited number of ports, attendance via teleconference will be on a first-come, first-served basis. The Special Meeting is accessible to people with disabilities. Individuals requiring accommodations are asked to notify Ms. Baldwin by telephone (703) 648–4161 or via email at *margaret.baldwin@firstnet.gov,* at least two (2) days before the meeting.

Records: FirstNet maintains records of all Committee proceedings. Minutes of the meeting will be available at *www.firstnet.gov.*

Dated: November 6, 2014.

Stuart Kupinsky,

Chief Counsel.

[FR Doc. 2014–26771 Filed 11–10–14; 8:45 am]

BILLING CODE 3510–TL–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Denying Export Privileges; In the Matter of: Mohammad Hakim Hashemi, 29 The Cedars, Herons Lorde, London, England W138JF

On December 16, 2013, in the U.S. District Court for the Southern District of California, Mohammad Hakim Hashemi (''Hashemi'') was convicted of violating the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2006 & Supp. IV 2010)) (''IEEPA''). Specifically, Hashemi knowingly and willfully agreed and conspired with others, known and unknown, to export and cause the exportation, sale, and supply, indirectly, of aircraft parts from the United States to Iran without having first obtained the required licenses and authorizations from the Office of Foreign Assets Control, United States Department of Treasury (''OFAC''), and to engage in transactions within the Unites States that evade and avoid, and have the purpose of evading and avoiding, the prohibition against exporting, reexporting, selling and supplying, directly and indirectly, aircraft parts from the United States to Iran without having first obtained the required licenses and authorizations from OFAC. Hashemi was sentenced to 27 months of imprisonment, three years of supervised release, and a $100 assessment.

Section 766.25 of the Export Administration Regulations (''EAR'' or ''Regulations'')[1] provides, in pertinent part, that ''[t]he Director of the Office of Exporter Services, in consultation with the Director of the Office of Export Enforcement, may deny the export privileges of any person who has been convicted of a violation of the Export Administration Act (''EAA''), the EAR, or any order, license or authorization issued thereunder; any regulation, license, or order issued under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706); 18 U.S.C. 793, 794 or 798; section 4(b) of the Internal Security Act of 1950 (50 U.S.C. 783(b)), or section 38 of the Arms Export Control Act (22 U.S.C. 2778).'' 15 CFR 766.25(a); *see also* Section 11(h) of the EAA, 50 U.S.C. app. 2410(h). The denial of export privileges under this provision may be for a period of up to 10 years from the date of the conviction. 15 CFR 766.25(d); *see also* 50 U.S.C. app. 2410(h). In addition, Section 750.8 of the Regulations states that the Bureau of Industry and Security's Office of Exporter Services may revoke any Bureau of Industry and Security (''BIS'') licenses previously issued in which the person had an interest in at the time of his conviction.

BIS has received notice of Hashemi's conviction for violating the IEEPA and in accordance with Section 766.25 of the Regulations, BIS has provided notice and an opportunity for Hashemi to make a written submission to BIS. Subsequently, BIS granted Hashemi a 60-day extension until September 26, 2014 to submit a response. BIS has not received a submission from Hashemi.

Based upon my review and consultations with BIS's Office of Export Enforcement, including its Director, and the facts available to BIS, I have decided to deny Hashemi's export privileges under the Regulations for a period of 10 years from the date of Hashemi's conviction. I have also decided to revoke all licenses issued pursuant to the Act or Regulations in which Hashemi had an interest at the time of his conviction.

Accordingly, it is hereby *ordered:*

[1] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR Parts 730–774 (2014). The Regulations issued pursuant to the Export Administration Act (50 U.S.C. app. 2401–2420 (2000)) (''EAA''). Since August 21, 2001, the EAA has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 7, 2014 (79 FR 46959 (August 11, 2014)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2006 & Supp. IV 2010)).

First, from the date of this Order until December 16, 2023, Mohammad Hakim Hashemi, with a last known address of 29 The Cedars, Herons Lorde, London, England W138JF, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (the ''Denied Person''), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any other person, firm, corporation, or business organization related to Hashemi by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with Part 756 of the Regulations, Hashemi may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to the Hashemi. This Order shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until December 16, 2023.

Issued this 5th day of November, 2014.

Karen H. Nies-Vogel,

Director, Office of Exporter Services.

[FR Doc. 2014–26701 Filed 11–10–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

[Docket No. PTO–P–2014–0013]

Request for Comments and Notice of Roundtable on USPTO Use of Crowdsourcing To Identify Relevant Prior Art

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The United States Patent and Trademark Office (USPTO) is announcing a December 2, 2014 roundtable and requesting written comments on USPTO use of crowdsourcing to identify relevant prior art. Members of the public are invited to participate at the roundtable. On February 20, 2014, the White House issued a series of executive actions including crowdsourcing prior art as a means to strengthen patent quality. The roundtable will address the executive action by exploring: (1) How the USPTO can utilize crowdsourcing tools to obtain relevant prior art in order to enhance the quality of examination and issued patents; and (2) ways the USPTO can leverage existing private sector solutions for the electronic receipt and hosting of crowdsourced materials as a means to provide prior art to examiners.

DATES: *Event Date:* The roundtable will be held on December 2, 2014, beginning at 1 p.m. Eastern Standard Time (EST), and ending at 5 p.m. EST.

Roundtable Registration Deadline: Registration to attend the roundtable in person or via webcast is required by November 25, 2014. Additionally, requests to participate in the roundtable as a speaker must be submitted in writing no later than November 18, 2014. See the ''Event Registration Information'' section of this notice for additional details on how to register and how to request to present as a speaker.

Written Comment Submission Deadline: Any member of the public, whether attending the roundtable or not, may submit written comments on any of the issues identified in part II of the **SUPPLEMENTARY INFORMATION** section of this notice for consideration by the USPTO. Written comments must be received on or before December 9, 2014, to ensure consideration.

ADDRESSES: *Event Address:* The roundtable will be held in the Moot Court Room, Benjamin N. Cardozo School of Law, 55 Fifth Avenue, New York, NY 10003.

Addresses for Written Comments: Written comments should be sent by electronic mail addressed to *CrowdsourcingRoundtableNY@uspto.gov*. Comments also may be submitted by postal mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313–1450, marked to the attention of Jack Harvey, Director, Technology Center 2800. Although comments may be submitted by postal mail, the Office prefers to receive comments by electronic mail.

Comments will be available for public inspection via the USPTO's Internet Web site at *http://www.uspto.gov/patents/init_events/crowdsourcing_roundtable_20141202.jsp,* and at the Office of the Commissioner for Patents, located in Madison East, Tenth Floor, 600 Dulany Street, Alexandria, VA 22314, upon request. Because comments will be available for public inspection,

information that is not desired to be made public, such as an address or phone number, should not be included in the comments.

Event Registration Information: To register to attend or request to present as a speaker, please send an email message to *CrowdsourcingRoundtableNY@uspto.gov* and provide the following information: (1) Your name, title, company or organization (if applicable), address, phone number, and email address; (2) whether you wish to attend in person or via webcast; and (3) whether you wish to make an oral presentation at the roundtable and, if so, which topics identified in part II of the **SUPPLEMENTARY INFORMATION** section of this notice will be addressed and the approximate desired length of your presentation. Each attendee, even if from the same organization, must register separately.

Due to time constraints, the USPTO may not be able to accommodate all persons who wish to make a presentation. However, the USPTO will attempt to accommodate as many persons as possible who wish to make a presentation within the time constraints. After reviewing the speaker requests and the information regarding the presentations provided in the requests, the USPTO will contact each speaker prior to the event with the amount of time available and the approximate time that the speaker's presentation is scheduled to begin. The amount of time available for each presentation may be limited to ensure that all persons selected to speak will have a meaningful opportunity to do so. Speakers who opt to employ slides as part of their presentation must send final electronic copies of the slides in Microsoft PowerPoint to *CrowdsourcingRoundtableNY@uspto.gov* by November 25, 2014, so that the slides can be displayed at the roundtable. Additionally, the USPTO will provide an opportunity for persons in the audience not previously selected as speakers to speak at the roundtable without a formal presentation.

For more information on the roundtable, including webcast access instructions, agenda and a list of speakers, please visit *http://www.uspto.gov/patents/init_events/crowdsourcing_roundtable_20141202.jsp.*

If special accommodations due to a disability are needed, please inform the contact person(s) identified below.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the attention of Jack Harvey, Director, Technology Center 2800, by telephone at 571–272–8004, or by email to *jack.harvey@uspto.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On February 20, 2014, the White House issued a series of executive actions including crowdsourcing prior art as a means to strengthen patent quality. Information on the White House executive actions is available at *http://www.uspto.gov/patents/init_events/executive_actions.jsp.* In response to the executive actions and feedback received in the context of the Software Partnership, the USPTO hosted a roundtable on April 10, 2014, focused on the use of crowdsourcing and third-party preissuance submissions to identify relevant prior art. *See Request for Comments and Notice of Roundtable Event on the Use of Crowdsourcing and Third-Party Preissuance Submissions To Identify Relevant Prior Art,* 79 FR 15319 (March 19, 2014).

The roundtable featured both USPTO and public presentations, along with a question and answer session to solicit public input on the current third-party submission process and ways the USPTO can use crowdsourcing to enhance the quality of examination and issued patents. The USPTO also received written comments on the topics that were identified in the March 19, 2014 notice and discussed at the April 10, 2014 roundtable. Details about the roundtable, as well as the webcast recording and written comments received are available at *http://www.uspto.gov/patents/init_events/crowdsourcing_roundtable_04-2014.jsp.*

II. USPTO Use of Crowdsourcing Tools To Identify Relevant Prior Art

Based on the feedback the USPTO received responsive to the March 19, 2014 notice and April 10, 2014 roundtable, the USPTO has decided to further explore the use of crowdsourcing tools to enhance the quality of patent examination and issued patents. To that end, the USPTO is seeking public input on the extent to which it can utilize crowdsourcing tools to obtain relevant prior art. Crowdsourcing involves leveraging the knowledge of a large group of people, such as from an online community, to obtain needed information.

The USPTO recognizes that any use of crowdsourcing tools must comply with applicable patent laws, regulations and procedures. For example, any USPTO crowdsourcing activities would need to preserve the *ex parte* nature of patent examination and be in accordance with the provisions of 35 U.S.C. 122(c). That statutory provision provides that ''[t]he Director shall establish appropriate procedures to ensure that no protest or other form of pre-issuance opposition to the grant of a patent on an application may be initiated after publication of the application without the express written consent of the applicant.''

The USPTO seeks input from the public at the roundtable and/or via written comments on the following issues:

1. In what ways can the USPTO utilize crowdsourcing to identify relevant prior art that would be available for use in the examination of published applications while maintaining the *ex parte* nature of patent examination? Some examples of how the public traditionally uses crowdsourcing include: passively monitoring discussions (thread) between parties on crowdsourcing Web sites, and posting a question on a crowdsourcing Web site and viewing responses to the posted question.

2. If the USPTO were to post a question relating to the technology of a published application on a crowdsourcing Web site, what follow-up communications, if any, could someone from the USPTO have with parties on the Web site? Some examples of how the public traditionally engages in follow-up communications on crowdsourcing Web sites include: A conversation on the thread with a particular party who responded to the posted question to clarify information the party provided, and a conversation on the thread with a particular party who responded to the initial posting to request additional information.

3. What appropriate precautions, if any, could the USPTO employ to ensure that the use of crowdsourcing tools does not encourage a protest or other form of preissuance opposition to the grant of a patent? (*See* 35 U.S.C. 122(c).)

4. If the USPTO cites in an application prior art obtained via crowdsourcing tools, to what extent, if any, should the USPTO document the crowdsourcing activities used to identify the prior art?

5. For each published patent application, if the USPTO gave the patent applicant the option to opt-in or opt-out of the USPTO's use of crowdsourcing, would applicants choose to participate in the crowdsourcing program? What considerations would inform the applicant's decision?

III. Request for Information on Electronic Receipt and Hosting of Crowdsourced Prior Art

The USPTO wants to ensure that the best prior art is available to the examiner during examination. Because this information often resides with the technical and scientific community, crowdsourcing may be a promising way to uncover hard-to-find prior art, especially non-patent literature. A growing number of organizations from a wide range of industries have expressed a willingness to help the USPTO with its crowdsourcing efforts by pledging to provide public product documentation, educational materials, and other forms of non-patent literature.

Accordingly, the USPTO issued a Request for Information (RFI) titled ''Crowdsourced Non-Patent Literature Hosting'' (Solicitation Number: PTOHMB201501), on October 9, 2014, seeking information from qualified firms capable of electronically receiving and potentially hosting the materials that have been pledged to the USPTO through the above-described crowdsourcing effort. Detailed information on the RFI is available at *http://www.uspto.gov/about/vendor_info/current_acquisitions/index.jsp.*

At the roundtable, the USPTO seeks to build on information received in response to the RFI to further explore ways the USPTO can leverage existing private sector solutions for the electronic receipt and hosting of crowdsourced materials as a means to provide prior art to examiners. Any formal responses to the RFI must be submitted in writing in accordance with the instructions set forth therein and not as written comments in response to this notice. After the close of the RFI comment period, information about the roundtable discussion on the RFI will be made available at *http://www.uspto.gov/patents/init_events/crowdsourcing_roundtable_20141202.jsp.*

Dated: November 6, 2014.

Michelle K. Lee,

Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office.

[FR Doc. 2014–26835 Filed 11–10–14; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Notice of Federal Advisory Committee Meetings

AGENCY: Department of Defense.

ACTION: Notice of Federal Advisory Committee meetings.

SUMMARY: The Defense Science Board will meet in closed session on December 10 and 11, 2014, from 8 a.m. to 5 p.m. at the Pentagon, Room 3E863, Washington, DC.

DATES: December 10 and 11, 2014, from 8 a.m. to 5 p.m.

ADDRESSES: The Pentagon, Room 3E863, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Debra Rose, Executive Officer, Defense Science Board, 3140 Defense Pentagon, Room 3B888A, Washington, DC 20301–3140, via email at *debra.a.rose20.civ@mail.mil,* or via phone at (703) 571–0084.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting, the Board will discuss interim findings and recommendations resulting from ongoing Task Force activities. The Board will also discuss plans for future consideration of scientific and technical aspects of specific strategies, tactics, and policies as they may affect the U.S. national defense posture and homeland security.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. 2) and 41 CFR 102–3.155, the Department of Defense has determined that the Defense Science Board meeting for December 10 and 11, 2014, will be closed to the public. Specifically, the Under Secretary of Defense (Acquisition, Technology, and Logistics), in consultation with the DoD Office of General Counsel, has determined in writing that all sessions of meeting for December 10 and 11, 2014, will be closed to the public because it will consider matters covered by 5 U.S.C. 552b(c)(1) and (4).

In accordance with 41 CFR 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, interested persons may submit a written statement for consideration by the Defense Science Board. Individuals submitting a written statement must submit their statement to the Designated Federal Official at the address detailed in **FOR FURTHER INFORMATION CONTACT**; at any point, however, if a written statement is not received at least 10 calendar days prior to the meeting, which is the subject of this notice, then it may not be provided to or considered by the Defense Science Board. The Designated Federal Official will review all timely submissions with the Defense Science Board Chairperson, and ensure they are provided to members of the Defense Science Board before the meeting that is the subject of this notice.

Dated: November 5, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–26678 Filed 11–10–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0122]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Consolidated State Application

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before December 12, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0122 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ,

Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Andrew Brake, 202–260–0998.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Consolidated State Application.

OMB Control Number: 1810–0576.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local or Tribal Government.

Total Estimated Number of Annual Responses: 30.

Total Estimated Number of Annual Burden Hours: 2,400.

Abstract: Title IX, Part C, Sections 9301–9306, of the Elementary and Secondary Education Act (ESEA), as amended, authorizes the Secretary of Education to provide States the option of submitting consolidated applications to obtain funds for covered programs in which the State participates. The purpose of consolidated applications as defined in ESEA is to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery; to enhance program integration; and to provide greater flexibility and less burden for State educational agencies.

The Department will use the information from the consolidated State application as the basis for approving funding under the covered ESEA, as amended programs (in which the State participates). The Department also will use the performance targets, baseline data, and other related information in the consolidated application to continue to assess the degree of progress States make over time in achieving ESEA goals. As with previous collections, the information in this collection will allow the Department to continue to monitor effectiveness of the use of program funds, and provide grantees with technical assistance.

Dated: November 5, 2014.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–26652 Filed 11–10–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0147]

Agency Information Collection Activities; Comment Request; Teacher Education Assistance for College and Higher Education Grant Program (TEACH Grant Program) Agreement To Serve

AGENCY: Federal Student Aid (FSA), 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 a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before January 12, 2015.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0147 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 Jon Utz, 202–377–4040.

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: Teacher Education Assistance for College and Higher Education Grant Program (TEACH Grant Program) Agreement to Serve.

OMB Control Number: 1845–0083.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or households.

Total Estimated Number of Annual Responses: 34,116.

Total Estimated Number of Annual Burden Hours: 17,058.

Abstract: As a condition for receiving a TEACH Grant, a student must sign an Agreement to Serve. A new Agreement to Serve must be signed for each award year during which a student wishes to receive a TEACH Grant. By signing the Agreement to Serve, a TEACH Grant recipient agrees to meet the teaching

service obligation and other terms and conditions of the TEACH Grant Program that are described in the Agreement to Service. In accordance with these terms and conditions, if a TEACH Grant recipient does not fulfill the required teaching service obligation or otherwise fails to meet the requirements of the TEACH Grant Program, any TEACH Grant funds the individual received will be converted to a Direct Unsubsidized Loan that the grant recipient must repay in full, with interest. The Agreement to Serve also explains the repayment terms and conditions that will apply if a TEACH Grant is converted to a Direct Unsubsidized Loan.

Dated: November 6, 2014.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–26717 Filed 11–10–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Transitioning the National Training and Education Resource to the Public

AGENCY: Office of Energy Efficiency & Renewable Energy, U.S. Department of Energy.

ACTION: Request for information.

SUMMARY: The U.S. Department of Energy (DOE) is seeking input from the public on its plan to transition its stewardship of the National Training and Education Resource (NTER) in spring 2015. The information sought under this Request for Information (RFI) is intended to assist DOE in further understanding potential strategic approaches to transitioning central administration of NTER to the private sector and the impacts on users. DOE seeks input from entities interested in taking over NTER as well as from impacted parties. The information collected may be used for internal DOE planning and decision-making purposes.

DATES: Comments regarding the RFI must be received on or before December 3rd, 2014.

ADDRESSES: The RFI is available at: *https://eere-exchange.energy.gov.* Responses and questions may be sent to:

- *Email: NTER–RFI@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Linda Silverman, U.S. Department of Energy, Mailstop EE–61T, 1000 Independence Avenue SW., Washington, DC 20585, or *linda.silverman@ee.doe.gov,* 202–586–3896.

SUPPLEMENTARY INFORMATION: The U.S. Department of Energy (DOE) developed the National Training and Education Resource (NTER) to provide an open source platform for multimedia, self-paced training courses designed to build skills in clean energy vocations at lower costs than proprietary packages. NTER offers DOE and other organizations a unified platform to provide state-of-the-art training. NTER users earn certifications and demonstrate competency that translate directly into on-the-job performance. Its highly modular design allows it to be used as a stand-alone open-source toolkit or combined with proprietary third-party materials. NTER is a learning management system (LMS) and Content Management System (CMS) that streamlines the delivery of training and content to stakeholders. It was designed to leverage open source code, enabling educators to create content and students to take courses easily.

DOE's mission is to ensure America's security and prosperity by addressing its energy, environmental, and nuclear challenges through transformative science and technology solutions. DOE's intent has been to transfer stewardship of the platform to an entity within the open source community in order to maximize market adoption while fostering open source, shared learning environments. It is envisioned that one or more non-governmental entities with expertise in open source development of educational content creation and sharing will be most qualified to take over this well-developed product and its customer-base. This RFI seeks input from those entities interested in taking over NTER as well as from impacted parties.

The RFI is available at: *https://eere-exchange.energy.gov.*

Issued in Washington, DC, on November 4, 2014.

John Lushetsky,

Director, Strategic Programs, Office of Energy Efficiency and Renewable Energy.

[FR Doc. 2014–26727 Filed 11–10–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR15–5–000.
Applicants: Washington Gas Light Company.
Description: Tariff filing per 284.123(b)(1): Annual LAUF Adjustment Filing to be effective 11/1/2014; TOFC: 980.
Filed Date: 10/31/14.
Accession Number: 20141031–5073.
Comments Due: 5 p.m. ET 11/21/14.

Docket Numbers: PR15–6–000.
Applicants: SourceGas Distribution LLC.
Description: Tariff filing per 284.123(b)(1) + (g): Second Revised Statement of Operating Conditions to be effective 10/1/2014; TOFC: 1300.
Filed Date: 10/31/14.
Accession Number: 20141031–5099.
Comments Due: 5 p.m. ET 11/21/14.
284.123(g) Protests Due: 5 p.m. ET 12/30/14.

Docket Numbers: RP15–146–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: § 4(d) rate filing per 154.204: Cap Rel Neg Rate Agmt (Vanguard 597, 598 to Tenaska 1614, 1615) to be effective 11/1/2014.
Filed Date: 11/4/14.
Accession Number: 20141104–5030.
Comments Due: 5 p.m. ET 11/17/14.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: PR14–52–001.
Applicants: Acadian Gas Pipeline System.
Description: Tariff filing per 284.123(b), (e) + (g): Rate Petition Amendment to be effective 9/8/2014; TOFC: 1270.
Filed Date: 11/3/14.
Accession Number: 20141103–5033.
Comments Due: 5 p.m. ET 11/24/14.
284.123(g) Protests Due: 5 p.m. ET 11/24/14.

Docket Numbers: PR14–53–001.

Applicants: Cypress Gas Pipeline, LLC.

Description: Tariff filing per 284.123(b), (e) + (g): Rate Petition Amendment to be effective 9/8/2014; TOFC: 1270.

Filed Date: 11/3/14.

Accession Number: 20141103–5034.

Comments Due: 5 p.m. ET 11/24/14.

284.123(g) Protests Due: 5 p.m. ET 11/24/14.

Docket Numbers: RP14–970–001.

Applicants: High Point Gas Transmission, LLC.

Description: Compliance filing per 154.203: High Point Compliance Filing in RP14–970 to be effective 10/16/2014.

Filed Date: 11/4/14.

Accession Number: 20141104–5090.

Comments Due: 5 p.m. ET 11/17/14.

Docket Numbers: RP14–973–001.

Applicants: American Midstream (Midla), LLC.

Description: Compliance filing per 154.203: Midla Compliance Filing in RP14–973 to be effective 10/16/2014.

Filed Date: 11/4/14.

Accession Number: 20141104–5089.

Comments Due: 5 p.m. ET 11/17/14.

Docket Numbers: RP15–11–001.

Applicants: Panhandle Eastern Pipe Line Company, LP.

Description: Compliance filing per 154.203: Compliance with RP15–11 Fuel Filing to be effective 11/1/2014.

Filed Date: 11/4/14.

Accession Number: 20141104–5107.

Comments Due: 5 p.m. ET 11/17/14.

Docket Numbers: RP15–74–001.

Applicants: Texas Eastern Transmission, LP.

Description: Tariff Amendment per 154.205(b): Errata to PCB Filing in RP15–74–000 to be effective 12/1/2014.

Filed Date: 11/4/14.

Accession Number: 20141104–5058.

Comments Due: 5 p.m. ET 11/17/14.

Docket Numbers: RP15–104–001.

Applicants: Texas Eastern Transmission, LP.

Description: Tariff Amendment per 154.205(b): Errata to Chesapeake Permanent Release in RP15–104, to be effective 11/1/2014.

Filed Date: 11/4/14.

Accession Number: 20141104–5049.

Comments Due: 5 p.m. ET 11/17/14.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified date(s).

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: November 5, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–26759 Filed 11–10–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R04–OW–2014–0307; FRL–9919–14–Region 4]

Public Water System Supervision Program Revision for the State of Tennessee

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of tentative approval.

SUMMARY: Notice is hereby given that the State of Tennessee is revising its approved Public Water System Supervision Program. Tennessee has adopted the following rules: Ground Water Rule, and Lead and Copper Rule Short-Term Regulatory Revisions and Clarifications. The Environmental Protection Agency (EPA) has determined that Tennessee's rules are no less stringent than the corresponding Federal regulations. Therefore, the EPA is tentatively approving this revision to the State of Tennessee's Public Water System Supervision Program.

DATES: Any interested person may request a public hearing. A request for a public hearing must be submitted by December 12, 2014, to the Regional Administrator at the EPA Region 4 address shown below. The Regional Administrator may deny frivolous or insubstantial requests for a hearing. However, if a substantial request for a public hearing is made by December 12, 2014, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on her own motion, this tentative approval shall become final and effective on December 12, 2014. Any request for a public hearing shall include the following information: The name, address and telephone number of the individual, organization or other entity requesting a hearing; a brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing; and the signature of the individual making the request or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, at the following offices: Tennessee Department of Environment and Conservation, Division of Water Resources, 312 Rosa L. Parks Avenue, William R. Snodgrass Tennessee Tower, Nashville, Tennessee 37243; and the U.S. Environmental Protection Agency Region 4, Safe Drinking Water Branch, 61 Forsyth Street SW., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Brian Smith, EPA Region 4, Safe Drinking Water Branch, by mail at the Atlanta address given above, by telephone at (404) 562–9845, or by email at *smith.brian@epa.gov.*

EPA Analysis: On November 10, 2008, the State of Tennessee submitted a request that the Region approve a revision to the State's Safe Drinking Water Act Public Water System Supervision Program to include the authority to implement and enforce the Ground Water Rule. On June 8, 2009, the State of Tennessee submitted a request that the Region approve a revision to the State's Safe Drinking Water Act Public Water System Supervision Program to include the authority to implement and enforce the Lead and Copper Rule Short-Term Regulatory Revisions and Clarifications. For the requests to be approved, the EPA must find the State Rules codified at Tenn. Comp. R. & Regs. 0400–45–01–40 and 0400–45–01–.33, to be no less stringent than the Federal Rules codified at 40 CFR part 141, Subpart S—Ground Water Rule; and Subpart I—Control of Lead and Copper. The EPA reviewed the applications using the Federal statutory provisions (Section 1413 of the Safe Drinking Water Act), Federal regulations (at 40 CFR part 142), State regulations, rule crosswalks, and EPA regulatory guidance to determine whether the requests for revision are approvable. The EPA identified concerns with each application and transmitted comments to Tennessee. Based on these comments, Tennessee submitted revisions to its Ground Water Rule application on February 25, 2013; April 1, 2013; April 19, 2013; and June 24, 2013. Tennessee submitted revisions to its Lead and Copper Rule Short-Term

Regulatory Revisions and Clarifications application on November 22, 2013, and January 23, 2014. The EPA has determined that the Tennessee regulations are no less stringent than the corresponding Federal regulations.

EPA Action: The EPA is tentatively approving this revision. If the EPA does not receive a timely and appropriate request for a hearing and the Regional Administrator does not elect to hold a hearing on her own motion, this tentative approval will become final and effective on December 12, 2014.

Authority: Section 1413 of the Safe Drinking Water Act, as amended (1996), and 40 CFR part 142.

Dated: October 23, 2014.

Heather McTeer Toney,

Regional Administrator, Region 4.

[FR Doc. 2014–26732 Filed 11–10–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission

DATE AND TIME: Thursday, November 13, 2014 at 2:00 p.m.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED: Internal personnel rules and internal rules and practices. Information the premature disclosure of which would be likely to have a considerable adverse effect on the implementation of a proposed Commission action.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shelley E. Garr,

Deputy Secretary of the Commission.

[FR Doc. 2014–26798 Filed 11–7–14; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than November 26, 2014.

A. Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. James Wallenfelsz, trustee of the Wallenfelsz Revocable Trust for *BHC Stock,* both in *North Oaks, Minnesota;* to acquire voting shares of N.A. Corporation, and thereby indirectly acquire voting shares of North American Banking Company, both in Roseville, Minnesota.

Board of Governors of the Federal Reserve System, November 5, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–26666 Filed 11–10–14; 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 December 5, 2014.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street, NE., Atlanta, Georgia 30309:

1. *ServisFirst Bancshares, Inc.,* Birmingham, Alabama; to merge with Metro Bancshares, Inc., and thereby indirectly acquire Metro Bank, both in Douglasville, Georgia.

Board of Governors of the Federal Reserve System, November 6, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–26720 Filed 11–10–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 2014–26267) published on page 65659 of the issue for Wednesday, November 5, 2014.

Under the Federal Reserve Bank of Chicago heading, the entry for First Busey Corporation, Illinois, is revised to read as follows:

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *First Busey Corporation,* Champaign, Illinois; to merge with Herget Financial Corporation, and thereby indirectly acquire Herget Bank, National Association, both in Pekin, Illinois.

Comments on this application must be received by December 1, 2014.

Board of Governors of the Federal Reserve System, November 6, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–26721 Filed 11–10–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act Meeting

TIME AND DATE: 8:30 a.m. November 17, 2014.

PLACE: 10th Floor Board Meeting Room, 77 K Street NE., Washington, DC 20002.

STATUS: Parts will be open to the public and parts closed to the public.

MATTERS TO BE CONSIDERED:

Parts Open to the Public

1. Approval of the Minutes of the October 27, 2014 Board Member Meeting
2. Thrift Savings Plan Reports
   a. Monthly Participant Activity Report
   b. Monthly Investment Policy Report
   c. Legislative Report
3. Quarterly Metrics Report
4. Mid-Year Financial Audit
5. Updates
   a. Human Capital Plan
   b. Mutual Fund Window

Parts Closed to the Public

1. Personnel

CONTACT PERSON FOR MORE INFORMATION: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

Dated: November 7, 2014.

Megan Grumbine,

Deputy General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2014–26899 Filed 11–7–14; 4:15 pm]

BILLING CODE 6760–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Nominations to the Presidential Advisory Council on HIV/AIDS

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of the Assistant Secretary for Health.

ACTION: Notice.

SUMMARY: The Office of the Assistant Secretary for Health (OASH) is seeking nominations of qualified individuals to be considered for appointment as members of the Presidential Advisory Council on HIV/AIDS (PACHA). The PACHA is a federal advisory committee within the Department of Health and Human Services (HHS). Management support for the activities of this Council is the responsibility of the OASH. The qualified individuals will be nominated to the Secretary of Health and Human Services for consideration for appointment as members of the PACHA. Members of the Council, including the Chair, are appointed by the Secretary. Members are invited to serve on the Council for up to four-year terms. The Council was established to provide advice, information, and recommendations to the Secretary regarding programs and policies intended to promote effective prevention and care of HIV disease and AIDS. The functions of the Council are solely advisory in nature.

DATES: All nominations must be received no later than 5:00 p.m. (EDT) on December 12, 2014 at the address listed below.

ADDRESSES: All nominations should be mailed or delivered to Ms. B. Kaye Hayes, Executive Director, PACHA, Department of Health and Human Services, Office of HIV/AIDS and Infectious Disease Policy, 200 Independence Avenue SW., Room 443–H, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Ms. Caroline Talev, Public Health Analyst, Presidential Advisory Council on HIV/AIDS, Department of Health and Human Services, 200 Independence Avenue SW., Room 443–H, Hubert H. Humphrey Building, Washington, DC 20201; (202) 205–1178. More detailed information about PACHA can be obtained by accessing the Council's Web site *www.aids.gov/pacha*.

SUPPLEMENTARY INFORMATION: PACHA was established by Executive Order 12963, dated June 14, 1995, as amended by Executive Order 13009, dated June 14, 1996. The Council was established to provide advice, information, and recommendations to the Secretary regarding programs and policies intended to promote effective prevention and care of HIV disease and AIDS. The functions of the Council are solely advisory in nature.

The Council consists of not more than 25 members. Council members are selected from prominent community leaders with particular expertise in, or knowledge of, matters concerning HIV and AIDS, public health, global health, philanthropy, marketing or business, as well as other national leaders held in high esteem from other sectors of society. Council members are appointed by the Secretary or designee, in consultation with the White House Office on National AIDS Policy. Pursuant to advance written agreement, Council members shall receive no stipend for the advisory service they render as members of PACHA. However, as authorized by law and in accordance with federal travel regulations, PACHA members may receive per diem and reimbursement for travel expenses incurred in relation to performing duties for the Council.

This announcement is to solicit nominations of qualified candidates to fill current vacancies on the PACHA.

Nominations: In accordance with the PACHA charter, persons nominated for appointment as members of the PACHA should be among prominent community leaders and authorities with particular expertise in, of knowledge of, matters concerning HIV and AIDS, public health, global health, philanthropy, marketing or business, as well as other national leaders held in high esteem from other sectors of society. The following information should be included in the package of material submitted for each individual being nominated for consideration of appointment:

- Name, return address, and daytime telephone number and affiliation(s) of the individual being nominated, the basis for the individual's nomination, and a statement bearing an original signature of the nominated individual that, if appointed, he or she is willing to serve as a member of the Council;
- Name, return address, and daytime telephone number at which the nominator may be contacted. Nominations from organizations must identify a principal contact person; and a
- Copy of a current resume or curriculum vitae for the nominated individual. Individuals can nominate themselves for consideration of appointment to the Council. All nominations must include the required information. Incomplete nominations will not be processed for consideration. The letter from the nominator and certification of the nominated individual must bear original signatures; reproduced copies of these signatures are not acceptable.

The Department is legally required to ensure that the membership of HHS federal advisory committees is fairly balanced in terms of points of view represented and the functions to be performed by the advisory committee. Every effort is made to ensure that the views of women, all ethnic and racial groups, and people with disabilities are represented on HHS federal advisory committees and, therefore, the Department encourages nominations of qualified candidates from these groups. The Department also encourages geographic diversity in the composition of the Council. Appointment to the Council shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, disability, and cultural, religious, or socioeconomic status. The Standards of Ethical Conduct for Employees of the Executive Branch are applicable to individuals who are appointed as members of the Council.

Dated: November 5, 2014.

B. Kaye Hayes,

Executive Director, Presidential Advisory Council on HIV/AIDS.

[FR Doc. 2014–26715 Filed 11–10–14; 8:45 am]

BILLING CODE 4150–43–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects: Conduct an electronic survey of 2012-funded Family Connection grantees to collect process evaluation data to include as part of the Cross-Site Evaluation.

Title: Cross-site Evaluation Survey 2012 Family Connection Grantees.

OMB No.: New.

Description: In the interest of providing as complete an evaluation report as possible by the end of FY15, the Children's Bureau has directed the contractor conducting the Cross-site Evaluation to adopt the most efficient means possible to collect process evaluation data from grantees. The proposed electronic survey will replace originally planned in-person and telephone discussions with electronic surveys. This will enable collection of key information on project design, implementation, maintenance, and sustainability from key grantee representatives in an abbreviated amount of time. The quantitative nature of the surveys will enable rapid data analysis and reporting.

Respondents: The Cross-site Evaluation addresses a total of seventeen (17) Family Connection grantees. Four categories of participants will be surveyed: Project Leadership, Service Providers, Project Partners (public child welfare and community agencies), and Evaluators. For each grantee, an average of 20 respondents is anticipated: 4 project leadership, 9 service providers, 2 public child welfare agency representatives, 2 community partner representatives, and 3 evaluators. These numbers of participants, per category, are used in the table below to calculate the number of respondents, across the 17 projects to be surveyed. Differences in burden estimates for the different instruments reflect the number of questions in each.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Project Leadership Protocol	79	1	.75	59.25
Service Provider Protocol	153	1	.5	76.5
Public Child Welfare Partner Protocol	34	1	.25	8.5
Community Partner Protocol	34	1	.25	8.5
Evaluator Protocol	51	1	.75	38.25
Estimated Total Annual Burden Hours				191.00

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2014–26667 Filed 11–10–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Request for Assistance for Child Victims of Human Trafficking.

OMB No.: 0970–0362.

Description: The William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008, Public Law 110–457, directs the U.S. Secretary of Health and Human Services (HHS), upon receipt of credible information that an alien child may have been subjected to a severe form of trafficking in persons and is seeking Federal assistance available to victims of trafficking, to promptly determine if the child is eligible for interim assistance. The law further directs the Secretary of HHS to determine if a child receiving interim assistance is eligible for assistance as a victim of a severe form of trafficking in persons after consultation with the Attorney General, the Secretary of Homeland Security, and nongovernmental organizations with expertise on victims of severe form of trafficking.

In developing procedures for collecting the necessary information from potential child victims of trafficking, their case managers, attorneys, or other representatives to allow HHS to grant interim eligibility, HHS devised a form. HHS has determined that the use of a standard form to collect information is the best way to ensure requestors are notified of their option to request assistance for child victims of trafficking and to make prompt and consistent determinations about the child's eligibility for assistance.

Specifically, the form asks the requestor for his/her identifying information, for information on the child, information describing the type of trafficking and circumstances surrounding the situation, and the strengths and needs of the child. The form also asks the requestor to verify the information contained in the form because the information could be the basis for a determination of an alien child's eligibility for federally funded

benefits. Finally, the form takes into consideration the need to compile information regarding a child's circumstances and experiences in a non-directive, child-friendly way, and assists the requestor in assessing whether the child may have been subjected to trafficking in persons.

The information provided through the completion of a Request for Assistance for Child Victims of Human Trafficking form will enable HHS to make prompt determinations regarding the eligibility of an alien child for interim assistance, inform HHS' determination regarding the child's eligibility for assistance as a victim of a severe form of trafficking in persons, facilitate the required consultation process, and enable HHS to assess potential child protection issues. HHS proposes to make several small, technical changes to the form, including the elimination of an unnecessary paragraph and updated references to the Trafficking Victims Protection Act of 2000, as amended, to reflect changes to that law.

Respondents: Representatives of governmental and nongovernmental entities providing social, legal, or protective services to alien persons under the age of 18 (children) in the United States who are neither U.S. citizens nor Lawful Permanent Residents and who may have been subjected to severe forms of trafficking in persons.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Request for Assistance for Child Victims of Human Trafficking	40	1	1	40

Estimated Total Annual Burden Hours: 40.

Additional Information:

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment:

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–7285, Email: *OIRA_SUBMISSION@OMB.EOP.GOV*, Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2014–26708 Filed 11–10–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Objective Work Plan (OWP), Objective Progress Report (OPR) and Project Abstract.

OMB No.: 0970–0204.

Description: Content changes are being proposed for the OPR and OWP ONLY. The information in the OPR is collected on a quarterly basis to monitor the performance of grantees and better gauge grantee progress. The standardized format allows ANA to report results across all its program areas and flag grantees that may need additional training and/or technical assistance to successfully implement their projects. The following are proposed changes within specific sections of the OPR form:

Objective Work Plan Update Section: ANA has added fields for 1st through 4th Quarter (Q1,Q2,Q3,Q4) to report the results for activities within each Project Objective. The grantee may continue to add to this form each quarter (rather than to a new form), reflecting cumulative results throughout the project period instead of a single quarter.

Financial Section: ANA has added 2 questions to: (1) Provide details on any income generated as a result of ANA project activities; 2) Provide details on any changes made to the budget during the reporting period.

Native American Youth and Elder Opportunities Section: ANA has added a question to: (1) Request details on any intergenerational activities between grandparents and their grandchildren. Finally, ANA has added a new section (last section) to the form titled: *PROJECT SUSTAINABILITY,* to: (1) Request details on the grantee's intention to continue the project benefits and/or services after ANA's funding period for the project has ended.

End of Changes to the OPR

The OWP: The information collected through the OWP is needed to properly administer and monitor the Administration for Native Americans (ANA) programs. The OWP assists applicants in describing their projects' objectives and activities, and also assists independent panel reviewers, ANA staff and the ANA Commissioner during review and funding decision process.

Changes Specific Sections of the OWP

Problem Statement: ANA added a field for applicants to include the problem statement they identified in their grant application.

Position Performing the Activity: On the previous OWP, ANA requested applicants to identify the position responsible for each activity. ANA has changed this title to ''position performing the activity'' and applicants are asked to identify the lead person in one column and other support persons in the second column.

End of Changes to the OWP

Project Abstract: The Project Abstract form is no longer managed by ANA.

Respondents: Tribal Government, Native Non-profit Organizations, Tribal Colleges & Universities.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
OWP	500	1	3	1,500
OPR	275	4	1	1,100

Estimated Total Annual Burden Hours: 2,850.

Additional Information:

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment:

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–7285, Email: *OIRA_SUBMISSION@OMB.EOP.GOV.* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2014–26653 Filed 11–10–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Rescue & Restore Regional Program Project Data.

OMB No.: 0970–NEW.

Description: The Trafficking Victims Protection Act of 2000 (TVPA), as amended, authorizes the Secretary of Health and Human Services (Secretary) to expand benefits and services to victims of severe forms of trafficking in persons in the United States, without regard to the immigration status of such victims. Such benefits and services may include services to assist potential victims of trafficking in achieving certification (Section 107(b)(1)(B) of the TVPA, 22 U.S.C. § 7105(b)(1)(B)). It also authorizes the President, acting through the Secretary and the heads of other Federal departments, to establish and carry out programs to increase public awareness, particularly among potential victims of trafficking, of the dangers of trafficking and the protections that are available for victims of trafficking (Section 106(b) of the TVPA, 22 U.S.C. § 7104(b)).

The Secretary delegated authority to carry out these responsibilities to the Assistant Secretary for Children and Families who further delegated the authority to the Director of the Office of Refugee Resettlement (ORR).

The intent of the *Rescue & Restore Victims of Human Trafficking* campaign, launched in 2004, is to increase the identification of trafficking victims in the United States and to help those victims receive the benefits and services they need to restore their lives. The purpose of the Rescue & Restore Victims of Trafficking Regional Program (Rescue & Restore Program) is to increase the identification and protection of foreign victims of human trafficking in the United States and to promote local capacity to prevent human trafficking and protect human trafficking victims. The Rescue & Restore Program also seeks to remove barriers to prevention and protection specific to foreign human trafficking victims who live in the United States.

The Rescue & Restore Program has the following objectives:

(1) Identification and Referral of Foreign Victims of Human Trafficking: To identify foreign victims of trafficking and refer them to service delivery systems.

(2) Training and Technical Assistance: To build local capacity by providing training and technical assistance on human trafficking to local organizations not involved in a local coalition.

(3) Coalition Building: To lead or actively participate in a community-led effort to bring together and leverage local resources to address human trafficking in a region, such as a Rescue & Restore Coalition or law enforcement task force (''coalition'').

(4) Public Awareness: To promote the public's awareness of human trafficking by educating the public about the dangers of human trafficking, possible indicators of sex and labor trafficking, and the protections available to victims.

To measure each grant project's performance progress and the success of the program, and to assist grantees to assess and improve their projects over the course of the project period, ACF proposes to require grantees to input numbers for each numeric indicator and other information for qualitative indicators into a spreadsheet during the 36-month project period.

ACF proposes to collect data for the following indicators:

Identification and Referral of Foreign Victims of Human Trafficking

- The number of outreach events conducted by the grantee;
- The number of people reached at outreach events;
- The number of potential male and female, adult and minor foreign human trafficking victims identified through Rescue & Restore project efforts;
- The number of potential male and female, adult and minor foreign human trafficking victims referred by the grantee to service providers; and
- The number of male and female, adult and minor foreign human trafficking victims who receive Certification, Eligibility, and/or Interim Assistance Letters as a result of the grantee's efforts.

Training and Technical Assistance

- The number of persons in social service agencies, law enforcement agencies, and other relevant professional, community-based, and faith-based organizations who were trained by the grantee;
- The number of persons whose knowledge of human trafficking measurably increased as a result of grantee training as evidenced by the use of established practices in assessing learning; and
- The number of social service, law enforcement, health, legal, education, or other professionals provided technical assistance on identifying human trafficking victims and referring them for services or to law enforcement.

Coalition Building

- The number and percentage of coalition meetings led or attended by the grantee; and
- The number of coalition meetings in which the applicant proposed or promoted new or more efficient ways to combat human trafficking, improve coalition effectiveness, or assist trafficking victims in the targeted geographic location.

Public Awareness

- The number of people, distinguished by professional, occupational, community, or demographic sector, reached during strategic public awareness activities conducted by the grantee; and
- The number of people who reported knowledge of human trafficking information that was distributed as a result of the applicant's public awareness efforts.

In addition, ACF proposes to collect information on the victims and potential victims of trafficking (victims) identified as a result of each project's activities. ACF will not collect information about U.S. citizens or Lawful Permanent Residents. ORR will aggregate this information to include in reports to Congress, which are available to the public, to help inform strategies and policies to prevent trafficking in persons and to protect victims. This information will also help ORR assess the project's performance in identifying victims and referring them for services.

ORR proposes to collect the following information, if available, for each victim reached by a grant recipient or any partner organizations:

- Type of Trafficking (Labor, Sex, Labor and Sex, Unknown);
- Client Identifier (e.g., Initials, Date of Birth, and Country of Origin);
- Client information (Sex, Adult/Minor);
- Description of trafficking situation;
- Date that organization made contact with the victim began establishing trust and/or screened the person for victim status;
- Date that grantee positively identified person as a victim of a severe form of trafficking in persons;
- Documentation from the Department of Homeland Security (DHS) about the time of temporary status the victim is pursuing (e.g., Continued Presence, T Visa, U Visa, SIJS);
- Name of service agency assisting the victim;
- Date of HHS Certification or Eligibility; and
- Date the agency or victim terminated contact, with space for explanation.

Respondents: Rescue & Restore Victims of Human Trafficking Regional Program grantees.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
	18	4	4	288

Estimated Total Annual Burden Hours: 288.

Additional Information:

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov*.

OMB Comment:

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following:

Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2014–26729 Filed 11–10–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Reunification Procedures for Unaccompanied Alien Children.

OMB No.: 0970–0278.

Description: Following the passage of the 2002 Homeland Security Act (Pub. L. 107–296), the Administration for Children and Families (ACF), Office of Refugee Resettlement (ORR), is charged with the care and placement of unaccompanied alien children in Federal custody, and implementing a policy for the release of these children, when appropriate, upon the request of suitable sponsors while awaiting immigration proceedings. In order for ORR to make determinations regarding the release of these children, the potential sponsors must meet certain conditions pursuant to section 462 of the Homeland Security Act and the Flores v. Reno Settlement Agreement No. CV85 4544–RJK (C.D. Cal. 1997).

The proposed information collection requests information to be utilized by ORR for determining the suitability of a sponsor/respondent for the release of a minor from ORR custody. The proposed instruments are the Family Reunification Application, the Family Reunification Checklist for Sponsors, and the Authorization for Release of Information.

Respondents: Sponsors requesting release of unaccompanied alien children to their custody

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Family Reunification Application	55,200	1	.25	13,800
Family Reunification Checklist for Sponsors	55,200	1	.75	41,400
Authorization for Release of Information	55,200	1	.25	13,800

Estimated Total Annual Burden Hours: 69,000.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–7285, Email: *OIRA_SUBMISSION@OMB.EOP.GOV* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2014–26683 Filed 11–10–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: ANA Reviewer Profile for Panel Review Participation Form.

OMB No.: 0970–265.

Description: The Department of Health and Human Services (HHS), Administration for Children and Families (ACF) proposes to revise the ANA Reviewer Profile for Panel Review Participation Form. The ANA Reviewer Profile for Panel Review Participation Form is used to collect information from prospective proposal reviewers in compliance with 42 U.S.C. 2991d 1. First time reviewers will be required to complete all sections of the form while returning reviewers will be required to complete the first section of the document and other necessary updates. The form allows the Commissioner of ANA to select qualified people to review grant applications submitted in response to funding opportunity announcements for ANA's primary programs: Social and Economic Development Strategies (SEDS); Native Language Preservation and Maintenance; and Environmental Regulatory Enhancement. The panel review process is a legislative mandate in the ANA grant funding process.

The earlier version of this tool, ''ANA Consultant and Evaluator Qualification Form'', previously approved under information collection number OMB: 0970–0265, expired on 4/30/2014. ANA temporarily discontinued the tool because ANA needed more time to streamline the document to meet her current information needs. This notice is issued to support ANA's continued use of the data collection tool, with major changes to eliminate duplication of reporting, and to improve the clarity and content of the questions. Therefore, these changes will not result in additional reporting burden on ANA grant reviewers or grantees; rather the revisions are designed to reduce the burden.

Respondents: All US citizens including: Native Americans, Native Alaskans, Native Hawaiians and other Pacific Islanders.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ANA Consultant and Evaluator Qualifications Form	300	1	.5	150

Estimated Total Annual Burden Hours: 150.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following:

Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–7285, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2014–26733 Filed 11–10–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Trafficking Victims Tracking System.

OMB No.: 0970—NEW.

Description: The Trafficking Victims Protection Act, Public Law 106–386, Division A, 114 Stat. 1464 (2000), requires the Department of Health and Human Services (HHS) to certify adult alien (''foreign'') victims of severe forms of trafficking in persons (''human trafficking'') who are willing to assist law enforcement in the investigation and prosecution of human trafficking, unless unable to cooperate due to physical or psychological trauma, and who have either made a bona fide application for T nonimmigrant status that has not been denied or been granted Continued Presence (CP) from the U.S. Department of Homeland Security (DHS). Issued by the Office of Refugee Resettlement (ORR) within the HHS Administration for Children and Families, certification letters grant adult foreign victims of human trafficking access to federal and state benefits and services to the same extent as refugees.

In general, ORR initiates the certification process when it receives a notice from DHS that DHS has granted a foreign victim of trafficking CP or T nonimmigrant status, or has determined an application for T nonimmigrant status is bona fide. To issue certification letters, it is necessary for ORR to collect information from a victim's representative, such as an attorney, case manager, or law enforcement victim specialist, including an address to send the letter. In line with other ORR Anti-Trafficking in Persons Program activities, ORR may ask if the victim is in need of a service provider and the current location (city, state) of the victim, and refer the victim to an appropriate service provider in his or her area, if requested. ORR will also ask about the victim's language and urgent concerns, such as medical care or housing, and transmit this information to the service provider.

Finally ORR collects information, such as the victim's sex and the type of human trafficking the victim experienced, to provide to Congress in an annual report on U.S. Government activities to combat trafficking that is prepared by the U.S. Department of Justice. Congress requires HHS and other appropriate Federal agencies to report, at a minimum, information on the number of persons who received benefits or other services under subsections (b) and (f) of section 7105 of Title 22 of the U.S. Code, the TVPA, in connection with programs or activities funded or administered by HHS. HHS includes in these annual reports additional information about the victims that it collects when assisting each victim to obtain certification or eligibility. ORR will store this information and any other details regarding the victim's case in the Trafficking Victims Tracking System (TVTS) on ORR's secure database. Other details maintained in the victim's file may include ORR staff actions, referrals, and notes regarding the victim's interest in receiving services. Maintaining victim records on TVTS will ensure efficient service for victims, allow ORR staff to track victims' progress toward certification, verify their eligibility for benefits, and organize information for reporting to Congress.

The TVTS also includes information about foreign victims of trafficking and potential victims who were minors when an eligibility letter was sought from ORR. Information about these individuals is collected pursuant to an OMB-approved collection, OMB Control Number 0970–0362.

In January 2011, the Archivist of the United States approved an Electronic System Schedule for the disposition of TVTS records.

Respondents: Respondents can include attorneys, legal representatives, social service providers, case managers, and volunteers acting on behalf of the adult foreign victim of trafficking.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
	800	1	.1	80

Estimated Total Annual Burden Hours: 80.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following:

Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2014–26723 Filed 11–10–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–1794]

Agency Information Collection Activities; Proposed Collection; Comment Request; Impact of Ad Exposure Frequency on Perception and Mental Processing of Risk and Benefit Information in Direct-to-Consumer Prescription Drug Ads

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain

information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information and to allow 60 days for public comment in response to the notice. This notice solicits comments on research entitled, ''Impact of Ad Exposure Frequency on Perception and Mental Processing of Risk and Benefit Information in DTC Prescription Drug Ads.'' This project will examine the effects of variation in ad exposure frequency on perception and mental processing of risk and benefit information in direct-to-consumer (DTC) prescription drug ads.

DATES: Submit either electronic or written comments on the collection of information by January 12, 2015.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov.* Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Impact of Ad Exposure Frequency on Perception and Mental Processing of Risk and Benefit Information in DTC Prescription Drug Ads—(OMB Control Number 0910—NEW)

Section 1701(a)(4) of the Public Health Service Act (42 U.S.C. 300u(a)(4)) authorizes FDA to conduct research relating to health information. Section 1003(d)(2)(C) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 393(b)(2)(c)) authorizes FDA to conduct research relating to drugs and other FDA regulated products in carrying out the provisions of the FD&C Act.

In a typical promotional campaign, consumers may be exposed to a DTC prescription drug ad any number of times. Perceptual and cognitive effects of increased ad exposure frequency have been studied extensively using non-drug ads. For instance, one study demonstrated that a commercial message repeated twice generates better recall than a message broadcast only once (Ref. 1). Another study demonstrated that increased ad exposures improve product attitudes and recall for product attributes, particularly when the substance of the repeat messages is varied (Ref. 2). Generally, it has been argued that first exposure to an ad results in attention, second exposure affects learning of the advertised message, and third and subsequent exposures reinforce the learning effects of the second exposure (Ref. 3). To our knowledge, the literature concerning ad exposure frequency has not been extended to include specific attention to prescription drug ads. Prescription drug ads are unique in that they are required to provide both benefit and risk information whereas other ad types tend to include only benefit information. The Office of Prescription Drug Promotion plans to examine the effects of variation in ad exposure frequency on perception and mental processing of risk and benefit information in DTC prescription drug ads through empirical research.

The main study will be preceded by up to two pretests designed to delineate the procedures and measures used in the main study. Across pretests and the main study, participants will be individuals who have been diagnosed with seasonal allergies. All participants will be 18 years of age or older. We will exclude individuals who work in healthcare or marketing settings because their knowledge and experiences may not reflect those of the average consumer. Participants will be recruited in one of two geographic locations (Washington, DC and Raleigh-Durham, NC) for in-person administration of protocols.

The experimental design is summarized in Table 1. Participants will be randomly assigned to view a prescription drug ad one, three, or six times as part of clutter reels embedded in a 42 minute TV program. They will then answer preprogrammed survey questions on laptops. Preliminary measures are designed to assess perception, memory, judgments about the ad, intentions to use the medication advertised, and possible moderators of effects, such as need for cognition and demographics. The questionnaire is available upon request. Participation is estimated to take up to 2 hours.

TABLE 1—EXPERIMENTAL DESIGN

Experimental Arm No.	42 Minute television show, clutter reel No.					
	1	2	3	4	5	6
1 (views ad 1 time)						Mock DTC ad.
2 (views ad 3 times)	Mock DTC ad			Mock DTC ad		Mock DTC ad.
3 (views ad 6 times)	Mock DTC ad	Mock DTC ad	Mock DTC ad	Mock DTC ad	Mock DTC ad	Mock DTC ad.

To examine differences between experimental conditions, we will conduct inferential statistical tests such as analysis of variance. With the sample size described in the following table, we will have sufficient power to detect small-to-medium sized effects in the main study.

FDA estimates the burden of this collection of information as follows:

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual respondents	Average burden per response	Total hours
Pretest 1 screener completes (assumes 10% eligible)	4,150	1	4,150	0.08 (5 minutes)	332
Pretest 2 screener completes (assumes 10% eligible)	4,150	1	4,150	0.08 (5 minutes)	332
Number of main study screener completes (assumes 10% eligible).	620	1	620	0.08 (5 minutes)	50
Pretest 1 completes	420	1	420	2	840
Pretest 2 completes	420	1	420	2	840
Number of completes, main study	620	1	620	2	1240
Total	.....	.....	.....	.....	3,634

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

References

The following references have been placed on display in the Division of Dockets Management (see **ADDRESSES**) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday, and are available electronically at *http://www.regulations.gov.*

1. Singh, S. N., D. Linville, and A. Sukhdial, ''Enhancing the Efficacy of Split Thirty-Second Television Commercials: An Encoding Variability Application,'' *Journal of Advertising,* 24, pp. 13–23 (1995).
2. Haugtvedt, C. P., et al., ''Advertising Repetition and Variation Strategies: Implications for Understanding Attitude Strength,'' *Journal of Consumer Research,* 21, pp. 176–189 (1994).
3. Naples, M. J., ''Effective Frequency: Then and Now,'' *Journal of Advertising Research,* 37, pp. 7–12 (1997).

Dated: November 5, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–26698 Filed 11–10–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–F–1539]

DSM Nutritional Products; Food Additive Petition (Animal Use); Ethoxyquin; Environmental Assessment

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of an environmental assessment filed by DSM Nutritional Products in support of their petition proposing that the food additive regulations be amended to provide for the safe use of ethoxyquin in vitamin D formulations, including 25-hydroxyvitamin D_3, used in animal food.

ADDRESSES: Submit electronic comments to: *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Isabel W. Pocurull, Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–453–6853.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 23, 2013 (78 FR 77384) FDA published notice that a food additive petition (FAP) had been filed by DSM Nutritional Products, 45 Waterview Blvd., Parsippany, NJ 07054. The petition (FAP 2276) proposes to amend Title 21 of the Code of Federal Regulations (CFR) in part 573 *Food Additives Permitted in Feed and Drinking Water of Animals* (21 CFR part 573) to provide for the safe use of ethoxyquin as a chemical preservative in vitamin D formulations, including 25-hydroxyvitamin D_3, used in animal food. In that document, FDA noted that the petitioner had requested a categorical exclusion from preparing an environmental assessment or environmental impact statement under 21 CFR 25.32(k).

Upon further review and request by FDA, the petitioner has filed an environmental assessment. To encourage public participation consistent with regulations issued under the National Environmental Policy Act (40 CFR 1501.4(b)), the Agency is placing the environmental assessment submitted with the petition that is the subject of this notice on public display at the Division of Dockets Management (see **ADDRESSES**) for public review and comment.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) electronic or written comments regarding this document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified 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. FDA will also place on public display any amendments to, or comments on, the petitioner's environmental assessment without further announcement in the **Federal Register**. If, based on its review, the Agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the Agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.51(b).

Dated: November 6, 2014.

Bernadette Dunham,

Director, Center for Veterinary Medicine.

[FR Doc. 2014–26709 Filed 11–10–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–0258]

Combined Functionality for Molecular Diagnostic Instruments; Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the guidance entitled ''Molecular Diagnostic Instruments with Combined Functions.'' This guidance document provides industry and Agency staff with FDA's current thinking on regulation of molecular diagnostic instruments that combine in a single instrument both approved/cleared device functions and device functions for which approval/clearance is not required, and on the type of information that FDA recommends that applicants include in a submission for a molecular diagnostic instrument that measures or characterizes nucleic acid analytes and has combined functions.

DATES: Submit either electronic or written comments on this guidance at any time. General comments on Agency guidance documents are welcome at any time.

ADDRESSES: An electronic copy of the guidance document is available for download from the Internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the guidance document entitled ''Molecular Diagnostic Instruments With Combined Functions'' to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002; or Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

Submit electronic comments on the guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Andrew Grove, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5515, Silver Spring, MD 20993–0002, 301–796–6198; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

This guidance document provides industry and Agency staff with FDA's current thinking on regulation of molecular diagnostic instruments that combine in a single instrument both approved/cleared device functions and device functions for which approval/clearance is not required, and on the type of information that FDA recommends that applicants include in a submission for a molecular diagnostic instrument that measures or characterizes nucleic acid analytes and has combined functions. Molecular diagnostic instruments, for example, real-time thermocyclers, are critical components of certain in vitro diagnostic devices. They are often used to perform multiple unrelated assays, such as those that detect methicillin resistant *Staphylococcus aureus,* hepatitis C virus, and genetic markers of cystic fibrosis. These types of instruments cannot generally be approved/cleared alone, i.e., without an accompanying assay, because their safety and effectiveness cannot be evaluated without reference to the assays that they run and their defined performance parameters. However, the same instruments may also be used for additional purposes that do not require FDA approval or clearance, such as for basic scientific research. In the past, FDA has provided informal advice in response to individual inquiries regarding the permissibility of having functions for which approval/clearance is not required on an instrument intended to be used with approved/cleared in vitro diagnostic assays. This guidance is meant to communicate FDA's policy regarding molecular diagnostic instruments with combined functions.

This guidance applies to molecular diagnostic instruments that are medical devices used with assays that measure or characterize nucleic acid analytes, human or microbial, and that combine both approved/cleared and non-approved/non-cleared functions in a single instrument. This guidance applies to the instrument itself (hardware) as well as to any firmware or software intended to operate on or to control the instrument. This guidance also addresses software that is distributed as a stand alone device for use with an approved/cleared molecular diagnostic assay.

The guidance does not apply to instruments approved/cleared for use with assays that are intended to screen donors of blood and blood components, human cells, tissues, and cellular and tissue-based products, for communicable diseases. The document also does not apply to instruments approved/cleared for blood grouping. We encourage manufacturers wishing to market such instruments with combined functionality to contact the appropriate office in the Center for Biologics Evaluation and Research (CBER).

The recommendations in this guidance do not apply to assays and reagents. They are also not intended to change FDA's position regarding the marketing of Research Use Only and Investigational Use Only assays for clinical use.

The draft guidance was announced in the **Federal Register** of April 9, 2013 (78 FR 21128), and the comment period closed on July 8, 2013. Several comments were received during the comment period. We took the suggestions into consideration in revising and finalizing this guidance.

II. Significance of Guidance

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the Agency's current thinking on molecular diagnostic instruments with combined functions. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by downloading an electronic copy from the Internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* Guidance documents are also available at *http://www.regulations.gov* or from

CBER at *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/default.htm.* Persons unable to download an electronic copy of ''Molecular Diagnostic Instruments With Combined Functions'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 1763 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 807, subpart E, have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 803 have been approved under OMB control number 0910–0437; and the collections of information in 21 CFR part 801 and 21 CFR 809.10 have been approved under OMB control number 0910–0485.

V. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

Dated: November 5, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–26694 Filed 11–10–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; HIV Study in Blood Donors From Five Chinese Regions (NHLBI)

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** in Volume 79, June 12, 2014 on page 33764 and allowed 60-days for public comment. One public comment was received that was a personal opinion regarding conducting research about the Chinese blood donation system. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health (NIH) 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.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: NIH Desk Officer.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments or request more information on the proposed project contact: Simone Glynn, MD, Project Officer/ICD Contact, Two Rockledge Center, Suite 9142, 6701 Rockledge Drive, Bethesda, MD 20892, or call 301–435–0065, or Email your request, including your address to: *glynnsa@nhlbi.nih.gov*. Formal requests for additional plans and instruments must be requested in writing.

Proposed Collection: HIV Study in Blood Donors From Five Chinese Regions, 0925–0596 Reinstatement With Change, National Heart, Lung and Blood Institute (NHLBI)

Need and Use of Information Collection: This Study is a reinstatement with change of OMB Number: 0925–0596 expiration date, January 31, 2012. To better understand the diversifying and changing Human Immunodeficiency Virus (HIV) epidemic, and contemporary HIV risk factors, especially those associated with recent HIV infections, this HIV risk factor study in China is proposed as part of the Recipient Epidemiology and Donor Evaluation Study–III (REDS–III). The major objectives of the study will be to evaluate the proportion of blood donors in China who test positive for HIV and have acquired their infection recently or more remotely; the risk of releasing a blood product that contains HIV (HIV residual risk); and the risk factors associated with HIV infection in China. The study will also assess the frequency of distinct HIV–1 viral lineages and drug resistant mutations among HIV-positive blood donors. In 2011, there were 780,000 people infected with HIV in China and it is estimated that over 300,000 HIV infected people in China are not aware of their infection status. The large migrating population and the complexity of HIV transmission routes in China make it difficult to implement a comprehensive and effective national HIV control strategy. Risk factors for infections can change over time; thus, identifying factors that contribute to the recent spread of HIV in a broad cross-section of an otherwise unselected general population, such as blood donors, is highly important for obtaining a complete picture of the epidemiology of HIV infection in China. Because the pace of globalization means infections can cross borders easily, the study objectives have direct relevance for HIV control in the US and globally. Recent years have seen an increase in blood donations from repeat donors in most Chinese regions. This increase permits longer-term follow-up and testing of repeat donors which allow for calculation of new HIV infection rates and residual risks. The HIV data, for both recently and remotely acquired infections, from the proposed study will complement existing data on HIV risks obtained from general and high risk populations to provide comprehensive HIV surveillance data for China. This study will also monitor genetic characteristics of recently acquired infections through genotyping and drug resistance testing, thus serving a US and global public health imperative to monitor the genotypes of HIV that have recently been transmitted. For HIV, the additional monitoring of drug resistance patterns in newly acquired infection is critical to determine if currently available antiretroviral medicines are capable of combating infection. Genotyping and host response information are scientifically important not only to China, but to the US and other nations since they provide a broader global understanding of how to most effectively manage and potentially prevent HIV, for example through vaccine development. Efforts to develop vaccines funded by the National Institutes of Health and other US-based

organizations may directly benefit from the findings of this study.

Blood donors are tested for transfusion-transmissible infections including HIV when they present to donate, and test result information as well as demographic data will be routinely collected in a database at the five blood centers participating in REDS–III studies (located in the cities of Chongqing, Liuzhou, Luoyang, Mianyang, and Urumqi). These data will allow for calculation of HIV incidence, prevalence, and residual risk. Additionally, a case-control study will be conducted over a 2 and 1/2 year period to evaluate the risk factors associated with HIV infection among blood donors. Cases will be defined as potential donors who deny risks on the donor screening questionnaire but are found to be positive on HIV testing (their donation is discarded), HIV-positive donors who gave blood at one of the five blood centers as stated above (primary sites)or at blood centers located in the Guangxi Autonomous Region (peripheral sites, recruited through the Guangxi CDC for this study only but not other REDS–III studies) will be eligible to participate and complete a Risk Factor Questionnaire that will assess general demographic and risk factor information pertinent to HIV infection. Controls will be negative for HIV on confirmatory testing. Assuming 50% response rate, it is anticipated that 390 HIV-positive donors and 960 controls will participate in the case control study. The results of this study will contribute to global HIV surveillance and prevention, provide a broader global understanding of HIV epidemiology, and support public health efforts to most effectively manage and potentially prevent HIV transmission both worldwide and in the US.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated burden hours are 450.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
HIV Risk factor Q	Blood donors—Case Primary Sites	210	1	20/60	70
	Blood donors—Case peripheral sites.	180	1	20/60	60
	Blood donors—Control primary sites	540	1	20/60	180
	Blood donors—Control peripheral sites.	420	1	20/60	140

Dated: October 28, 2014.

Lynn Susulske,

NHLBI Project Clearance Liaison, National Institutes of Health.

[FR Doc. 2014–26761 Filed 11–10–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

The National Institute of Mental Health (NIMH) Draft Strategic Plan; Request for Comments

SUMMARY: NIMH is revising its 2008 Strategic Plan to guide the Institute's research efforts and priorities over the next five years (2015–2020). The purpose of this Notice is to seek input from the public about the draft NIMH 2015 Strategic Plan. The draft plan will be publicly available through the NIMH Draft Strategic Plan Web page (*http://www.nimh.nih.gov/about/strategic-planning-reports/review-the-draft-2015-nimh-strategic-plan.shtml*) for a 30-day period beginning on the publication date of this Notice. The public is invited to provide comments via the email address or postal address provided in this Notice and on the NIMH Draft Strategic Plan Web page.

DATES: To ensure consideration, your responses must be received within a 30-day period that begins on the publication date of this Notice.

ADDRESSES: Responses to this Notice should be submitted electronically using email to *nimhstratplan@mail.nih.gov.* Alternatively, written responses can be submitted by mail to the Science Writing, Press, and Dissemination Branch, 6001 Executive Boulevard, Room 6200, MSC 9663. Bethesda, MD 20892–9663.

FOR FURTHER INFORMATION CONTACT: Please contact our NIMH Information Specialists using the following contact information: telephone: 1–866–615–6464 (toll-free), 1–301–443–8431 (TTY), 1–866–415–8051 (TTY toll-free). Fax: 1–301–443–4279, Email: *nimhinfo@nih.gov*

SUPPLEMENTARY INFORMATION:

Background

The National Institute of Mental Health (NIMH) is the lead federal agency for research on mental illnesses. The mission of the NIMH is to transform the understanding and treatment of mental illnesses through basic and clinical research, paving the way for prevention, recovery, and cure. To fulfill its mission, the NIMH supports and conducts research on mental illnesses and the underlying basic science of brain and behavior; supports the training of scientists to carry out basic and clinical mental health research; and, communicates with scientists, patients, providers, and the general public about the science of mental illnesses.

In 2008, the NIMH published a Strategic Plan to accelerate progress in basic, translational, and clinical science. The need to update the plan became clear with the increasing number of remarkable scientific advancements and the changing landscape of mental health care over the past six years. With the goals of helping individuals living with mental illnesses and promoting both prevention and cure, NIMH has revised its original four high-level Strategic Objectives as follows: (1) Define the biological basis of complex behaviors; (2) chart mental illness trajectories to determine when, where, and how to intervene; (3) develop better preventive and therapeutic interventions; and, (4) strengthen the public health impact of NIMH-supported research. These four Strategic Objectives form a broad roadmap for the Institute's priorities over the next five years, which begins with the fundamental science of the brain and behavior, and ends with public health impact. Full implementation of these Strategies Objectives, will, we hope, transform the

diagnosis, treatment, and prevention of these devastating illnesses.

Request for Comments

This notice invites public comment and input on the development of the NIMH 2015 Strategic Plan. When developing your comments, we ask that you consider the draft plan in the context of the current scientific landscape, as well as within the context of broader federal, for-profit, and not-for-profit stakeholder perspectives. We are particularly interested in receiving your ideas for scientific advancements, new technical capabilities or tools, or major challenge topics that promise substantial change to mental health research if pursued.

General Information

Responses to this Notice are optional and voluntary. Any personal identifiers will be removed when responses are compiled. Proprietary, classified, confidential, or sensitive information should not be included in your response. This Notice is for planning purposes only and is not a solicitation for applications or an obligation on the part of the United States (U.S.) government to provide support for any ideas identified in response to it. Please note that the U.S. government will not pay for the preparation of any comment submitted or for its use of that comment.

Privacy Act Notification Statement: We are requesting your comments for the 2015–2020 National Institute of Mental Health (NIMH) Strategic Plan. The information you provide may be disclosed to NIMH staff serving to develop the strategic plan and to contractors working on NIMH's behalf. Submission of this information is voluntary.

Collection of this information is authorized under 42 U.S.C. 203, 24 l, 2891–1 and 44 U.S.C. 310 I and Section 30 l and 493 of the Public Health Service Act regarding the establishment of the National Institutes of Health, its general authority to conduct and fund research and to provide training assistance, and its general authority to maintain records in connection with these and its other functions.

Dated: November 3, 2014.

Thomas R. Insel,

Director, National Institute of Mental Health, National Institutes of Health.

[FR Doc. 2014–26760 Filed 11–10–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; CVRS Member Conflicts and Continuous Submissions.

Date: December 9, 2014.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Olga A. Tjurmina, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, MSC 7814, Bethesda, MD 20892, (301) 451–1375, *ot3d@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Biological Chemistry and Macromolecular Biophysics.

Date: December 10–11, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Nitsa Rosenzweig, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7760, Bethesda, MD 20892, (301) 404–7419, *rosenzweign@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and AIDS Related Research.

Date: December 10, 2014.

Time: 12:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jose H. Guerrier, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1137, *guerriej@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 12–251: Behavioral Science Track Award for Rapid Transition (B/START).

Date: December 10, 2014.

Time: 12:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jose H. Guerrier, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1137, *guerriej@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Radiation Therapeutics and Biology.

Date: December 11, 2014.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Lawrence Ka-Yun Ng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, MSC 7804, Bethesda, MD 20892, 301–435–1719, *ngkl@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 5, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–26671 Filed 11–10–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Review and Assessment of Merit of Innovative Programs to Enhance Research Training (IPERT) (R25) Applications.

Date: December 5, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Lisa A. Dunbar, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.12, Bethesda, MD 20892, 301–594–2849, *dunbarl@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: November 5, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–26672 Filed 11–10–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2014–0935]

Letter of Recommendation for Washington State Ferries Liquefied Natural Gas Conversion; Seattle, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice and request for comments.

SUMMARY: Coast Guard Sector Puget Sound received a Letter of Intent (LOI) and Waterway Suitability Assessment (WSA) from Washington State Ferries for a proposal to convert six Issaquah Class Ferries to Liquefied Natural Gas (LNG) propulsion. By statute, the Captain of the Port (COTP), Coast Guard Sector Puget Sound, will be reviewing and validating the WSA in cooperation with key port stakeholders and issue a Letter of Recommendation (LOR) to the State of Washington Department of Transportation regarding the suitability of the waterway for LNG marine traffic. As it conducts this review, the Coast Guard solicits public comments that may inform the COTP's recommendation. The Washington State Ferries' LOI, WSA, and other supporting documentation and information can be viewed at: *http://www.wsdot.wa.gov/Ferries/Environment/LNG.htm.*

DATES: Comments must be submitted to the online docket via *http://www.regulations.gov,* or reach the Docket Management Facility, on or before January 12, 2015.

ADDRESSES: Submit comments using one of the listed methods, and see **SUPPLEMENTARY INFORMATION** for more information on public comments.

- *Online—http://www.regulations.gov* following Web site instructions.
- *Fax*—202–493–2251.
- *Mail or hand deliver*—Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Hours for hand delivery are 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays (telephone 202–366–9329).

FOR FURTHER INFORMATION CONTACT: For information about this document call or email LT Sarah E. Rodino, Coast Guard; telephone 202–217–6623, email *Sarah.E.Rodino@uscg.mil.* For information about viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826, toll free 1–800–647–5527.

SUPPLEMENTARY INFORMATION:

Public Participation and Comments

We encourage you to submit comments (or related material) on the Washington State Ferries' proposal as may inform the Coast Guard's LOR. We will consider all reasonable submissions on topics related to the suitability of the waterway for LNG marine traffic which may affect the COTP's review and validation of the WSA and preparation of the LOR. Comments should be marked with docket number USCG–2014–0935 and should provide a reason for each suggestion or recommendation. You should provide personal contact information so that we can contact you if we have questions regarding your comments; but please note that all comments will be posted to the online docket without change and that any personal information you include can be searchable online (see the **Federal Register** Privacy Act notice regarding our public dockets, 73 FR 3316, Jan. 17, 2008).

Mailed or hand-delivered comments should be in an unbound 8½ x 11 inch format suitable for reproduction. The Docket Management Facility will acknowledge receipt of mailed comments if you enclose a stamped, self-addressed postcard or envelope with your submission.

Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following the Web site's instructions. You can also view the docket at the Docket Management Facility (see the mailing address under **ADDRESSES**) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Discussion

In accordance with 33 CFR 127.007, Coast Guard Sector Puget Sound received an LOI and WSA from Washington State Ferries on June 27, 2014 regarding their proposal to convert six Issaquah Class Ferries to LNG propulsion. The LOI notes that if the conversion is completed, each vessel would require fueling by truck once every 7 to 10 days.

Under 33 CFR 127.009, and in reference to the Coast Guard's Navigation and Vessel Inspection Circular (NVIC) 01–2011, ''Guidance Related to Waterfront Liquefied Natural Gas (LNG) Facilities,'' the Coast Guard will be reviewing and validating the Washington State Ferries' WSA in cooperation with key port stakeholders. In conjunction with the review and validation of the WSA, the Coast Guard seeks public comments on the proposal which may inform the COTP's recommendation to the State of Washington Department of Transportation. Once the information in the WSA is validated, the COTP will issue an LOR to the State of Washington Department of Transportation regarding the suitability of the waterway for LNG marine traffic.

The Washington State Ferries' LOI, WSA, and other supporting documentation and information can be viewed at: *http://www.wsdot.wa.gov/Ferries/Environment/LNG.htm.* In addition, a copy of NVIC 01–2011 is available for viewing on the Coast Guard's Web site at *http://www.uscg.mil/hq/cg5/nvic/2010s.asp.*

This notice is issued under authority of 33 CFR 127.009.

Dated: October 20, 2014.

M.W. Raymond,

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

[FR Doc. 2014–26749 Filed 11–10–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2014–0937]

Announcement of Public Meetings Regarding the Florida East Coast Railroad Bridges, St. Lucie River, Stuart; Loxahatchee River, Jupiter; and New River, Fort Lauderdale, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of public meeting.

SUMMARY: The Coast Guard will hold three public meetings for citizens to provide oral and written comments relating to the current and future operations of the Florida East Coast Railroad Bridges across the St. Lucie River in Stuart, Florida, the Loxahatchee River, Jupiter, Florida, and the New River in Fort Lauderdale, Florida. The Coast Guard is soliciting public comment relating to navigation through these bridges. Specific interests include the current and future impact of bridge closings on navigation. These meetings will be open to the public.

DATES: A public meeting will be held on November 12, 2014 from 6:30 p.m. to 9 p.m., at the Anne Kolb Nature Center at West Lake Park, 751 Sheridan Street, Hollywood, Florida to provide an opportunity for oral and written comments regarding navigation on the New River, Fort Lauderdale, Florida. A public meeting will be held on November 13, 2014 from 5:30 p.m. to 8:00 p.m. at the John F. Armstrong Wing Auditorium of the Blake Library, 2351 SE Monterey Rd., Stuart, Florida to provide an opportunity for oral and written comments regarding navigation on the Saint Lucie River, Stuart, Florida. A public meeting will be held on November 14, 2014 from 5:30 p.m. to 8:30 p.m. at the Town of Jupiter Council Chambers, 210 Military Trail, Jupiter, Florida to provide an opportunity for oral and written comments regarding navigation on the Loxahatchee River, Jupiter, Florida.

If you would like to submit written materials, please send comments to the Coast Guard's Seventh District Bridge Branch no later than December 1, 2014 using any of the four methods listed below. If you request to make an oral presentation at the meeting please provide your name and contact information to the Coast Guard's Seventh District Bridge Branch no later than November 7, 2014 using any one of the four methods listed below. Requests to make oral comments, written comments and related material may also be submitted to Coast Guard personnel specified at the meeting.

You may submit comments, materials, or requests to make oral presentation to using any one of the following methods:

(1) Fax: (305) 415–6763.

(2) Mail: Brickell Federal Building C/O Seventh Coast Guard District Bridge Branch, 909 SE 1ST AVE, Miami, FL, 33131–3050.

(3) Hand delivery: Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (305) 415–6946.

(4) Email: *USCGD7DPBPublicComment@uscg.mil.*

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

FOR FURTHER INFORMATION CONTACT: If you have questions regarding this meeting, call or email Mr. Gene Stratton, Coast Guard Bridge Branch; telephone at 305–415–6740 or email *USCGD7DPBPublicComment@uscg.mil.*

SUPPLEMENTARY INFORMATION:

A. Public Participation and Request for Comments

We encourage you to participate in this public meeting by submitting comments and related materials.

1. Submitting Comments

If you submit a comment, please include the docket number for these public meeting (USCG–2014–0937), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material by email, or by fax, mail or hand delivery, but please use only one of these means. If you submit a comment by email, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Seventh Coast Guard District Bridge Branch. We recommend that you include your name and a mailing address, an email address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available call (305) 415–6946 to arrange a visit to the Brickell Federal Building Suite 432, 909 SE 1ST AVE, Miami, FL, 33131–3050, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

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

B. Basis and Purpose

The Coast Guard will hold three public meetings for citizens to provide oral and written comments relating to the current and future operations of the Florida East Coast Railroad Bridges across the St. Lucie River in Stuart, Florida; the Loxahatchee River, Jupiter, Florida; and the New River in Fort Lauderdale, Florida. The Coast Guard is soliciting public comment relating to navigation through these bridges. Specific interests include the current impact to navigation through these bridges related to bridge closings for rail traffic and comments related to future navigation impacts from proposed increases of rail traffic.

It is the intent of the Seventh Coast Guard District Bridge Administration Branch to collect comments from these public meetings along with navigation surveys and other information to establish and preserve the reasonable needs of navigation on these three rivers.

C. Procedural

The meetings are open to the public. Attendees at the meetings, who wish to present testimony and have not previously made a request to do so, will follow those having submitted a request, as time permits. If a large number of persons wish to speak, the presiding officer may limit the time allotted to each speaker. Conversely, the public meetings may end early if all present wishing to speak have done so.

D. Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section as soon as possible.

Dated: October 27, 2014.

J.H. Korn,

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

[FR Doc. 2014–26750 Filed 11–10–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0033]

Agency Information Collection Activities: Bonded Warehouse Proprietor's Submission

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Bonded Warehouse Proprietor's Submission (CBP Form 300). CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before January 12, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual cost burden to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Bonded Warehouse Proprietor's Submission.

OMB Number: 1651–0033.

Form Number: Form 300.

Abstract: CBP Form 300, *The Bonded Warehouse Proprietor's Submission,* is filed annually by each warehouse proprietor. The information on CBP Form 300 is used by CBP to evaluate warehouse activity for the year. This form must be filed within 45 days of the end of his business year, pursuant to the provisions of the Tariff Act of 1930, as amended, 19 U.S.C. 66, 1311, 1555, 1556, 1557, 1623 and 19 CFR 19.12(5). The information collected on this form helps CBP determine all bonded merchandise that was entered, released, and manipulated in the warehouse. CBP Form 300 is accessible at *http://forms.cbp.gov/pdf/CBP_Form_300.pdf.*

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to CBP Form 300.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 1,800.

Estimated Number of Total Annual Responses: 1,800.

Estimated Time per Response: 25 hours.

Estimated Total Annual Burden Hours: 45,000.

Dated: November 5, 2014.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2014–26746 Filed 11–10–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5765–N–04]

Notice of a Federal Advisory Committee Meeting; Manufactured Housing Consensus Committee

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Notice of a Federal Advisory Committee Meeting: Manufactured Housing Consensus Committee (MHCC).

SUMMARY: This notice sets forth the schedule and proposed agenda for a meeting of the MHCC. The meeting is open to the public and the site is accessible to individuals with disabilities. The agenda provides an opportunity for citizens to comment on the business before the MHCC.

DATES: The meeting will be held on December 2nd thru 4th, 2014, from 9:00 a.m. to 5:00 p.m. Eastern Standard Time (EST) daily.

ADDRESSES: The meeting will be held at the Sheraton Pentagon City Hotel, 900 South Orme Street, Arlington, Virginia 22204.

FOR FURTHER INFORMATION CONTACT: Pamela Beck Danner, Administrator, Office of Manufactured Housing Programs, Department of Housing and Urban Development, 451 7th Street SW., Room 9166, Washington, DC 20410, telephone (202) 708–6423 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: Notice of this meeting is provided in accordance with the Federal Advisory Committee Act, 5. U.S.C. App. 10(a)(2) through implementing regulations at 41 CFR 102–3.150. The MHCC was established by the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5403(a)(3), as amended by the Manufactured Housing Improvement Act of 2000, (Pub. L. 106–569). According to 42 U.S.C. 5403, as amended, the purposes of the MHCC are to:

- Provide periodic recommendations to the Secretary to adopt, revise, and

interpret the Federal manufactured housing construction and safety standards in accordance with this subsection;

- Provide periodic recommendations to the Secretary to adopt, revise, and interpret the procedural and enforcement regulations, including regulations specifying the permissible scope and conduct of monitoring in accordance with subsection (b);
- Be organized and carry out its business in a manner that guarantees a fair opportunity for the expression and consideration of various positions and for public participation.

The MHCC is deemed an advisory committee not composed of Federal employees.

Public Comment: Citizens wishing to make comments on the business of the MHCC are encouraged to register by or before November 25, 2014, by contacting Home Innovation Research Labs; *Attention:* Kevin Kauffman, 400 Prince Georges Blvd., Upper Marlboro, MD 20774, or email to *mhcc@homeinnovation.com.* Written comments are encouraged. The MHCC strives to accommodate citizen comments to the extent possible within the time constraints of the meeting agenda. Advance registration is strongly encouraged. The MHCC will also provide an opportunity for public comment on specific matters before the MHCC.

Tentative Agenda

Tuesday, December 2, 2014 From 9:00 a.m. to 5:00 p.m. EST

I. Call to Order—Chair
- FACA Announcements—Designated Federal Officer (DFO)

II. Opening Remarks—Chair & DFO
III. Review and Approve MHCC Minutes from June 26, 2014 teleconference
IV. Action Item 4: RV Park Model Memorandum dated Oct. 1, 2014—Background presented by HUD staff followed by MHCC discussion
V. Public comment period #1—Public
VI. Log 87—Change in minimum horizontal dimension § 3280.112
VII. MHCC Recommendations
VIII. Discuss and assign reference standards to Subcommittees
- Technical Systems Subcommittee Meeting
  - Review and Approve Technical Systems Subcommittee Minutes from September 16, 2014 teleconference
  - Action Item 2: GAO Report on Ventilation Systems and Air Quality
  - Review Current Log Item: Log 88—Circulating Air Systems—§ 3280.715
- General Subcommittee Meeting
- Structure and Design Subcommittee Meeting
  - Action Item 3: Southern Yellow Design Values
- Regulatory Enforcement Subcommittee Meeting

Wednesday, December 3, 2014, 9:00 a.m. to 5:00 p.m. EST

I. Reconvene Meeting—Chair & DFO
- FACA Announcements—DFO

II. Roll Call—Administering Organization (AO)
III. Subcommittee Reports to MHCC
- Technical Systems Subcommittee
  - Log 85—Arc Fault Breakers—§ 3280.801
  - Log 86—Tamper Resistant Receptacles—§ 3280.806(a)
- General Subcommittee
- Structure and Design Subcommittee
- Regulatory Enforcement Subcommittee

IV. Public comment period #2—Public
V. Report on Multifamily Housing Issue—Memorandum dated October 3, 2014
VI. Subcommittees meet to discuss reference standards
- Technical Systems Subcommittee Meeting
- General Subcommittee Meeting
- Structure and Design Subcommittee Meeting
- Regulatory Enforcement Subcommittee Meeting

Thursday, December 4, 2014, 9:00 a.m. to 5:00 p.m. EST

I. Reconvene Meeting—Chair & DFO
- FACA Announcements—DFO

II. Roll Call—Administering Organization (AO)
III. Report from Department of Energy (DOE) on progress of manufactured housing energy standards
IV. Subcommittee Reports to MHCC
- Technical Systems Subcommittee
- General Subcommittee
- Structure and Design Subcommittee
- Regulatory Enforcement Subcommittee

V. Public comment period #3—Public
VI. MHCC reconvenes for final comments and discussion
- Open discussion
- Future Meetings/Conference Calls—MHCC
- Closing Announcements—Chair

VII. Adjourn: 5:00 p.m. EST

Dated: November 6, 2014.

Pamela Beck Danner,

Administrator, Office of Manufactured Housing Programs.

[FR Doc. 2014–26766 Filed 11–10–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–MB–2014–N227; 91100–3740–GRNT 7C]

Meeting Announcements: North American Wetlands Conservation Council; Neotropical Migratory Bird Conservation Advisory Group

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meetings.

SUMMARY: The North American Wetlands Conservation Council (Council) will meet to select North American Wetlands Conservation Act (NAWCA) grant proposals for recommendation to the Migratory Bird Conservation Commission (Commission). This meeting is open to the public. The Advisory Group for the Neotropical Migratory Bird Conservation Act (NMBCA) grants program (Advisory Group) also will meet. This meeting is also open to the public, and interested persons may present oral or written statements.

DATES:

Council: Meeting is December 9, 2014, from 8:30 a.m. to 4:30 p.m. The Council will consider Canadian, Mexican, and U.S. Standard grant proposals. If you are interested in presenting information at this public meeting, contact the Council Coordinator no later than December 5, 2014.

Advisory Group: Meeting is December 10, 2014, from 8:30 a.m. to 4:30 p.m. The Advisory Group will discuss the strategic direction and management of the NMBCA program. If you are interested in presenting information at this public meeting, contact the Council Coordinator no later than December 5, 2014.

ADDRESSES: The Council and Advisory Group meetings will take place at National Fish and Wildlife Foundation, 1133 15th Street NW., Suite 1100, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Cynthia Perry, Council Coordinator, by phone at 703–358–2432; by email at *dbhc@fws.gov;* or by U.S. mail at U.S. Fish and Wildlife Service, 5275 Leesburg Pike MS: MB, Falls Church, Virginia 22041.

SUPPLEMENTARY INFORMATION: The North American Wetlands Conservation Council (Council) will meet to select North American Wetlands Conservation Act (NAWCA) grant proposals for recommendation to the Migratory Bird Conservation Commission (Commission). This meeting is open to

the public. The Advisory Group for the Neotropical Migratory Bird Conservation Act (NMBCA) grants program (Advisory Group) also will meet. This meeting is also open to the public, and interested persons may present oral or written statements.

About the Council

In accordance with NAWCA (Pub. L. 101–233, 103 Stat. 1968, December 13, 1989, as amended), the State-private-Federal Council meets to consider wetland acquisition, restoration, enhancement, and management projects for recommendation to, and final funding approval by, the Commission.

The North American Wetlands Conservation Act of 1989 provides matching grants to organizations and individuals who have developed partnerships to carry out wetlands conservation projects in the United States, Canada, and Mexico. These projects must involve long-term protection, restoration, and/or enhancement of wetlands and associated uplands habitats for the benefit of all wetlands-associated migratory birds. Project proposal due dates, application instructions, and eligibility requirements are available on the NAWCA Web site at *http://www.fws.gov/birdhabitat/Grants/NAWCA.*

About the Advisory Group

In accordance with NMBCA (Pub. L. 106–247, 114 Stat. 593, July 20, 2000), the Advisory Group will hold its meeting to discuss the strategic direction and management of the NMBCA program and provide advice to the Director of the Fish and Wildlife Service.

The Neotropical Migratory Bird Conservation Act of 2000 promotes long-term conservation of Neotropical migratory birds and their habitats through a competitive grants program by promoting partnerships, local conservation efforts, and achieving habitat protection in 36 countries. The goals of the Neotropical Migratory Bird Conservation Act include perpetuating healthy bird populations, providing financial resources for bird conservation, and fostering international cooperation. Because the greatest need is south of the U.S. border, at least 75 percent of NMBCA funding supports projects outside the United States.

Project proposal due dates, application instructions, and eligibility requirements are available on the NMBCA Web site at *http://www.fws.gov/birdhabitat/Grants/NMBCA.*

Public Input

If you wish to:	You must contact the Council Coordinator (see **FOR FURTHER INFORMATION CONTACT**) no later than
(1) Attend the Council or Advisory Group meeting	November 26, 2014.
(2) Submit written information or questions before the Council or Advisory Group meeting for consideration during the meeting.	December 5, 2014.

Submitting Written Information or Questions

Interested members of the public may submit relevant information or questions to be consider during the public meetings. If you wish to submit a written statement, so that the information may be made available to the Council or Advisory Group for their consideration prior to the meetings, you must contact the Council Coordinator by the date in Public Input. Written statements must be supplied to the Council Coordinator in both of the following formats: One hard copy with original signature, and one electronic copy via email (acceptable file formats are Adobe Acrobat PDF, MS Word, MS PowerPoint, or rich text file).

Giving an Oral Presentation

Individuals or groups requesting to make an oral presentation at the meetings will be limited to 2 minutes per speaker, with no more than a total of 30 minutes for all speakers. Interested parties should contact the Council Coordinator by the date above, in writing (preferably via email; see **FOR FURTHER INFORMATION CONTACT**), to be placed on the public speaker list for either of these meetings. Nonregistered public speakers will not be considered during the Council meeting. Registered speakers who wish to expand upon their oral statements, or those who had wished to speak but could not be accommodated on the agenda, are invited to submit written statements to the Council within 30 days following the meeting.

Meeting Minutes

Summary minutes of the Council and Advisory Group meetings will be maintained by the Council Coordinator at the address under **FOR FURTHER INFORMATION CONTACT**. Meeting notes will be available by contacting the Council Coordinator within 30 days following the meeting. Personal copies may be purchased for the cost of duplication.

Jerome Ford,

Assistant Director, Migratory Birds.

[FR Doc. 2014–26700 Filed 11–10–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[14X LLORE00000.L63500000.DQ0000. LXSS021H0000.HAG14–0117]

Notice of Availability of the Proposed Resource Management Plan and Final Environmental Impact Statement for the West Eugene Wetlands in Oregon

AGENCY: Bureau of Land Management.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) has prepared a Proposed Resource Management Plan (RMP) and Final Environmental Impact Statement (EIS) for the West Eugene Wetlands and by this notice is announcing its availability.

DATES: BLM planning regulations state that any person who meets the conditions as described in the regulations may protest the BLM's Proposed RMP/Final EIS. A person who meets the conditions and files a protest must file the protest within 30 days of the date that the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register**.

ADDRESSES: Copies of the West Eugene Wetlands Final EIS/Proposed RMP have been sent to affected Federal, State, and local government agencies and to other stakeholders including public libraries in the Project Area, tribal governments, and to interested parties that previously requested a copy. Copies of the Proposed RMP/Final EIS are available for public inspection at at the Eugene District Office 3106 Pierce Parkway, Springfield, OR, 97477. Interested persons may also review the Proposed RMP/Final EIS on the Internet at *http://www.blm.gov/or/districts/eugene/plans/eugenermp.php*. All protests must be in writing and mailed to one of the following addresses:

Regular Mail: BLM Director (210), Attention: Protest Coordinator, P.O. Box 71383, Washington, DC 20024–1383.

Overnight Delivery: BLM Director (210), Attention: Protest Coordinator, 20 M Street SE., Room 2134LM, Washington, DC 20003.

FOR FURTHER INFORMATION CONTACT: Panchita Paulete, District Planning and Environmental Coordinator, telephone 541–683–6976; address 3106 Pierce Parkway, Suite E; Springfield, OR 97477; or email *BLM_OR_EU_Mail@blm.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: In the West Eugene Wetlands Final EIS/Proposed RMP, the BLM analyzes the environmental consequences of seven alternatives for managing approximately 1,340 acres of BLM-administered lands in and near the city of Eugene, in Lane County, Oregon. The planning area does not currently have an RMP. The planning area is made up of acquired lands and survey hiatuses. This RMP is being developed separately from the Eugene District RMP, because the planning area is geographically and ecologically distinct from the rest of the BLM-administered lands in the Eugene District, and many of the resources and issues in the planning area are unrelated to those addressed in the Eugene District RMP. The approved West Eugene Wetlands RMP will apply only to the BLM-administered lands in the West Eugene Wetlands.

The purpose of the action is to manage the planning area to contribute to the recovery of species listed under the Endangered Species Act, while providing other benefits. There are specific considerations in the planning area that lead the BLM to focus management on threatened and endangered species: the scarcity of the listed species and their habitat; the importance of the planning area to the recovery of the listed species; and the purposes for which the BLM acquired the lands in the planning area. Therefore, the purpose and need for this RMP is more specific than the broad mandate of multiple-use alone.

The West Eugene Wetlands Proposed RMP/Final EIS analyzes in detail six action alternatives and the No Action alternative. The No Action alternative would continue the current management approach into the future with no change in the management actions and level of management intensity in the planning area. Because the current management approach was not developed in an RMP, there are no land use allocations, management objectives, or management direction established for the planning area.

The design of the action alternatives varies primarily in the amount and location of lands within the planning area that would be allocated to the restoration of threatened and endangered species habitat. The action alternatives also vary in the management emphasis for lands which are not managed for habitat restoration. Additionally, the action alternatives vary in whether herbicides would be included as a management tool. Under the action alternatives, most or all of the planning area would be allocated to two land use allocations:

- Prairie Restoration Area, which would have a management objective to restore and maintain habitat for prairie-related species; and
- Natural Maintenance Area, which would have a management objective to maintain existing resources and provide opportunities for a variety of goods and services.

Alternative 1 would allocate most of the planning area to the Prairie Restoration Area. The Proposed RMP (Alternative 2A—Modified), would allocate to the Prairie Restoration Area all designated critical habitat, including a previously overlooked critical habitat area adjacent to KL–12B; some extant populations of Willamette daisy and Bradshaw's lomatium; and 93 acres of contiguous high-quality habitat to support streaked horned lark. This alternative would enhance recreation opportunities to the extent compatible with threatened and endangered species management.

Alternative 2B would allocate to the Prairie Restoration Area all designated critical habitat. Alternative 2B would emphasize providing commodities and services to the extent compatible with threatened and endangered species management, and would make approximately two-thirds of the planning area open to saleable mineral development. Alternatives 3A, 3B, and 3C would allocate to the Prairie Restoration Area all good quality habitat that is currently occupied by threatened or endangered species. Alternative 3C and the Proposed RMP would enhance recreation opportunities to the extent compatible with threatened and endangered species management.

Alternatives 1, 2B, and 3A, and the Proposed RMP would include herbicides among the management tools.

The only nomination for an Area of Critical Environmental Concern (ACEC) received in this planning effort was to continue designation of the currently designated Long Tom ACEC. Under Alternatives 1, 3A, 3B, and 3C, and the Proposed RMP, the site of the currently designated Long Tom ACEC would be included within the Prairie Restoration Area and would not need special management to protect the relevant and important values of the ACEC. Therefore, under these alternatives, the ACEC designation for this site would be removed. Under the No Action alternative and Alternative 2B, the Long Tom site would continue to be designated as an ACEC.

Under all action alternatives, motorized vehicle use would be limited to designated roads throughout the planning area. This planning effort will include implementation decisions related to travel management networks, including a travel management plan identifying the specific roads and trails that will be available for public use and the limitations on use of roads and trails. These implementation decisions are not protestable, and upon approval would be appealable to the Interior Board of Land Appeals (43 CFR 1610.5). The land-use planning process was initiated on June 8, 2011, through a Notice of Intent published in the **Federal Register**, notifying the public of a formal scoping period and soliciting public participation. Cooperating agencies in the preparation of this land use plan are the United States Army Corps of Engineers, City of Eugene Parks and Open Space Division, and the Confederated Tribes of Grand Ronde.

Comments on the Draft RMP/Draft EIS received from the public and internal BLM review were considered and incorporated as appropriate into the proposed plan. Public comments resulted in the addition of clarifying

text, but did not significantly change proposed land use plan decisions.

Instructions for filing a protest with the Director of the BLM regarding the proposed RMP/final EIS may be found in the ''Dear Reader'' Letter of the West Eugene Wetlands proposed RMP/final EIS and at 43 CFR 1610.5–2. All protests must be in writing and mailed to the appropriate address, as set forth in the **ADDRESSES** section above. Emailed protests will not be accepted as valid protests unless the protesting party also provides the original letter by either regular or overnight mail postmarked by the close of the protest period. Under these conditions, the BLM will consider the emailed protest as an advance copy and it will receive full consideration. If you wish to provide the BLM with such advance notification, please direct emails to *protest@blm.gov*

Before including your phone number, email address, or other personal identifying information in your protest, you should be aware that your entire protest—including your personal identifying information—may be made publicly available at any time. While you can ask us in your protest to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1506.6, 40 CFR 1506.10, 43 CFR 1610.2, 43 CFR 1610.5

Robert B. Towne,

Acting Eugene District Manager.

[FR Doc. 2014–26618 Filed 11–10–14; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAD01000 L12100000.MD 0000 15XL1109AF]

Meeting of the California Desert District Advisory Council

SUMMARY: Notice is hereby given, in accordance with Public Laws 92–463 and 94–579, that the California Desert District Advisory Council (DAC) to the Bureau of Land Management (BLM), U.S. Department of the Interior, will participate in a field tour of BLM-administered public lands on Friday, December 5, 2014, from 8:00 a.m. to 4:30 p.m. and will meet in formal session on Saturday, December 6, 2014, from 8:00 a.m. to 4:30 p.m. in Palm Springs, CA. Exact meeting location is yet to be determined. Agenda for the Saturday meeting will include updates by council members, the BLM California Desert District Manager, five Field Managers, and council subgroups. Final agenda items for the field trip, public meeting, and meeting location will be posted on the DAC Web page at *http://www.blm.gov/ca/st/en/info/rac/dac.html* when finalized.

SUPPLEMENTARY INFORMATION: All DAC meetings are open to the public. Public comment for items not on the agenda will be scheduled at the beginning of the meeting Saturday morning. Time for public comment is made available by the council chairman during the presentation of various agenda items, and is scheduled at the end of the meeting for topics not on the agenda.

While the Saturday meeting is tentatively scheduled from 8:00 a.m. to 4:30 p.m., the meeting could conclude prior to 4:30 p.m. should the council conclude its presentations and discussions. Therefore, members of the public interested in a particular agenda item or discussion should schedule their arrival accordingly.

Written comments may be filed in advance of the meeting for the California Desert District Advisory Council, c/o Bureau of Land Management, External Affairs, 22835 Calle San Juan de Los Lagos, Moreno Valley, CA 92553. Written comments also are accepted at the time of the meeting and, if copies are provided to the recorder, will be incorporated into the minutes.

FOR FURTHER INFORMATION CONTACT: Stephen Razo, BLM California Desert District External Affairs, (951) 697–5217.

Dated: October 27, 2014.

Teresa A. Raml,

California Desert District Manager.

[FR Doc. 2014–26703 Filed 11–10–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWYD03000.L14300000.EU0000; WYW–170692]

Notice of Realty Action: Non-Competitive (Direct) Sale of Public Land in Carbon County, Wyoming

AGENCY: Bureau of Land Management, Interior

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) is proposing a non-competitive (direct) sale of a parcel of public land totaling 1.52 acres in Carbon County, Wyoming, to Philip A. and Ray Deane Card under the provisions of the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, at not less than the fair market value of $1,350.00. The Sale is pursuant to Section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA), and BLM regulations. In accordance with BLM regulations, the BLM authorized officer finds that the public interest would be best served by resolving the inadvertent unauthorized use of public lands by Philip A. Card and Ray Deane Card whose improvements occupy the proposed sale parcel.

DATES: Submit written comments to the BLM at the address below. The BLM must receive comments on or before December 29, 2014.

ADDRESSES: Bureau of Land Management, Field Manager, Rawlins Field Office, 1300 N. Third Street, Rawlins, Wyoming 82301 or by emailed to *blm_wy_rawlins_wymail@blm.gov* or by faxed to 307–328–4224.

FOR FURTHER INFORMATION CONTACT: Annette M. Treat, Realty Specialist, 307–328–4307, at the above address. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to leave a message or question for the above individual. The FIRS is available 24 hours a day, 7 days a week. You will receive a reply during the normal business hours.

SUPPLEMENTARY INFORMATION: The BLM will conduct a direct sale for the following parcel of public land located in Carbon County, Wyoming. The land is described as:

Sixth Principal Meridian, Wyoming

T. 12 N., R. 90 W.,
Sec. 15, lot 2.
The area described contains 1.52 acres.

The proposed direct sale is in conformance with the BLM, Rawlins Resource Management Plan approved December 24, 2008. The parcel meets the land disposal criteria found in Appendix 6 and is consistent with 43 CFR 2711.3–3(a)(5). The BLM is offering the parcel by direct sale to resolve inadvertent unauthorized use and occupancy of the land pursuant to 43 CFR 2711.3–3(a)(5). The parcel is not required for any other Federal purpose. The regulation at 43 CFR 2711.3–3(a) permit the BLM to make direct sales of public lands when a competitive sale is not appropriate and the public interest is best served by a direct sale.

Upon publication of this Notice in the **Federal Register**, the above land will be segregated from all forms of appropriation under the public land laws, including the mining laws, except

for the sale provisions of FLPMA. Upon publication of this Notice and until completion of the sale, the BLM will no longer accept land use applications affecting the identified public lands, except applications for the amendment of previously-filed right-of-way applications or existing authorizations to increase the term of the grants in accordance with 43 CFR 2807.15 and 2886.15. The land would not be sold until at least January 12, 2015. The temporary segregation will terminate upon issuance of a patent, publication in the **Federal Register** of a termination of the segregation, or November 14, 2016, unless it is extended by the BLM Wyoming State Director in accordance with 43 CFR 2711.1–2(d) prior to the termination date.

This Notice will publish once a week for 3 weeks in the Rawlins Daily Times and Craig Daily Press.

Conveyance of the identified public land will be subject to valid existing rights and encumbrances of record, including but not limited to, rights-of-way for roads and public utilities.

The patent, if issued, would be subject to the following terms and conditions, and reservations:

1. A reservation of a right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945);

2. A reservation of all minerals deposits in the land so patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe are reserved to the United States, together with all necessary access and exit rights;

3. The parcels are subject to valid existing rights; and

4. An appropriate indemnification clause protecting the United States from claims arising out of the lessees/patentee's use, occupancy, or occupation on the leased/patented lands.

Information concerning the sale, appraisal, reservations, procedures and conditions, and other environmental documents that may appear in the BLM public files for this sale parcel is available for review during normal business hours, Monday through Friday, at the BLM, Rawlins Field Office, except during Federal holidays.

Interested parties may submit written comments to the BLM, Rawlins Field Manager at the address above. Comments received in electronic form, such as email or facsimile, will not be considered.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you 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. Any adverse comments regarding this sale will be reviewed by the BLM State Director or other authorized official of the Department of the Interior, who may sustain, vacate, or modify this realty action in whole or in part. In the absence of timely filed objections, this realty action will become the final determination of the Department of the Interior.

(Authority: 43 CFR 2711)

Donald A. Simpson,

State Director.

[FR Doc. 2014–26710 Filed 11–10–14; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNML00000 L54400000.EU0000 LVCLG13G5160 13XL5017AR]

Notice of Realty Action: Recreation and Public Purposes Classification and Conveyance of Public Land in Doña Ana County, NM

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) has examined and found suitable for classification for conveyance about 125 acres of public land in Doña Ana County, New Mexico, under the provisions of the Recreation and Public Purposes (R&PP) Act, as amended. The City of Las Cruces (City) has applied to obtain patent on its current landfill R&PP leases NMNM 000014 and NMNM 018155 each of 40 acres with a history of landfill use. Additionally, the City has applied to obtain patent of 45 acres (NMNM 132849) of land adjacent to the leases. The resulting patent would total 125 acres. As a separate transaction, the City filed an application for the conveyance of the federally owned mineral interests in the 125-acre parcel of land described in this notice. The BLM is processing the mineral application under Section 209 of the Federal Land Policy and Management Act (FLPMA).

DATES: The BLM must receive written comments regarding the proposed classification or conveyance on or before December 29, 2014.

ADDRESSES: Send written comments concerning the proposed conveyances to the District Manager, BLM Las Cruces District Office, 1800 Marquess Street, Las Cruces, NM 88005.

FOR FURTHER INFORMATION CONTACT: Anthony Hom, Realty Specialist, at the address above, or by telephone 575–525–4331, or email to *ahom@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The City has requested that the BLM patent to the City two existing 40-acre landfill R&PP leased parcels, and 45 acres of additional adjacent land (125 acres total) so that the City may continue to manage the 125 acres in accordance with a landfill closure plan approved by the New Mexico Environment Department. The parcels of land are described as:

New Mexico Principal Meridian, New Mexico

T. 23 S., R. 2 E.,
Sec. 11, W½NW¼NW¼NW¼NE¼, W½SW¼NW¼NW¼NE¼, N½NW¼, N½SW¼NW¼, NW¼SW¼SW¼NW¼, N½SE¼NW¼.

The area described contains 125 acres.

The land is not required for any other Federal purpose and it has been determined that the proposed action conforms to the Mimbres Resource Management Plan, approved December 1993.

The conveyance, if completed, would be subject to limitations prescribed by law and regulations. Prior to patent issuance, a holder of any right-of-way within the parcels may be given the opportunity to amend the right-of-way for conversion to a new term, including perpetuity, if applicable, or an easement. In accordance with regulations at 43 CFR 2807.15(b), the BLM notified the valid existing right-of-way holders by letter of their ability to convert their rights-of-way to perpetual rights-of-way or easements. None of the holders requested conversion of their current authorizations, so the BLM will continue to administer their rights-of-way as authorized after the conveyance. The conveyance would also be subject

to the provisions of the R&PP Act and applicable regulations of the Secretary of the Interior including, but not limited to, 43 CFR part 2743 and would be subject to the following terms, conditions, and reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945);

2. All minerals of known mineral value shall be reserved to the United States, together with the right to prospect for, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe. (Note, however, that the mineral estate may be separately patented to the R&PP applicant if a separate application under Section 209 of FLPMA is approved);

3. Valid existing rights;

4. A right-of-way for a telephone/telegraph line granted to Qwest Corporation, its successors or assigns, by right-of-way NMNM–61211;

5. A right-of-way for a 24/13.8 kV electric transmission line granted to El Paso Electric Company, its successors or assigns, by right-of-way NMNM–83958;

6. No portion of the land patented shall revert to the United States under any circumstance. In addition, the patentee will comply with all Federal and State laws applicable to the disposal, placement, or release of hazardous substances (substance as defined in 40 CFR part 302);

7. Specifically in regards to the 45-acre parcel, which has never been leased or conveyed out of the public lands, the investigation by the authorized officer discloses no hazardous substances as listed in 43 CFR 2743.2(a)(6). However, the history of the parcel indicates that household hazardous waste may have been disposed;

8. Specifically in regards to the two 40-acre parcels, which have been under lease, the investigation by the authorized officer shows that the involved lands contain only those quantities and types of hazardous substances consistent with household waste. The authorized officer has reasonable basis to believe that the contents of the leased disposal site do not threaten human health and the environment as listed in 43 CFR 2743.3(a)(4);

9. Specifically in regards to the two 40-acre parcels, the lands have been used for disposal of solid waste. The land may contain small quantities of commercial hazardous waste and household hazardous waste as determined in the Resource Conservation and Recovery Act of 1976, as amended (43 U.S.C. 6901), and defined in 40 CFR 261.4 and 261.5. Based on the review of the Phase I Environmental Site Assessment (ESA) signed on April 3, 2013, the authorized officer reached the following conclusions: (1) Although the subject site is a closed Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) landfill, this Phase I ESA has revealed no Historic Recognized Environmental Conditions, which in the past may have been considered a Recognized Environmental Condition. However, the landfill is in year 8 of its 30-year monitoring period, and is in corrective action with the New Mexico Environmental Department for an expanding groundwater contaminant plume; (2) The ESA is in conformance with the scope and limitation of the American Society for Testing and Materials ASTM E1527–05 and satisfies current BLM requirements; and (3) No further inquiry is needed for purposes of all appropriate inquire; therefore this landfill is suitable for disposal in accordance with CERCLA 120(h); and

10. An indemnification clause protecting the United States from claims arising out of the patentee's use, occupancy, or operations on the land will be included in the patent when issued.

Upon publication of this notice in the **Federal Register**, the land described above will be segregated from all other forms of appropriation under the public land laws, including the United States general mining laws, except for conveyance under the R&PP Act, leasing under the mineral leasing laws and disposals under the mineral material disposal laws. Interested parties may submit written comments on the suitability of the land for a landfill. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Interested persons may submit written comments regarding the specific use proposed in the application and plan of development, whether the BLM followed appropriate administrative procedures in reaching the decision to convey under the R&PP Act. Documents related to this action are on file at the BLM, Las Cruces District Office at the address in this section and may be reviewed by the public upon request. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Only written comments submitted to the District Manager, BLM Las Cruces District Office, will be considered properly filed.

Any adverse comments regarding this action will be reviewed by the BLM State Director or other authorized official of the Department of the Interior, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior.

Authority: 43 CFR part 2743 and 43 CFR part 2920.

Aden L. Seidlitz,

Associate State Director.

[FR Doc. 2014–26784 Filed 11–10–14; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLES935000.L54100000.FR0000]

Notice of Realty Action: Application for Segregation and Conveyance of Federally Owned Mineral Interests in Adams County, IL

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) is processing an application under the Federal Land Policy Management Act of October 21, 1976 (FLPMA), to convey the 50 percent undivided mineral interest owned by the United States in 39 acres located in Adams County, Illinois, to surface owner, Marilyn Shriver and Sons. Upon publication of this notice, the BLM is temporarily segregating the federally owned mineral interests in the land covered by the application from all forms of appropriation under the public land laws, including the mining laws, for up to 2 years while the BLM processes the application. If the application meets the requirements in the statute and the regulation, the BLM may convey the United States' entire 50 percent interest in the minerals within the tract.

DATES: Interested persons may submit written comments to the BLM at the

address listed below. Comments must be received no later than December 29, 2014.

ADDRESSES: Bureau of Land Management, Eastern States State Office, 7450 Boston Boulevard, Springfield, VA 22153. Detailed information concerning this action is available for review at this address.

FOR FURTHER INFORMATION CONTACT: Charles Johnson, Land Law Examiner, by telephone at 703–440–1528 or by email at *c35johns@blm.gov* or you may contact Frankie Morgan, Land Law Examiner by telephone at 703–440–1595 or by email at *fmorgan@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individuals during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question for the above individuals. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The federally owned mineral interest segregated by this Notice is located in Adams County, Illinois, in a parcel described as follows:

TRACT II, as described in the Warranty Deed to Marilyn Shriver and Sons, dated December 13, 2007.

Fourth Principal Meridian, Illinois

T. 1 N., R. 8 W.,
Sec. 19, a portion of SW¼NE¼.

The area described contains 39 acres.

Under certain conditions, Section 209(b) of FLPMA authorizes the sale and conveyance of the federally owned mineral interests in land to the current surface owner. The applicant has deposited, as required under Section 209(3)(i) of FLPMA, a sum of money determined sufficient to cover administrative costs, but not limited to, the cost for the Mineral Potential Report. The objective is to allow consolidation of the surface and mineral interests when either one of the following conditions exist: (1) There are no known mineral values in the land; or (2) Where continued Federal ownership of the mineral interests interferes with or precludes appropriate non-mineral development and such development is a more beneficial use of the land than mineral development. Marilyn Shriver and Sons, the surface owner, filed an application for the conveyance of federally owned mineral interests in the above-described tract of land. Subject to valid existing rights, on November 12, 2014 the federally owned mineral interests in the land described above are hereby segregated from all forms of appropriation under the public land laws, including the mining laws, while the application is being processed to determine if either one of the two specified conditions exists and, if so, to otherwise comply with the procedural requirements of 43 CFR part 2720. The segregation shall terminate upon: (1) Issuance of a patent or other document of conveyance as to such mineral interests; (2) Final rejection of the application; or (3) On November 14, 2016, whichever occurs first. Please submit all comments in writing to the individuals at the address listed above.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made available to the public at any time. While you can ask in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 CFR 2720.1–1(b).

John F. Ruhs,

Director, Eastern States Office.

[FR Doc. 2014–26707 Filed 11–10–14; 8:45 am]

BILLING CODE 4310–GJ–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–17015: PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before October 18, 2014. Pursuant to section 60.13 of 36 CFR Part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th Floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by November 28, 2014. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: October 23, 2014.

J. Paul Loether,

Chief, National Register of Historic Places/National Historic Landmarks Program.

CALIFORNIA

San Francisco County

Burr House, 1772 Vallejo St., San Francisco, 14000967

COLORADO

El Paso County

Dodge—Hamlin House, 1148 N. Cascade Ave., 1122 Wood Ave., Colorado Springs, 14000968

GEORGIA

Cobb County

Smith—Manning House, 360 Manning Rd., Marietta, 14000969

HAWAII

Honolulu County

Kunia Camp, Roughly bounded by Kunia & Pu'u Drives, Kunia, 14000970

IOWA

Hardin County

Kurtz, Glenn and Nell, Lustron Home and Garage, 2017 Washington Ave., Iowa Falls, 14000971

MASSACHUSETTS

Essex County

Point Neighborhood Historic District, Roughly bounded by Peabody, Congress, Chase & Lafayette Sts., Salem, 14000972

Plymouth County

First Parish Church of Plymouth, 19 Town Sq., Plymouth, 14000973

Suffolk County

Gridley Street Historic District, Bounded by Congress, High, Pearl & Purchase Sts., Boston, 14000974

Lyman, Theodore, School, 30 Gove St., Boston, 14000975

MICHIGAN

Gratiot County

Saint Louis Downtown Historic District, N. Mill St., W. Saginaw & W. Center Aves., St. Louis, 14000976

Jackson County

Peoples National Bank Building, 101 E. Michigan Ave., Jackson, 14000977

NEW JERSEY

Bergen County

Phelps Estate Gatehouse, 130 W. Englewood Ave., Englewood, 14000978

Cape May County

Rufwud Cottage, 394 93rd St., Stone Harbor Borough, 14000979

NEW YORK

Columbia County

Barringer—Overbaugh—Lasher House, 321 Main St., Germantown, 14000980

Dutchess County

Dover Stone Church, Stone Church Ln., Dover Plains, 14000981

NORTH CAROLINA

Caswell County

Holderness, William Henry and Sarah, House, 3082 US 158 W., Yanceyville, 14000982

Durham County

Umstead, D.C., Store and House, 3500 Hall Rd., Bahama, 14000983

Forsyth County

Old German Baptist Brethern Church, 4916 Charnel Rd., Winston-Salem, 14000984

Guilford County

Enterprise Building, 305 N. Main St., High Point, 14000985

Proximity Print Works, (Greensboro MPS) 1700 Fairview St., Greensboro, 14000986

Lenoir County

Standard Drug No. 2, 100 S. Queen St., Kinston, 14000987

Martin County

Everetts Historic District, Roughly bounded by Barnhill, Peel, Main, Ayers & James Sts., Everetts, 14000988

Mecklenburg County

Savona Mill, 528 S. Turner Ave., Charlotte, 14000989

New Hanover County

Brookwood Historic District, Roughly bounded by Market St., Keaton Ave., Burnt Mill Cr. & Wallace Park, Wilmington, 14000990

Stanly County

Albemarle Graded School—Central Elementary School, 219 E. North St., Albemarle, 14000991

Union County

Wingate Commercial Historic District, 203, 205, 207–209, 211 Main St., Wingate, 14000992

Vance County

Barker House, 1785 Barker Rd., Henderson, 14000993

OHIO

Franklin County

Gaetz Music House, 49–53 W. Long St., Columbus, 14000995

Ohio Finance Building, 39–47 W. Long St., Columbus, 14000994

PENNSYLVANIA

Lycoming County

Original Little League Field, 1695 W. 4th St., Williamsport, 14000996

TENNESSEE

Cocke County

Leadvale Coaling Station, Address Restricted, Newport, 14000997

Washington County

Johnson City Warehouse and Commerce Historic District (Boundary Decrease), 107 N. Boone, 100–102, 104 Montgomery & 200, 204, 210, 214 Montgomery Sts., Johnson City, 14000998

WYOMING

Laramie County

Dubois Block, Blk. 2, Park Addition, Cheyenne, 14000999

A request for removal has been received for the following resource:

ILLINOIS

Mercer County

Keithsburg Historic District, Roughly bounded by Jackson, 5th, Washington, and 3rd Sts., Keithsburg, 86001004

[FR Doc. 2014–26676 Filed 11–10–14; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX066A000 67F 134S180110; S2D2S SS08011000 SX066A00 33F 13xs501520]

Notice of Proposed Information Collection; Request for Comments for 1029–0112

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

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSMRE) is announcing its intention to request renewed approval for the collection of information regarding the requirements for coal exploration. The information collection request describes the nature of the information collection and the expected burden and costs. This information collection activity was previously approved by the Office of Management and Budget (OMB) and assigned control number 1029–0112.

DATES: Comments on the proposed information collection activities must be received by January 12, 2015, to be assured of consideration.

ADDRESSES: Submit comments to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave NW., Room 203—SIB, Washington, DC 20240. Comments may also be submitted electronically to *jtrelease@osmre.gov.*

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request, contact John Trelease at (202) 208–2783 or via email at the address listed above.

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8 (d)]. This notice seeks public comment for the information collection that OSMRE will be submitting to OMB for approval, which is for 30 CFR 772—Requirements for coal exploration. OSM will request a 3-year term of approval for each information collection activity. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection is 1029–0112 and is found at 30 CFR 772.10.

Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany OSM's submission of the information collection request to OMB.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Title: 30 CFR part 772—Requirements for coal exploration.

OMB Control Number: 1029–0112.

Summary: OSMRE and State regulatory authorities use the

information collected under 30 CFR Part 772 to keep track of coal exploration activities, evaluate the need for an exploration permit, and ensure that exploration activities comply with the environmental protection and reclamation requirements of 30 CFR parts 772 and 815, and section 512 of SMCRA (30 U.S.C. 1262).

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: Persons planning to conduct coal exploration and State regulatory authorities.

Total Annual Responses: 2,156.

Total Annual Burden Hours: 7,644.

Total Annual Non-Wage Costs: $2,408.

Dated: November 5, 2014.

Harry J. Payne, Chief,

Division of Regulatory Support.

[FR Doc. 2014–26762 Filed 11–10–14; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX066A000 67F 134S180110; S2D2S SS08011000 SX066A00 33F 13xs501520]

Notice of Proposed Information Collection; Request for Comments for 1029–0040

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

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSMRE) is announcing its intention to request renewed approval for the collection of information for the requirements for permits for special categories of mining. This information collection activity was previously approved by the Office of Management and Budget (OMB) and assigned control number 1029–0040.

DATES: Comments on the proposed information collection activities must be received by January 12, 2015, to be assured of consideration.

ADDRESSES: Comments may be mailed to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Room 203–SIB, Washington, DC 20240. Comments may also be submitted electronically to *jtrelease@osmre.gov.*

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request contact John Trelease at (202) 208–2783 or by email at *jtrelease@osmre.gov.*

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR part 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. This notice identifies the information collection that OSMRE will be submitting to OMB for approval. This collection is contained in 30 CFR 785—Requirements for permits for special categories of mining. OSMRE will request a 3-year term of approval for each information collection activity.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for part 785 is 1029–0040 and is codified at 30 CFR 785.10. Responses are required to obtain a benefit.

Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany OSM's submission of the information collection request to OMB.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Title: 30 CFR part 785—Requirements for permits for special categories of mining.

OMB Control Number: 1029–0040.

Summary: The information is being collected to meet the requirements of sections 507, 508, 510, 515, 701 and 711 of Public Law 95–87, which require applicants for special types of mining activities to provide descriptions, maps, plans and data of the proposed activity. This information will be used by the regulatory authority in determining if the applicant can meet the applicable performance standards for the special type of mining activity.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: Applicants for coalmine permits and State Regulatory Authorities.

Total Annual Responses: 189 permit applicants and 189 State regulatory authorities.

Total Annual Burden Hours: 18,820.

Total Annual Non-Wage Costs: $0.

Dated: November 5, 2014.

Harry J. Payne,

Chief, Division of Regulatory Support.

[FR Doc. 2014–26763 Filed 11–10–14; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX066A000 67F 134S180110; S2D2S SS08011000 SX066A00 33F 13xs501520]

Notice of Proposed Information Collection; Request for Comments for 1029–0036

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

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSMRE) is announcing its intention to request approval to continue the collection of information for Surface Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan. This information collection activity was previously approved by the Office of Management and Budget (OMB), and assigned clearance number 1029–0036.

DATES: Comments on the proposed information collection must be received by January 12, 2015, to be assured of consideration.

ADDRESSES: Comments may be mailed to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Room 203–SIB, Washington, DC 20240. Comments may also be submitted electronically to *jtrelease@osmre.gov.*

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request contact John Trelease, at (202) 208–2783, or by email at *jtrelease@osmre.gov.*

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR part 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the

public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8 (d)]. This notice identifies an information collection that OSM will be submitting to OMB for renewed approval. The collection is contained in 30 CFR 780—Surface Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan. OSMRE will request a 3-year term of approval for this information collection activity.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control number for Part 780 is 1029–0036. Responses are required to obtain a benefit for this collection.

Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany OSM's submission of the information collection requests to OMB.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

This notice provides the public with 60 days in which to comment on the following information collection activity:

Title: 30 CFR 780—Surface Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan.

OMB Control Number: 1029–0036.

Summary: Sections 507(b), 508(a), 510(b), 515(b) and (d), and 522 of Public Law 95–87 require applicants to submit operation and reclamation plans for coal mining activities. This information collection is needed to determine whether the plans will achieve the reclamation and environmental protections pursuant to the Surface Mining Control and Reclamation Act. Without this information, Federal and state regulatory authorities cannot review and approve permit application requests.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: Applicants for surface coal mine permits on Federal lands, and state regulatory authorities.

Total Annual Responses: 116 applicants and 114 State responses.

Total Annual Burden Hours for Applicants: 40,339.

Total Annual Burden Hours for States: 13,928.

Total Annual Burden for All Respondents: 54,267.

Total Annual Non-Wage Costs for All Respondents: $1,034,231.

Dated: November 5, 2014.

Harry J. Payne,

Chief, Division of Regulatory Support.

[FR Doc. 2014–26764 Filed 11–10–14; 8:45 am]

BILLING CODE 4310–05–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 a complaint entitled *Certain Coaxial Cable Connectors and Components Thereof and Products Containing Same, DN 3038*; the Commission is soliciting comments on any public interest issues raised by the 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 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 a complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of PPC Broadband, Inc. on November 5, 2014. The 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 coaxial cable connectors and components thereof and products containing same. The complaint names as respondent Corning Optical Communications RF, LLC of Glendale, AZ. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

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,

[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.*

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. 3038'') 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: November 6, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–26711 Filed 11–10–14; 8:45 am]

BILLING CODE 7020–02–P

[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.*

DEPARTMENT OF JUSTICE

[AAG/A Order No. 001/2014]

Privacy Act of 1974; Computer Matching Agreement

AGENCY: Department of Justice.

ACTION: Notice—computer matching between the Department of Justice and the Internal Revenue Service, Department of the Treasury.

SUMMARY: In accordance with the Privacy Act of 1974 (*5 U.S.C. 552a*), as amended by the Computer Matching and Privacy Protection Act of 1988 (*Pub. L. 100–503*), Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs *54 FR 25818 (June 19, 1989),* OMB Bulletin 89–22, ''Instructions on Reporting Computer Matching Programs to the Office of Management and Budget (OMB), Congress and the Public,'' and OMB Circular No. A–130, Revised November 28, 2000, ''Management of Federal Information Resources,'' the Department of Justice (DOJ) is issuing a public notice of its intent to conduct a computer matching program with the Internal Revenue Service (IRS), Department of the Treasury. Under this matching program, entitled Taxpayer Address Request, the IRS will provide information relating to taxpayers' mailing addresses to the DOJ for purposes of enabling DOJ to locate debtors to initiate litigation and/or enforce the collection of debts owed by the taxpayers to the United States.

DATES: *Effective date:* The matching program will become effective 40 days after a copy of the agreement, as approved by the Data Integrity Board of each agency, is sent to Congress and the Office of Management and Budget, or 30 days after publication of this notice in the **Federal Register**, whichever is later. The matching program will continue for 18 months after the effective date and may be extended for an additional 12 months, if the conditions specified in *5 U.S.C. 552a(o)(2)(D)* have been met.

Reporting: In accordance with the Privacy Act of 1974 (*5 U.S.C. 552a*), as amended by the Computer Matching and Privacy Protection Act of 1988 (*Pub. L. 100–503*), Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs *54 FR 25818 (June 19, 1989),* OMB Bulletin 89–22, ''Instructions on Reporting Computer Matching Programs to the Office of Management and Budget (OMB), Congress and the Public,'' and OMB Circular No. A–130, Revised November 28, 2000, ''Management of Federal Information Resources,'' copies of this notice and report are being provided to the Committee on Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget.

Authority: This matching program is being conducted under the authority of the Internal Revenue Code *(IRC) 6103(m)(2).* This provides for disclosure, upon written request, of a taxpayer's mailing address for use by officers, employees, or agents of a Federal agency for the purpose of locating such taxpayer to collect or compromise a Federal claim against the taxpayer in accordance with *sections 3711, 3717,* and *3718 of title 31 of the United States Code,* statutory provisions which authorize DOJ to collect debts on behalf of the United States through litigation.

Objectives To Be Met By the Matching Program: The purpose of this program is to provide DOJ with the most current addresses of taxpayers, to notify debtors of legal actions that may be taken by DOJ and the rights afforded them in the litigation, and to enforce collection of debts owed to the United States.

Records To Be Matched: DOJ will provide records from the Debt Enforcement System, JUSTICE/DOJ–016, last published in its entirety at *77 FR 9965–9968 (February 21, 2012).* This system of records contains information on persons who owe debts to the United States and whose debts have been referred to the DOJ for litigation and/or enforced collection. DOJ records will be matched against records contained in the Privacy Act System of Records: Customer Account Data Engine (CADE) Individual Master File (IMF), Treasury/IRS 24.030, last published at *77 FR 47948 (Aug. 10, 2012).* This system of records, among other information, contains the taxpayer's name, Social Security Number (SSN), and most recent address known by IRS.

Categories of Records/Individuals Involved: DOJ will submit the nine-digit Social Security Number (SSN) and four character Name Control (the first four letters of the surname) of each individual whose current address is requested. IRS will provide an address for each taxpayer whose SSN and Name Control matches the record submitted by DOJ, or a code explaining that no match was found on the IMF.

Notice Procedures: IRS provides direct notice to taxpayers in the

instructions to Forms 1040, 1040A, and 1040EZ, and constructive notice in the **Federal Register** system of records notice, that information provided on U.S. Individual Income Tax Returns may be given to other Federal agencies, as provided by law. For the records involved in this match, both IRS and DOJ have provided constructive notice to record subjects through the publication, in the **Federal Register**, of systems of records notices that contain routine uses permitting disclosures for this matching program.

Address for Receipt of Public Comments or Inquiries: Interested persons are invited to submit written comments regarding this notice to Dennis Dauphin, Director, Debt Collection Management Staff, Justice Management Division, 145 N St. NE., Rm 5E.101, Washington, DC 20530.

Dated: November 4, 2014.

Lee Lofthus,

Assistant Attorney General for Administration.

[FR Doc. 2014–26714 Filed 11–10–14; 8:45 am]

BILLING CODE 4410–CN–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection, Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information, in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps 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 can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments on the proposed extension of the Labor Market Information (LMI) Cooperative Agreement application package. A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section of this notice on or before January 12, 2015.

ADDRESSES: Send comments to Carol Rowan, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080, 2 Massachusetts Avenue NE., Washington, DC 20212. Written comments also may be transmitted by fax to 202–691–5111 (this is not a toll free number).

FOR FURTHER INFORMATION CONTACT: Carol Rowan, BLS Clearance Officer, at 202–691–7628 (this is not a toll free number). (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

The BLS enters into Cooperative Agreements with State Workforce Agencies (SWAs) annually to provide financial assistance to the SWAs for the production and operation of the following LMI statistical programs: Current Employment Statistics, Local Area Unemployment Statistics, Occupational Employment Statistics, and Quarterly Census of Employment and Wages. The Cooperative Agreement provides the basis for managing the administrative and financial aspects of these programs.

The existing collection of information allows Federal staff to negotiate the Cooperative Agreement with the SWAs and monitor their financial and programmatic performance and adherence to administrative requirements imposed by common regulations implementing Office of OMB Circular A–102 and other grant related regulations. The information collected also is used for planning and budgeting at the Federal level and in meeting Federal reporting requirements.

The Cooperative Agreement application package being submitted for approval is representative of the package sent every year to State agencies. The work statements included in the Cooperative Agreement application also are representative of what is included in the whole LMI Cooperative Agreement package. The final Cooperative Agreement, including the work statements, will be submitted separately to the Office of Management and Budget for review of any minor year-to-year information collection burden changes they may contain.

II. Current Action

Office of Management and Budget clearance is being sought for an extension to the existing clearance for the LMI Cooperative Agreement package.

III. Desired Focus of Comments

The BLS is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- 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.

Type of Review: Extension of a currently approved collection.

Agency: Bureau of Labor Statistics.

Title: Labor Market Information (LMI) Cooperative Agreement.

OMB Number: 1220–0079.

Affected Public: State, Local, or Tribal Governments.

Frequency: Monthly, quarterly, annually.

Information collection	Respondents	Frequency	Responses	Time	Total hours
Work Statements	54	1	54	1–2 hr	54–108
BIF (LMI 1A, 1B)	54	1	54	1–6 hr	54–324
Quarterly Automated Financial Reports	48	4	192	10–50 min	32–160
Monthly Automated Financial Reports	48	8	384	5–25 min	32–160
BLS Cooperative Statistics Financial Report (LMI 2A)	7	12	84	1–5 hr	84–420
Quarterly Status Report (LMI 2B)	1–30	4	4–120	1 hr	4–120
Budget Variance Request Form	1–54	1	1–54	5–25 min	0–23
Transmittal and Certification Form	54	1	54	5–10 min	4.5–9
FRW—A: Base Programs	54	1	54	20–30 min	18–27

Information collection	Respondents	Frequency	Responses	Time	Total hours
FRW—B: AAMC	1–30	1	1–30	20–30 min	0–15
Property Listing	1–54	1	1–54	20–30 min	0–27
Total	1–54		884–1164		283–1573
Average Totals	54		1024		928

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 5th day of November 2014.

Kimberley D. Hill,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 2014–26695 Filed 11–10–14; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection, Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information, in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps 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 can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments on the proposed extension of the *''BLS Occupational Safety and Health Statistics (OSHS) Cooperative Agreement application package.''* A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section of this notice on or before January 12, 2015.

ADDRESSES: Send comments to Nora Kincaid, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080, 2 Massachusetts Avenue NE., Washington, DC 20212. Written comments also may be transmitted by fax to 202–691–5111 (this is not a toll free number).

FOR FURTHER INFORMATION CONTACT: Nora Kincaid, BLS Clearance Officer, telephone number 202–691–7628 (this is not a toll free number). (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

The Secretary of Labor has delegated to the BLS the authority to collect, compile, and analyze statistical data on work-related injuries and illnesses, as authorized by the Occupational Safety and Health Act of 1970 (Pub. L. 91–596). The Cooperative Agreement is designed to allow the BLS to ensure conformance with program objectives. The BLS has full authority over the financial operations of the statistical program. The BLS requires financial reporting that will produce the information that is needed to monitor the financial activities of the BLS Occupational Safety and Health Statistics grantees.

The Cooperative Agreement application package being submitted for approval is representative of the package sent every year to State agencies. The work statements included in the Cooperative Agreement application also are representative of what is included in the whole OSHS Cooperative Agreement package. The final Cooperative Agreement, including the work statements, will be submitted separately to the Office of Management and Budget for review of any minor year-to-year information collection burden changes they may contain.

II. Current Action

Office of Management and Budget clearance is being sought for an extension to the existing clearance for the OSHS Cooperative Agreement package.

III. Desired Focus of Comments

The BLS is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- 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.

Type of Review: Extension of a currently approved collection.

Agency: Bureau of Labor Statistics.

Title: BLS Occupational Safety and Health Statistics Cooperative Agreement Application Package.

OMB Number: 1220–0149.

Affected Public: State Governments.

Information collection	Respondents	Frequency	Responses	Time	Total hours
BLS–OSHS Work Statements	54	1	54	2 hours	108
BLS–OSHS2	54	4	216	1 hour	216
BLS–OSHS TCF	54	1	54	5–10 minutes	4.5–9
BLS–OSHS FRW	54	1	54	20–30 minutes	18–27
BLS–OSHS Property Listing	1–54	1	1–54	20–30 minutes	0–27

Information collection	Respondents	Frequency	Responses	Time	Total hours
Total	1–54		372–432		346.5–387
Average Totals	54		406		367

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 5th day of November 2014.

Kimberley D. Hill,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 2014–26696 Filed 11–10–14; 8:45 am]

BILLING CODE 4510–24–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Meetings.

SUMMARY: The National Endowment for the Humanities will hold ten meetings of the Humanities Panel, a federal advisory committee, during December, 2014. The purpose of the meetings is for panel review, discussion, evaluation, and recommendation of applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965.

DATES: See **SUPPLEMENTARY INFORMATION** section for meeting dates.

ADDRESSES: The meetings will be held at Constitution Center, 400 7th Street SW., Washington, DC 20506. See Supplementary Information section for meeting room numbers.

FOR FURTHER INFORMATION CONTACT: Lisette Voyatzis, Committee Management Officer, 400 7th Street SW., Room 4060, Washington, DC 20506; (202) 606–8322; *evoyatzis@neh.gov.* Hearing-impaired individuals who prefer to contact us by phone may use NEH's TDD terminal at (202) 606–8282.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given of the following meetings:

1. Date: December 02, 2014
   Time: 8:30 a.m. to 5:00 p.m.
   Room: P003

   This meeting will discuss applications on the subject of American Studies for the Humanities Collections and Reference Resources grant program, submitted to the Division of Preservation and Access.

2. Date: December 02, 2014
   Time: 8:30 a.m. to 5:00 p.m.
   Room: 4002

   This meeting will discuss applications on the subjects of Geospatial and Visualization for Digital Humanities Start-Up Grants, submitted to the Office Digital Humanities.

3. Date: December 03, 2014
   Time: 8:30 a.m. to 5:00 p.m.
   Room: 4002

   This meeting will discuss applications on the subject of Research for Digital Humanities Start-Up Grants, submitted to the Office of Digital Humanities.

4. Date: December 04, 2014
   Time: 8:30 a.m. to 5:00 p.m.
   Room: P003

   This meeting will discuss applications on the subject of Literature for the Humanities Collections and Reference Resources grant program, submitted to the Division of Preservation and Access.

5. Date: December 04, 2014
   Time: 8:30 a.m. to 5:00 p.m.
   Room: 4002

   This meeting will discuss applications for Fellowship Programs at Independent Research Institutions, submitted to the Division of Research Programs.

6. Date: December 08, 2014
   Time: 8:30 a.m. to 5:00 p.m.
   Room: 4002

   This meeting will discuss applications on the subjects of Archives and Digital Collections for Digital Humanities Start-Up Grants, submitted to the Office of Digital Humanities.

7. Date: December 09, 2014
   Time: 8:30 a.m. to 5:00 p.m.
   Room: 4002

   This meeting will discuss applications on the subject of Public Programs for Digital Humanities Start-Up Grants, submitted to the Office of Digital Humanities.

8. Date: December 11, 2014
   Time: 8:30 a.m. to 5:00 p.m.
   Room: 4002

   This meeting will discuss applications on the subjects of Archives and Digital Collections for Digital Humanities Start-Up Grants, submitted to the Office of Digital Humanities.

9. Date: December 12, 2014
   Time: 8:30 a.m. to 5:00 p.m.
   Room: Conference Call

   This meeting will discuss applications on the subject of Linguistics for the Humanities Collections and Reference Resources grant program, submitted to the Division of Preservation and Access.

10. Date: December 12, 2014
    Time: 8:30 a.m. to 5:00 p.m.
    Room: Conference Call

    This meeting will discuss applications on the subject of World Studies for the Humanities Collections and Reference Resources grant program, submitted to the Division of Preservation and Access.

Because these meetings will include review of personal and/or proprietary financial and commercial information given in confidence to the agency by grant applicants, the meetings will be closed to the public pursuant to sections 552b(c)(4) and 552b(c)(6) of Title 5, U.S.C., as amended. I have made this determination pursuant to the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings dated July 19, 1993.

Dated: November 5, 2014.

Lisette Voyatzis,

Committee Management Officer.

[FR Doc. 2014–26770 Filed 11–10–14; 8:45 am]

BILLING CODE 7536–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub., L. 92–463, as amended), the National Science Foundation (NSF) announces its intent to hold proposal review meetings throughout the year. The purpose of these meetings is to provide advice and recommendations concerning proposals submitted to the NSF for financial support. The agenda for each of these meetings is to review and evaluate proposals as part of the selection process for awards. The review and

evaluation may also include assessment of the progress of awarded proposals. The majority of these meetings will take place at NSF, 4201 Wilson Blvd., Arlington, Virginia 22230.

These meetings will be closed to the public. The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act. NSF will continue to review the agenda and merits of each meeting for overall compliance of the Federal Advisory Committee Act.

These closed proposal review meetings will not be announced on an individual basis in the **Federal Register**. NSF intends to publish a notice similar to this on a quarterly basis. For an advance listing of the closed proposal review meetings that include the names of the proposal review panel and the time, date, place, and any information on changes, corrections, or cancellations, please visit the NSF Web site: *http://www.nsf.gov/events/.* This information may also be requested by telephoning, 703/292–8687.

Dated: November 6, 2014

Suzanne Plimpton,

Acting Committee Management Officer.

[FR Doc. 2014–26697 Filed 11–10–14; 8:45 am]

BILLING CODE 7555–01–P

NEIGHBORHOOD REINVESTMENT CORPORATION

Sunshine Act Meeting; Finance, Budget & Program Committee Meeting of the Board of Directors

TIME & DATE: 12:00 p.m., Monday, November 17, 2014

PLACE: NeighborWorks America—Gramlich Boardroom, 999 North Capitol Street NE., Washington DC 20002

STATUS: Open (with the exception of Executive Session)

CONTACT PERSON: Jeffrey Bryson, General Counsel/Secretary, (202) 760–4101; *jbryson@nw.org.*

AGENDA:

I. Call to Order
II. Executive Session: Transition Update
III. Executive Session: Bank of America Settlement Update
IV. Success Measures Data Systems Approval
V. Sustainable Homeownership Procurement
VI. Organizational Underwriting & Grants to Network
VII. New Strategic Plan
VIII. Financial Report
IX. Management Updates
X. Adjournment

Jeffrey T. Bryson,

EVP & General Counsel/Corporate Secretary.

[FR Doc. 2014–26849 Filed 11–7–14; 4:15 pm]

BILLING CODE 7570–02–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0243]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from October 16, 2014 to October 29, 2014. The last biweekly notice was published on October 28, 2014.

DATES: Comments must be filed by December 12, 2014. A request for a hearing must be filed by January 12, 2015.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0243. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- Mail comments to: Cindy Bladey, Office of Administration, Mail Stop: 3WFN–06–A44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Angela Baxter, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2976, email: *Angela.Baxter@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2014–0243 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- Federal rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0243.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2014–0243 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment

submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in § 50.92 of Title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR Part 2.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave

to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the ''Obtaining Information and

Submitting Comments'' section of this document.

DTE Electric Company, Docket No. 50–341, Fermi 2, Monroe County, Michigan

Date of amendment request: September 16, 2014. A publicly-available version is in ADAMS under Accession No. ML14259A564.

Description of amendment request: The proposed amendment would modify the technical specifications (TS) by relocating specific surveillance frequencies to a licensee-controlled program with the adoption of Technical Specification Task Force (TSTF)—425, Revision 3, ''Relocate Surveillance Frequencies to Licensee Control—RITSTF Initiative 5b'' (ADAMS Accession No. ML080280275). Additionally, the change would add a new program, the Surveillance Frequency Control Program (SFCP), to Section 5.5, ''Programs and Manuals'' of the TS.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of any accident previously evaluated?

Response: No.

The proposed changes relocate the specified frequencies for periodic surveillance requirements to licensee control under a new Surveillance Frequency Control Program. Surveillance frequencies are not an initiator to any accident previously evaluated. As a result, the probability of any accident previously evaluated is not significantly increased. The systems and components required by the TSs for which the surveillance frequencies are relocated are still required to be operable, meet the acceptance criteria for the surveillance requirements, and be capable of performing any mitigation function assumed in the accident analysis. As a result, the consequences of any accident previously evaluated are not significantly increased.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

No new or different accidents result from utilizing the proposed changes. The changes do not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the changes do not impose any new or different requirements. The changes do not alter assumptions made in the safety analysis. The proposed changes are consistent with the safety analysis assumptions and current plant operating practice.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Do the proposed changes involve a significant reduction in the margin of safety?

Response: No.

The design, operation, testing methods, and acceptance criteria for systems, structures, and components (SSCs), specified in applicable codes and standards (or alternatives approved for use by the NRC) will continue to be met as described in the plant licensing basis (including the final safety analysis report and bases to TS), since these are not affected by changes to the surveillance frequencies. Similarly, there is no impact to safety analysis acceptance criteria as described in the plant licensing basis. To evaluate a change in the relocated surveillance frequency, DTE Electric Company (DTE) will perform a probabilistic risk evaluation using the guidance contained in NRC approved NEI 04–10, Revision 1, in accordance with the TS SFCP. NEI 04–10, Revision 1, methodology provides reasonable acceptance guidelines and methods for evaluating the risk increase of proposed changes to surveillance frequencies consistent with Regulatory Guide 1.177.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Bruce R. Maters, DTE Energy, General Counsel—Regulatory, 688 WCB, One Energy Plaza, Detroit, MI 48226–1279.

NRC Branch Chief: David L. Pelton.

Duke Energy Carolinas, LLC, Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina; Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina; and Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of amendment request: July 21, 2014. A publicly-available version is in ADAMS under Accession No. ML14212A502.

Description of amendment request: The amendment would revise the licensed operator training requirements to be consistent with the National Academy for Nuclear Training (NANT) program. Additionally, the amendment would make administrative changes to Technical Specification Sections 5.1, ''Responsibility''; 5.2, ''Organization''; 5.3, ''Unit Staff Qualifications''; 5.5, ''Programs and Manuals''; and for Catawba and McGuire, Section 5.7, ''High Radiation Area.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, with NRC edits in square brackets, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed Technical Specification (TS) changes regarding organization, unit staff responsibility and unit staff qualifications are administrative changes to clarify the current requirements for Duke Energy's licensed operator qualifications and training program. With this change, the TSs continue to meet the current requirements of 10 CFR 55. Although licensed operator qualifications and training may have an indirect impact on accidents previously evaluated, the [Nuclear Regulatory Commission (NRC)] considered this impact during the rulemaking process, and by promulgation of the revised 10 CFR 55 rule, concluded that this impact remains acceptable as long as the licensed operator training programs are certified to be accredited and are based on a systems approach to training. The proposed TS change takes credit for the National Academy for Nuclear Training (NANT) accreditation of the licensed operator training program.

The proposed TS change regarding responsibility, organization and high radiation area is administrative in nature to reflect the current titles and responsibilities of station personnel and is consistent with Standard Technical Specifications (STS).

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously analyzed.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed TS changes are administrative changes to clarify the current requirements for Duke Energy's licensed operator qualifications and training program and to conform to the revised 10 CFR 55. Similar to the discussion above, although licensed operator qualifications and training may have an indirect impact on the possibility of a new or different kind of accident from any accident previously evaluated, the [NRC] considered this impact during the rulemaking process, and by promulgation of the revised rule concluded that this impact remains acceptable as long as licensed operator training programs are certified to be accredited and based on a systems approach to training. As previously noted, the Duke Energy licensed operator training program is accredited by NANT and

is based on a systems approach to training. The proposed TS change takes credit for the NANT accreditation of the licensed operator training program.

The proposed TS change regarding responsibility, organization and high radiation area does not impact any plant systems that are accident initiators nor does the proposed change adversely impact any accident mitigating system. No physical changes are being made to the plant. This change is administrative in nature to reflect the current titles and responsibilities of station personnel and to be consistent with STS.

The proposed amendment does not impact plant design, hardware, system operation or procedures, and therefore does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in the margin of safety?

Response: No.

The proposed [TS] change regarding unit staff qualifications is an administrative change to clarify the current requirements applicable to Duke Energy's licensed operator qualifications and training program. With this change, the TS continue to meet the current requirements of 10 CFR 55. Although licensed operator qualifications and training may have an indirect impact on accidents previously evaluated, the NRC considered this impact during the rulemaking process, and by promulgation of the revised 10 CFR 55 rule, concluded that this impact remains acceptable as long as the licensed operator training programs are certified to be accredited and are based on a systems approach to training. As noted previously, the Duke Energy licensed operator training program is accredited by NANT and is based on a systems approach to training.

The NRC has concluded per NUREG–1262, that the standards and guidelines provided by the Institute for Nuclear Power Operations' NANT are equivalent to those put forth or endorsed by the NRC. As a result, maintaining a NANT accredited, systems approach based licensed operator training program is equivalent to maintaining an NRC approved licensed operator training program. Furthermore, the NRC published Regulatory Issue Summary (RIS) 2001–001 to familiarize licensees with the NRC's current guidelines for the qualification and training of Reactor Operator and Senior Operator license applicants. This document again acknowledges that the NANT guidelines for education and experience outline acceptable methods for implementing the NRC's regulations in this area. The margin of safety is maintained by virtue of maintaining the NANT accredited licensed operator training program.

The proposed TS change regarding responsibility, organization and high radiation area is administrative in nature to reflect the current titles and responsibilities of station personnel and is consistent with STS. Systems and components are not impacted and therefore are capable of performing as designed. The performance of fission product barriers will not be impacted by the proposed change.

Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

Based on the above discussion, Duke Energy concludes that the proposed amendment presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c) and, accordingly, a finding of ''no significant hazards consideration'' is justified.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lara S. Nichols, Associate General Counsel, Duke Energy Corporation, 526 South Church Street—EC07H, Charlotte, NC 28202.

NRC Branch Chief: Robert J. Pascarelli.

Energy Northwest, Docket No. 50–397, Columbia Generating Station (CGS), Benton County, Washington

Date of amendment request: August 12, 2014, as supplemented by letter dated September 9, 2014. Publicly-available versions are in ADAMS under Accession Nos. ML14234A457, and ML14268A233, respectively.

Description of amendment request: The amendment would revise the CGS Technical Specifications (TSs) to risk-inform requirements regarding selected Required Action end states by incorporating TS Task Force (TSTF) traveler TSTF–423, Revision 1, ''Technical Specifications End States, NEDC–32988–A.'' The Notice of Availability for TSTF–423, Revision 1, was published in the **Federal Register** on February 18, 2011 (76 FR 9164).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change allows a change to certain required end states when the TS Completion Times for remaining in power operation will be exceeded. Most of the requested technical specification (TS) changes are to permit an end state of hot shutdown (Mode 3) rather than an end state of cold shutdown (Mode 4) contained in the current TS. The request was limited to: (1) Those end states where entry into the shutdown mode is for a short interval, (2) entry is initiated by inoperability of a single train of equipment or a restriction on a plant operational parameter, unless otherwise stated in the applicable TS, and (3) the primary purpose is to correct the initiating condition and return to power operation as soon as is practical. Risk insights from both the qualitative and quantitative risk assessments were used in specific TS assessments. Such assessments are documented in Section 6 of topical report NEDC–32988–A, Revision 2, ''Technical Justification to Support Risk Informed Modification to Selected Required Action End States for BWR [Boiling-Water Reactor] Plants.'' They provide an integrated discussion of deterministic and probabilistic Issues, focusing on specific TSs, which are used to support the proposed TS end state and associated restrictions. The risk insights support the conclusions of the specific TS assessments. Therefore, the probability of an accident previously evaluated is not significantly increased, if at all. The consequences of an accident after adopting TSTF–423 are no different than the consequences of an accident prior to adopting TSTF–423. Therefore, the consequences of an accident previously evaluated are not significantly affected by this change. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns.

Therefore, the proposed change does not involve a significant Increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed). If risk is assessed and managed, allowing a change to certain required end states when the TS Completion Times for remaining in power operation are exceeded (i.e., entry into hot shutdown rather than cold shutdown to repair equipment) will not introduce new failure modes or effects and will not, in the absence of other unrelated failures, lead to an accident whose consequences exceed the consequences of accidents previously evaluated. The addition of a requirement to assess and manage the risk introduced by this change and the commitment by Energy Northwest to adhere to the guidance in TSTF–IG–05–02, ''Implementation Guidance for TSTF–423, Revision 1, 'Technical Specifications End States, NEDC–32988–A,' '' will further minimize possible concerns.

Thus, based on the above, this change does not create the possibility of a new or different-kind of accident from an accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change allows, for some systems, entry into hot shutdown rather than cold shutdown to repair equipment, if risk is assessed and managed. The BWROG's [BWR Owners Group's] risk assessment approach is comprehensive and follows NRC staff guidance as documented in Regulatory

Guides (RG) 1.174 and 1.177. In addition, the analyses show that the criteria of the three-tiered approach for allowing TS changes are met. The risk impact of the proposed TS changes was assessed following the three-tiered approach recommended in RG 1.177.

A risk assessment was performed to justify the proposed TS changes. The net change to the margin of safety is insignificant.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William A. Horin, Esq., Winston & Strawn, 1700 K Street NW., Washington, DC 20006–3817.

NRC Branch Chief: Michael T. Markley.

Entergy Gulf States Louisiana, LLC, and Entergy Operations, Inc., Docket No. 50–458, River Bend Station, Unit 1 (RBS), West Feliciana Parish, Louisiana

Date of amendment request: July 9, 2014. A publicly-available version is in ADAMS under Accession No. ML14212A396.

Description of amendment request: The amendment would modify the RBS Surveillance Requirements (SRs) related to Technical Specification 3.8.1, ''AC [Alternating Current] Sources—Operating.'' Specifically, the proposed changes will lower the upper bound of the frequency SR Acceptance Criteria Tolerance Band (ACTB), lower the upper bound of the voltage SR ACTB for diesel generator (DG) 1A and DG 1B (existing DG 1C voltage SR ACTB is retained), and raise the lower bound of the test load SR ACTB.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The EDGs [emergency diesel generators] are not initiators for accidents evaluated in the USAR [Updated Safety Analysis Report]. The proposed changes do not alter the capability of the EDGs or their supporting systems to start, load and perform their intended functions as described in the USAR. The proposed changes do not impact the initiators of analyzed events, nor do they impact the mitigation of accidents.

The proposed changes enable SR testing to demonstrate sufficient margin to ensure that the EDGs and equipment being powered by the EDGs will function as required to mitigate an accident as described in the USAR. Thus, the EDGs will be capable of performing their accident mitigation function as described in the USAR, and there is no impact on the consequences of accident analyses.

The proposed changes increase the minimum EDG test loads, but the upper limits of the test loads are not changed. Furthermore, the test program (number and type of SR starts, test loads and run length) is not changed. Therefore, the effect of the proposed changes on EDG wear and/or reliability is negligible, and the proposed changes will not reduce EDG reliability from the current value of 95%.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not involve any physical alteration of the plant (e.g., no new or different type of equipment will be installed), or a change in the methods governing EDG operation. The changes ensure margin between the EDG SR test loads and the EDG maximum calculated loads and that the EDGs operate as assumed in the accident analyses.

The purposes of the EDG surveillance tests are to confirm the capability of each EDG to start and achieve the minimum conditions required to accept the loads in the accident analysis. No changes are being made in operating philosophy, testing frequency, how EDGs operate or how EDGs are physically tested. The proposed changes do not affect the EDGs' ability to supply minimum voltage and frequency within 10 seconds (DG 1A and DG 1B), 13 seconds (DG 1C) or the minimum steady state voltage and frequency. The EDGs will continue to perform their intended safety function in accordance with the safety analysis. Therefore, the proposed changes do not affect safety analysis assumptions.

The proposed changes do not degrade the EDGs, the circuits connected to the EDGs or the equipment powered by the EDGs. Therefore, no new failure modes or effects are introduced that could create the possibility of a new or different kind of accident from any previously evaluated.

The proposed changes do not affect the initiators of analyzed events, nor do they affect the mitigation of accidents.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed changes enable SR testing to demonstrate sufficient margin between demonstrated EDG capability in the surveillance tests and maximum calculated EDG loads to ensure that the EDGs and equipment being powered by the EDGs will function as required to mitigate an accident as described in the USAR. Thus the proposed changes do not involve a significant reduction in the EDG electrical load margin.

The proposed changes increase the minimum EDG test loads, but the upper limits of the test loads are not changed. Furthermore, the test program (number and type of SR starts, test loads and run length) is not changed. Therefore, the effect of the proposed changes on EDG wear and/or reliability is negligible and the proposed changes do not involve a significant reduction in the EDG physical margin.

The margin of safety is related to the confidence in the ability of the fission product barriers to perform their design functions during and following an accident situation. These barriers include the fuel cladding, the reactor coolant system, and the containment system. The proposed changes do not directly affect these barriers, nor do they involve any adverse impact on the EDGs that serve to support these barriers in the event of an accident concurrent with a loss of offsite power. The proposed changes do not affect the EDG's capabilities to provide emergency power to plant equipment that mitigates the consequences of the accident. In summary: the proposed changes have no affect the ability of the EDGs to start and load; no change is made to the accident analysis assumptions; no margin of safety is reduced as part of this change; and the margin between the calculated emergency loads and minimum test load is ensured.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Joseph A. Aluise, Associate General Counsel—Nuclear, Entergy Services, Inc., 639 Loyola Avenue, New Orleans, Louisiana 70113.

NRC Branch Chief: Douglas A. Broaddus.

Exelon Generation Company, LLC, and PSEG Nuclear LLC, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station (PBAPS), Units 2 and 3, York and Lancaster Counties, Pennsylvania

Date of application for amendments: September 3, 2014. A publicly-available version is in ADAMS under Accession No. ML14247A522.

Description of amendment request: The proposed amendment would revise the Technical Specifications to eliminate the Main Steam Line Radiation Monitor (MSLRM) from initiating: (1) A Reactor Protection

System automatic reactor scram; and (2) a Primary Containment Isolation System isolation including automatic closure of the Main Steam Line Isolation Valves (MSIVs), Main Steam Line (MSL) drain valves, MSL sample line valves, Residual Heat Removal (RHR) system sample line valves, and Reactor Recirculation loop sample line valves. Existing requirements for the Mechanical Vacuum Pump (MVP) would be retained in the Technical Requirements Manual (TRM).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes eliminate the MSLRM trip and isolation function from initiating an automatic reactor scram and automatic closure of the MSIVs. The justification for eliminating the MSLRM trip and isolation functions is based on the NRC-approved evaluation provided in General Electric's (GE's) Licensing Topical Report (LTR) NEDO–31400A, ''Safety Evaluation for Eliminating the Boiling Water Reactor Main Steam Line Isolation Valve Closure Function and Scram Function of the Main Steam Line Radiation Monitor,'' dated October 1992. The proposed changes also include the elimination of the MSLRM isolation function from closing the MSL drain valves, MSL sample line valves, RHR system sample line valves, and Reactor Recirculation loop sample line valves. The identified sample lines are small in comparison to the size of MSLs, and therefore, the effects of not isolating these lines for at least one hour is considered small and is supported by the dose analyses. The MSLRM system is not an initiator of any accident previously evaluated. Retaining requirements for the MVP in the TRM will ensure that appropriate measures and requirements are in place such that any release of radioactive material released from a gross fuel failure will be contained in the Main Condenser and processed through the Offgas System.

The proposed changes do not introduce new equipment or new equipment operating modes. The proposed changes do not increase system or component pressures, temperatures, or flowrates for systems designed to prevent accidents or mitigate the consequences of an accident. There are no changes or modifications to the MVP. The MVP will continue to function as designed in all required modes of operation. Since these conditions do not change, the likelihood of a failure or malfunction of a Structure, System, or Component (SSC) is not increased. As a result, the probability of any accident previously evaluated is not significantly increased. The consequences of an accident previously evaluated (i.e., the Control Rod Drop Accident (CRDA)), have been evaluated consistent with the PBAPS licensing basis, which is based on Alternative Source Term (10 CFR 50.67). As demonstrated by the supporting dose analyses, the consequences of the accident are within the regulatory acceptance criterion. As a result, the consequences of any accident previously evaluated are not significantly increased.

Based on the above, Exelon concludes that the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

No new or different accidents result from the proposed changes. The proposed changes do not involve a change in the method of operation of plant SSC. The proposed changes do not increase system or component pressures, temperatures, or flowrates. There is no new system component being installed, no construction of a new facility, and no performance of a new test or maintenance function. The MVP will continue to function as designed in all required modes of operation. Since these conditions do not change, the proposed changes will not create the possibility of a new or different kind of accident. Retaining requirements for the MVP in the TRM will ensure that appropriate measures and requirements are in place such that any release of radioactive material released from a gross fuel failure will be contained in the Main Condenser and processed through the Offgas System. The elimination of the MSLRM trip and isolation functions as described is only credited in the CRDA analysis and no other event in the safety analysis. The proposed changes are consistent with the revised safety analysis assumptions for a CRDA as described in this license amendment request.

Based on the above discussion, Exelon concludes that the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes eliminate the MSLRM trip and isolation functions from initiating an automatic reactor scram and automatic closure of the MSIVs along with closing of the MSL drain valves, MSL sample line valves, RHR system sample line valves, and Reactor Recirculation loop sample line valves and are justified based on the NRC-approved LTR NEDO–31400A and supporting dose analysis. Retaining requirements for the MVP in the TRM will ensure that appropriate measures and requirements are in place such that any release of radioactive material from a gross fuel failure will be contained in the Main Condenser and processed through the Offgas System.

The proposed changes do not increase system or component pressures, temperatures, or flowrates for systems designed to prevent accidents or mitigate the consequences of an accident. Analyses performed consistent with the PBAPS licensing basis, demonstrate that the removal of the trip and isolation functions as described will not cause a significant reduction in the margin of safety, as the resulting offsite dose consequences are being maintained within regulatory limits. The proposed changes do not exceed or alter a design basis or a safety limit for a parameter to be described or established in the Updated Final Safety Analysis Report (UFSAR) or the Renewed Facility Operating License (FOL).

As a result, Exelon concludes that the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for Licensee: J. Bradley Fewell, Esquire, Vice President and Deputy General Counsel, Exelon Generation Company, LLC, 200 Exelon Way, Kennett Square, PA 19348.

NRC Branch Chief: Meena K. Khanna.

NextEra Energy Point Beach, LLC, Docket Nos. 50–266 and 50–301, Point Beach Nuclear Plant, Units 1 and 2, Town of Two Creeks, Manitowac County, Wisconsin

Date of amendment request: July 2, 2014. A publicly-available version is in ADAMS under Accession No. ML14183A944.

Description of amendment request: The proposed amendment would modify the technical specifications (TSs) to address U.S. Nuclear Regulatory Commission (NRC) Generic Letter 2008–01, ''Managing Gas Accumulation in Emergency Core Cooling, Decay Heat Removal, and Containment Spray Systems,'' by adoption of Technical Specifications Task Force (TSTF) Traveler TSTF–523, ''Generic Letter 2008–01, Managing Gas Accumulation,'' Revision 2. The proposed change revises and adds TS surveillance requirements (SRs) to verify that the system locations susceptible to gas accumulation are sufficiently filled with water and to provide allowances which permit performance of the verification.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is provided below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises and adds SRs that require verification that the Emergency Core Cooling System (ECCS), Residual Heat Removal (RHR) System, and the Containment Spray System are not rendered inoperable due to accumulated gas and to provide allowances which permit performance of the revised verification. Gas accumulation in the subject systems is not an initiator of any accident previously evaluated. As a Result, the probability of any accident previously evaluated is not significantly increased. The proposed SRs ensure that the subject systems continue to be capable of performing their assumed safety function and are not rendered inoperable due to gas accumulation. Thus, the consequences of an accident previously evaluated are not significantly increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change revises and adds SRs that require verification that the ECCS, RHR System, and Containment Spray System are not rendered inoperable due to accumulated gas and to provide allowances which permit performance of the revised verification. The proposed change does not involve a physical alternation of the plant (i.e., no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the proposed change does not impose any new or different requirements that could initiate an accident. The proposed change does not alter assumptions made in the safety analysis and is consistent with the safety analysis assumptions.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change revises or adds SRs that require verification that the ECCS, RHR System, and Containment Spray System are not rendered inoperable due to accumulated gas and to provide allowances which permit performance of the revised verification. The proposed change adds new requirements to manage gas accumulation in order to ensure that the subject systems are capable of performing their assumed safety functions. The proposed SRs are more comprehensive that the current SRs and will ensure that the assumptions of the safety analysis are protected. The proposed change does not adversely affect any current plant safety margins or the reliability of the equipment assumed in the safety analysis. Therefore, there are no changes being made to any safety analysis assumptions, safety limits, or limiting safety system settings that would adversely affect plant safety as a result of the proposed change.

Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William Blair, Managing Attorney—Nuclear, Florida Power & Light Company, P.O. Box 14000, 700 Universe Boulevard, Juno Beach, FL 33408–0420.

NRC Branch Chief: David L. Pelton.

NextEra Energy Point Beach, LLC, Docket Nos. 50–266 and 50–301, Point Beach Nuclear Plant, Units 1 and 2, Town of Two Creeks, Manitowac County, Wisconsin

Date of amendment request: July 3, 2014. A publicly-available version is in ADAMS under Accession No. ML14190A267.

Description of amendment request: The proposed amendment would modify the technical specifications (TSs) by relocating specific surveillances to a licensee-controlled program by adoption of Technical Specifications Task Force (TSTF) Traveler TSTF–425, Revision 3, ''Relocate Surveillance Frequencies to Licensee Control—Risk Informed Technical Specification Task Force (RITSTF) Initiative 5B.'' The proposed change would also add a new program, the Surveillance Frequency Control Program, to TS Section 5.0, ''Administrative Controls,'' Subsection 5.5, ''Programs and Manuals.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is provided below:

1. Does the proposed change involve a significant increase in the probability or consequences of any accident previously evaluated?

Response: No.

The proposed change relocates the specified frequencies for periodic surveillance requirements to licensee control under a new Surveillance Frequency Control Program. Surveillance frequencies are not an initiator to any accident previously evaluated. As a result, the probability of any accident previously evaluated is not significantly increased. The systems and components required by the technical specifications for which the surveillance frequencies are relocated are still required to be operable, meet the acceptance criteria for the surveillance requirements, and be capable of performing any mitigation function assumed in the accident analysis. As a result, the consequences of any accident previously evaluated are not significantly increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

No new or different accidents result from utilizing the proposed change. The changes do not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the changes do not impose any new or different requirements. The changes do not alter assumptions made in the safety analysis assumptions and current plant operating practice.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in the margin of safety?

Response: No.

The design, operation, testing methods, and acceptance criteria for systems, structures, and components (SSCs), specified in applicable codes and standards (or alternatives approved for use by the NRC) will continue to be met as described in the plant licensing basis (including the final safety analysis report and bases to TS), since these are not affected by changes to the surveillance frequencies. Similarly, there is no impact to safety analysis acceptance criteria as described in the plant licensing basis. To evaluate a change in the relocated surveillance frequency, NextEra will perform a probabilistic risk evaluation using the guidance contained in NRC-approved NEI 04–10, Revision 1, in accordance with the TS Surveillance Frequency Control Program. NEI 04–10, Revision 1, methodology provides reasonable acceptance guidelines and methods for evaluating the risk increase of proposed changes to surveillance frequencies consistent with Regulatory Guide (RG) 1.177.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William Blair, Managing Attorney—Nuclear, Florida Power & Light Company, P.O. Box 14000, 700 Universe Boulevard, Juno Beach, FL 33408–0420.

NRC Branch Chief: David L. Pelton.

South Carolina Electric and Gas Company Docket Nos. 52–027 and 52–028, Virgil C. Summer Nuclear Station (VCSNS) Units 2 and 3, Fairfield County, South Carolina

Date of amendment request: September 25, 2014. A publicly-

available version is in ADAMS under Accession No. ML14268A388.

Description of amendment request: The proposed changes would revise the Combined Licenses (COLs) by increasing the tolerances listed for four concrete thicknesses in COL Appendix C and plant-specific Tier 1 Table 3.3–1, ''Definition of Wall Thicknesses for Nuclear Island Buildings, Turbine Building, and Annex Building,'' from ±1″ to ±1¼″ for one wall and from ±1″ to ±1⅝″ for the remaining three walls.

Because, this proposed change requires a departure from Tier 1 information in the Westinghouse Advanced Passive 1000 Design Control Document (DCD), the licensee also requested an exemption from the requirements of the Generic DCD Tier 1 in accordance with 52.63(b)(1).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

As indicated in the Updated Final Safety Analysis Report Subsection 3.8.3.1, the containment internal structures and associated modules support the reactor coolant system components and related piping systems and equipment. The increase in tolerance associated with the concrete thickness of four of these containment internal structure walls do not involve any accident initiating components or events, thus leaving the probabilities of an accident unaltered. The increased tolerance does not adversely affect any safety-related structures or equipment nor does the increased tolerance reduce the effectiveness of a radioactive material barrier. Thus, the proposed changes would not affect any safety-related accident mitigating function served the containment internal structures.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed tolerance increases do not change the performance of the affected containment internal structures. As demonstrated by the continued conformance to the applicable codes and standards governing the design of the structures, the walls with an increased concrete thickness tolerance continue to withstand the same effects as previously evaluated. There is no change to the design function of the affected modules and walls, and no new failure mechanisms are identified as the same types of accidents are presented to the walls before and after the change.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change to increase the concrete thickness tolerance does not alter any design code compliance, design function, design analysis, or safety analysis input or result. As such, because the system continues to respond to design basis accidents in the same manner as before without any changes to the expected response of the structure, no safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes. Accordingly, no safety margin is reduced by the increase of the wall concrete thickness tolerance.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Kathryn M. Sutton, Morgan, Lewis & Bockius LLC, 1111 Pennsylvania Avenue NW., Washington, DC 20004–2514.

NRC Branch Chief: Lawrence J. Burkhart.

Southern Nuclear Operating Company, Inc., Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: August 14, 2014. A publicly-available version is in ADAMS under Accession No. ML14227A707.

Description of amendment request: The proposed change would amend Combined License Nos. NPF–91 and NPF–92 for the Vogtle Electric Generating Plant (VEGP) Units 3 and 4. The requested amendment proposes changes to revise the VEGP Updated Final Safety Analysis Report (UFSAR), involving Tier 1 and associated Tier 2 departures that address the removal of an unneeded supply line from the Compressed and Instrument Air System (CAS) to the generator breaker package.

Because this proposed change requires a departure from Tier 1 information in the Westinghouse Advanced Passive 1000 design control document (DCD), the licensee also requested an exemption from the requirements of the Generic DCD Tier 1 in accordance with 52.63(b)(1).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change deletes a nonsafety-related air supply line to the (main) generator circuit breaker (GCB) from the CAS. The proposed changes do not involve any accident initiating component/system failure or event, thus the probabilities of the accidents previously evaluated are not affected. The affected equipment does not affect or interact with safety-related equipment or a radioactive material barrier, and this activity does not involve the containment of radioactive material. Thus, the proposed changes would not affect any safety-related accident mitigating function. The radioactive material source terms and release paths used in the safety analyses are unchanged, thus the radiological releases in the UFSAR accident analyses are not affected.

Therefore, the proposed amendment does not involve an increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change deletes a nonsafety-related air supply line to the GCB from CAS. No structure, system or component (SSC) or design function is affected, thus no equipment whose failure could initiate an accident is involved. No new interface with components that contain radioactive material is created. The proposed change does not create a new fault or sequence of events that could result in a radioactive material release.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change deletes a nonsafety-related air supply line to the GCB from CAS. The proposed changes do not affect any safety-related equipment or function. The UFSAR Chapters 6 and 15 analyses are not affected. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes, thus a margin of safety is not directly nor indirectly affected.

Therefore, the proposed amendment does not reduce the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Lawrence J. Burkhart.

III. Previously Published Notices of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Exelon Generation Company, LLC, Docket No. 50–244, R.E. Ginna Nuclear Power Plant, Wayne County, New York

Date of amendment request: August 14, 2013, as supplemented by letter dated May 14, 2014. Publicly-available versions are available in ADAMS under Accession Nos. ML13228A265, and ML14139A342, respectively.

Brief description of amendment request: The amendment would modify the R.E. Ginna Nuclear Power Plant (Ginna) facility operating license, in accordance with § 50.90 and as required under Order EA–13–092. The amendment would also modify the license to reflect a grant of Section 161A of the Atomic Energy Act, to permit the licensee's security personnel to possess and use weapons, devices, ammunition, or other firearms, notwithstanding state, local, and certain federal firearms laws that may prohibit such use. The NRC refers to this authority as ''stand-alone preemption authority.'' The licensee is seeking stand-alone preemption authority for standard weapons presently in use at the Ginna facility in accordance with the Ginna security plans.

*Date of publication of individual notice in **Federal Register**:* October 27, 2014 (79 FR 63951).

Expiration date of individual notice: November 26, 2014, for public comments; December 26, 2014, for hearing requests.

Exelon Generation Company, LLC, Docket Nos. 50–220 and 50–410, Nine Mile Point Nuclear Station, Units 1 and 2, Oswego County, New York

Date of amendment request: August 14, 2013, as supplemented by letter dated May 14, 2014. Publicly-available versions are available in ADAMS under Accession Nos. ML13228A265, and ML14139A342, respectively.

Brief description of amendment request: The amendment would modify the Nine Mile Point Nuclear Station, Units 1 and 2 (Nine Mile Point) facility operating licenses, in accordance with § 50.90 and as required under Order EA–13–092. The amendment would also modify the license to reflect a grant of Section 161A of the Atomic Energy Act, to permit the licensee's security personnel to possess and use weapons, devices, ammunition, or other firearms, notwithstanding state, local, and certain federal firearms laws that may prohibit such use. The NRC refers to this authority as ''stand-alone preemption authority.'' The licensee is seeking stand-alone preemption authority for standard weapons presently in use at the Nine Mile Point facility in accordance with the Nine Mile Point security plans.

*Date of publication of individual notice in **Federal Register**:* October 27, 2014, (79 FR 63951).

Expiration date of individual notice: November 26, 2014, for public comments; December 26, 2014, for hearing requests.

IV. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

Duke Energy Carolinas, LLC, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of application of amendments: May 20, 2014.

Brief description of amendments: The amendments are administrative in nature to revise obsolete information that no longer pertains to the Technical Specifications related to the Reactor Protective System, the Engineered Safeguards Protective System, the Low Pressure Service Water Reactor Building Waterhammer Prevention Circuitry, and the Emergency Condenser Circulating Water System.

Date of Issuance: October 21, 2014.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment Nos.: Unit 1, 388; Unit 2, 390; Unit 3, 389. A publicly-available version is in ADAMS under Accession No. ML14195A355; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–38, DPR–47, and DPR–55: Amendments revised the licenses and the technical specifications.

*Date of initial notice in **Federal Register***: August 5, 2014 (79 FR 45473).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 21, 2014.

No significant hazards consideration comments received: No.

Entergy Nuclear Operations, Inc., Docket No. 50–255, Palisades Nuclear Plant, Van Buren County, Michigan

Date of amendment request: December 11, 2013.

Brief description of amendment: The amendment revises technical specification (TS) requirements to add a new Limiting Condition for Operation (LCO) Applicability requirement, LCO 3.0.9. The LCO establishes conditions under which TS systems would remain operable when required physical barriers are not capable of providing their related support function. The amendment is consistent with NRC-approved Technical Specification Task Force (TSTF) Standard Technical Specifications (STS) change TSTF–427, ''Allowance for Non-Technical Specification Barrier Degradation on Supported System OPERABILITY,'' Revision 2, using the consolidated line item improvement process.

Date of issuance: October 22, 2014.

Effective date: As of the date of issuance and shall be implemented within 90 days.

Amendment No.: 252. A publicly-available version is in ADAMS under Accession No. ML13345B160; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–20: Amendment revised the Renewed Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register***: March 18, 2014 (79 FR 15148).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 22, 2014.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Units 1 and 2, Will County, Illinois; Docket Nos. STN 50–454 and STN 50–455, Byron Station, Units 1 and 2, Ogle County, Illinois

Date of application for amendment: March 18, 2014.

Brief description of amendment: The amendment revises Technical Specifications (TS) 3.4.15, ''RCS [Reactor Coolant System] Leakage Detection Instrumentation,'' to define a new time limit for restoring inoperable RCS leakage detection instrumentation to operable status and establish alternate methods of monitoring RCS leakage when one or more required monitors are inoperable. The changes are consistent with NRC-approved Revision 3 to Technical Specification Task Force (TSTF) Improved Standard Technical Specification (STS) Change Traveler TSTF–513, ''Revise PWR [pressurized-water reactor] Operability Requirements and Actions for RCS Leakage Instrumentation.'' The availability of this TS improvement was announced in the **Federal Register** on January 3, 2011 (76 FR 189), as part of the consolidated line item improvement process.

Date of issuance: October 20, 2014.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment Nos.: 179/185. A publicly-available version is in ADAMS under Accession No. ML14253A508; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. NPF–72, NPF–77, NPF–37, and NPF–66: The amendments revised the Technical Specifications and License.

Date of initial notice in ***Federal Register****:* June 24, 2014 (79 FR 35804).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 20, 2014.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Units 1 and 2, Calvert County, Maryland

Date of amendment request: October 31, 2013.

Brief description of amendments: The amendments revise Technical Specification (TS) 5.5.9, ''Steam Generator (SG) Program,'' and TS 5.6.9, ''Steam Generator Tube Inspection Report,'' to address implementation issues associated with the inspection periods. The amendments also revised TS 3.4.18, ''Steam Generator (SG) Tube Integrity,'' for administrative purposes. The revisions are consistent with Commission-approved Technical Specifications Task Force Standard Technical Specifications Change Traveler 510, Revision 2, ''Revision to Steam Generator Program Inspection Frequencies and Tube Sample Selection.''

Date of issuance: October 29, 2014.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment Nos.: 308 and 286. A publicly-available version is in ADAMS under Accession No. ML14288A102; documents related to this these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–53 and DPR–69: The amendments revised the License and TSs.

Date of initial notice in ***Federal Register****:* July 22, 2014 (79 FR 42547).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 29, 2014.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Units 1 and 2, Calvert County, Maryland

Date of amendment request: October 16, 2012, as supplemented by letters dated July 12, 2013, May 30, 2014, and September 3, 2014.

Brief description of amendments: The amendment revised Technical Specification (TS) 3.8.1, ''AC [Alternating Current] Sources-Operating,'' by adding Surveillance Requirement (SR) 3.8.1.17, and modifying SRs 3.8.1.8, 3.8.1.11, and 3.8.2.1. The revisions are related to diesel generator (DG) testing duration, loading requirements, and frequency of DG sequencer testing.

Date of issuance: October 21, 2014.

Effective date: As of the date of issuance and shall be implemented within 30 days after the end of the 2015 refueling outage.

Amendment Nos.: 307 and 285. A publicly-available version is in ADAMS under Accession No. ML14280A522; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–53 and DPR–69: The amendments revised the Licenses and TSs.

Date of initial notice in ***Federal Register****:* March 4, 2013 (78 FR 14130). The supplemental letters dated July 12, 2013, May 30, 2014, and September 3, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 21, 2014.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Units 1 and 2, Calvert County, Maryland

Date of amendment request: October 2, 2012, as supplemented by letters dated November 26, 2012, July 1, 2013, February 7, 2014, and October 3, 2014.

Brief description of amendment: The amendments revised Technical Specification (TS) 3.8.3, ''Diesel Fuel Oil'' by removing the current stored diesel fuel oil numerical volume requirements from the TSs and replacing them with diesel generator (DG) operating time requirements consistent with NRC staff approved Technical Specifications Task Force Standard Technical Specifications Traveler 501, Revision 1, ''Relocate Stored Fuel Oil and Lube Oil Volume Values to Licensee Control.'' The amendments also revised TS 3.8.1, ''AC [alternating current] Sources-Operating,'' by replacing the specific DG day tank fuel oil numerical volume requirements with the requirement to maintain greater than or equal to a 1-hour supply of fuel oil.

Date of issuance: October 21, 2014.

Effective date: As of the date of issuance to be implemented within 60 days.

Amendment Nos.: 306 and 284. A publicly-available version is in ADAMS under Accession No. ML14239A491; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–53 and DPR–69: The amendments revised the Licenses and TSs.

*Date of initial notice in **Federal Register**:* March 4, 2013 (78 FR 14130). The supplemental letters dated November 26, 2012, July 1, 2013, February 7, 2014, and October 3, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 21, 2014.

No significant hazards consideration comments received: No.

Northern States Power Company—Minnesota, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of amendment request: October 30, 2012, as supplemented by letters dated May 16, 2013, June 7, 2013, March 13, 2014, and May 30, 2014.

Brief description of amendment: The amendment revises the Renewed Facility Operating License and Technical Specifications (TSs) to reflect fuel storage system changes; a revised criticality safety analysis that addresses legacy fuel types, in addition to the planned use of AREVA ATRIUM™ 10XM fuel design; and adds a new TS 5.5.14, ''Spent Fuel Pool Boral Monitoring Program,'' for assuring that the spent fuel pool storage rack neutron absorber material (Boral) continues to meet the minimum requirements assumed in the criticality safety analysis.

Date of issuance: October 24, 2014.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment No.: 182. A publicly-available version is in ADAMS under Accession No. ML14197A020; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–22: This amendment revises the Renewed Facility Operating License and the Technical Specifications.

*Date of initial notice in **Federal Register**:* June 11, 2013 (78 FR 35063). The supplemental letters dated May 16, 2013, June 7, 2013, and March 13, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**. The Commission issued a revised no significant hazards consideration on June 24, 2014 (79 FR 35805), to consider the aspects of the new Boral monitoring program in TS 5.5.14 proposed in the May 30, 2014, supplemental letter.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 24, 2014.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Appling County, Georgia

Date of application for amendments: March 24, 2014, as supplemented July 23, 2014.

Brief description of amendments: The amendments revise the Technical Specification (TS) Reactor Core Safety Limits 2.1.1.1 and 2.1.1.2 reactor steam dome pressure from 785 to 685 pounds per square inch guage (psig).

Date of issuance: October 20, 2014.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment Nos.: Unit 1—269 and Unit 2—213. A publicly-available version is in ADAMS under Accession No. ML14276A634; documents related to this these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–57 and NPF–5: Amendments revised the licenses and the Technical Specifications.

*Date of initial notice in **Federal Register**:* June 24, 2014 (79 FR 35806). The supplemental letter dated July 23, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 20, 2014.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 31st day of October 2014.

For the Nuclear Regulatory Commission.

Michele G. Evans,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2014–26556 Filed 11–10–14; 8:45 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

[OPIC Form 252]

Submission for OMB Review; Comments Request

AGENCY: Overseas Private Investment Corporation (OPIC).

ACTION: Notice and request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that the agency has prepared an information collection for OMB review and approval and has requested public review and comment

on the submission. OPIC received no comments in response to the sixty (60) day notice published in **Federal Register** volume 79, number 167, page 51377 on August 28, 2014. The purpose of this notice is to allow an additional thirty (30) days for public comments to be submitted. Comments are being solicited on the need for the information; the accuracy of the Agency's burden estimate; the quality, practical utility, and clarity of the information to be collected; and ways to minimize reporting the burden, including automated collected techniques and uses of other forms of technology.

DATES: Comments must be received within thirty (30) calendar-days of publication of this Notice.

ADDRESSES: Copies of the subject form may be obtained from the Agency Submitting Officer.

FOR FURTHER INFORMATION CONTACT: OPIC Agency Submitting Officer: Essie Bryant, Record Manager, Overseas Private Investment Corporation, 1100 New York Avenue NW., Washington, DC 20527; (202) 336–8563.

Summary Form Under Review

Type of Request: New form.

Title: U.S. Effects Screening Questionnaire.

Form Number: OPIC–252.

Frequency of Use: One per investor per project (as needed) and OPIC-supported financial intermediaries (as required by finance agreement or insurance contract).

Type of Respondents: Businesses or other institutions; individuals.

Description of Affected Public: Companies investing overseas.

Reporting Hours: 37.5 hours (.5 hours per project).

Number of Responses: 75 per year.

Federal Cost: $0.

Authority for Information Collection: Sections 231 and 239(d) of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): The Aligned Capital Investee Opt-In is a document used by companies seeking investments or grant funding to place their information into OPIC's Aligned Capital Program. The Aligned Capital Program is a pilot program that OPIC has designed to align development finance with other capital, including philanthropic, socially responsible and impact investment, to enable effective deployment of that capital towards projects in the countries and sectors in which OPIC works.

Dated: November 3, 2014.

Nichole Cadiente,

Administrative Counsel, Administrative Affairs, Department of Legal Affairs.

[FR Doc. 2014–26549 Filed 11–10–14; 8:45 am]

BILLING CODE M

OVERSEAS PRIVATE INVESTMENT CORPORATION

Submission for OMB Review; Comments Request

AGENCY: Overseas Private Investment Corporation (OPIC).

ACTION: Notice and request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that the agency has prepared an information collection for OMB review and approval and has requested public review and comment on the submission. OPIC received no comments in response to the sixty (60) day notice published in **Federal Register** volume 79, number 167, page 51377 on August 28, 2014. The purpose of this notice is to allow an additional thirty (30) days for public comments to be submitted. Comments are being solicited on the need for the information; the accuracy of the Agency's burden estimate; the quality, practical utility, and clarity of the information to be collected; and ways to minimize reporting the burden, including automated collected techniques and uses of other forms of technology.

DATES: Comments must be received within thirty (30) calendar-days of publication of this Notice.

ADDRESSES: Copies of the subject form may be obtained from the Agency Submitting Officer.

FOR FURTHER INFORMATION CONTACT: OPIC Agency Submitting Officer: Essie Bryant, Record Manager, Overseas Private Investment Corporation, 1100 New York Avenue NW., Washington, DC 20527; (202) 336–8563.

Summary Form Under Review

Type of Request: New form.

Title: Personal Financial Statement.

Form Number: OPIC–254.

Frequency of Use: Up front—one per individual investor/guarantor per project.

Type of Respondents: individuals.

Standard Industrial Classification Codes: N/A.

Standard Industrial Classification Codes: All.

Description of Affected Public: U.S. companies interested in making investments in companies investing overseas.

Reporting Hours: 16.5 hours (0.33 hours per response).

Number of Responses: 50 per year.

Federal Cost: $0.

Authority for Information Collection: Sections 231 and 239(d) of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): The Aligned Capital Investor Screener is a document used to screen potential investors interested in participating in OPIC's Aligned Capital Program and, if they qualify, to place their information into the program. The Aligned Capital Program is a pilot program that OPIC has designed to align development finance with other capital, including philanthropic, socially responsible and impact investment, to enable effective deployment of that capital towards projects in the countries and sectors in which OPIC works. In order to participate, investors must be U.S. entities and meet the additional specified criteria.

Dated: November 3, 2014.

Nichole Cadiente,

Administrative Counsel, Administrative Affairs, Department of Legal Affairs.

[FR Doc. 2014–26553 Filed 11–10–14; 8:45 am]

BILLING CODE M

OVERSEAS PRIVATE INVESTMENT CORPORATION

Submission for OMB Review; Comments Request

AGENCY: Overseas Private Investment Corporation (OPIC).

ACTION: Notice and request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that the agency has prepared an information collection for OMB review and approval and has requested public review and comment on the submission. OPIC received no comments in response to the sixty (60) day notice published in **Federal Register** volume 79, number 168, page 51626 on August 29, 2014. The purpose of this notice is to allow an additional thirty (30) days for public comments to be submitted. Comments are being solicited on the need for the information; the accuracy of the Agency's burden estimate; the quality, practical utility, and clarity of the information to be collected; and ways to

minimize reporting the burden, including automated collected techniques and uses of other forms of technology.

DATES: Comments must be received within thirty (30) calendar days of publication of this Notice. OPIC plans to implement this form in Dec 2013/Jan 2014.

ADDRESSES: Copies of the subject form may be obtained from the Agency Submitting Officer.

FOR FURTHER INFORMATION CONTACT: OPIC Agency Submitting Officer: Essie Bryant, Records Manager, Overseas Private Investment Corporation, 1100 New York Avenue NW., Washington, DC 20527; (202) 336–8563.

Summary Form Under Review

Type of Request: New form.

Title: Aligned Capital Investor Screener.

Form Number: OPIC–253.

Frequency of Use: Once per investor.

Type of Respondents: Foundations, non-profit entities, investment fund managers, investment companies, U.S. Government Agencies.

Description of Affected Public: U.S. and foreign citizens investing in projects overseas.

Reporting Hours: 75 hours (1 hour per response).

Number of Responses: 75 per year.

Federal Cost: $3,819.

Authority for Information Collection: Sections 231, 234(a), 239(d), and 240A of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): The personal financial statement is supporting documentation to the OPIC application for financing (OPIC–115). The information provided is used by OPIC to determine if individuals who are providing equity investment in or credit support to a project have sufficient financial wherewithal to meet their expected obligations under the proposed terms of the OPIC financing.

Dated: November 3, 2014.

Nichole Cadiente,

Administrative Counsel, Administrative Affairs, Department of Legal Affairs.

[FR Doc. 2014–26550 Filed 11–10–14; 8:45 am]

BILLING CODE M

OVERSEAS PRIVATE INVESTMENT CORPORATION

Submission for OMB Review; Comments Request

AGENCY: Overseas Private Investment Corporation (OPIC).

ACTION: Notice and request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that the agency has prepared an information collection for OMB review and approval and has requested public review and comment on the submission. OPIC received no comments in response to the sixty (60) day notice published in **Federal Register** volume 79, number 167, page 51377 on August 28, 2014. The purpose of this notice is to allow an additional thirty (30) days for public comments to be submitted. Comments are being solicited on the need for the information; the accuracy of the Agency's burden estimate; the quality, practical utility, and clarity of the information to be collected; and ways to minimize reporting the burden, including automated collected techniques and uses of other forms of technology.

DATES: Comments must be received within thirty (30) calendar-days of publication of this Notice. OPIC plans to implement this form in Dec 2013/Jan 2014.

ADDRESSES: Copies of the subject form may be obtained from the Agency Submitting Officer.

FOR FURTHER INFORMATION CONTACT: OPIC Agency Submitting Officer: Essie Bryant, Records Manager, Overseas Private Investment Corporation, 1100 New York Avenue NW., Washington, DC 20527; (202) 336–8563.

Summary Form Under Review

Type of Request: New form.

Title: Aligned Capital Investee Opt-In.

Form Number: OPIC–255.

Frequency of Use: Once per investor per project.

Type of Respondents: Business or other institution.

Standard Industrial Classification Codes: All.

Standard Industrial Classification Codes: All.

Description of Affected Public: U.S. companies or citizens investing overseas.

Reporting Hours: 200 (2 hours per form).

Number of Responses: 100 per year.

Federal Cost: $15,276.

Authority for Information Collection: Sections 231(k)–(m) of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): The U.S. Effects Screening Questionnaire will be used to identify potential negative impacts on the U.S. economy and employment which could result from the investment. This form is submitted prior to a formal OPIC application or as required by OPIC-supported financial intermediaries. Title VI of the Foreign Assistance Act of 1961, as amended, (codified at 22 U.S.C. § 2191 et seq.) prohibits OPIC from supporting investments that are likely to cause the loss of U.S. jobs, or that have performance requirements that may reduce substantially the positive trade benefits likely to accrue to the U.S. from the investment.

Dated: November 3, 2014.

Nichole Cadiente,

Administrative Counsel, Department of Legal Affairs.

[FR Doc. 2014–26555 Filed 11–10–14; 8:45 am]

BILLING CODE M

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Notice Meeting

TIME AND DATE: 2:00 p.m., Wednesday, December 3, 2014.

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue NW., Washington, DC.

STATUS: Hearing OPEN to the Public at 2:00 p.m.

PURPOSE: Public Hearing in conjunction with each meeting of OPIC's Board of Directors, to afford an opportunity for any person to present views regarding the activities of the Corporation.

PROCEDURES:

Individuals wishing to address the hearing orally must provide advance notice to OPIC's Corporate Secretary no later than 5 p.m. Tuesday, November 25, 2014. The notice must include the individual's name, title, organization, address, and telephone number, and a concise summary of the subject matter to be presented.

Oral presentations may not exceed ten (10) minutes. The time for individual presentations may be reduced proportionately, if necessary, to afford all participants who have submitted a timely request an opportunity to be heard.

Participants wishing to submit a written statement for the record must submit a copy of such statement to OPIC's Corporate Secretary no later than 5 p.m. Tuesday, November 25, 2014. Such statement must be typewritten, double spaced, and may not exceed twenty-five (25) pages.

Upon receipt of the required notice, OPIC will prepare an agenda, which will be available at the hearing, that

identifies speakers, the subject on which each participant will speak, and the time allotted for each presentation.

A written summary of the hearing will be compiled, and such summary will be made available, upon written request to OPIC's Corporate Secretary, at the cost of reproduction.

Written summaries of the projects to be presented at the December 11, 2014 Board meeting will be posted on OPIC's Web site on or about November 21, 2014.

CONTACT PERSON FOR INFORMATION: Information on the hearing may be obtained from Connie M. Downs at (202) 336–8438, via facsimile at (202) 408–0297, or via email at *Connie.Downs@opic.gov.*

Dated: November 7, 2014.

Connie M. Downs,

OPIC Corporate Secretary.

[FR Doc. 2014–26826 Filed 11–7–14; 11:15 am]

BILLING CODE 3210–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, November 13, 2014 at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Aguilar, as duty officer, voted to consider the items listed for the Closed Meeting in closed session.

The subject matter of the Closed Meeting will be:

Institution and settlement of injunctive actions;

Institution settlement of administrative proceedings;

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: November 6, 2014.

Brent J. Fields,

Secretary.

[FR Doc. 2014–26818 Filed 11–7–14; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73529; File No. SR–NYSEARCA–2014–128]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Proposing To Amend NYSE Arca Equities Rule 7.44(j) To Delete Reference to the Exchange's Proprietary Data Feed When Disseminating the Retail Liquidity Identifier

November 5, 2014.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on October 28, 2014, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to revise [sic] to amend NYSE Arca Equities Rule 7.44(j) to delete reference to the Exchange's proprietary data feed. 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to amend NYSE Arca Equities Rule 7.44 (''Rule 7.44''), which governs the Exchange's Retail Liquidity Program (''Program'') and is currently operating as a pilot, to delete reference to the Exchange's proprietary data feed in Rule 7.44(j).

Rule 7.44(j) currently provides, that ''[a]n identifier shall be disseminated through the Consolidated Quotation System, the UTP Quote Data Feed, and the Exchange's proprietary data feed when RPI interest priced at least $0.001 better than the PBB or PBO for a particular security is available in Exchange systems ('Retail Liquidity Identifier').'' When the Exchange implemented the Program, it filed a rule proposal that specified that in connection with the implementation of the Program, the Exchange would begin disseminating the Retail Liquidity Identifier referenced in Rule 7.44(j) through the Consolidated Quotation System and the UTP Quote Data Feed (the ''public data feeds''). However, because of the differing technology associating with disseminating data via the Exchange's proprietary data feed, the Exchange was not be able to disseminate the Retail Liquidity Identifier via the Exchange's proprietary data feed on the initial implementation date of the Program. Accordingly, the Exchange proposed a separate implementation date for disseminating the Retail Liquidity Identifier via the Exchange's proprietary data feed and would have announced that date via Trader Update.[4]

Because the Exchange does not have technology currently available to disseminate the Retail Liquidity Identifier over the Exchange's proprietary data feed, the Exchange proposes to amend Rule 7.44(j) to delete the reference to the Exchange's proprietary data feed. If the Exchange at a later date has the technology to disseminate the Retail Liquidity Indicator over its proprietary data feed, the Exchange will file a separate rule

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 71960 (April 17, 2014), 79 FR 22746 (April 23, 2014) (SR–NYSEArca–2014–38).

proposal pursuant to Rule 19(b)(1) of the Act[5] to amend Rule 7.44(j) to add back the reference to the proprietary data feeds. The Exchange believes that deleting the reference to the proprietary data feed in Rule 7.44 provides transparency in Exchange rules regarding over what data feeds the Retail Liquidity Indicator is available.[6]

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5),[8] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest.

The Exchange believes that deleting reference to the proprietary data feed in Rule 7.44(j) is consistent with the Act because the Retail Liquidity Identifier has been and will continue to be available via the public data feeds. The Exchange further believes that the proposed rule change would protect investors and the public interest because information about Retail Liquidity Identifiers has been and continues to be available via the public data feeds. Pending the availability of technology to support the dissemination of the Retail Liquidity Indicator over the proprietary data feed, the Exchange believes that it removes impediments to and perfects the mechanism of a free and open market to delete reference to the proprietary data feed in Rule 7.44(j) because it would provide transparency in Exchange rules regarding how the Retail Liquidity Indicator is disseminated.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the Retail Liquidity Identifier has been and will continue to be available via the public data feeds and therefore market participants will have access to information regarding the Retail Liquidity Identifiers.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and Rule 19b–4(f)(6)[10] thereunder because the proposal does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) by its terms, become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest.[11]

A proposed rule change filed under Rule 19b–4(f)(6) normally may not become operative prior to 30 days after the date of filing. However, Rule 19b–4(f)(6)(iii)[12] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay period. The Commission believes that waiver of the 30-day operative delay period is consistent with the protection of investors and the public interest. Specifically, the Commission believes that the proposal would provide clarity to the Exchange's rules and would not affect the dissemination of the Retail Liquidity Identifier. For these reasons, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, and designates the proposed rule change to be operative upon filing with the Commission.[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.[14]

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–2014–128 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–2014–128. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change;

[5] *See* 15 U.S.C. 78s(b)(1).

[6] The Exchange proposes a non-substantive change to Rule 7.44(j) to clarify that the Exchange would disseminate a Retail Liquidity Indicator through the Consolidated Quotation System or UTP Quote Data Feed, as applicable, i.e., that Retail Liquidity Indicators for Tape B symbols would be disseminated over the Consolidated Quotation System and Retail Liquidity Indicators for Tape C symbols would be disseminated over UTP Quote Data Feed, consistent with the Regulation NMS plans governing the respective public data feeds.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6).

[11] In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[12] 17 CFR 240.19b–4(f)(6)(iii).

[13] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] 15 U.S.C. 78s(b)(3)(C).

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–2014–128 and should be submitted on or before December 3, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–26689 Filed 11–10–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73527; File No. SR–NYSE–2014–57]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Update the NYSE Proprietary Market Data Fee Schedule To Reflect the Offering of the NYSE Bonds Market Data Products

November 5, 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 October 29, 2014, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to update the NYSE Proprietary Market Data Fee schedule (''Market Data Fee Schedule'') to reflect the offering of the NYSE Bonds market data products. 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to update the Market Data Fee Schedule to reflect the offering of the NYSE Bonds market data products.

In 2007, the Exchange established NYSE Bonds®, an electronic bond trading platform.[4] Bonds eligible to trade on the NYSE Bonds platform include any debt instrument that is listed on the NYSE and any corporate debt of a listed company of the Exchange or of any wholly-owned subsidiary of a company listed on the Exchange.[5] On NYSE Bonds, firm and executable orders entered by members or sponsored participants are displayed on the order book and executed on a strict price/time priority.

In connection with the establishment of the NYSE Bonds platform, the Exchange created a real-time bond data feed that includes order information, such as time sequence of orders in the NYSE Bonds order book, pricing information for the NYSE Bonds opening, closing and halt auctions, as well as order imbalance information, indicative match prices, and halt messages as described in NYSE Rule 86.[6] This product is now referred to as the NYSE Bonds Depth of Book feed. The Exchange also established the NYSE Bonds BBO feed, a data feed consisting of real-time top-of-book data and the NYSE Bonds Trades Feed, a data feed consisting of real-time last sale prices and sizes.[7] These NYSE Bonds market data feeds are currently offered free of charge.

The Exchange proposes to update the Market Data Fee Schedule to reflect the NYSE Bonds market data products, which will continue to be offered without charge. If the Exchange decides to establish fees for the NYSE Bonds market data products at a later date, it will submit a separate rule filing.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)[8] of the Act, in general, and furthers the objectives of Section 6(b)(5)[9] of the Act, in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest, and it is not designed to permit unfair discrimination among customers, brokers, or dealers. The Exchange believes that adding the NYSE Bonds market data products to the Market Data Fee Schedule will remove impediments to and help perfect a free and open market by providing greater transparency for the Exchange's customers regarding market data products that are available and have been previously filed with the Commission.[10]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because the Exchange is merely adding a reference to the Market Data Fee Schedule for market data products that have been previously filed with the Commission and are offered without charge.[11]

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.

[15] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 55496 (Mar. 20, 2007), 72 FR 14631 (Mar. 28, 2007) (SR–NYSE–2006–37).

[5] *See* NYSE Rule 86.

[6] *See supra* note 4.

[7] *See supra* note 4. Because NYSE Bonds is a purely order-driven system, the Exchange does not disseminate any quote information on a particular bond if there are no orders posted in the book for such bond.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] *See supra* note 4.

[11] *Id.*

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule 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 if consistent with the protection of investors and the public interest, provided that the self-regulatory organization has given the Commission written notice of its intent to file 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,[12] the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[13] and Rule 19b–4(f)(6) thereunder.[14]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[15] of the Act to determine whether the proposed rule change should be approved or disapproved.

A proposed rule change filed under Rule 19b–4(f)(6)[16] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[17] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange believes that waiving the 30-day delay is consistent with the protection of investors and the public interest because it would permit the Exchange to more promptly update its Market Data Fee Schedule about free product offerings, thereby promoting transparency regarding already-filed market data products. The Commission agrees and has determined to waive the five-day pre-filing requirement and the 30-day operative date so that the proposal may take effect upon filing.[18]

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–NYSE–2014–57 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2014–57. 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 will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2014–57 and should be submitted on or before December 3, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–26687 Filed 11–10–14; 8:45 am]

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[12] The Exchange has fulfilled this requirement.

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6).

[15] 15 U.S.C. 78s(b)(2)(B).

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73534; File No. SR–ICC–2014–14]

Self-Regulatory Organizations; ICE Clear Credit LLC; Order Approving Proposed Rule Change To Add Rules Related to the Clearing of Standard Western European Sovereign CDS Contracts

November 5, 2014.

I. Introduction

On August 25, 2014, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–ICC–2014–14 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder.[2] The proposed rule change was published for comment in the **Federal Register** on September 4, 2014.[3] The Commission did not receive comments on the proposed rule change. On October 17, 2014, the Commission extended the time period in which to either approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change to December 3, 2014.[4] For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

ICC proposes to amend Chapter 26 of the ICC Clearing Rules (''Rules'') to add Subchapter 26I and to amend the ICC Risk Management Framework to provide for the clearance of Standard Western European Sovereign (''SWES'') credit default swap (''CDS'') contracts, specifically the Republic of Ireland, the Italian Republic, the Portuguese Republic, and the Kingdom of Spain (collectively, the ''SWES Contracts'').

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 34–72941 (Aug. 28, 2014), 79 FR 52794 (Sep. 4, 2014) (SR–ICC–2014–14).

[4] Securities Exchange Act Release No. 34–73384 (Oct. 17, 2014), 79 FR 63453 (Oct. 23, 2014) (SR–ICC–2014–14).

ICC states that the proposed rule change is dependent on the approval and implementation of the proposed rule change contained in ICC rule filing SR–ICC–2014–11,[5] amending the ICC Rules, Restructuring Procedures, and Risk Management Framework to incorporate references to the revised Credit Derivatives Definitions, as published by the International Swaps and Derivatives Association, Inc. (''ISDA'') on February 21, 2014 (the ''2014 ISDA Definitions'') and that SWES Contracts will only be offered on the 2014 ISDA Definitions.[6]

ICC represents that the SWES Contracts have similar terms to the Standard North American Corporate Single Name CDS contracts (''SNAC Contracts'') currently cleared by ICC and governed by Subchapter 26B of the ICC Rules, the Standard Emerging Sovereign CDS contracts (''SES Contracts'') currently cleared by ICC and governed by Subchapter 26D of the ICC Rules, and the Standard European Corporate Single Name CDS contracts (''SDEC Contracts'') currently cleared at ICC and governed by Subchapter 26G of the ICC Rules. Accordingly, ICC states that the proposed rules found in Subchapter 26I largely mirror the ICC Rules for SNAC Contracts in Subchapter 26B, SES Contracts in Subchapter 26D, and SDEC Contracts in Subchapter 26G, with certain modifications that reflect differences in terms and market conventions between those contracts and SWES Contracts.[7] SWES Contracts will be denominated in United States Dollars.

ICC represents that clearing SWES Contracts will not require any changes to ICC's operational procedures, as the SWES Contracts operate similarly to the Standard Emerging European and Middle Eastern Sovereign Single Names, currently cleared by ICC. The addition of the SWES Contracts to ICC's product offering requires risk specific changes to the ICC Risk Management Framework, which are described below.

ICC's Risk Management Framework would be revised to incorporate additional model features designed to generalize the currently established Specific Wrong Way Risk (''SWWR'') Initial Margin requirement. ICC states that the proposed changes to the ICC Risk Management Framework would generalize the SWWR relative to General Wrong Way Risk (''GWWR''), and that this generalization of Wrong Way Risk (''WWR'') is introduced to account for additional risk present in CDS instruments whose reference entities exhibit a high level of correlation with those Clearing Participants clearing the relevant name, or with an entity that is guaranteed by, or affiliated with, those Clearing Participants. ICC states that, accordingly, the offering of SWES Contracts introduces potential GWWR in the form of country/region of domicile WWR. ICC notes that examples of GWWR related to SWES include but are not limited to a Clearing Participant selling protection on its country of domicile, or a European domiciled Clearing Participant selling protection on European sovereign reference entities. To address such risks, ICC proposes to establish an additional Jump To Default Risk (''JTDR'') requirement.

Accordingly, the Risk Management Framework contains revisions to the calculation of the portfolio JTDR requirement. Specifically, the calculations have been updated to incorporate the concept of WWR as described below in reference to the quantitative and qualitative approaches. ICC represents that these proposed revisions would have no material impact on the size of the Guaranty Fund.

ICC's proposed changes adopt a combination of qualitative and quantitative approaches to capture GWWR. Under the revised ICC Risk Management Framework, an additional contribution to the JTDR requirement would be required when Clearing Participants sell protection on SWES reference entities exhibiting a high degree of association with itself (based on a quantitative approach established by ICC to determine the degree of correlation) or by virtue of selling protection on its country of domicile (based on a qualitative approach established by ICC to determine a Clearing Participant's country of domicile).

For the qualitative case (i.e., a Clearing Participant selling protection on its own country of domicile), ICC would require full collateralization of the additional Jump To Default (''JTD'') loss. In determining a Clearing Participants' country of domicile, ICC refers to the International Organization for Standardization (''ISO'') country code for the issuer's ultimate parent country of risk. ICC states that the ISO methodology considers management location, country of primary listing, country of revenue and reporting currency of the issuer.

The quantitative approach applies to the additional risk arising from Clearing Participants selling protection on SWES reference entities, other than the Clearing Participant's country of domicile, on which the Clearing Participant's domicile has a high degree of correlation. If the additional SWES JTD losses and the dependence levels breach specific quantitative threshold amounts, additional GWWR collateralization would be required. The additional collateralization is a function of the level of correlation between the Clearing Participants and the SWES reference entities and will become more conservative as the level of correlation increases.

As a result of these enhancements to the ICC Risk Management Framework, Rule 26D–309 (Acceptance of SES Contracts by ICE Clear Credit), part (c) would be revised to remove language which prohibits the acceptance of Trades for clearance and settlement if at the time of submission or acceptance of the Trade or at the time of novation the Participant submitting the Trade is domiciled in the country of the Eligible Standard Emerging Sovereign (''SES'') Reference Entity for such SES contract. ICC states that the new GWWR methodology will apply to all sovereign contracts cleared by ICC, including SES contracts.

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act[8] directs the Commission to approve a proposed rule change of a self-regulatory organization if the Commission finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such self-regulatory organization. Section 17A(b)(3)(F) of the Act[9] requires, among other things, that the rules of a clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible and, in general, to protect investors and the public interest.

The Commission finds that the proposed revisions to the ICC Rules and Risk Management Framework are consistent with the requirements of

[5] *See* Securities Exchange Act Release No. 34–72701 (Jul. 29, 2014); 79 FR 45565 (Aug. 5, 2014) (SR–ICC–2014–11).

[6] ICC rule filing SR–ICC–2014–11 was approved by the Commission on September 5, 2014. *See* Securities Exchange Act Release No. 34–73007 (Sep. 5, 2014), 79 FR 54331 (Sep. 11, 2014) (SR–ICC–2014–11).

[7] The proposed changes to the ICC Rules are described in further detail in the notice of filing of the proposed rule change. *See supra* note 3.

[8] 15 U.S.C. 78s(b)(2)(C).

[9] 15 U.S.C. 78q–1(b)(3)(F).

Section 17A of the Act[10] and the rules and regulations thereunder applicable to ICC. Specifically, the Commission believes that the proposed rules in Subchapter 26I to allow for the clearance of SWES Contracts, in conjunction with existing ICC Rules and procedures applicable to the clearing of CDS contracts, are designed to promote the prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F) of the Act.[11]

Additionally, the Commission believes that the proposed revisions to ICC's Risk Management Framework to address the wrong way risk associated with clearing SWES Contracts are designed to promote the prompt and accurate clearance and settlement of securities transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, and in general, to protect investors and the public interest, consistent with Section 17A(b)(3)(F) of the Act.[12] Specifically, the proposed changes to the ICC Risk Management Framework would require additional collateralization in the form of initial margin from Clearing Participants that sell protection on SWES reference entities exhibiting a high degree of association with itself or that sell protection on its country of domicile. These proposed margin model enhancements will provide additional resources to ICC to address the credit risks associated with the correlation between the risk of default of an underlying sovereign and the risk of default of a Clearing Participant that has written credit protection through SWES Contracts on such sovereign. Accordingly, the Commission believes that the proposed changes to the Risk Management Framework, in combination with ICC's existing rules and procedures related to margin and guaranty fund, are reasonably designed to meet the requirements of Rules 17Ad–22(b)(1)–(3)[13] related to the measurement and management of credit exposures, margin requirements, and the maintenance of sufficient financial resources required for a registered clearing agency acting as a central counterparty for security-based swaps.

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act[14] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[15] that the proposed rule change (SR–ICC–2014–14) be, and hereby is, approved.[16]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

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[10] 15 U.S.C. 78q–1.

[11] 15 U.S.C. 78q–1(b)(3)(F).

[12] *Id.*

[13] 17 CFR 240.17Ad–22(b)(1)–(3).

[14] 15 U.S.C. 78q–1.

[15] 15 U.S.C. 78s(b)(2).

[16] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73531; File No. SR–ISEGemini-2014–24]

Self-Regulatory Organizations; ISE Gemini, LLC; Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1 Thereto, Relating to a Corporate Transaction Involving Its Indirect Parent

November 5, 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 22, 2014, the ISE Gemini, LLC (the ''Exchange'' or the ''ISE Gemini'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change, as described in Items I and II below, which items have been prepared by the self-regulatory organization. On October 31, 2014, the Exchange filed Amendment No. 1 to the proposal.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the Exchange proposed non-substantive changes to amend Exhibits 5E (Form of Eurex Global Derivatives AG Corporate Resolutions) and 5F (Form of Agreement and Consent by and between Eurex Global Derivatives AG and Eurex Zürich AG) so that the text the Exchange proposes to delete accurately reflects the existing text of the resolutions previously submitted to, and approved by, the Commission.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to make changes to its indirect, non-U.S. upstream ownership structure (the ''Transactions''), in connection with which the Series A Preferred Stock of the Exchange's sole, direct parent, International Securities Exchange Holdings, Inc. (''ISE Holdings''), will be converted to shares of ISE Holdings common stock (the ''Conversion''). In order to consummate the Transactions, including the Conversion, the Exchange proposes to: (i) Amend and restate the Certificate of Designations of Series A Preferred Stock of ISE Holdings (the ''COD''); (ii) amend and restate the Amended and Restated Certificate of Incorporation of ISE Holdings (the ''COI''); and (iii) amend and restate the Second Amended and Restated Trust Agreement (the ''Trust Agreement'') that exists among ISE Holdings, U.S. Exchange Holdings, Inc. (''U.S. Exchange Holdings''), and the Trustees (as defined therein). The Exchange also proposes that certain corporate resolutions and agreements that were previously established or entered into by entities that will cease to be upstream owners of ISE Gemini after the Transactions will no longer be rules of the Exchange. In addition, the Exchange proposes to amend and restate the Amended and Restated Limited Liability Company Agreement of ISE Gemini (''ISE Gemini LLC Agreement'') with respect to distributions. Finally, the Exchange proposes to make a non-substantive, administrative change to the Second Amended and Restated Certificate of Incorporation of U.S. Exchange Holdings (''U.S. Exchange Holdings COI''), the direct U.S. upstream owner of ISE Holdings, to update a reference therein to the Trust Agreement.

The text of the proposed rule change is available at the Commission's Public Reference Room and on the Exchange's Internet Web site at *http://www.ise.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in

sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposal is to make changes to the Exchange's indirect, non-U.S. upstream ownership structure, in connection with which the Series A Preferred Stock of the Exchange's sole, direct parent, ISE Holdings, will be converted to shares of ISE Holdings common stock.[4]

Background

On December 17, 2007, ISE Holdings, the sole, direct parent of the Exchange, became a direct, wholly-owned subsidiary of U.S. Exchange Holdings.[5] U.S. Exchange Holdings is a wholly-owned, direct subsidiary of Eurex Frankfurt AG (''Eurex Frankfurt''). Eurex Frankfurt is a wholly-owned, direct subsidiary of Eurex Zürich AG (''Eurex Zürich''). Eurex Zürich is jointly-owned (50%/50%) by Deutsche Börse AG (''Deutsche Börse'') and Eurex Global Derivatives AG (''EGD''). EGD is a wholly-owned, direct subsidiary of Deutsche Börse.[6] Contemporaneous with becoming a direct, wholly-owned subsidiary of U.S. Exchange Holdings, ISE Holdings issued 100,000 shares of Series A Preferred Stock (''ISE Holdings Preferred'') to Eurex Services GmbH (''ESG'').[7] ESG is a wholly-owned, direct subsidiary of Eurex Frankfurt.

ISE Holdings Stock

Two classes of ISE Holdings stock are currently issued and outstanding: (i) 1,000 shares of common stock (''ISE Holdings Common''), which are held exclusively by U.S. Exchange Holdings—the sole, direct owner of ISE Holdings; and (ii) 100,000 shares of ISE Holdings Preferred, which are held exclusively by ESG. Both U.S. Exchange Holdings and ESG are wholly-owned, direct subsidiaries of Eurex Frankfurt. The ISE Holdings Preferred is provided for in the COD, which was adopted on December 19, 2007.[8] Unlike the ISE Holdings Common, ISE Holdings Preferred generally does not have the right by its terms to vote in the election of the ISE Holdings Board of Directors or on other matters (other than matters affecting the rights, preferences, or privileges of ISE Holdings Preferred or as required by law or as set forth in the COD).[9] These rights generally reside exclusively with the ISE Holdings Common.

The Transactions

The Transactions are designed to: (i) Simplify the indirect ownership structure of the Exchange among the various entities described above; and (ii) create a more efficient capital structure with respect to U.S., German and Swiss laws. The Transactions will not have any effect on ISE Holdings' direct ownership of the Exchange or the operations of the Exchange. Consummation of the Transactions is subject to approval of this proposed rule change by the Commission.[10] In order to effectuate the Transactions, including the Conversion, the following steps are anticipated to occur sequentially:

1. On or about December 19, 2014, Eurex Zürich will sell its 100% ownership in Eurex Frankfurt to Deutsche Börse, whereby Eurex Frankfurt will become a wholly-owned, direct subsidiary of Deutsche Börse;[11]
2. On or about December 21, 2014, Eurex Frankfurt will transfer its 100% ownership in ESG, the sole holder of the ISE Holdings Preferred, to U.S. Exchange Holdings;
3. On or about December 21, 2014, and after completion of Step 2 above, U.S. Exchange Holdings, as the sole, direct owner of ESG, will cause ESG to distribute the ISE Holdings Preferred to U.S. Exchange Holdings;
4. On or about December 22, 2014, Eurex Frankfurt, the sole, direct owner of U.S. Exchange Holdings, will cause U.S. Exchange Holdings to convert the ISE Holdings Preferred into ISE Holdings Common. Each of the 100,000 shares of ISE Holdings Preferred will be converted to one share of ISE Holdings Common. After the Conversion, U.S. Exchange Holdings will continue to hold all of the issued and outstanding shares of ISE Holdings Common (1,000 shares before and 101,000 shares after the Conversion); and
5. On or about December 31, 2014, Eurex Frankfurt will transfer 15% of its ownership in U.S. Exchange Holdings to Deutsche Börse.

As a result of the Transactions, Eurex Zürich and EGD will cease to be Non-U.S. Upstream Owners of the Exchange, as Deutsche Börse will be the sole, direct owner of Eurex Frankfurt, which will directly own 85% of U.S. Exchange Holdings.[12] Deutsche Börse will directly own the remaining 15% of U.S. Exchange Holdings. U.S. Exchange Holdings will remain the sole, direct owner of ISE Holdings. ISE Holdings will also remain the sole, direct owner of the Exchange. The Transactions will not result in any additional person or entity acquiring direct or indirect ownership in the Exchange.

In order to consummate the Transactions in the manner described above, certain administrative amendments will need to be made to the COD, COI and Trust Agreement. The proposed amendments to such documents are as follows:

COD

In order to effect the Conversion, the Exchange proposes to amend certain provisions of the COD, as Section 6(b) of the COD currently provides that the ISE Holdings Preferred is not convertible. Specifically, the Exchange proposes to amend Section 6(b) to provide that each share of ISE Holdings Preferred may, at the option of the holder thereof, be converted into one fully paid and non-assessable share of ISE Holdings Common on the date on which such holder delivers a duly executed notice of conversion to ISE Holdings substantially in the form of a new Annex A attached to the COD.[13]

[4] The Exchange's affiliate, International Securities Exchange, LLC (''ISE''), has submitted a nearly identical proposed rule change. *See* SR–ISE–2014–44. The Commission granted the Exchange's application for registration as a national securities exchange on July 26, 2013. *See* Securities Exchange Act Release No. 70050 (July 26, 2013), 78 FR 46622 (File No. 10–209). The Exchange was originally named ''Topaz Exchange, LLC.''

[5] *See* Securities Exchange Act Release No. 56955 (December 13, 2007), 72 FR 71979 (December 19, 2007) (SR–ISE–2007–101).

[6] *See* Securities Exchange Act Release No. 66834 (April 19, 2012), 77 FR 24752 (April 25, 2012) (SR–ISE–2012–21). Each of Deutsche Börse, Eurex Frankfurt, Eurex Zürich, and EGD is referred to as a ''Non-U.S. Upstream Owner'' and collectively as the ''Non-U.S. Upstream Owners.''

[7] The ISE Holdings Preferred was issued with a par value of $.01 per share to finance, and thereby facilitate the completion of, the 2007 transaction described in SR–ISE–2007–101, *supra* note 5.

[8] *See supra* note 5.

[9] *See* COD, Section 5(a). ISE Holdings Preferred would have certain of such rights, if, for example, ISE Holdings were to (i) file a petition, application, answer or consent seeking reorganization or relief under any applicable bankruptcy law, (ii) formally approve a plan to dissolve or wind up, or (iii) fail to pay all accrued and unpaid ISE Holdings Preferred dividends in any two consecutive calendar years. *See* COD, Section 5(b).

[10] *See infra* notes 13, 14 and 23.

[11] As referenced above, Deutsche Börse is already the 100% indirect owner of Eurex Frankfurt. In addition, Deutsche Börse also is already an approved Non-U.S. Upstream Owner of the Exchange. *See supra* note 6.

[12] In connection with each of their ownership interests in the Exchange, Eurex Zürich and EGD, along with Deutsche Börse, Eurex Frankfurt, U.S. Exchange Holdings, ISE Holdings, and ISE, became parties to an agreement to provide for adequate funding for the Exchange's regulatory responsibilities. The Exchange subsequently became a party to the agreement. Following the completion of the Transactions, each of Eurex Zürich and EGD will cease to be a Non-U.S. Upstream Owner of the Exchange, and as such, will no longer be a party to such agreement.

[13] The proposed amended COD is attached hereto as Exhibit 5A. Section 8 of the COD provides that, with respect to amendments and waivers thereof, except as expressly provided for in the COD, no provision of the COD may be amended, except in a written instrument signed by ISE Holdings and holders of a majority of the ISE Holdings Preferred. Notwithstanding the foregoing, before any

COI

Article FOURTH of the COI currently provides that the total number of shares of all classes of capital stock that ISE Holdings shall have authority to issue is one hundred one thousand (101,000) shares, which shall be divided as follows: One thousand (1,000) shares of ISE Holdings Common, par value $.01 per share, and one hundred thousand (100,000) shares of ISE Holdings Preferred, par value $.01 per share.

In connection with the proposed amendments to the COD, certain provisions of the COI will need to be amended to account for the increase in the authorized number of ISE Holdings Common that will result from the Conversion. Specifically, the Exchange proposes that the number of authorized shares of ISE Holdings Common be increased from 1,000 shares to 101,000 shares (*i.e.,* the existing, issued and outstanding 1,000 shares of ISE Holdings Common plus the additional 100,000 shares of ISE Holdings Common resulting from the Conversion).[14] In addition, the Exchange proposes to maintain the number of authorized ISE Holdings Preferred at 100,000 shares, in the event that ISE Holdings determines to issue ISE Holdings Preferred in the future. As such, the Exchange therefore proposes to increase the total number of authorized ISE Holdings Common and ISE Holdings Preferred from 101,000 shares to 201,000 shares. For the avoidance of doubt, zero shares of ISE Holdings Preferred would be outstanding post-Conversion.

The COI restricts any person, either alone or together with its related persons, from having voting control, either directly or indirectly, over more than 20% of the outstanding capital stock of ISE Holdings (the ''Voting Limit'') and from directly or indirectly owning of record or beneficially more than 40% of the outstanding capital stock of ISE Holdings (or in the case of any Exchange member, acting alone or together with its related persons, from directly or indirectly owning of record or beneficially more than 20% of the outstanding capital stock of ISE Holdings) (the ''Ownership Limit'').[15] For the avoidance of doubt, the Conversion will not implicate the Voting Limit or Ownership Limit, as U.S. Exchange Holdings will continue to own 100% of the ISE Holdings Common before and after the Conversion. Similarly, no new direct or indirect upstream owners of the Exchange or ISE Holdings will result from the Transactions.[16]

Trust Agreement [17]

The Trust Agreement serves four general purposes: (i) To accept, hold and dispose of Trust Shares [18] on the terms and subject to the conditions set forth therein; (ii) to determine whether a Material Compliance Event [19] has occurred or is continuing; (iii) to determine whether the occurrence and continuation of a Material Compliance Event requires the exercise of the Call Option; [20] and (iv) to transfer Deposited Shares from the Trust to the Trust Beneficiary [21] as provided in Section 4.2(h) therein.

The Exchange proposes to amend certain provisions of the Trust Agreement in connection with the Transactions. Specifically, the Exchange proposes to: (i) Update the recitals of the Trust Agreement with respect to the Transactions; (ii) remove references to Eurex Zürich and EGD from the definition of ''Affected Affiliate'' in Section 1.1 of the Trust Agreement; (iii) remove references to EDGA Exchange, Inc. (''EDGA Exchange'') and EDGX Exchange, Inc. (''EDGX Exchange'') from the definition of ''Controlled National Securities Exchange'' in Section 1.1 and update the recitals of the Trust Agreement accordingly; [22] and (iv) remove EGD's address from the notice provisions in Section 8.8 of the Trust Agreement.[23] The proposed amendments to the Trust Agreement are strictly administrative changes to reflect the updated corporate structure resulting from the Transactions (and from legacy transactions as related to EDGA Exchange and EDGX Exchange) and will not affect the mechanisms established by the Trust Agreement for the benefit of the Trust Beneficiary.

amendment to or repeal of any provision of the COD shall be effective, the same shall be submitted to the board of directors of the Exchange, and if the same must be filed with, or filed with and approved by, the Commission before the same may be effective, under Section 19 of the Act and the rules promulgated thereunder, then the same shall not be effective until filed with, or filed with and approved by, the Commission, as the case may be. In addition to the substantive changes, the Exchange proposes to retitle the COD as the ''Amended and Restated'' Certificate of Designations of Series A Preferred Stock of ISE Holdings.

[14] The proposed amended COI is attached hereto as Exhibit 5B. Article FOURTEENTH of the COI provides that, for so long as ISE Holdings shall control, directly or indirectly, the Exchange, or facility thereof, before any amendment to or repeal of any provision of COI shall be effective, the same shall be submitted to the board of directors of the Exchange, and if the same must be filed with, or filed with and approved by, the Commission before the same may be effective, under Section 19 of the Act and the rules promulgated thereunder, then the same shall not be effective until filed with, or filed with and approved by, the Commission, as the case may be. In addition to the substantive changes, the Exchange proposes to retitle the COI as the ''Second'' Amended and Restated Certificate of Incorporation of ISE Holdings and update the date thereof.

[15] *See* COI, Article FOURTH, Section III.

[16] Each of the Non-U.S. Upstream Owners has previously taken appropriate steps to incorporate provisions regarding ownership, jurisdiction, books and records, and other issues related to their control of the Exchange. Specifically, each of the Non-U.S. Upstream Owners has adopted resolutions, which were previously approved by the Commission, to incorporate these concepts with respect to itself, as well as its board members, officers, employees, and agents (as applicable), to the extent that they are involved in the activities of the Exchange. *See* File No. 10–209, *supra* note 4. *See also* discussion below under ''Certain Resolutions and Agreements.''

[17] The Trust Agreement exists among ISE Holdings, U.S. Exchange Holdings, and the Trustees (as defined therein).

[18] Under the Trust Agreement, the term ''Trust Shares'' means either Excess Shares or Deposited Shares, or both, as the case may be. The term ''Excess Shares'' means that a Person obtained an ownership or voting interest in ISE Holdings in excess of certain ownership and voting restrictions pursuant to Article FOURTH of the COI, through, for example, ownership of one of the Non-U.S. Upstream Owners or U.S. Exchange Holdings, without obtaining the approval of the Commission. The term ''Deposited Shares'' means shares that are transferred to the Trust pursuant to the Trust's exercise of the Call Option.

[19] Under the Trust Agreement, the term ''Material Compliance Event'' means, with respect to a Non-U.S. Upstream Owner, any state of facts, development, event, circumstance, condition, occurrence or effect that results in the failure of any of the Non-U.S. Upstream Owners to adhere to their respective commitments under the resolutions (*i.e.,* as referenced in note 16) in any material respect.

[20] Under the Trust Agreement, the term ''Call Option'' means the option granted by the Trust Beneficiary to the Trust to call the Voting Shares as set forth in Section 4.2 therein.

[21] Under the Trust Agreement, the term ''Trust Beneficiary'' means U.S. Exchange Holdings.

[22] EDGA Exchange and EDGX Exchange previously were ''Controlled National Securities Exchanges.'' However, on January 30, 2014 the Commission approved a proposed rule change of EDGA Exchange and EDGX Exchange in connection with the proposed business combination involving their indirect parent company, Direct Edge Holdings LLC, and BATS Global Markets, Inc., the parent company of BATS Exchange, Inc. (''BATS'') and BATS–Y Exchange, Inc. (''BYX''). *See* Securities Exchange Act Release No. 71449 (January 30, 2014), 79 FR 6961 (February 5, 2014) (SR–EDGA–2014–34; SR–EDGX–2014–43). As a result, EDGA Exchange and EDGX Exchange ceased to be ''Controlled National Securities Exchanges.''

[23] The Trust Agreement is attached hereto as Exhibit 5C. Section 8.2 of the Trust Agreement provides, in part, that, for so long as ISE Holdings controls, directly or indirectly, the Exchange, before any amendment or repeal of any provision of the Trust Agreement shall be effective, such amendment or repeal shall be submitted to the board of directors of the Exchange, as applicable, and if such amendment or repeal must be filed with or filed with and approved by the Commission under Section 19 of the Act and the rules promulgated thereunder before such amendment or repeal may be effectuated, then such amendment or repeal shall not be effectuated until filed with or filed with and approved by the Commission, as the case may be. In addition to the substantive changes, the Exchange proposes to retitle the Trust Agreement as the ''Third'' Amended and Restated Trust Agreement and update the date thereof.

Certain Resolutions and Agreements

As described above, each of the Non-U.S. Upstream Owners, including EGD and Eurex Zürich, has previously taken appropriate steps to incorporate provisions regarding ownership, jurisdiction, books and records, and other issues related to their control of the Exchange. Specifically, each of such Non-U.S. Upstream Owners has adopted resolutions, which were previously approved by the Commission, to incorporate these concepts with respect to itself, as well as its board members, officers, employees, and agents (as applicable), to the extent that they are involved in the activities of the Exchange.[24] For example, the resolution of each of such Non-U.S. Upstream Owners provides that it shall comply with the U.S. federal securities laws and the rules and regulations thereunder and shall cooperate with the Commission and with the Exchange. In addition, the resolution of each of such Non-U.S. Upstream Owners provides that the board members, including each person who becomes a board member, would so consent to comply and cooperate and the particular Non-U.S. Upstream Owner would take reasonable steps to cause its officers, employees, and agents to also comply and cooperate, to the extent that he or she is involved in the activities of the Exchange.

In addition to these resolutions, and due to concerns about the ability of EGD to provide the Commission with direct access to information under Swiss law, EGD and Eurex Zürich previously entered into an ''Agreement and Consent,'' in which EGD agreed to provide information related to the activities of the Exchange, including books and records of EGD related to the activities of the Exchange, to the Commission, through Eurex Zürich. Eurex Zurich in turn, would provide such information to the Swiss Financial Market Supervisory Authority FINMA (''FINMA''), which agreed to serve as a conduit for unfiltered delivery of books and records of EGD related to the activities of the Exchange to the Commission (the ''FINMA Procedure''). The FINMA Procedure was designed to ensure that EGD would (1) cooperate with the Commission and the Exchange; (2) comply with U.S. federal securities laws; (3) comply with the inspection and copying of EGD's books and records; (4) agree that EGD's books, records, officers, directors and employees be deemed to be those of the Exchange; (5) maintain confidentiality of information pertaining to the self-regulatory function of the Exchange; (6) preserve the independence of the self-regulatory function of the Exchange; (7) take reasonable steps to cause EGD's officers, directors and employees to consent to the applicability to him or her of the resolutions described immediately above; and (8) take reasonable steps to cause EGD's agents to cooperate with the Commission and the Exchange.[25]

As EGD and Eurex Zürich will cease to be Non-U.S. Upstream Owners of the Exchange after the Transactions, the Exchange proposes administrative changes, such that the resolutions of these entities, as referenced above, along with the Agreement and Consent, will no longer be rules of the Exchange as of a date in December 2014 that corresponds to the effective closing date of the applicable step in the Transactions.[26]

ISE Gemini LLC Agreement

In addition to the changes described above, the Exchange proposes to amend the ISE Gemini LLC Agreement with respect to distributions. Section 3.1 of the ISE Gemini LLC Agreement currently provides, in part, that the Exchange is authorized to issue a single class of Limited Liability Company Interest, as defined in the Delaware Limited Liability Company Act,[27] to ISE Holdings, its sole direct parent, which shall convey all rights to the profits and losses of the Exchange and the right to receive distributions of the assets of the Exchange. The first sentence of Section 3.3 to the ISE Gemini LLC Agreement currently provides that distributions may not be made to ISE Holdings except: (i) Pursuant to Section 3.4 of the ISE LLC Agreement (*e.g.,* distributions for U.S. Federal and state income tax purposes and/or to fund payments of taxes by ISE Holdings attributable to the assets, income and losses of the Exchange); or (ii) upon liquidation of the Exchange.[28] The Exchange proposes to delete this sentence, which could be read as a limitation on the Exchange's ability to make distributions to ISE Holdings in accordance with Section 3.1. The proposed change would not impact the current practice of distributions from the Exchange to ISE Holdings, and would continue to provide that: (i) ISE Gemini would not be required to make a distribution to ISE Holdings if such distribution would violate the Delaware Limited Liability Company Act, any other applicable law, or is otherwise required to fulfill the regulatory functions or responsibilities of the Exchange, and (ii) Regulatory Funds will not be used for non-regulatory purposes, but rather shall be used to fund the legal, regulatory and surveillance operations of the Exchange and the Exchange will not make any distribution to ISE Holdings using Regulatory Funds.[29] Section 3.3 to the ISE Gemini LLC Agreement would continue to ensure that any distributions by the Exchange to ISE Holdings, and subsequently to its indirect upstream owners, including U.S. Exchange Holdings and the Non-U.S. Upstream Owners, would not be made: (i) In violation of the Exchange's legal and regulatory responsibilities; or (ii) with Regulatory Funds.[30]

U.S. Exchange Holdings COI

Lastly, the Exchange proposes to make a non-substantive, administrative change to the U.S. Exchange Holdings COI to update a reference therein to the Trust Agreement. Article THIRTEENTH of the U.S. Exchange Holdings COI contains outdated references to (i) the ''Amended and Restated'' Trust Agreement, which is currently the

[24] *See supra* note 16. *See* also File No. 10–209, *supra* note 4.

[25] *See* File No. 10–209, *supra* note 4.

[26] The ''Form of Swiss Parent Corporate Resolutions'' is attached hereto as Exhibit 5D in relation to Eurex Zürich. The ''Form of EGD Corporate Resolution'' is attached hereto as Exhibit 5E. The ''Form of Agreement and Consent between EGD and Eurex Zürich'' is attached hereto as Exhibit 5F. As referenced above, resolutions in relation to board members, officers, employees, and agents (as applicable) of EGD and Eurex Zürich also would cease accordingly. In this regard, the ''Form of Agreement and Consent (Swiss Entities)'' is attached hereto as Exhibit 5G.

[27] 6 Del.C. § 18–101, et seq.

[28] This sentence, along with the remainder of Section 3.3, was recently added to the ISE Gemini LLC Agreement. *See* Securities Exchange Act Release No. 73196 (September 23, 2014), 79 FR 58387 (September 29, 2014) (SR–ISEGemini–2014–23).

[29] For purposes of Section 3.3, the term ''Regulatory Funds'' means fees, fines or penalties derived from the regulatory operations of the Exchange, provided that Regulatory Funds does not include revenues derived from listing fees, market data revenues, transaction revenues or any other aspect of the commercial operations of the Exchange or a facility of the Exchange, even if a portion of such revenues are used to pay costs associated with the regulatory operations of the Exchange. The Exchange is proposing to make a non-substantive change to clarify the text regarding use of Regulatory Funds. As a result of the change, the ISE Gemini LLC Agreement and the ISE limited liability company agreement would address distributions in the same manner. ISE is proposing a related change to its respective limited liability company agreement in SR–ISE–2014–44. As a result, the language would be identical for both the Exchange and ISE.

[30] The proposed amended ISE Gemini LLC Agreement is attached hereto as Exhibit 5H. In addition to these substantive changes, the Exchange proposes to retitle the ISE Gemini LLC Agreement as the ''Second'' Amended and Restated Limited Liability Company Agreement, update the date thereof, and update the table of contents.

''Second Amended and Restated'' Trust Agreement and, as discussed herein, will become the ''Third Amended and Restated'' Trust Agreement; and (ii) the effective date of the Trust Agreement, which previously changed from February 4, 2010 to April 30, 2012 [31] and, as discussed herein, will further change to a date in December 2014 that corresponds to the effective closing date of the applicable step in the Transactions. The Exchange proposes to update these references. The Exchange also proposes to add language specifying that the Trust Agreement may be amended, restated or replaced from time to time, retitle the document as the ''Third'' Amended and Restated Certificate of Incorporation of U.S. Exchange Holdings, and update the effective date thereof.[32] Finally, the Exchange proposes to remove references to EDGA Exchange and EDGX Exchange from the definition of ''Controlled National Securities Exchange'' in Article TENTH.[33]

Summary

Upon the consummation of the Transactions, including the proposed changes to the COD, COI, Trust Agreement, ISE Gemini LLC Agreement and U.S. Exchange Holdings COI (and related resolutions and agreements ceasing to be rules of the Exchange), the Exchange will continue to operate and regulate its market and members in the same exact manner as it did prior to the Transactions. The Transactions will not impair the ability of ISE Holdings, the Exchange, or any facility thereof, to carry out their respective functions and responsibilities under the Act. Moreover, the Transactions will not impair the ability of the Commission to enforce the Act with respect to the Exchange and its Non-U.S. Upstream Owners, including each of their directors, officers, employees and agents, to the extent they are involved in the activities of the Exchange. As such, the Commission's plenary regulatory authority over the Exchange will not be affected by the approval of this proposed rule change.

2. Statutory Basis

The Exchange believes that this proposal is consistent with Section 6(b)of the Act,[34] in general, and furthers the objectives of Section 6(b)(1) of the Act,[35] in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange. The Exchange will operate in the same manner following the Transactions as it operates today. Thus, the Commission will continue to have plenary regulatory authority over the Exchange, as is the case currently with the Exchange. The proposed rule change is consistent with and will facilitate an ownership structure that will continue to provide the Commission with appropriate oversight tools to ensure that the Commission will have the ability to enforce the Act with respect to the Exchange and its direct and indirect Non-U.S. Upstream Owners, including each of their directors, officers, employees and agents, to the extent they are involved in the activities of the Exchange.

The Exchange also believes that this filing furthers the objectives of Section 6(b)(5) [36] of the Act because the proposed rule change would be consistent with and facilitate a governance and regulatory structure that is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in 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. Specifically, the Exchange believes that the proposed rule change will continue to provide the Commission and the Exchange with access to necessary information that will allow the Exchange to efficiently and effectively enforce compliance with the Act, as well as allow the Commission to provide proper oversight, which will ultimately promote just and equitable principles of trade and protect investors. In addition, the Exchange believes that the proposed rule change will continue to preserve the independence of the Exchange's self-regulatory function and ensure that the Exchange will be able to obtain any information it needs in order to detect and deter any fraudulent and manipulative acts in its marketplace and carry out its regulatory responsibilities under the Act.

Approval of this proposed rule change will enable ISE Holdings to continue its operations and the Exchange to continue its orderly discharge of regulatory duties 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.

Finally, the Exchange is not proposing any significant or novel regulatory issues, nor is it proposing any changes to the Exchange's operational or trading structure in connection with the Transactions. Instead, the Exchange represents that the proposed rule change consists of administrative amendments to ISE Holdings' COI, COD and the Trust Agreement (along with changes to the ISE Gemini LLC Agreement related to distributions; a non-substantive, administrative change to the U.S. Exchange Holdings COI; and administrative changes with respect to certain resolutions and agreements in relation to entities that are or were Non-U.S. Upstream Owners of the Exchange, but whose status as such has already ceased, or that will cease as a result of the Transactions, such that the resolutions and agreements will cease to be rules of the Exchange), and that no changes will be made to other aspects of the Exchange's organizational documents that were previously approved by the Commission.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[37] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change implicates any competitive issues. Rather, the Transactions merely represent a

[31] *See supra* note 6.

[32] The proposed amended U.S. Exchange Holdings COI is attached hereto as Exhibit 5I. Article SIXTEENTH of the U.S. Exchange Holdings COI provides that, for so long as U.S. Exchange Holdings shall control, directly or indirectly, the Exchange, or facility thereof, before any amendment to or repeal of any provision of the U.S. Exchange Holdings COI shall be effective, the same shall be submitted to the board of directors of the Exchange, and if the same must be filed with, or filed with and approved by, the Commission before the same may be effective, under Section 19 of the Act and the rules promulgated thereunder, then the same shall not be effective until filed with, or filed with and approved by, the Commission, as the case may be.

[33] *See supra* note 22.

[34] 15 U.S.C. 78s(b).

[35] 15 U.S.C. 78s(b)(1).

[36] 15 U.S.C. 78f(b)(5).

[37] 15 U.S.C. 78f(b)(8).

restructuring of indirect ownership interests of the Exchange, and will not involve the introduction of any new direct or indirect owners or any entity or individual that would have the right to direct the actions of the Exchange or vote the shares of the Exchange. As such, the Exchange believes that the proposal is consistent with the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the publication date of this notice or within such longer period (1) as the Commission may designate up to 45 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (2) 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, as modified by Amendment No. 1, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ISEGemini-2014–24 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISEGemini-2014–24. This file number should be included on the subject line if email is used.

To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISEGemini-2014–24, and should be submitted on or before December 3, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[38]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–26691 Filed 11–10–14; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73528; File No. SR–NYSE–2014–58]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to the NYSE Proprietary Market Data Fee Schedule Regarding Non-Display Use Fees

November 5, 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 October 29, 2014, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes a change to the NYSE Proprietary Market Data Fee Schedule (''Market Data Fee Schedule'') regarding non-display use fees. 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes a change to the Market Data Fee Schedule regarding non-display use fees for NYSE OpenBook, NYSE Trades, NYSE BBO and NYSE Order Imbalances, the market data products to which non-display use fees apply. Specifically, with respect to the three categories of, and fees applicable to, market data recipients for non-display use, the Exchange proposes to describe the three categories in the Market Data Fee Schedule.

In September 2014, the Exchange revised the fees for non-display use of NYSE OpenBook, NYSE Trades, and NYSE BBO and added fees for non-display use of NYSE Order Imbalances.[4] In the 2014 Filing, the Exchange proposed certain changes to the categories of, and fees applicable to, data recipients for non-display use. As set forth in the 2014 Filing: (i) Category 1 Fees apply when a data recipient's non-display use of real-time market data

[38] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 72923 (August 26, 2014), 79 FR 52079 (September 2, 2014) (SR–NYSE–2014–43) (''2014 Filing'').

is on its own behalf as opposed to use on behalf of its clients; (ii) Category 2 Fees apply when a data recipient's non-display use of real-time market data is on behalf of its clients as opposed to use on its own behalf; and (iii) Category 3 Fees apply when a data recipient's non-display use of real-time market data is for the purpose of internally matching buy and sell orders within an organization, including matching customer orders on a data recipient's own behalf and/or on behalf of its clients. The Market Data Fee Schedule currently lists each category as Category 1, Category 2, and Category 3, without further description.

The Exchange is proposing to amend the Market Data Fee Schedule to add the descriptions of the three categories, as set forth above, as a footnote to the Market Data Fee Schedule. Because there will now be multiple footnotes to the Market Data Fee Schedule, the Exchange proposes non-substantive edits to change the existing footnote references from asterisks to numbers.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) [5] of the Act, in general, and furthers the objectives of Section 6(b)(5) [6] of the Act, in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest, and it is not designed to permit unfair discrimination among customers, brokers, or dealers.

The Exchange believes that adding the description of the three categories of data recipients for non-display use to the Market Data Fee Schedule will remove impediments to and help perfect a free and open market by providing greater transparency for the Exchange's customers regarding the category descriptions that have been previously filed with the Commission and are applicable to the existing Market Data Fee Schedule.[7]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because the Exchange is merely adding to the Market Data Fee Schedule information that has been previously filed with the Commission.[8]

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

Because the foregoing proposed rule 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 if consistent with the protection of investors and the public interest, provided that the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change or such shorter time as designated by the Commission,[9] the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [10] and Rule 19b–4(f)(6) thereunder.[11]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [12] of the Act to determine whether the proposed rule change should be approved or disapproved.

A proposed rule change filed under Rule 19b–4(f)(6) [13] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[14] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange believes that adding the description of the categories of market data recipients for non-display use to the Market Data Fee Schedule is consistent with the protection of investors and the public interest because it will provide more transparency in the Exchange's Market Data Fee Schedule regarding the existing definitions in that schedule. The Commission agrees and has determined to waive the 30-day operative date so that the proposal may take effect upon filing.[15]

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–NYSE–2014–58 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2014–58. 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.,

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] *See supra* n. 4.

[8] *See supra* n. 4.

[9] The Exchange has fulfilled this requirement.

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

[12] 15 U.S.C. 78s(b)(2)(B).

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing will also be available for Web site viewing and printing at the NYSE's principal office and on its Internet Web site at *www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2014–58 and should be submitted on or before December 3, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–26688 Filed 11–10–14; 8:45 am]

BILLING CODE 8011–01–P

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73516; File Nos. SR–BSECC–2014–001; SR–BX–2014–045; SR–NASDAQ–2014–093; SR–Phlx–2014–61; SR–SCCP–2014–01]

Self-Regulatory Organizations; Boston Stock Exchange Clearing Corporation; NASDAQ OMX BX, Inc.; the NASDAQ Stock Market LLC; NASDAQ OMX PHLX LLC; Stock Clearing Corporation of Philadelphia; Order Approving Proposed Rule Changes To Amend the Restated Certificate of Incorporation and By-Laws of the NASDAQ OMX Group, Inc.

November 5, 2014.

I. Introduction

On September 10, 2014, Boston Stock Exchange Clearing Corporation (''BSECC''), NASDAQ OMX BX, Inc. (''BX''), the NASDAQ Stock Market LLC (''NASDAQ''), NASDAQ OMX PHLX LLC (''Phlx''), and the Stock Clearing Corporation of Philadelphia (''SCCP'' and, together with BSECC, BX, NASDAQ and Phlx, the ''SROs'' or ''Self-Regulatory Subsidiaries''), filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act''),[2] and Rule 19b–4 thereunder,[3] proposed rule changes with respect to amendments to the Amended and Restated Certificate of Incorporation (''Charter'') and By-Laws (''By-Laws'') of the NASDAQ OMX Group, Inc. (''NASDAQ OMX''), the parent company of the SROs.[4] The proposed rule changes by BSECC and SCCP were published for comment in the **Federal Register** on September 25, 2014[5] and the proposed rule changes by BX, NASDAQ and Phlx were published for comment in the **Federal Register** on September 29, 2014.[6] The Commission received no comment letters on the proposals.

II. Discussion

A. Background

Article Fourth, Paragraph C of NASDAQ OMX's Charter includes a voting limitation that generally prohibits a stockholder from voting shares beneficially owned, directly or indirectly, by such stockholder in excess of 5% of the then-outstanding shares of capital stock of NASDAQ OMX entitled to vote as of the record date in respect of any matter. Pursuant to Article Fourth, Paragraph C(6) of the Charter, NASDAQ OMX's Board may grant exemptions to this limitation prior to the time a stockholder beneficially owns more than 5% of the outstanding shares of stock entitled to vote on the election of a majority of directors at such time. Article Fourth, Paragraph C(6) of the Charter and Section 12.5 of the By-Laws limit the Board's authority to grant the exemption. The SROs note that these provisions, which are intended to be substantively identical, currently contain some language differences. Therefore, the SROs propose that NASDAQ OMX adopt the amendments described below to the Charter and By-Laws to conform these provisions and remove any ambiguity that may exist.

B. Proposed Amendments to the Charter

First, the SROs propose to add a statement to Article Fourth, Paragraph C(6) of the Charter that for so long as NASDAQ OMX shall control, directly or indirectly, any Self-Regulatory Subsidiary, a resolution of the Board to approve an exemption for any person under Article Fourth, Paragraph C(6) of the Charter shall not be permitted to become effective until such resolution has been filed with and approved by the SEC under Section 19 of the Act. In addition, the SROs propose to define ''Self-Regulatory Subsidiary,'' which is currently not a defined term in the Charter, as any subsidiary of NASDAQ OMX that is a ''self-regulatory organization'' as defined under Section 3(a)(26) of the Act.[7] These changes would conform the Charter to language currently in the By-Laws.

Second, the SROs propose to add an additional language to the current provision in Article Fourth, Paragraph C(6) of the Charter that states the Board may not approve an exemption to the 5% voting limitation for: (i) A registered broker or dealer or an affiliate thereof or (ii) an individual or entity that is subject to a statutory disqualification under Section 3(a)(39) of the Act. Specifically, the SROs propose to add a proviso to Article Fourth, Paragraph C(6) of the Charter stating that for these purposes, an ''affiliate'' shall not be deemed to include an entity that either owns 10% or less of the equity of a broker or dealer, or receives 1% or less of its consolidated gross revenues from a broker or dealer. This change would conform the Charter to language currently in the By-Laws.

Third, the SROs propose to change a reference in Article Fourth, Paragraph C(6) of the Charter from The NASDAQ Stock Market LLC to ''the Self-Regulatory Subsidiaries.'' This change would conform the Charter to language currently in the By-laws and would also include the other Self-Regulatory Subsidiaries in addition to the NASDAQ Stock Market LLC.

Fourth, the SROs propose to add a requirement to Article Fourth,

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] Certain provisions of NASDAQ OMX's Charter and By-Laws are rules of a self-regulatory organization if they are stated policies, practices, or interpretations, as defined in Rule 19b–4 under the Act, of the self-regulatory organization, and must be filed with the Commission pursuant to Section 19(b) of the Act and Rule 19b–4 thereunder. *See* Securities Exchange Act Release Nos. 58183 (July 17, 2008), 73 FR 42850 (July 23, 2008) (File No. SR–NASDAQ–2008–035); 58324 (August 7, 2008), 73 FR 46936 (August 12, 2008) (File Nos. SR–BSE–2008–02; SR–BSE–2008–23; SR–BSE–2008–25; SR–BSECC–2008–01); and 58180 (July 17, 2008), 73 FR 42890 (July 23, 2008) (File No. SR–SCCP–2008–01) (Order Approving a Proposed Rule Change, as Modified by Amendment No. 1, To Amend the By-Laws of the NASDAQ OMX Group, Inc. in Connection With the Acquisitions of Boston Stock Exchange, Incorporated and Philadelphia Stock Exchange, Inc.). Accordingly, the SROs have filed with the Commission proposed changes to the NASDAQ OMX Charter and By-Laws.

[5] *See* Securities Exchange Act Release Nos. 73144 (September 19, 2014), 79 FR 57624 (September 25, 2014) (SR–BSECC–2014–001) and 73145 (September 19, 2014), 79 FR 57648 (September 25, 2014) (SR–SCCP–2014–01).

[6] *See* Securities Exchange Act Release Nos. 73195 (September 23, 2014), 79 FR 58397 (September 29, 2014) (SR–BX–2014–045); 73193 (September 23, 2014), 79 FR 58388 (September 29, 2014) (SR–NASDAQ–2014–093); and 73194 (September 23, 2014), 79 FR 58393 (September 29, 2014) (SR–Phlx–2014–61).

[7] Under Section 3(a)(26) of the Act, a ''self-regulatory organization'' is defined as ''any national securities exchange, registered securities association, or registered clearing agency . . . .'' 15 U.S.C. 78c(a)(26). At present, this defined term would include NASDAQ, BX and Phlx, which are national securities exchanges, and BSECC and SCCP, which are registered clearing agencies that are currently dormant.

Paragraph C(6) of the Charter to state that, prior to granting an exemption from the 5% voting limitation, the Board must also determine that granting the exemption would promote the prompt and accurate clearance and settlement of securities transactions (and to the extent applicable, derivative agreements, contracts and transactions), assure the safeguarding of securities and funds in the custody or control of the self-regulatory subsidiaries that are clearing agencies or securities and funds for which they are responsible, foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, and remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions. This change would confirm the Charter to language currently in the By-Laws.

Finally, the SROs propose that Article Fourth, Paragraph C(6) of the Charter be amended to correct a cross-reference to subparagraph 6(b), which no longer exists.

C. Proposed Amendments to the By-Laws

The SROs propose to amend the definition of ''Self-Regulatory Subsidiary'' in Article I(s) of the By-Laws to refer to any subsidiary of NASDAQ OMX that is a self-regulatory organization as defined under Section 3(a)(26) of the Act, rather than list specific subsidiaries that would fall within this category. The proposed definition is the same definition proposed for purposes of the Charter and would capture NASDAQ OMX's current self-regulatory subsidiaries as well as any subsidiaries that in the future would meet the definition of ''self-regulatory organization'' under the Act.

The SROs also propose to correct a typographical error in Article I and make minor edits to Section 12.5 of the Bylaws to conform the language regarding the 5% voting limitation to the language in the analogous provision of the Charter.[8]

III. Commission Findings

After careful review, the Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, in the case of the proposals by BX, NASDAQ and Phlx, and to a clearing agency, in the case of the proposals by BSECC and SCCP.[9] In particular, the Commission finds that the proposed rule changes by BX, NASDAQ and Phlx are consistent with Section 6(b)(1) of the Act,[10] which, among other things, requires a national securities exchange to be so organized and have the capacity to be able to carry out the purposes of the Act and to comply, and enforce compliance by its members and persons associated with its members, with the provisions of the Act, the rules and regulations thereunder and the rules of the exchange. In addition, the Commission finds that the proposed rule changes by BX, NASDAQ and Phlx are consistent with Section 6(b)(5) of the Act,[11] which, among other things, requires that the rules of the 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.

The Commission also finds that the proposed rule changes by BSECC and SCCP are consistent with Section 17A(b)(3)(C) of the Act,[12] because the proposals assure a fair representation of shareholders and participants in the selection of directors and administration of their affairs. While the proposals relate to the organizational documents of NASDAQ OMX, rather than BSECC and SCCP, BSECC and SCCP are indirectly owned by NASDAQ OMX, and therefore, NASDAQ OMX's stockholders have an indirect stake in BSECC and SCCP. In addition, the participants in BSECC and SCCP, to the extent any exist, could purchase stock in NASDAQ OMX in the open market, just like any other stockholder. The proposals ensure that NASDAQ OMX stockholders have clarity about the existing voting limitation in NASDAQ OMX's Charter and By-Laws. As a result, the proposals assure a fair representation of NASDAQ OMX's stockholders in the selection of directors and administration of NASDAQ OMX's affairs, as well as the affairs of BSECC and SCCP.

The SROs have proposed certain changes to conform the provisions in the Charter and the By-Laws relating to the procedures by which NASDAQ OMX's Board may grant an exemption to the prohibition on any NASDAQ OMX stockholder voting shares in excess of 5% of the Company's then-outstanding shares of capital stock. The Commission believes that these proposed changes will eliminate confusion that may exist because of the current language differences between the two documents. In addition, the proposed definition of ''Self-Regulatory Subsidiary'' will ensure that any NASDAQ OMX subsidiary that meets the definition of ''self-regulatory organization'' under the Act will be subject to the Charter and By-Law provisions relating to Self-Regulatory Subsidiaries. Further, the remaining proposed non-substantive clarifying changes are clarifying in nature, and thus should help make the Charter and By-Laws clearer and easier to understand.

IV. Conclusion

For the foregoing reasons, the Commission finds that the proposed rule changes are consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange, in the case of BX, NASDAQ and Phlx, and to a registered clearing agency, in the case of BSECC and SCCP.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act[13] that the proposed rule changes (SR–BSECC–2014–001; SR–BX–2014–045; SR–NASDAQ–2014–093; SR–Phlx–2014–61; SR–SCCP–2014–01) are approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–26686 Filed 11–10–14; 8:45 am]

BILLING CODE 8011–01–P

[8] *See* Securities Exchange Act Release No. 71353 (January 17, 2014), 79 FR 4209 (January 24, 2014) (SR–BSECC–2013–001, SR–BX–2013–057, SR–NASDAQ–2013–148, SR–Phlx–2013–115, SR–SCCP–2013–01), at note 14.

[9] In approving the proposed rule changes, the Commission notes that it has considered the proposed rule changes' impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[10] 15 U.S.C. 78f(b)(1).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78q–1(b)(3)(C).

[13] 15 U.S.C. 78f(b)(2).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73530; File No. SR–ISE–2014–44]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1 Thereto, Relating to a Corporate Transaction Involving Its Indirect Parent

November 5, 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 22, 2014, the International Securities Exchange, LLC (the ''Exchange'' or the ''ISE'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change, as described in Items I and II below, which items have been prepared by the self-regulatory organization. On October 31, 2014, the Exchange filed Amendment No. 1 to the proposal.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to make changes to its indirect, non-U.S. upstream ownership structure (the ''Transactions''), in connection with which the Series A Preferred Stock of the Exchange's sole, direct parent, International Securities Exchange Holdings, Inc. (''ISE Holdings''), will be converted to shares of ISE Holdings common stock (the ''Conversion''). In order to consummate the Transactions, including the Conversion, the Exchange proposes to: (i) Amend and restate the Certificate of Designations of Series A Preferred Stock of ISE Holdings (the ''COD''); (ii) amend and restate the Amended and Restated Certificate of Incorporation of ISE Holdings (the ''COI''); and (iii) amend and restate the Second Amended and Restated Trust Agreement (the ''Trust Agreement'') that exists among ISE Holdings, U.S. Exchange Holdings, Inc. (''U.S. Exchange Holdings''), and the Trustees (as defined therein). The Exchange also proposes that certain corporate resolutions and agreements that were previously established or entered into by entities that will cease to be upstream owners of ISE after the Transactions will no longer be rules of the Exchange. In addition, the Exchange proposes to amend and restate the Second Amended and Restated Limited Liability Company Agreement of ISE (''ISE LLC Agreement'') with respect to distributions. Finally, the Exchange proposes to make a non-substantive, administrative change to the Second Amended and Restated Certificate of Incorporation of U.S. Exchange Holdings (''U.S. Exchange Holdings COI''), the direct U.S. upstream owner of ISE Holdings, to update a reference therein to the Trust Agreement.

The text of the proposed rule change is available at the Commission's Public Reference Room and on the Exchange's Internet Web site at *http://www.ise.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposal is to make changes to the Exchange's indirect, non-U.S. upstream ownership structure, in connection with which the Series A Preferred Stock of the Exchange's sole, direct parent, ISE Holdings, will be converted to shares of ISE Holdings common stock.[4]

Background

On December 17, 2007, ISE Holdings, the sole, direct parent of the Exchange, became a direct, wholly-owned subsidiary of U.S. Exchange Holdings.[5] U.S. Exchange Holdings is a wholly-owned, direct subsidiary of Eurex Frankfurt AG (''Eurex Frankfurt''). Eurex Frankfurt is a wholly-owned, direct subsidiary of Eurex Zürich AG (''Eurex Zürich''). Eurex Zürich is jointly-owned (50%/50%) by Deutsche Börse AG (''Deutsche Börse'') and Eurex Global Derivatives AG (''EGD''). EGD is a wholly-owned, direct subsidiary of Deutsche Börse.[6] Contemporaneous with becoming a direct, wholly-owned subsidiary of U.S. Exchange Holdings, ISE Holdings issued 100,000 shares of Series A Preferred Stock (''ISE Holdings Preferred'') to Eurex Services GmbH (''ESG'').[7] ESG is a wholly-owned, direct subsidiary of Eurex Frankfurt.

ISE Holdings Stock

Two classes of ISE Holdings stock are currently issued and outstanding: (i) 1,000 shares of common stock (''ISE Holdings Common''), which are held exclusively by U.S. Exchange Holdings—the sole, direct owner of ISE Holdings; and (ii) 100,000 shares of ISE Holdings Preferred, which are held exclusively by ESG. Both U.S. Exchange Holdings and ESG are wholly-owned, direct subsidiaries of Eurex Frankfurt. The ISE Holdings Preferred is provided for in the COD, which was adopted on December 19, 2007.[8] Unlike the ISE Holdings Common, ISE Holdings Preferred generally does not have the right by its terms to vote in the election of the ISE Holdings Board of Directors or on other matters (other than matters affecting the rights, preferences, or privileges of ISE Holdings Preferred or as required by law or as set forth in the COD).[9] These rights generally reside exclusively with the ISE Holdings Common.

The Transactions

The Transactions are designed to: (i) Simplify the indirect ownership structure of the Exchange among the various entities described above; and (ii)

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the Exchange proposed non-substantive changes to amend Exhibits 5D (Form of Swiss Parent Corporate Resolutions) and 5G (Form of Swiss Parent Association Resolutions) so that the text the Exchange proposes to delete accurately reflects the existing text of the resolutions previously submitted to, and approved by, the Commission.

[4] The Exchange's affiliate, ISE Gemini, LLC (''ISE Gemini''), has submitted a nearly identical proposed rule change. *See* SR–ISEGemini–2014–24.

[5] *See* Securities Exchange Act Release No. 56955 (December 13, 2007), 72 FR 71979 (December 19, 2007) (SR–ISE–2007–101).

[6] *See* Securities Exchange Act Release No. 66834 (April 19, 2012), 77 FR 24752 (April 25, 2012) (SR–ISE–2012–21). Each of Deutsche Börse, Eurex Frankfurt, Eurex Zürich, and EGD is referred to as a ''Non-U.S. Upstream Owner'' and collectively as the ''Non-U.S. Upstream Owners.''

[7] The ISE Holdings Preferred was issued with a par value of $.01 per share to finance, and thereby facilitate the completion of, the 2007 transaction described in SR–ISE–2007–101, *supra* note 5.

[8] *See supra* note 5.

[9] *See* COD, Section 5(a). ISE Holdings Preferred would have certain of such rights, if, for example, ISE Holdings were to (i) file a petition, application, answer or consent seeking reorganization or relief under any applicable bankruptcy law, (ii) formally approve a plan to dissolve or wind up, or (iii) fail to pay all accrued and unpaid ISE Holdings Preferred dividends in any two consecutive calendar years. *See* COD, Section 5(b).

create a more efficient capital structure with respect to U.S., German and Swiss laws. The Transactions will not have any effect on ISE Holdings' direct ownership of the Exchange or the operations of the Exchange. Consummation of the Transactions is subject to approval of this proposed rule change by the Commission.[10] In order to effectuate the Transactions, including the Conversion, the following steps are anticipated to occur sequentially:

1. On or about December 19, 2014, Eurex Zürich will sell its 100% ownership in Eurex Frankfurt to Deutsche Börse, whereby Eurex Frankfurt will become a wholly-owned, direct subsidiary of Deutsche Börse;[11]
2. On or about December 21, 2014, Eurex Frankfurt will transfer its 100% ownership in ESG, the sole holder of the ISE Holdings Preferred, to U.S. Exchange Holdings;
3. On or about December 21, 2014, and after completion of Step 2 above, U.S. Exchange Holdings, as the sole, direct owner of ESG, will cause ESG to distribute the ISE Holdings Preferred to U.S. Exchange Holdings;
4. On or about December 22, 2014, Eurex Frankfurt, the sole, direct owner of U.S. Exchange Holdings, will cause U.S. Exchange Holdings to convert the ISE Holdings Preferred into ISE Holdings Common. Each of the 100,000 shares of ISE Holdings Preferred will be converted to one share of ISE Holdings Common. After the Conversion, U.S. Exchange Holdings will continue to hold all of the issued and outstanding shares of ISE Holdings Common (1,000 shares before and 101,000 shares after the Conversion); and
5. On or about December 31, 2014, Eurex Frankfurt will transfer 15% of its ownership in U.S. Exchange Holdings to Deutsche Börse.

As a result of the Transactions, Eurex Zürich and EGD will cease to be Non-U.S. Upstream Owners of the Exchange, as Deutsche Börse will be the sole, direct owner of Eurex Frankfurt, which will directly own 85% of U.S. Exchange Holdings.[12] Deutsche Börse will directly own the remaining 15% of U.S. Exchange Holdings. U.S. Exchange Holdings will remain the sole, direct owner of ISE Holdings. ISE Holdings will also remain the sole, direct owner of the Exchange. The Transactions will not result in any additional person or entity acquiring direct or indirect ownership in the Exchange.

In order to consummate the Transactions in the manner described above, certain administrative amendments will need to be made to the COD, COI and Trust Agreement. The proposed amendments to such documents are as follows:

COD

In order to effect the Conversion, the Exchange proposes to amend certain provisions of the COD, as Section 6(b) of the COD currently provides that the ISE Holdings Preferred is not convertible. Specifically, the Exchange proposes to amend Section 6(b) to provide that each share of ISE Holdings Preferred may, at the option of the holder thereof, be converted into one fully paid and non-assessable share of ISE Holdings Common on the date on which such holder delivers a duly executed notice of conversion to ISE Holdings substantially in the form of a new Annex A attached to the COD.[13]

COI

Article FOURTH of the COI currently provides that the total number of shares of all classes of capital stock that ISE Holdings shall have authority to issue is one hundred one thousand (101,000) shares, which shall be divided as follows: one thousand (1,000) shares of ISE Holdings Common, par value $.01 per share, and one hundred thousand (100,000) shares of ISE Holdings Preferred, par value $.01 per share.

In connection with the proposed amendments to the COD, certain provisions of the COI will need to be amended to account for the increase in the authorized number of ISE Holdings Common that will result from the Conversion. Specifically, the Exchange proposes that the number of authorized shares of ISE Holdings Common be increased from 1,000 shares to 101,000 shares (*i.e.,* the existing, issued and outstanding 1,000 shares of ISE Holdings Common plus the additional 100,000 shares of ISE Holdings Common resulting from the Conversion).[14] In addition, the Exchange proposes to maintain the number of authorized ISE Holdings Preferred at 100,000 shares, in the event that ISE Holdings determines to issue ISE Holdings Preferred in the future. As such, the Exchange therefore proposes to increase the total number of authorized ISE Holdings Common and ISE Holdings Preferred from 101,000 shares to 201,000 shares. For the avoidance of doubt, zero shares of ISE Holdings Preferred would be outstanding post-Conversion.

The COI restricts any person, either alone or together with its related persons, from having voting control, either directly or indirectly, over more than 20% of the outstanding capital stock of ISE Holdings (the ''Voting Limit'') and from directly or indirectly owning of record or beneficially more than 40% of the outstanding capital stock of ISE Holdings (or in the case of any Exchange member, acting alone or together with its related persons, from directly or indirectly owning of record or beneficially more than 20% of the outstanding capital stock of ISE Holdings) (the ''Ownership Limit'').[15] For the avoidance of doubt, the Conversion will not implicate the Voting Limit or Ownership Limit, as U.S. Exchange Holdings will continue to own 100% of the ISE Holdings Common before and after the Conversion. Similarly, no new direct or indirect upstream owners of the Exchange or ISE

[10] *See infra* notes 13, 14 and 23.

[11] As referenced above, Deutsche Börse is already the 100% indirect owner of Eurex Frankfurt. In addition, Deutsche Börse also is already an approved Non-U.S. Upstream Owner of the Exchange. *See supra* note 6.

[12] In connection with each of their ownership interests in the Exchange, Eurex Zürich and EGD, along with Deutsche Börse, Eurex Frankfurt, U.S. Exchange Holdings, ISE Holdings, and the Exchange, became parties to an agreement to provide for adequate funding for the Exchange's regulatory responsibilities. ISE Gemini subsequently became a party to the agreement. Following the completion of the Transactions, each of Eurex Zürich and EGD will cease to be a Non-U.S. Upstream Owner of the Exchange, and as such, will no longer be a party to such agreement.

[13] The proposed amended COD is attached hereto as Exhibit 5A. Section 8 of the COD provides that, with respect to amendments and waivers thereof, except as expressly provided for in the COD, no provision of the COD may be amended, except in a written instrument signed by ISE Holdings and holders of a majority of the ISE Holdings Preferred. Notwithstanding the foregoing, before any amendment to or repeal of any provision of the COD shall be effective, the same shall be submitted to the board of directors of the Exchange, and if the same must be filed with, or filed with and approved by, the Commission before the same may be effective, under Section 19 of the Act and the rules promulgated thereunder, then the same shall not be effective until filed with, or filed with and approved by, the Commission, as the case may be. In addition to the substantive changes, the Exchange proposes to retitle the COD as the ''Amended and Restated'' Certificate of Designations of Series A Preferred Stock of ISE Holdings.

[14] The proposed amended COI is attached hereto as Exhibit 5B. Article FOURTEENTH of the COI provides that, for so long as ISE Holdings shall control, directly or indirectly, the Exchange, or facility thereof, before any amendment to or repeal of any provision of COI shall be effective, the same shall be submitted to the board of directors of the Exchange, and if the same must be filed with, or filed with and approved by, the Commission before the same may be effective, under Section 19 of the Act and the rules promulgated thereunder, then the same shall not be effective until filed with, or filed with and approved by, the Commission, as the case may be. In addition to the substantive changes, the Exchange proposes to retitle the COI as the ''Second'' Amended and Restated Certificate of Incorporation of ISE Holdings and update the date thereof.

[15] *See* COI, Article FOURTH, Section III.

Holdings will result from the Transactions.[16]

Trust Agreement [17]

The Trust Agreement serves four general purposes: (i) To accept, hold and dispose of Trust Shares [18] on the terms and subject to the conditions set forth therein; (ii) to determine whether a Material Compliance Event [19] has occurred or is continuing; (iii) to determine whether the occurrence and continuation of a Material Compliance Event requires the exercise of the Call Option; [20] and (iv) to transfer Deposited Shares from the Trust to the Trust Beneficiary [21] as provided in Section 4.2(h) therein.

The Exchange proposes to amend certain provisions of the Trust Agreement in connection with the Transactions. Specifically, the Exchange proposes to: (i) Update the recitals of the Trust Agreement with respect to the Transactions; (ii) remove references to Eurex Zürich and EGD from the definition of ''Affected Affiliate'' in Section 1.1 of the Trust Agreement; (iii) remove references to EDGA Exchange, Inc. (''EDGA Exchange'') and EDGX Exchange, Inc. (''EDGX Exchange'') from the definition of ''Controlled National Securities Exchange'' in Section 1.1 and update the recitals of the Trust Agreement accordingly; [22] and (iv) remove EGD's address from the notice provisions in Section 8.8 of the Trust Agreement.[23] The proposed amendments to the Trust Agreement are strictly administrative changes to reflect the updated corporate structure resulting from the Transactions (and from legacy transactions as related to EDGA Exchange and EDGX Exchange) and will not affect the mechanisms established by the Trust Agreement for the benefit of the Trust Beneficiary.

Certain Resolutions and Agreements

As described above, each of the Non-U.S. Upstream Owners, including EGD and Eurex Zürich, has previously taken appropriate steps to incorporate provisions regarding ownership, jurisdiction, books and records, and other issues related to their control of the Exchange. Specifically, each of such Non-U.S. Upstream Owners has adopted resolutions, which were previously approved by the Commission, to incorporate these concepts with respect to itself, as well as its board members, officers, employees, and agents (as applicable), to the extent that they are involved in the activities of the Exchange.[24] For example, the resolution of each of such Non-U.S. Upstream Owners provides that it shall comply with the U.S. federal securities laws and the rules and regulations thereunder and shall cooperate with the Commission and with the Exchange. In addition, the resolution of each of such Non-U.S. Upstream Owners provides that the board members, including each person who becomes a board member, would so consent to comply and cooperate and the particular Non-U.S. Upstream Owner would take reasonable steps to cause its officers, employees, and agents to also comply and cooperate, to the extent that he or she is involved in the activities of the Exchange.

In addition to these resolutions, and due to concerns about the ability of EGD to provide the Commission with direct access to information under Swiss law, EGD and Eurex Zürich previously entered into an ''Agreement and Consent,'' in which EGD agreed to provide information related to the activities of the Exchange, including books and records of EGD related to the activities of the Exchange, to the Commission, through Eurex Zürich. Eurex Zürich in turn, would provide such information to the Swiss Financial Market Supervisory Authority FINMA (''FINMA''), which agreed to serve as a conduit for unfiltered delivery of books and records of EGD related to the activities of the Exchange to the Commission (the ''FINMA Procedure''). The FINMA Procedure was designed to ensure that EGD would (1) cooperate with the Commission and the Exchange; (2) comply with U.S. federal securities laws; (3) comply with the inspection and copying of EGD's books and records; (4) agree that EGD's books, records, officers, directors and employees be deemed to be those of the Exchange; (5) maintain confidentiality of information pertaining to the self-regulatory function of the Exchange; (6) preserve the independence of the self-regulatory function of the Exchange; (7) take reasonable steps to cause EGD's officers, directors and employees to consent to the applicability to him or her of the resolutions described immediately above; and (8) take reasonable steps to cause EGD's agents to cooperate with the Commission and the Exchange.[25]

As EGD and Eurex Zürich will cease to be Non-U.S. Upstream Owners of the Exchange after the Transactions, the Exchange proposes administrative changes, such that the resolutions of these entities, as referenced above, along with the Agreement and Consent, will no longer be rules of the Exchange as of a date in December 2014 that corresponds to the effective closing date of the applicable step in the

[16] Each of the Non-U.S. Upstream Owners has previously taken appropriate steps to incorporate provisions regarding ownership, jurisdiction, books and records, and other issues related to their control of the Exchange. Specifically, each of the Non-U.S. Upstream Owners has adopted resolutions, which were previously approved by the Commission, to incorporate these concepts with respect to itself, as well as its board members, officers, employees, and agents (as applicable), to the extent that they are involved in the activities of the Exchange. *See* SR–ISE–2007–101, *supra* note 5; SR–ISE–2012–21, *supra* note 6. *See also* discussion below under ''Certain Resolutions and Agreements.''

[17] The Trust Agreement exists among ISE Holdings, U.S. Exchange Holdings, and the Trustees (as defined therein).

[18] Under the Trust Agreement, the term ''Trust Shares'' means either Excess Shares or Deposited Shares, or both, as the case may be. The term ''Excess Shares'' means that a Person obtained an ownership or voting interest in ISE Holdings in excess of certain ownership and voting restrictions pursuant to Article FOURTH of the COI, through, for example, ownership of one of the Non-U.S. Upstream Owners or U.S. Exchange Holdings, without obtaining the approval of the Commission. The term ''Deposited Shares'' means shares that are transferred to the Trust pursuant to the Trust's exercise of the Call Option.

[19] Under the Trust Agreement, the term ''Material Compliance Event'' means, with respect to a Non-U.S. Upstream Owner, any state of facts, development, event, circumstance, condition, occurrence or effect that results in the failure of any of the Non-U.S. Upstream Owners to adhere to their respective commitments under the resolutions (*i.e.,* as referenced in note 16) in any material respect.

[20] Under the Trust Agreement, the term ''Call Option'' means the option granted by the Trust Beneficiary to the Trust to call the Voting Shares as set forth in Section 4.2 therein.

[21] Under the Trust Agreement, the term ''Trust Beneficiary'' means U.S. Exchange Holdings.

[22] EDGA Exchange and EDGX Exchange previously were ''Controlled National Securities Exchanges.'' However, on January 30, 2014 the Commission approved a proposed rule change of EDGA Exchange and EDGX Exchange in connection with the proposed business combination involving their indirect parent company, Direct Edge Holdings LLC, and BATS Global Markets, Inc., the parent company of BATS Exchange, Inc. (''BATS'') and BATS–Y Exchange, Inc. (''BYX''). *See* Securities Exchange Act Release No. 71449 (January 30, 2014), 79 FR 6961 (February 5, 2014) (SR–EDGA–2014–34; SR–EDGX–2014–43). As a result, EDGA Exchange and EDGX Exchange ceased to be ''Controlled National Securities Exchanges.''

[23] The Trust Agreement is attached hereto as Exhibit 5C. Section 8.2 of the Trust Agreement provides, in part, that, for so long as ISE Holdings controls, directly or indirectly, the Exchange, before any amendment or repeal of any provision of the Trust Agreement shall be effective, such amendment or repeal shall be submitted to the board of directors of the Exchange, as applicable, and if such amendment or repeal must be filed with or filed with and approved by the Commission under Section 19 of the Act and the rules promulgated thereunder before such amendment or repeal may be effectuated, then such amendment or repeal shall not be effectuated until filed with or filed with and approved by the Commission, as the case may be. In addition to the substantive changes, the Exchange proposes to retitle the Trust Agreement as the ''Third'' Amended and Restated Trust Agreement and update the date thereof.

[24] *See supra* note 16. *See* also SR–ISE–2007–101, *supra* note 5; SR–ISE–2012–21, *supra* note 6.

[25] *See* SR–ISE–2012–21, *supra* note 6.

Transactions.[26] The Exchange proposes further administrative changes related to similar resolutions of entities that had previously been Non-U.S. Upstream Owners of the Exchange, but whose status as such has since ceased, such that these resolutions would similarly cease to be rules of the Exchange.[27]

ISE LLC Agreement

In addition to the changes described above, the Exchange proposes to amend the ISE LLC Agreement with respect to distributions. Section 3.1 of the ISE LLC Agreement currently provides, in part, that the Exchange is authorized to issue a single class of Limited Liability Company Interest, as defined in the Delaware Limited Liability Company Act,[28] to ISE Holdings, its sole direct parent, which shall convey all rights to the profits and losses of the Exchange and the right to receive distributions of the assets of the Exchange. Currently, however, Article III of the ISE LLC Agreement does not specifically address any restrictions on such distributions. Proposed new Section 3.3 to the ISE LLC Agreement would provide that, notwithstanding any provision to the contrary contained in the ISE LLC Agreement, (i) the Exchange would not be required to make a distribution to ISE Holdings if such distribution would violate the Delaware Limited Liability Company Act, any other applicable law, or is otherwise required to fulfill the regulatory functions or responsibilities of the Exchange, and (ii) Regulatory Funds will not be used for non-regulatory purposes, but rather shall be used to fund the legal, regulatory and surveillance operations of the Exchange and the Exchange will not make any distribution to ISE Holdings using Regulatory Funds.[29] The addition of proposed new Section 3.3 to the ISE LLC Agreement would ensure that any distributions by the Exchange to ISE Holdings, and subsequently to its indirect upstream owners, including U.S. Exchange Holdings and the Non-U.S. Upstream Owners, would not be made: (i) In violation of the xchange's legal and regulatory responsibilities; or (ii) with Regulatory Funds.[30]

U.S. Exchange Holdings COI

Lastly, the Exchange proposes to make a non-substantive, administrative change to the U.S. Exchange Holdings COI to update a reference therein to the Trust Agreement. Article THIRTEENTH of the U.S. Exchange Holdings COI contains outdated references to (i) the ''Amended and Restated'' Trust Agreement, which is currently the ''Second Amended and Restated'' Trust Agreement and, as discussed herein, will become the ''Third Amended and Restated'' Trust Agreement; and (ii) the effective date of the Trust Agreement, which previously changed from February 4, 2010 to April 30, 2012 [31] and, as discussed herein, will further change to a date in December 2014 that corresponds to the effective closing date of the applicable step in the Transactions. The Exchange proposes to update these references. The Exchange also proposes to add language specifying that the Trust Agreement may be amended, restated or replaced from time to time, retitle the document as the ''Third'' Amended and Restated Certificate of Incorporation of U.S. Exchange Holdings, and update the effective date thereof.[32] Finally, the Exchange proposes to remove references to EDGA Exchange and EDGX Exchange from the definition of ''Controlled National Securities Exchange'' in Article TENTH.[33]

Summary

Upon the consummation of the Transactions, including the proposed changes to the COD, COI, Trust Agreement, ISE LLC Agreement, and U.S. Exchange Holdings COI (and related resolutions and agreements ceasing to be rules of the Exchange), the Exchange will continue to operate and regulate its market and members in the same exact manner as it did prior to the Transactions. The Transactions will not impair the ability of ISE Holdings, the Exchange, or any facility thereof, to carry out their respective functions and responsibilities under the Act. Moreover, the Transactions will not impair the ability of the Commission to enforce the Act with respect to the Exchange and its Non-U.S. Upstream Owners, including each of their directors, officers, employees and agents, to the extent they are involved in the activities of the Exchange. As such, the Commission's plenary regulatory authority over the Exchange will not be affected by the approval of this proposed rule change.

2. Statutory Basis

The Exchange believes that this proposal is consistent with Section 6(b)of the Act,[34] in general, and furthers the objectives of Section 6(b)(1) of the Act,[35] in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its exchange members and persons associated with

[26] The ''Form of Swiss Parent Corporate Resolutions'' is attached hereto as Exhibit 5D in relation to Eurex Zürich. The ''Form of EGD Corporate Resolution'' is attached hereto as Exhibit 5E. The ''Form of Agreement and Consent between EGD and Eurex Zürich'' is attached hereto as Exhibit 5F. As referenced above, resolutions in relation to board members, officers, employees, and agents (as applicable) of EGD and Eurex Zürich also would cease accordingly.

[27] Specifically, SIX Swiss Exchange AG (''SIX Swiss Exchange,'' which was f/k/a SWX Swiss Exchange AG), SIX Group AG (''SIX Group,'' which was f/k/a SWX Group AG) and Verein SWX Swiss Exchange AG (''Verein SWX'') previously were Non-U.S. Upstream Owners of the Exchange. Their status as such ceased on April 30, 2012 when EGD became a Non-U.S. Upstream Owner of the Exchange. *See* SR–ISE–2012–21, *supra* note 6. The ''Form of Swiss Parent Corporate Resolutions'' attached hereto as Exhibit 5D in relation to Eurex Zürich also serves to eliminate the respective resolutions for SIX Swiss Exchange and SIX Group as rules of the Exchange. The ''Form of Swiss Parent Association Resolutions'' attached hereto as Exhibit 5G serves to eliminate the respective resolutions for Verein SWX as rules of the Exchange. Additionally, and as described in note 26, resolutions in relation to board members, officers, employees, and agents (as applicable) of SIX Swiss Exchange, SIX Group and Verein SWX also would cease accordingly.

[28] 6 Del.C. § 18–101, et seq.

[29] Existing Section 3.3 of the ISE LLC Agreement would be renumbered accordingly as Section 3.4. For purposes of proposed new Section 3.3, the term ''Regulatory Funds'' means fees, fines or penalties derived from the regulatory operations of the Exchange, provided that Regulatory Funds does not include revenues derived from listing fees, market data revenues, transaction revenues or any other aspect of the commercial operations of the Exchange or a facility of the Exchange, even if a portion of such revenues are used to pay costs associated with the regulatory operations of the Exchange. As a result of the change, the ISE LLC Agreement and the ISE Gemini limited liability company agreement would address distributions in the same manner. *See* Securities Exchange Act Release No. 73196 (September 23, 2014), 79 FR 58387 (September 29, 2014) (SR–ISEGemini-2014–23). ISE Gemini is proposing a related change to its respective limited liability company agreement in SR–ISEGemini-2014–24. As a result, the language would be identical for both the Exchange and ISE Gemini.

[30] The proposed amended ISE LLC Agreement is attached hereto as Exhibit 5H. In addition to these substantive changes, the Exchange proposes to retitle the ISE LLC Agreement as the ''Third'' Amended and Restated Limited Liability Company Agreement, update the date thereof, update the table of contents, update the name of the Exchange's President and Chief Executive Officer and update the address of the Registered Agent in Section 1.5.

[31] *See supra* note 6.

[32] The proposed amended U.S. Exchange Holdings COI is attached hereto as Exhibit 5I. Article SIXTEENTH of the U.S. Exchange Holdings COI provides that, for so long as U.S. Exchange Holdings shall control, directly or indirectly, the Exchange, or facility thereof, before any amendment to or repeal of any provision of the U.S. Exchange Holdings COI shall be effective, the same shall be submitted to the board of directors of the Exchange, and if the same must be filed with, or filed with and approved by, the Commission before the same may be effective, under Section 19 of the Act and the rules promulgated thereunder, then the same shall not be effective until filed with, or filed with and approved by, the Commission, as the case may be.

[33] *See supra* note 22.

[34] 15 U.S.C. 78s(b).

[35] 15 U.S.C. 78s(b)(1).

its exchange members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange. The Exchange will operate in the same manner following the Transactions as it operates today. Thus, the Commission will continue to have plenary regulatory authority over the Exchange, as is the case currently with the Exchange. The proposed rule change is consistent with and will facilitate an ownership structure that will continue to provide the Commission with appropriate oversight tools to ensure that the Commission will have the ability to enforce the Act with respect to the Exchange and its direct and indirect Non-U.S. Upstream Owners, including each of their directors, officers, employees and agents, to the extent they are involved in the activities of the Exchange.

The Exchange also believes that this filing furthers the objectives of Section 6(b)(5) [36] of the Act because the proposed rule change would be consistent with and facilitate a governance and regulatory structure that is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in 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. Specifically, the Exchange believes that the proposed rule change will continue to provide the Commission and the Exchange with access to necessary information that will allow the Exchange to efficiently and effectively enforce compliance with the Act, as well as allow the Commission to provide proper oversight, which will ultimately promote just and equitable principles of trade and protect investors. In addition, the Exchange believes that the proposed rule change will continue to preserve the independence of the Exchange's self-regulatory function and ensure that the Exchange will be able to obtain any information it needs in order to detect and deter any fraudulent and manipulative acts in its marketplace and carry out its regulatory responsibilities under the Act.

Approval of this proposed rule change will enable ISE Holdings to continue its operations and the Exchange to continue its orderly discharge of regulatory duties 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.

Finally, the Exchange is not proposing any significant or novel regulatory issues, nor is it proposing any changes to the Exchange's operational or trading structure in connection with the Transactions. Instead, the Exchange represents that the proposed rule change consists of administrative amendments to ISE Holdings' COI, COD and the Trust Agreement (along with changes to the ISE LLC Agreement related to distributions; a non-substantive, administrative change to the U.S. Exchange Holdings COI; and administrative changes with respect to certain resolutions and agreements in relation to entities that are or were Non-U.S. Upstream Owners of the Exchange, but whose status as such has already ceased, or that will cease as a result of the Transactions, such that the resolutions and agreements will cease to be rules of the Exchange), and that no changes will be made to other aspects of the Exchange's organizational documents that were previously approved by the Commission.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[37] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change implicates any competitive issues. Rather, the Transactions merely represent a restructuring of indirect ownership interests of the Exchange, and will not involve the introduction of any new direct or indirect owners or any entity or individual that would have the right to direct the actions of the Exchange or vote the shares of the Exchange. As such, the Exchange believes that the proposal is consistent with the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the publication date of this notice or within such longer period (1) as the Commission may designate up to 45 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (2) 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, as modified by Amendment No. 1, 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–ISE–2014–44 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2014–44. This file number should be included on the subject line if email is used.

To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public

[36] 15 U.S.C. 78f(b)(5).

[37] 15 U.S.C. 78f(b)(8).

Reference Room on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of 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–ISE–2014–44, and should be submitted on or before December 3, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[38]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–26690 Filed 11–10–14; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73535; File No. SR–Phlx–2014–70]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Pricing Schedule Under Section VIII With Respect to Execution and Routing of Orders in Securities Priced at $1 or More Per Share and the Excess Order Fee

November 5, 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 24, 2014, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's Pricing Schedule under Section VIII, entitled ''NASDAQ OMX PSX FEES,'' with respect to execution and routing of orders in securities priced at $1 or more per share and to eliminate the Excess Order Fee.

While changes to the Pricing Schedule pursuant to this proposal are effective upon filing, the Exchange has designated that they become operative on November 3, 2014. The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com/*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed changes to Chapter VIII of the Exchange's Pricing Schedule is to reduce the fee assessed for shares executed on the NASDAQ OMX PSX System (''PSX'') in securities listed on the Nasdaq Stock Market (''Nasdaq'') and traded at $1 or more per share, to modify the eligibility requirements of two credits provided for providing displayed liquidity in securities traded at $1 or more per share, and to eliminate the Excess Order Fee under the rule.

Chapter VIII(a)(1) of the PSX Pricing Schedule concerns fees assessed for execution of quotes/orders on PSX in securities priced at $1 or more per share that are Nasdaq-listed, are listed on the New York Stock Exchange (''NYSE'') and listed on exchanges other than Nasdaq and NYSE. The Exchange currently assesses three separate fees for execution of securities based on the venue on which the security is listed. Specifically, the Exchange assesses a charge of $0.0024 per share executed in securities listed on NYSE, $0.0024 per share executed in securities listed on an exchange other than Nasdaq or NYSE, and $0.0026 per share executed in securities listed on Nasdaq. The Exchange is proposing to reduce the fee assessed for execution of Nasdaq-listed securities on PSX to $0.0024 per share executed. Reducing the fee will harmonize the fees currently assessed member organizations that are participants on PSX for removing liquidity from PSX and may attract more volume to PSX in Nasdaq-listed securities.

The Exchange is also proposing to amend the eligibility requirements of two credits provided under the rule to member organizations that provide displayed liquidity on PSX. First, the Exchange currently provides a credit of $0.0025 per share executed for Quotes/Orders entered by a member organization that provides an average daily volume of 6 million or more shares of liquidity during the month; provided that (i) the Quote/Order is entered through a PSX MPID through which the member organization displays, on average over the course of the month, 100 shares or more at the national best bid and/or national best offer at least 25% of the time during regular market hours in the security that is the subject of the Quote/Order, or (ii) the member organization displays, on average over the course of the month, 100 shares or more at the national best bid and/or national best offer at least 25% of the time during regular market hours in 500 or more securities. The Exchange is proposing to eliminate the 6 million average daily volume requirement and replace it with a requirement to have average daily volume in shares of liquidity during the month that represents at least 0.12% of Consolidated Volume, which the Exchange defines as the total consolidated volume reported to all consolidated transaction reporting plans by all exchanges and trade reporting facilities during a month, excluding executed orders with a size of less than one round lot.[3] Replacing the current average daily volume requirement with an average daily volume requirement based on Consolidated Volume will cause the required level of liquidity provision to vary depending on overall market volumes during the month. As such, the change is expected to increase the number of member organizations that qualify for this credit tier during months when overall trading volumes are lower, by allowing the required level of liquidity provision to vary with overall trading volumes, and conversely reduce the number of member organizations eligible for the credit when market volumes are high, for firms

[38] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In lieu of marking each individual fee level with the definition of Consolidated Volume, where applicable, the Exchange is inserting the definition prior to the schedule of fees under subparagraph (a)(1) of the rule.

that maintain the same level of average daily volume as is currently provided. The Exchange believes that the 0.12% threshold will result in a change in market behavior that will improve liquidity on PSX overall.

Second, the Exchange currently provides a credit of $0.0024 per share executed for Quotes/Orders entered by a member organization that provides an average daily volume of 2 million or more shares of liquidity during the month; provided that (i) the Quote/Order is entered through a PSX MPID through which the member organization displays, on average over the course of the month, 100 shares or more at the national best bid and/or national best offer at least 25% of the time during regular market hours in the security that is the subject of the Quote/Order, or (ii) the member organization displays, on average over the course of the month, 100 shares or more at the national best bid and/or national best offer at least 25% of the time during regular market hours in 500 or more securities. The Exchange is proposing to eliminate the 2 million average daily volume requirement and replace it with a requirement to have average daily volume in shares of liquidity during the month that represents at least 0.04% of Consolidated Volume. In addition, the Exchange is proposing to eliminate the additional requirements found under (i) and (ii) of the credit tier. Like the change to the credit tier discussed immediately above, replacing the current average daily volume requirement with an average daily volume requirement based on Consolidated Volume will cause the required level of liquidity provision to vary depending on overall market volumes during the month, thereby increasing the number of member organizations that qualify for this credit tier during months when overall trading volumes are lower, and conversely reducing the number of member organizations eligible for the credit when market volumes are high, for firms that maintain the same level of average daily volume as is currently provided. Likewise, the Exchange believes that the 0.04% threshold will result in a change in market behavior that will improve liquidity on PSX overall. The Exchange also believes that eliminating the extra requirements under (i) and (ii) of the credit tier will make the tier achievable to more member organizations and may provide incentive to a greater number of member organizations to achieve the tier, thereby improving liquidity on PSX.

Lastly, the Exchange is proposing to eliminate the Excess Order Fee under subparagraph (c) of Chapter VIII of the Pricing Schedule. The Excess Order Fee was designed to provide a disincentive to member organizations to engage in order entry practices that are inefficient and thereby burdensome on the systems of PSX by assessing a fee on member organizations if they reach a threshold of order activity based on an Order Entry Ratio calculation.[4] Although not a pervasive characteristic of the market, the fee was adopted to encourage member organizations with such practices to enhance the efficiency of their systems and modify their order entry practices, thus improving the market for all participants.[5] An unwanted consequence of the rule has been to capture beneficial order flow and thereby dissuade member organizations from participating in PSX in an effort to avoid triggering the fee. Moreover, the Exchange has observed that the fee is not assessed on a significant number of member organizations nor is it triggered every month, leading the Exchange to conclude that the small number of member organizations that may have been affected by the fee because of their inefficient order practices have taken the steps necessary to avoid such practices. The Exchange believes that, in light of the lack of consistent order activity that triggers the fee and the negative effect it has had on beneficial order flow, the Excess Order Fee should be eliminated. The Exchange notes that, should the inefficient order entry practices that gave rise to the fee once again arise, it may adopt the fee once again or take other steps to provide disincentive for such practices.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6 of the Act,[6] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[7] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the Exchange operates or controls, and is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in 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; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed reduction in the charge assessed member organizations that remove liquidity from PSX in Nasdaq-listed securities priced $1 or more per share is reasonable because it is a fee reduction designed to improve liquidity in Nasdaq-listed securities on PSX. Moreover, the proposed reduced charge is reasonable because it harmonizes the charges assessed for removing liquidity in all securities priced at $1 or more per share, thereby simplifying the charges assessed for removing liquidity under the rule. The Exchange believes that the change is consistent with an equitable allocation of fees and is not unfairly discriminatory because every member organization removing liquidity in securities priced at $1 or more per share will be assessed the same charge per share, regardless of the listing venue of the security. Lastly, the Exchange believes that the proposed change does not unfairly burden competition because it may promote member organizations to provide greater liquidity in Nasdaq-listed securities, thereby promoting competition among member organizations rather than placing a burden thereon.

The changes amending the eligibility requirements for the $0.0025 and $0.0024 per share credits that PSX gives to member organizations that provide certain levels of displayed liquidity through PSX are reasonable because they provide member organizations an incentive to provide more meaningful liquidity by tying eligibility for the credits to how impactful their order activity is in relation to overall market volume. Thus the credit is more precise in awarding the credits for order activity that improves the PSX market for all market participants and is consistent with the Exchange's longstanding policy of encouraging the use of displayed orders, which promote price discovery. The changes to the eligibility requirements are consistent with an equitable allocation of fees and not unfairly discriminatory because they allocate the credits in a manner that is tied more closely to the impact on liquidity a member organization has as compared to overall market volume. The current requirement that is being replaced is based on achieving a fixed number of average daily volume in

[4] *See* Chapter VIII(c)(2) for a definition of ''Order Entry Ratio.''

[5] *See* Securities Exchange Act Release Nos. 67004 (May 17, 2012), 77 FR 30581 (May 23, 2012) (SR–Phlx–2012–64) (adopting the Excessive Order Fee).

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(b)(4) and (5).

shares of liquidity provided during the month, without accounting for the relative impact that liquidity had on the market at the time. Moreover, the proposed change is equitably allocated because all member organizations that achieve the Consolidated Volume level required by the tiers, together with any other requirements of the rule, will receive the credit. The Exchange believes that the proposed change does not unfairly burden competition, but rather it will promote competition among member organizations to provide more meaningful displayed liquidity on PSX.

The Exchange believes that elimination of the additional eligibility requirements to qualify for the $0.0024 credit tier is reasonable because it broadens the number of member organizations that may qualify for the credit by eliminating requirements tied to the nature and timing of the volume provided on PSX, not the volume of liquidity. Although the additional requirements that are being deleted from the credit tier are designed to improve market quality, the Exchange believes market quality will be improved more at this juncture by attracting additional member organizations to provide liquidity on PSX. The elimination of additional requirements of the tier is consistent with an equitable allocation of fees and not unfairly discriminatory because the credit will be available to more member organizations than is the currently the case, and all member organizations that qualify under the amended tier will receive the credit. Lastly, the Exchange believes that the elimination of the additional requirements under the tier will not unfairly burden competition, but rather will promote competition among member firms to provide greater liquidity to PSX.

The Exchange believes that elimination of the Excessive Order Fee is reasonable because the fee is not triggered by a significant number of member organizations nor is it triggered every month, however, the Exchange believes that certain member organizations are disincentivized from providing order activity that is beneficial to market participants. Moreover, the Exchange may adopt the fee once again should the issues that gave rise to it reemerge. The Exchange believes that the proposed change is consistent with an equitable allocation of fees and is not unfairly discriminatory because it eliminates a fee, which applies to all member organizations and which has served as a disincentive to certain market participants in providing beneficial order activity while also not being assessed significantly on member organizations. The Exchange believes that elimination of the Excess Order Fee will not unfairly burden competition because the fee is not relevant to competition. The Exchange notes that the fee was adopted to deter member organizations from using inefficient order practices that place excessive burden on the systems of PSX and, as a consequence, was not designed to impact competition among member organizations.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, as amended.[8] The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. In this instance, the reduced charge assessed member organizations that remove liquidity from PSX is intended to provide incentive to market participants to add liquidity to the Exchange in securities listed on Nasdaq, which is reflective of a relative decline in liquidity on PSX in Nasdaq-listed securities. The proposed changes to the credits provided are designed to more precisely reward displayed liquidity provided by member organizations and, in the case of the lower tier, expand eligibility for the credit by eliminating other requirements not directly tied to the amount of displayed liquidity provided. As noted above, the Exchange believes that elimination of the Excess Order Fee will not unfairly burden competition because the fee is not relevant to competition as it was adopted to deter member organizations from using inefficient order practices that place excessive burdens on the systems of PSX. Moreover, other exchanges' fee schedules do not restrict order activity by using a fee like the Excess Order Fee. As noted, the practices that prompted the Exchange to adopt the rule have subsided and, consequently, the change does not impact the ability of any market participant or trading venue to compete.

Because there are numerous competitive alternatives to PSX, it is possible that the changes will not have the desired effect and, although the Exchange believes it to be unlikely as a result of the current proposal, the Exchange could lose market share as a result of the changes to the extent that they are unattractive to market participants. Accordingly, the Exchange does not believe the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing change has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and paragraph (f) of Rule 19b–4[10] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2014–70 on the subject line.

[8] 15 U.S.C. 78f(b)(8).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f).

Paper Comments

• Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2014–70. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2014–70, and should be submitted on or before December 3, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–26693 Filed 11–10–14; 8:45 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

SELECTIVE SERVICE SYSTEM

Forms Submitted to the Office of Management and Budget for Extension of Clearance

AGENCY: Selective Service System.

ACTION: Notice.

The following forms have been submitted to the Office of Management and Budget (OMB) for extension of clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35):

SSS FORMS 2, 3A, 3B and 3C

Title: Selective Service System Change of Information, Correction/Change Form, and Registration Status Forms.

Purpose: To insure the accuracy and completeness of the Selective Service System registration data.

Respondents: Registrants are required to report changes or corrections in data submitted on the SSS Form 1.

Frequency: When changes in a registrant's name or address occur.

Burden: A burden of two minutes or less on the individual respondent.

Copies of the above identified forms can be obtained upon written request to the Selective Service System, Reports Clearance Officer, 1515 Wilson Boulevard, Arlington, Virginia 22209–2425.

Written comments and recommendations for the proposed extension of clearance of the form should be sent within 60 days of the publication of this notice to the Selective Service System, Reports Clearance Officer, 1515 Wilson Boulevard, Arlington, Virginia 22209–2425.

A copy of the comments should be sent to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Selective Service System, Office of Management and Budget, New Executive Office Building, Room 3235, Washington, DC 20503.

Dated: November 3, 2014.

Lawrence Romo,

Director.

[FR Doc. 2014–26713 Filed 11–10–14; 8:45 am]

BILLING CODE 8015–01–P

SELECTIVE SERVICE SYSTEM

Forms Submitted to the Office of Management and Budget for Extension of Clearance

AGENCY: Selective Service System.

ACTION: Notice.

The following forms have been submitted to the Office of Management and Budget (OMB) for extension of clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35):

SSS Form 1

Title: The Selective Service System Registration Form.

Purpose: Is used to register men and establish a data base for use in identifying manpower to the military services during a national emergency.

Respondents: All 18-year-old males who are United States citizens and those male immigrants residing in the United States at the time of their 18th birthday are required to register with the Selective Service System.

Frequency: Registration with the Selective Service System is a one-time occurrence.

Burden: A burden of two minutes or less on the individual respondent.

Copies of the above identified form can be obtained upon written request to the Selective Service System, Reports Clearance Officer, 1515 Wilson Boulevard, Arlington, Virginia 22209–2425.

Written comments and recommendations for the proposed extension of clearance of the form should be sent within 60 days of the publication of this notice to the Selective Service System, Reports Clearance Officer, 1515 Wilson Boulevard, Arlington, Virginia 22209–2425.

A copy of the comments should be sent to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Selective Service System, Office of Management and Budget, New Executive Office Building, Room 3235, Washington, DC 20503.

Dated: November 3, 2014.

Lawrence Romo,

Director.

[FR Doc. 2014–26702 Filed 11–10–14; 8:45 am]

BILLING CODE 8015–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14178 and #14179]

Missouri Disaster #MO–00073

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Missouri (FEMA–4200–DR), dated 10/31/2014.

Incident: Severe storms, tornadoes, straight-line winds, and flooding.

Incident Period: 09/09/2014 through 09/10/2014.

Effective Date: 10/31/2014.

Physical Loan Application Deadline Date: 12/30/2014.

Economic Injury (EIDl) Loan Application Deadline Date: 07/31/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 10/31/2014, private non-profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Adair, Andrew, Atchison, Daviess, Gentry, Grundy, Harrison, Holt, Knox, Lewis, Linn, Livingston, Macon, Mercer, Nodaway, Putnam, Ralls, Shelby, Sullivan, Worth.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere ...	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14178B and for economic injury is 14179B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Cynthia G. Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2014–26684 Filed 11–10–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Revocation of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration by the Wind-Up Order of the United States District Court for the Southern District of Texas, entered May 21, 2014, the United States Small Business Administration hereby revokes the license of Sundance Venture Partners, L.P., a Delaware Limited Partnership, to function as a small business investment company under the Small Business Investment Company License No. 09/09–0387 issued to Sundance Venture Partners, L.P., on April 23, 1990, and said license is hereby declared null and void as of May 21, 2014.

United States Small Business Administration.

Dated: October 24, 2014.

Javier E. Saade,

Associate Administrator for Investment.

[FR Doc. 2014–26680 Filed 11–10–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small business Investment Company License No. 09/79–0436 issued to Stone Canyon Venture Partners, L.P., said license is hereby declared null and void.

United States Small Business Administration.

Dated: October 24, 2014.

Javier E. Saade,

Associate Administrator for Investment.

[FR Doc. 2014–26681 Filed 11–10–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small business Investment Company License No. 09/79–0423 issued to Bay Partners L.S. Fund, L.P., said license is hereby declared null and void.

United States Small Business Administration.

Dated: October 24, 2014.

Javier E. Saade,

Associate Administrator for Investment.

[FR Doc. 2014–26682 Filed 11–10–14; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2014–0038]

Agency Information Collection Activities: Notice of Request for Approval of a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for approval of a new information collection.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval of a new information collection that is summarized below.

SUPPLEMENTARY INFORMATION: We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by January 12, 2015.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 2014–0038 by any of the following methods:

Web site: For access to the docket to read background documents or comments received, go to the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Keith Williams, 202–366–9212, Highway Safety Specialist, Office of Safety Programs, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE., Room E71–119, Washington, DC 20590, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Inventory of State Police Accident Reports (PAR) and Serious Injury Reporting.

Type of request: New information collection requirement.

Background: The Federal Highway Administration (FHWA) Office of Safety's mission is to exercise leadership throughout the highway

community to make the Nation's roadways safer by developing, evaluating, and deploying life-saving countermeasures; advancing the use of scientific methods and data-driven decisions, fostering a safety culture, and promoting an integrated, multidisciplinary 4 E's (Engineering, Education, Enforcement, Education) approach to safety. The mission is carried out through the Highway Safety Improvement Program (HSIP), a data driven strategic approach to improving highway safety on all public roads that focuses on performance. The goal of the program is to achieve a significant reduction in traffic fatalities and serious injuries on all public roads, including non-State-owned public roads and roads on tribal lands.

In keeping with that mission, the United States Congress on June 29, 2012 passed the Moving Ahead for Progress in the 21st Century Act (MAP–21), which was signed into law (Pub. L. 112–141) on July 6, 2012 by President Barrack Obama. MAP–21 is a milestone for the U.S. economy and the Nation's surface transportation program as it transformed the policy and programmatic framework for investments to guide the system's growth and development and created a streamlined performance-based surface transportation program. The Federal Highway Administration defines Transportation Performance Management as a strategic approach that uses system information to make investment and policy decisions to achieve national performance goals.

MAP–21 requires the Secretary of Transportation to establish performance measures for States to use to assess serious injuries and fatalities per vehicle mile traveled; and the number of serious injuries and fatalities, for the purposes of carrying out the HSIP under 23 U.S.C. 148. The HSIP is applicable to all public roads and therefore requires crash reporting by law enforcement agencies that have jurisdiction over them.

In defining performance measures for serious injuries, FHWA seeks to define serious injuries in a manner that would provide for a uniform definition for national reporting in this performance area, as required by MAP–21. An established standard for defining serious injuries as a result of highway crashes has been developed in the 4th edition of the Model Minimum Uniform Crash Criteria (MMUCC). MMUCC represents a voluntary and collaborative effort to generate uniform crash data that are accurate, reliable and credible for data-driven highway safety decisions within a State, between States, and at the national level. The MMUCC defines a serious injuries resulting from traffic crashes as ''Suspected Serious Injury (A)'' whose attributes are:

Any injury, other than fatal, which results in one or more of the following: Severe laceration resulting in exposure of underlying tissues, muscle, organs, or resulting in significant loss of blood, broken or distorted extremity (arm or leg), crush injuries, suspected skull, chest, or abdominal injury other than bruises or minor lacerations, significant burns (second and third degree burns over 10 percent or more of the body), unconsciousness when taken from the crash scene, or paralysis.

As part of the effort to understand current reporting levels for serious injuries to support the MAP–21 performance measures, the FHWA seeks to determine at what level law enforcement agencies have adopted the MMUCC definition, attribute and coding convention. FHWA is aware that not all States have adopted the MMUCC definition, attribute and coding convention for serious injuries while other States have only partially adopted the definition. It is also known that some jurisdictions do not use the State Police Accident Report (PAR) form to report on crashes. It is not known if these PARs are MMUCC compliant.

The purpose of the information collection is to conduct an assessment of each Federal, tribal, State and non-State PAR to determine if the definition and coding convention used for reporting on serious injuries is or is not compliant with MMUCC, and if not compliant, the definition and coding convention that is used.

Respondents: Federal State, the District of Columbia, Puerto Rico, tribal and local traffic records management agencies. (75 total).

Frequency: One time collection.

Estimated Average Burden per Response: It will take approximately 15 minutes per participant.

Estimated Total Annual Burden Hours: Approximately 19 hours for a one time collection.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection of information is necessary for the U.S. DOT's performance, including whether the information will have practical utility; (2) the accuracy of the U.S. DOT's estimate of the burden of the proposed information collection; (3) ways to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: November 5, 2014.

Michael Howell,

Information Collection Officer.

[FR Doc. 2014–26730 Filed 11–10–14; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA–2014–0024]

Americans With Disabilities Act: Proposed Circular Amendment 2

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of availability of additional proposed circular chapters and request for comments.

SUMMARY: The Federal Transit Administration (FTA) has placed in the docket and on its Web site proposed guidance in the form of seven additional proposed circular chapters to assist transportation providers in meeting the requirements of the U.S. Department of Transportation's (DOT) Americans with Disabilities Act (ADA) regulations. These proposed circular chapters include Chapter 3 (Transportation Facilities), Chapter 6 (Fixed Route Service), Chapter 7 (Demand Responsive Service), Chapter 9 (ADA Paratransit Eligibility), Chapter 10 (Passenger Vessels), Chapter 11 (Other Modes), and Chapter 12 (Oversight, Complaints, and Monitoring). Also included is additional text on monitoring practices, published as addenda to Chapter 2 (General Requirements) and Chapter 8 (Complementary Paratransit Service). Along with the proposed Chapter 4 (Vehicle Acquisition) published on October 2, 2012, and Chapter 1 (Introduction and Applicability), Chapter 2 (General Requirements), Chapter 5 (Equivalent Facilitation), and Chapter 8 (Complementary Paratransit Service) published on February 19, 2014, these chapters are part of a series of 12 chapters that will compose a complete ADA circular. By this notice, FTA invites public comment on these seven additional proposed circular chapters and the addenda to two previously published chapters.

DATES: Comments must be submitted by January 12, 2015. Late-filed comments

will be considered to the extent practicable.

ADDRESSES: You may submit comments to Docket No. FTA–2014–0024 by any of the following methods:

Federal eRulemaking Portal: Go to *www.regulations.gov* and follow the online instructions for submitting comments.

Mail: Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays.

Fax: (202) 493–2251.

Instructions: You must include the agency name (Federal Transit Administration) and Docket number FTA–2014–0024 for this notice at the beginning of your comments. You should submit two copies of your comments if you submit them by mail. If you wish to receive confirmation that FTA received your comments, you must include a self-addressed stamped postcard. Note that all comments received will be posted without change to *www.regulations.gov* including any personal information provided and will be available to Internet users. You may review DOT's complete Privacy Act Statement published in the **Federal Register** on April 11, 2000 (65 FR 19477).

Docket: For access to the docket to read background documents and comments received, go to *www.regulations.gov* at any time or to the U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M–30, West Building Ground Floor, Room W12–140, Washington, DC 20590 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For program questions, Dawn Sweet, Office of Civil Rights, Federal Transit Administration, 1200 New Jersey Avenue SE., Room E54–306, Washington, DC 20590, phone: (202) 366–4018, or email, *dawn.sweet@dot.gov.* For legal questions, Bonnie Graves, Office of Chief Counsel, same address, Room E56–306, phone: (202) 366–4011, or email, *bonnie.graves@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Department of Transportation (DOT) issues regulations implementing the transportation and related provisions of the Americans with Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973, as amended. The regulations at 49 CFR parts 27, 37, 38, and 39 set forth specific requirements transportation providers must follow to ensure their services, vehicles, and facilities are accessible to and useable by people with disabilities. The body of ADA regulations is vast, covering multiple modes of public transportation, including fixed route bus and rail (e.g., rapid, commuter, and light rail); ADA complementary paratransit; general public demand responsive service; and ferry service. The Federal Transit Administration (FTA), as an agency within DOT, is charged with ensuring that providers of public transportation comply with these regulations. In 2010, FTA initiated a comprehensive management review of the agency's core guidance to transit grantees on ADA and other civil rights requirements. A primary goal of the review was to assess whether FTA was providing sufficient, proactive assistance to grantees in meeting civil rights requirements, as opposed to reacting to allegations of failure to comply with the requirements. Based on the results of the review, FTA identified the need to develop an ADA circular similar to the circulars long in place for other FTA programs. The current body of statutes and regulations in the ADA area can be imposing, and in some cases, extremely technical. As a result, FTA recognized value to the transit industry and other stakeholders in compiling and organizing information by topic into a plain English, easy-to-use format.

The proposed circular does not alter, amend, supersede or otherwise affect the DOT ADA regulations themselves or replace or reduce the need for detailed information in the regulations. Its format, however, can outline basic requirements with references to the applicable regulatory sections, along with examples of practices used by transit providers to meet the requirements. Optional practices are included throughout the circular; FTA recognizes that there are many different ways agencies can fulfill the regulatory requirements and ensure the delivery of compliant service.

FTA proposed a phased approach for the development of the new circular, FTA C 4710.1, with the initial proposed chapter focused on vehicle acquisition (*See* 77 FR 60170, Oct. 2, 2012, *www.gpo.gov/fdsys/pkg/FR-2012-10-02/pdf/2012-24185.pdf*) . In February, 2014, FTA published four additional chapters (Introduction and Applicability, General Requirements, Equivalent Facilitation, and Complementary Paratransit Service). (*See* 79 FR 9585, Feb. 19, 2014, *http://www.gpo.gov/fdsys/pkg/FR-2014-02-19/pdf/2014-03530.pdf*).

FTA will not publish final versions of individual chapters, but rather will publish one final circular after receiving comments on all individual chapters.

Today's notice provides a summary of the seven additional proposed chapters and two chapter addenda. These chapters of the proposed circular do not contain any new requirements, policies, or directives. The chapters themselves are not included in this notice; an electronic version may be found on FTA's Web site, at *www.fta.dot.gov.* Paper copies of the circular may be obtained by contacting FTA's Administrative Services Help Desk, at (202) 366–4865. After the summary of the seven new chapters, this notice describes FTA's approach for publishing a final circular.

After issuing the four additional chapters in February 2014, FTA received comments from 23 individuals and organizations. A number of comments raised concerns that optional practices and suggestions could be misinterpreted as requirements. Objections were raised to the circular project in its proposed format. Commenters provided further suggestions for modifying the format of the circular in order to better distinguish between regulatory requirements and guidance. FTA has incorporated many of these suggestions into the seven additional proposed chapters issued with this amendment, and will incorporate format changes in the remaining chapters, as appropriate. The revised format presents the regulatory requirements under a ''Requirement'' subheading; citations are included within quotation marks. A separate ''Discussion'' section then follows. FTA welcomes comments on these format changes. FTA also received comments on the substance of the draft chapters, including some corrections and suggestions, which FTA will incorporate as appropriate, along with other general comments on the circular format, upon finalization of the entire circular.

FTA encourages stakeholders to provide comments on the content of these seven proposed chapters and two chapter addenda.

II. Summary of Circular Amendment 2

Amendment 2 to the circular includes a table of contents for all 12 proposed chapters, including contents for the previously published proposed chapters: Chapter 1 (Introduction and Applicability), Chapter 2 (General

Requirements), Chapter 4 (Vehicle Acquisition), Chapter 5 (Equivalent Facilitation), and Chapter 8 (Complementary Paratransit Service).

The table of contents for Chapters 2 and 8 includes the proposed additional sections on monitoring. Finally, the table of contents includes the seven proposed chapters that are the subject of today's notice: Chapter 3 (Transportation Facilities), Chapter 6 (Fixed Route Service), Chapter 7 (Demand Responsive Service), Chapter 9 (ADA Paratransit Eligibility), Chapter 10 (Passenger Vessels), Chapter 11 (Other Modes), and Chapter 12 (Oversight, Complaints, and Monitoring).

Proposed Chapter 3, ''Transportation Facilities,'' explains the regulations related to transportation facilities with emphasis on the requirements for new construction and alterations. Proposed Chapter 3 explains the history of the ADA Accessibility Guidelines (ADAAG), including the revisions adopted by DOT in 2006 as the DOT Standards. The chapter does not attempt to exhaustively cover all topics related to construction and alteration but rather presents examples of common issues in applying the DOT Standards, such as the number and location of accessible station parking spaces, curb ramps and track crossings, and station platforms. The proposed chapter includes an extensive discussion on path of travel alterations and cost disproportionality—an issue that has been the source of misunderstanding in the past. Attached to proposed Chapter 3 is a checklist grantees may use to review new construction and alterations to help ensure compliance, including 18 review topics covering parking and loading areas, accessible routes, signs, facility elements, elevators and lifts, and platforms, among others.

Proposed Chapter 6, ''Fixed Route Service,'' explains the requirements for fixed route bus (local, express, commuter, and bus rapid transit (BRT)) and rail (light rail, rapid rail, and commuter rail). Proposed Chapter 6 does not cover intercity rail. The chapter primarily focuses on subpart G requirements that are specific to fixed route, such as priority seating, alternative transportation when vehicle lifts are not working, and stop announcements and route identification efforts. The cross-cutting requirements that apply to other modes of transit in addition to fixed route, such as the transport of service animals, wheelchairs, and oxygen, are covered in the previously published proposed Chapter 2, ''General Requirements.'' Proposed Chapter 6 concludes with two forms grantees may use to monitor their own stop announcement and route identification efforts—forms similar to those used by FTA when it conducts onsite compliance reviews.

Proposed Chapter 7, ''Demand Responsive Service,'' addresses demand responsive services such as traditional dial-a-ride, taxi subsidy programs, vanpool programs, and route deviation service. ADA complementary paratransit service, also a type of demand responsive service, is covered separately in proposed Chapters 8 and 9 of this circular. Proposed Chapter 7 explains the different types of demand responsive services and provides illustrations of service types for consideration at the local level. The chapter then explains the part 37 equivalent service requirements that permit transit agencies to purchase inaccessible vehicles, and explains equivalent service and service provision in the most integrated setting. Route deviation, in particular, has been a topic of interest and this chapter attempts to provide clarity on the issue. The section on route deviation service equivalency considerations includes a discussion of discriminatory policies and practices that limit the use of route deviation services. The same discussion explains the requirements to provide complementary paratransit service for transit agencies that limit route deviation requests to riders with disabilities. The discussion also explains how agencies may accommodate requests for complementary paratransit service either by deviating vehicles from fixed routes or by using available supplemental demand responsive (e.g., dial-a-ride) vehicles—essentially comingling complementary paratransit eligible riders with other demand responsive customers on the same vehicle. Proposed Chapter 7 concludes with options for monitoring and determining equivalency and includes a table for the seven service requirements. The chapter includes a sample certification of equivalent service as an attachment.

Proposed Chapter 9, ''ADA Paratransit Eligibility,'' addresses eligibility for complementary paratransit services, covering who is eligible and the regulatory requirements that transit agencies must follow when determining eligibility. The chapter focuses on ADA paratransit eligibility standards and includes a detailed discussion of eligible individuals as well as important considerations in eligibility such as most limiting conditions and environmental barriers. It discusses each type of ADA paratransit eligibility, including unconditional, conditional, and temporary eligibility, and includes considerations for applying conditional eligibility with examples of explicit conditions and suggestions on how to appropriately apply conditions. Requirements surrounding personal care attendants, companions, and visitors are also addressed in this chapter.

Proposed Chapter 9 describes the types of eligibility determination processes transit agencies use and includes suggested sources of information for determining eligibility such as supplemental information provided by professionals, as well as important considerations for the use of such information.

The chapter also covers the paperwork aspect of the paratransit application process. For example, it explains the prohibition against unreasonable burdens on applicants for ADA paratransit eligibility and includes examples of unreasonable burdens. The chapter includes information on how to treat incomplete applications for ADA paratransit eligibility, maintain an applicant's confidentiality, and offer eligibility materials in accessible formats. Proposed Chapter 9 goes on to explain the requirements for documenting eligibility, including the use of identification cards. Also included is a discussion of proper wording for letters to applicants found ineligible, conditionally eligible, or temporarily eligible.

Proposed Chapter 9 also explains the requirements for making timely determinations and for providing service if determinations are not made within 21 days of submission of complete applications. This includes a discussion of the timing of appointments for in-person assessments and their relationship to the 21-day application timeframe. The chapter explains the requirement for recertification of ADA paratransit eligibility at reasonable intervals and the appeal process requirements for applicants found ineligible, conditionally eligible, or temporarily eligible. This section includes information on notifying applicants of their right to appeal the decision, the right to be heard in person, the separation of function requirements, and the timing and documentation of appeal decisions. It also offers suggestions on selecting individuals to hear appeals and related practices that can help minimize the need for appeals.

The last section of proposed Chapter 9 ends with a discussion of two topics that have generated particular interest in the industry and within the disability community: No-show policies and origin-to-destination service. First, the

chapter explains the administrative process for suspending complementary paratransit service for riders who establish a pattern or practice of missing scheduled trips or canceling trips late. The discussion explains how to establish that a pattern or practice exists, methods of notifying riders of proposed suspensions, and the appeal process. The discussion then suggests practices for minimizing rider no-shows and offers references to guidance documents.

The section on the requirement for origin-to-destination service refers to DOT's 2005 Disability Law Guidance, which elaborates on the meaning of origin-to-destination service. (*See http://www.fta.dot.gov/12325_3891.html*). FTA notes that DOT has an open rulemaking on reasonable modification of policy and through that rulemaking sought public comments on issues related to origin-to-destination service. (*See* 71 FR 9761, Feb. 27, 2006). The proposed circular presents DOT's position on origin-to-destination service consistent with the 2005 guidance. Any changes to ADA requirements made through rulemaking at the DOT level may require associated changes to this circular.

Several attachments are included with this chapter: Proposed task and skills lists for assessing abilities to use fixed route transit services; sample letters for unconditional, conditional, and temporary ADA paratransit eligibility; a sample letter for denial of ADA paratransit eligibility, including a sample basis for the determination and a sample ADA paratransit eligibility determination appeal request form; and sample no-show policy documents and related guidance.

Proposed Chapter 10, ''Passenger Vessels,'' covers the requirements for ferries that apply to passenger vessel operators (PVOs) that receive FTA financial assistance. Regulations addressed in this chapter are from 49 CFR part 39 subparts A, B, C, D, F, and G. The subpart E guidelines for accessibility of vessels are currently reserved. The proposed chapter explains the unique challenges posed by marine environments and the regulatory requirements from multiple agencies.

Proposed Chapter 10 then covers each of the part 39 subparts and provides examples of good practices. The chapter also provides excerpts from the Department's additional guidance in the form of questions and answers concerning 49 CFR part 39, published on January 31, 2011. (*See www.civilrights.dot.gov/sites/default/files/PVGuidance2_3_11.pdf*). Proposed Chapter 10 also includes examples of good PVO practices in accommodating passengers with disabilities, including accommodating the needs of passengers with hearing impairments, providing information on vessel accessibility, and the resolution of complaints.

Proposed Chapter 11, ''Other Modes,'' covers the 49 CFR part 38 subpart H requirements for other vehicles and systems. These other modes are not covered by the requirements in 49 CFR part 38 subparts B, C, D, and E (vans, buses, and rail vehicles); these requirements are covered in the proposed chapter for vehicle acquisition (Chapter 4), published on Oct. 2, 2012. The chapter covers the requirements for automated guideway transit vehicles and systems, high-speed rail cars, monorails, trams and similar vehicles and systems, and includes hyperlinks to the part 38 requirements that apply to each mode.

Proposed Chapter 12, ''Oversight, Complaints, and Monitoring,'' explains how FTA carries out its oversight and enforcement responsibilities—including complaint investigations and onsite reviews—and covers transit agencies' own responsibilities for resolving and tracking nondiscrimination complaints. A sample comment form is included as an attachment to the chapter. The chapter also provides an overview of monitoring compliance for the programs and services agencies provide and monitoring any contractors or service providers that agencies use and includes a table showing the monitoring topics discussed in in different circular chapters.

Amendment 2 to the circular also includes two short proposed addenda to Chapters 2 and 8 published as Amendment 1 to the circular. The addendum proposed for insertion at the end of proposed Chapter 2, ''General Requirements,'' covers monitoring methods to ensure compliance with the topics in that chapter. Topics covered include gathering relevant service information (e.g., elevator working condition records), reviewing service data, directly observing the provision of service, and reviewing rider comments and complaints.

The addendum proposed for insertion at the end of Chapter 8, ''Complementary Paratransit Service,'' covers monitoring methods to ensure compliance with the topics in that chapter. Topics covered include a discussion of the components of an effective monitoring program. These include policies, procedures and standards, data collection and analysis, first-hand observations, provision of service, and reviewing rider comments and complaints.

III. Publication Approach

With the publication of the seven additional proposed chapters, FTA has now published all 12 proposed chapters that would compose FTA's proposed ADA circular. In its final form, the circular will provide guidance specifically for recipients of FTA financial assistance that provide public transportation service. As such, requirements found in the DOT ADA regulations, for example, related to intercity rail (i.e., Amtrak), private motor coach service (e.g., Greyhound), taxi service, and airport transportation will not be addressed in the FTA ADA circular.

FTA will not publish final versions of individual chapters, but rather will publish one final circular after receiving comments on individual chapters. Once comments are received on these remaining seven chapters, FTA will review the circular as one comprehensive document, make further refinements and publish a final circular.

IV. Conclusion

FTA seeks comments on the scope and content of the seven chapters of the circular addressed in Amendment 2: Chapter 3 (Transportation Facilities), Chapter 6 (Fixed Route Service), Chapter 7 (Demand Responsive Service), Chapter 9 (ADA Paratransit Eligibility), Chapter 10 (Passenger Vessels), Chapter 11 (Other Modes), and Chapter 12 (Oversight, Complaints, and Monitoring), and additional text on monitoring practices, published as addenda to previously published Chapters 2 and 8.

FTA is seeking comments specifically regarding (1) whether there are areas in each of these chapters that need more clarification or explanation; (2) important topics that were overlooked; (3) whether any sections, as written, appear to exceed regulatory requirements and which are not clearly presented as options; (4) whether any regulatory requirements are not clearly delineated as requirements; (5) whether the document's format change (e.g., the addition of a separate ''Requirements'' section in the topic areas) sufficiently addresses comments received on previous chapters regarding the need to separate regulatory requirements from options and technical assistance; and (6) examples of local practices that have proven effective that would be worth describing in the circular.

Therese W. McMillan,

Acting Administrator.

[FR Doc. 2014–26665 Filed 11–10–14; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket Number: FTA–2013–0019]

Notice of Availability of Final Guidance on the Application of United States Code on Corridor Preservation

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of availability of final guidance.

SUMMARY: The FTA announces the availability of final guidance on the application of a provision of the Moving Ahead for Progress in the 21st Century Act (MAP–21) regarding corridor preservation for future transit projects. MAP–21 modified Federal transit law by amending a previously existing provision such that FTA can now, under certain conditions, assist in the acquisition of both non-railroad and railroad right-of-way (ROW) for corridor preservation before the environmental review process under the National Environmental Policy Act (NEPA) is complete for any transit project that could eventually use that ROW or could later receive FTA financial assistance. The final guidance defines the type of ROW to which this MAP–21 provision applies and explains the conditions and requirements pertaining to its application. On December 11, 2013, FTA announced in the **Federal Register** under docket number FTA–2013–0019 the availability of draft guidance and requested public comment. FTA received six comment letters and presents its responses to those comments in this notice.

DATES: This final guidance is effective on November 12, 2014.

ADDRESSES: The final guidance is available in the U.S. Government's electronic docket site at *http://www.regulations.gov* under docket number FTA–2013–0019 and on the FTA Web site at *http://www.fta.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Nancy-Ellen Zusman, Office of Chief Counsel, (312) 353–2577 or Terence Plaskon, Office of Human and Natural Environment, (202) 366–0442. FTA is located at 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from 9:00 a.m. to 5:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Section 20016 of the Moving Ahead for Progress in the 21st Century Act (MAP–21) amended Federal transit law by revising a pre-existing provision and moving it to 49 U.S.C. 5323(q) such that FTA can now, under certain conditions, assist in the acquisition of non-railroad right-of-way (ROW) before the completion of the National Environmental Policy Act (NEPA) environmental review process for any project that could eventually use that ROW or later receive FTA financial assistance. The ''environmental review process'' is defined in 23 U.S.C. 139(a)(3). The new provision of MAP–21, which became effective on October 1, 2012, states:

(q) CORRIDOR PRESERVATION.—

(1) IN GENERAL.—The Secretary may assist a recipient in acquiring right-of-way before the completion of the environmental reviews for any project that may use the right-of-way if the acquisition is otherwise permitted under Federal law. The Secretary may establish restrictions on such an acquisition as the Secretary determines to be necessary and appropriate.

(2) ENVIRONMENTAL REVIEWS.—Right-of-way acquired under this subsection may not be developed in anticipation of the project until all required environmental reviews for the project have been completed.

Prior to October 1, 2012, FTA allowed this type of corridor preservation only for pre-existing railroad ROW to be used in a future transit project, pursuant to the former provision of Federal transit law that was modified and moved by MAP–21. MAP–21 removed the word ''railroad'' from the provision formerly in 49 U.S.C. 5324(c) and moved it to 49 U.S.C. 5323(q). Pursuant to authority delegated by the Secretary, FTA developed guidance that would (1) specify the conditions under which this provision may be used and (2) discuss the application of that provision to specific situations.

Comments

On December 11, 2013, FTA announced in the **Federal Register** (78 FR 75446) the availability of the draft guidance and requested comment on it. The notice of availability of the draft guidance contained a deadline of January 10, 2014, for comment. As of the date of issuance of this notice of availability of the final guidance, FTA considered all comments received in the docket. FTA received comments from two trade associations, two transit agencies, and two members of the public. Commenters provided 21 individual comments on the draft guidance. FTA organized these comments by topic. This notice discusses the comments FTA received, provides FTA's responses to those comments, and identifies resulting changes FTA made to the guidance.

Three commenters provided general comments that were supportive of the draft guidance and requested no changes. FTA notes these comments for the record.

Two commenters supported FTA's definition of ROW in the context of corridor preservation and thought its broad scope had advantages. FTA notes these comments for the record.

Three commenters questioned FTA's position in the draft guidance that once the environmental review of a proposed project is initiated corridor preservation would not be appropriate and FTA would not assist in any such acquisition. Commenters stated that FTA's guidance should allow ROW acquisition at any time before the completion of NEPA review. FTA considered these comments, agrees with this recommendation, and revised the guidance to reflect this. As a safeguard and to remedy any concern about prejudicing the NEPA process, FTA notes in the final guidance that a project sponsor must certify that the ROW acquisition will not limit the choice of reasonable alternatives for the project or otherwise influence the decision on any approval required for the project and would not prevent the lead agencies from making an impartial decision as to whether to accept an alternative that is being considered in the environmental review process.

One commenter questioned whether corridor preservation must be the subject of an environmental review. The commenter argued that the mere acquisition of title for corridor preservation purposes should not be subject to NEPA review at all. FTA disagrees with this argument. If an applicant acquires ROW with FTA funds, it is a Federal action. FTA and the applicant must then complete an environmental review of the acquisition itself in accordance with NEPA and all other applicable Federal environmental laws and regulations. The ROW acquisition is treated as a stand-alone project with a separate NEPA document. If the ROW acquisition does not use Federal funds and has no Federal approvals, then NEPA would not apply to that acquisition; however, NEPA would apply to the project using that ROW itself if the project receives FTA funds.

Two commenters remarked on the appropriate level of NEPA review for corridor preservation. One stated that a categorical exclusion (CE) should be FTA's ''default approach'' and that approaching corridor preservation in the context of a CE would be appropriate in the vast majority of circumstances. The other commenter felt the guidance needed clarification regarding this issue. FTA does not take a ''default approach''

in its environmental review, for corridor preservation or otherwise. The environmental review of ROW acquisition must be completed in accordance with NEPA and all other applicable Federal laws and regulations. FTA acknowledges that the CE found at 23 CFR § 771.118(d)(4), is potentially available for the appropriate level of NEPA review for corridor preservation; FTA notes, however, that if the CE is to be used then the conditions found in Sections 771.118(a) and (b) must be met. To add clarity, FTA revised the guidance to reflect this discussion.

One commenter questioned the guidance's requirement that all FTA planning requirements be satisfied for corridor preservation, including having the project in the Transportation Improvement Program (TIP) and State Transportation Improvement Program (STIP). If ROW is acquired with FTA funds, it is a Federal action and subject to FTA's metropolitan and statewide planning requirements, meaning that the corridor preservation project must be included in Metropolitan Transportation Plan (MTP), the TIP and STIP. Moreover, even if the property is acquired with local funds, the project should be in the MTP if it is foreseeable that FTA funds are expected to be used for the project that would use that ROW.

Two commenters submitted comments on the grants management/administration portion of the guidance. One commenter questioned FTA's expectation that a grantee implement a transit project using the ROW within a reasonable timeframe. The commenter requested FTA articulate criteria for this requirement. FTA declines to articulate specific criteria, but notes that the expectation of FTA is that when it provides Federal funds for corridor preservation that a project be built on that property within a reasonable timeframe. This is to ensure a proper and appropriate use of Federal funds. The final guidance is unchanged and states that, in determining the appropriate timeframe, FTA will consult with the project sponsor and will consider the planning status of any proposed project that would use the ROW. A second commenter questioned the guidance's requirement regarding the disposition of the ROW in accordance with 49 U.S.C. 5334(h)(1)–(3), 49 U.S.C. 5334(h)(4), or 49 CFR 18.31(c). The commenter recommended FTA allow for the repayment of Federal funds when for some reason a project does not proceed as an option to avoid disposition of the ROW. One alternative disposition method involves the retention of title by the project sponsor after compensating the Federal awarding agency. This is described in FTA's Grant Management Requirements Circular (5010.1D), which sets forth all of the real property disposition requirements. See *http://www.fta.dot.gov/legislation_law/12349_8640.html.*

One commenter urged FTA to encourage Congress to recognize the importance of predictable funding over improved streamlining. FTA decided that this comment is outside the scope of this guidance.

The final guidance is available in the U.S. Government's electronic docket site at *http://www.regulations.gov* under docket number FTA–2013–0019 and on the FTA Web site at *http://www.fta.dot.gov.*

Therese W. McMillan,

Acting Administrator, Federal Transit Administration.

[FR Doc. 2014–26705 Filed 11–10–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Limitation on Claims Against Proposed Public Transportation Projects

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: This notice announces final environmental actions taken by the Federal Transit Administration (FTA) for projects in San Diego, CA; Tarrant County, TX; and Washington, DC. The purpose of this notice is to announce publicly the environmental decisions by FTA on the subject projects and to activate the limitation on any claims that may challenge these final environmental actions.

DATES: By this notice, FTA is advising the public of final agency actions subject to Section 139(l) of Title 23, United States Code (U.S.C.). A claim seeking judicial review of FTA actions announced herein for the listed public transportation projects will be barred unless the claim is filed on or before April 13, 2015.

FOR FURTHER INFORMATION CONTACT: Nancy-Ellen Zusman, Assistant Chief Counsel, Office of Chief Counsel, (312) 353–2577 or Terence Plaskon, Environmental Protection Specialist, Office of Human and Natural Environment, (202) 366–0442. FTA is located at 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from 9:00 a.m. to 5:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FTA has taken final agency actions by issuing certain approvals for the public transportation projects listed below. The actions on the projects, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the projects to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA administrative record for the projects. Interested parties may contact either the project sponsor or the relevant FTA Regional Office for more information on each project. Contact information for FTA's Regional Offices may be found at *http://www.fta.dot.gov.*

This notice applies to all FTA decisions on the listed projects as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, NEPA [42 U.S.C. 4321–4375], Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303], Section 106 of the National Historic Preservation Act [16 U.S.C. 470f], and the Clean Air Act [42 U.S.C. 7401–7671q]. This notice does not, however, alter or extend the limitation period for challenges of project decisions subject to previous notices published in the **Federal Register**. The projects and actions that are the subject of this notice are:

1. *Project name and location:* Mid-Coast Corridor Transit Project, San Diego, CA. *Project sponsor:* San Diego Association of Governments (SANDAG). *Project description:* SANDAG proposes to extend operation of the San Diego Trolley Blue Line from the Santa Fe Depot in Downtown San Diego north to the Old Town Transit Center (OTTC) approximately 3.5 miles via the existing Trolley tracks, and then north along new tracks for 10.9 miles to the University Town Centre Transit Center in University City, with nine new stations (four at-grade and five aerial) and parking facilities at five stations. The project includes upgrades to existing facilities between Santa Fe Depot and the OTTC, park-and-ride facilities, and the acquisition of new Trolley vehicles. *Final agency actions:* Section 4(f) *de minimis* impact determination; Section 106 finding of no adverse effect; project-level air quality conformity; and Record of Decision (ROD), dated October 15, 2014. *Supporting documentation:* Final Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report, dated October 15, 2014.

2. *Project name and location:* TEX Rail Corridor Project, Tarrant County, TX. *Project sponsor:* Fort Worth

Transportation Authority. *Project description:* The proposed project is 27.2 miles of commuter rail transit operating in an exclusive right-of-way with at-grade and aerial sections between downtown Fort Worth, west of the Texas and Pacific Station, and the Dallas/Fort Worth International Airport at the Terminal A/B Station. The project includes eight stations (two stations are existing and will be shared with Trinity Railway Express service in Fort Worth), parking facilities, new and improved yard and shop facilities, rail vehicles, fare collection equipment, communications and train control systems, and ancillary facilities for the distribution of electrical power and stormwater management. *Final agency actions:* Section 4(f) determination; a Section 106 Memorandum of Agreement; project-level air quality conformity; and a Record of Decision, dated September 29, 2014. *Supporting documentation:* Final Environmental Impact Statement, dated May 19, 2014.

3. *Project name and location:* Anacostia Streetcar Extension, Washington, DC. *Project sponsor:* District of Columbia Department of Transportation (DDOT). *Project description:* The DDOT is proposing to construct and operate a half-mile extension of the Anacostia Initial Line (AIL) streetcar line. The project, with operations in 2017, will extend the AIL streetcar service, primarily along the CSX right-of-way, from the Anacostia Metrorail Station to the foot of the 11th Street Bridge at the intersection of Martin Luther King, Jr. Avenue SE. and Good Hope Road SE. in the Anacostia neighborhood of Washington, DC. *Final agency actions:* No use determination of Section 4(f) resources; Section 106 finding of no adverse effect; project-level air quality conformity; and Finding of No Significant Impact (FONSI), dated October 10, 2014. *Supporting documentation:* Environmental Assessment, dated February 26, 2014.

Dated: November 5, 2014.

Lucy Garliauskas,

Associate Administrator Planning and Environment.

[FR Doc. 2014–26728 Filed 11–10–14; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35848]

Wisconsin & Southern Railroad, L.L.C.—Acquisition and Operation Exemption—Union Pacific Railroad Company

AGENCY: Surface Transportation Board.

ACTION: Notice of acquisition and operation exemption.

SUMMARY: The Board is granting an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10902 for Wisconsin & Southern Railroad, L.L.C. (WSOR), a Class II rail carrier, to acquire from the Union Pacific Railroad Company (UP) and operate a permanent exclusive freight rail operating easement over approximately 69.62 miles of rail line (the Line) in the State of Wisconsin. Specifically, the Line includes: (a) The Reedsburg Line, between milepost 134.0 and milepost 191.90 near Reedsburg; (b) the Central Soya Industrial Lead, between milepost 83.78 and milepost 85.5 in Madison; and (c) the Cottage Grove Industrial Lead, between milepost 81.00 and milepost 71.00. WSOR has been the exclusive operator over the Line since 1996 pursuant to a lease with UP, and upon consummation of the transaction, will continue to operate the line. The exemption is subject to standard labor protective conditions. In the same decision, the Board is granting WSOR a waiver of the employee notice requirements of 49 CFR 1121.4(h).

DATES: This exemption will be effective on December 6, 2014. Petitions to stay must be filed by November 17, 2014. Petitions to reopen must be filed by November 26, 2014.

ADDRESSES: Send an original and 10 copies of all pleadings, referring to Docket No. FD 35848, to: Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, one copy of all pleadings must be served on WSOR's representative: Karl Morell, Of Counsel, BALL JANIK LLP, Suite 225, 655 Fifteenth Street NW., Washington, DC 20005, and on all other parties of record in Docket No. FD 35848.

FOR FURTHER INFORMATION CONTACT: Scott Zimmerman, (202) 245–0386. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877–8339. Copies of written filings will be available for viewing and self-copying at the Board's Public Docket Room, Room 131, and will be posted to the Board's Web site.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision served on November 6, 2014, which is available on our Web site at *www.stb.dot.gov.*

Decided: November 6, 2014.

By the Board, Chairman Elliott, Vice Chairman Miller, and Commissioner Begeman.

Raina White,

Clearance Clerk.

[FR Doc. 2014–26740 Filed 11–10–14; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35869]

Delaware Lackawaxen & Stourbridge Railroad Company—Operation Exemption—Stourbridge Railroad Company

Delaware Lackawaxen & Stourbridge Railroad Company (DL&S), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to operate a 24.80-mile rail line between milepost 0.0 at Lackawaxen, in Pike County, Pa., and milepost 24.80 at Honesdale, in Wayne County, Pa. (the Line), pursuant to an operating agreement with Class III rail carrier Stourbridge Railroad Company (SBRR), the owner of the Line.

DL&S states that the agreement provides that DL&S will be the exclusive common carrier freight and passenger operator on the Line. DL&S also states that there will be no restrictions or limitations with regard to the interchange of freight traffic. DL&S notes that it will interchange with the Central New York Railroad Company at milepost 0.0 at Lackawaxen.

The transaction may be consummated on November 26, 2014, the effective date of the exemption (30 days after the exemption was filed).

DL&S certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III carrier and will not exceed $5 million. DL&S also certifies that this transaction will not result in the creation of a Class I or Class II rail carrier.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed by November 19, 2014 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35869, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Richard R. Wilson, 518 N. Center Street, Ste. 1, Ebensburg, PA 15931.

Board decisions and notices are available on our Web site at ''*WWW.STB.DOT.GOV.*''

Decided: November 6, 2014.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Raina S. White,

Clearance Clerk.

[FR Doc. 2014–26741 Filed 11–10–14; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0104]

Agency Information Collection (Report of Accidental Injury in Support of Claim for Compensation or Pension/ Statement of Witness to Accident): Activity Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before December 12, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0104'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0104.''

SUPPLEMENTARY INFORMATION:

Title: Report of Accidental Injury in Support of Claim for Compensation or Pension/Statement of Witness to Accident, VA Form 21P–4176.

OMB Control Number: 2900–0104.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21P–4176 is used to support a claim for disability benefits based on an accidental injury that a veteran incurred while in the line of duty. VA will use the data collected to determine whether the injury was accidental or a result of willful misconduct by the veteran.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on August 28, 2014, at page 51398.

Affected Public: Individuals or households.

Estimated Annual Burden: 2,200 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 4,400.

Dated: November 6, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–26719 Filed 11–10–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0717]

Proposed Information Collection (Child Care Subsidy) Activity: Comment Request

AGENCY: Human Resources Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Human Resources Management (HRM), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each revised collection, and allow 60 days for public comment in response to this notice. This notice solicits comments on information needed to determine VA employees' eligibility to participate in VA's child care subsidy program.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before January 12, 2015.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Jean Hayes, Human Resources and Administration (05), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email: *jean.hayes@va.gov.* Please refer to ''OMB Control No. 2900–0717'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Jean Hayes at (202) 461–7863.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, HRM invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of HRM's functions, including whether the information will have practical utility; (2) the accuracy of HRM's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles:

a. Child Care Subsidy Application Form, VA Form 0730a.

b. Child Care Provider Information (For the Child Care Subsidy Program), VA Form 0730b.

OMB Control Number: 2900–0717.

Type of Review: Revision of a currently approved collection.

Abstracts:

a. VA employees complete VA Form 0730a to request participation in VA's child care subsidy program. VA will use the data collected to determine the percentage of monthly cost to be subsidized for child care.

b. VA Form 0730b is completed by the child care provider. The data will be used to determine whether the child care provider is licensed and/or regulated by the state to perform child care.

Affected Public: Individuals or households.

Estimated Annual Burden:

a. VA Form 0730a—667 hours.

b. VA Form 0730b—333 hours.

Estimated Average Burden per Respondent:

a. VA Form 0730a—20 minutes.

b. VA Form 0730B—10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents:

a. VA Form 0730a—2,000.

b. VA Form 0730b—2,000.

Dated: November 6, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–26725 Filed 11–10–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0716]

Proposed Information Collection (Complaint of Employment Discrimination) Activity: Comment Request

AGENCY: Human Resources and Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Human Resources and Administration (HRA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to process a complaint of employment discrimination.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before January 12, 2015

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Jean Hayes, Human Resources and Administration (05), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email: *jean.hayes@va.gov.* Please refer to ''OMB Control No. 2900–0716'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Jean Hayes at (202) 461–7863.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, HRA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of HRA's functions, including whether the information will have practical utility; (2) the accuracy of HRA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Complaint of Employment Discrimination, VA Form 4939.

OMB Control Number: 2900–0716.

Type of Review: Revision of a currently approved collection.

Abstract: VA employees, former employees and applicants for employment who believe they were denied employment based on race, color, religion, gender, national origin age, physical or mental disability and/or reprisal for prior Equal Employment Opportunity activity complete VA Form 4939 to file a complaint of discrimination.

Affected Public: Individuals or households.

Estimated Annual Burden: 210 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 419.

Dated: November 6, 2014.

By direction of the Secretary:

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–26722 Filed 11–10–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Proposed Information Collection (Supporting Statement for VA Preparedness Communications Survey) Activity: Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each new collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed for Veterans, Veteran Representatives and health care providers to request reimbursement from the federal government for emergency services at a private institution.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before January 12, 2015.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov*; or Audrey Revere, Office of Regulatory and Administrative Affairs, Veterans Health Administration (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email: *Audrey.revere@va.gov*. Please refer to ''OMB Control No. 2900—(Supporting Statement for VA Preparedness Communications Survey)'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Audrey Revere at (202) 461–5694.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed

collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles: VA Preparedness Communications Survey.

OMB Control Number: 2900–NEW.

Type of Review: New Collection Request.

Abstract: This collection is being conducted by the Veterans Emergency Management Evaluation Center at the request of the Department of Veterans Affairs (VA), Veterans Health Administration (VHA), Office of Emergency Management (OEM) to support current and future operations. VA does not currently have a natural disaster preparedness plan to communicate with patients and ensure their continuity of care. The proposed study will support VA/VHA Office of Emergency Management operations by assessing how best to communicate news of medical facility closures to patients during and after a natural disaster. The proposed survey will support this effort by providing VA stakeholders with high-quality information to inform the development of a disaster preparedness communication plan to reach Veterans with different communication needs.

Affected Public: Individuals or Households.

Estimated Annual Burden: 86,033 burden hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 2,272.

Dated: November 6, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–26718 Filed 11–10–14; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

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Part II

Department of State

Office of the Chief of Protocol; Gifts to Federal Employees From Foreign Government Sources Reported to Employing Agencies in Calendar Year 2013; Notice

DEPARTMENT OF STATE

[Public Notice: 8944]

Office of the Chief of Protocol; Gifts to Federal Employees From Foreign Government Sources Reported to Employing Agencies in Calendar Year 2013

The Department of State submits the following comprehensive listing of the statements which, as required by law, Federal employees filed with their employing agencies during calendar year 2013 concerning gifts received from foreign government sources. The compilation includes reports of both tangible gifts and gifts of travel or travel expenses of more than minimal value, as defined by statute. Also, included are gifts received in previous years including one gift in 2003, one gift in 2007, one gift in 2008, nine gifts in 2009, eight gifts in 2010, nineteen gifts in 2011, twenty gifts in 2012, and eight gifts with unknown dates. These latter gifts are being reported in 2013 as the Office of the Chief of Protocol, Department of State, did not receive the relevant information to include them in earlier reports.

Publication of this listing in the **Federal Register** is required by Section 7342(f) of Title 5, United States Code, as added by Section 515(a)(1) of the Foreign Relations Authorization Act, Fiscal Year 1978 (Pub. L. 95–105, August 17, 1977, 91 Stat. 865).

Dated: October 23, 2014.

Patrick F. Kennedy,

Under Secretary for Management, Department of State.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT

[Report of Tangible Gifts Furnished by the White House—Executive Office of the President]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States.	Calligraphy art by Hoin Yamoda. Calligraphy by Douzen Ueno. Rec'd—10/22/2012. Est. Value—$920.00. Disposition—National Archives and Records Administration.	His Excellency Takeo Akiba, Minister of Political Affairs of the Embassy of Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	41″ × 51″ framed sketch of President Obama on canvas in monochrome by Praseart Sriratchatchawan. Rec'd—11/16/2012. Est. Value—$1,600.00 Disposition—National Archives and Records Administration.	Mr. Somnuk Thanadechakul, Mayor of Nonthaburi Municipality, the Kingdom of Thailand.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Kutani porcelain Henko jar depicting dogtooth violets and a sparrow against a white background by Toshito Nakamura accompanied with a dusting cloth. Rec'd—1/11/2013. Est. Value—$765.00. Disposition—National Archives and Records Administration.	His Excellency Kenichiro Sasae, Ambassador of Japan to the United States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Book, title: "L'Italia Unita: 150 Anniversario Unita d'Italia" with light brown leather binding and slip case. Small silver and blue picture frame with red corners. Rec'd—2/14/2013. Est. Value—$1,250.00. Disposition—National Archives and Records Administration.	His Excellency Giorgio Napolitano, President of the Italian Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Wakasa-nuri lacquered pen made in Obama City, Japan, with red and gold detail. Rec'd—2/22/2013. Est. Value—$640.00. Disposition—National Archives and Records Administration.	The Honorable Koji Matsuzaki, Mayor of Obama City of Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Large silver platter engraved with city scene and inscription. Large woven rug in red, white, green, and black. Rec'd—3/12/2013. Est. Value—$800.00. Disposition—National Archives and Records Administration.	His Excellency Ali Zeidan, Prime Minister of Libya.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of Tangible Gifts Furnished by the White House—Executive Office of the President]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States.	Gold decorated round box with inscribed lid, lined with red velvet. Rec'd—3/12/2013. Est. Value—$490.00. Disposition—National Archives and Records Administration.	His Majesty Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah ibni Al-Marhum Sultan Haji Omar 'Ali Saifuddien Sa'adul Khairi Waddien, Sultan and Yang Di-Pertuan of Brunei Darussalam.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Silver covered plate commemorating the International Day of Nowruz. Rec'd—3/16/2013. Est. Value—$425.00. Disposition—National Archives and Records Administration.	His Excellency Dyusen Kaseinov, General Secretary of Turksoy.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Crystal bowl with Saint Patrick's Day 2013 inscription and shamrock detail by Sean Egan. Limited-edition book, title: ''On Canaan's Side'' with inscription, signed by the author. Leather-bound book, title: ''Atlas Of The Great Irish Famine'' signed by the donor. Framed poem, title: ''The Lakeisle of Innisfree''. Rec'd—3/18/2013. Est. Value—$1,807.00. Disposition—National Archives and Records Administration.	His Excellency Enda Kenny, Taoiseach of Ireland, and Mrs. Fionnuala Kenny.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	0.04 square millimeters engraved small chip with side-by-side texts of the United States and Israeli Declarations of Independence affixed to a 1″ × 1″ Jerusalem stone, all contained in display box with magnifying view piece. Rec'd—3/20/2013. Est. Value—$2,700.00. Disposition—National Archives and Records Adminsitration.	His Excellency Benjamin Netanyahu, Prime Minister of the State of Israel, and Mrs. Sara Netanyahu.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Painting of President Obama juxtaposed with President Lincoln with gold border. Photo album of President Obama's visit to the West Bank bound in green leather with gold accents and emblem of Palestinian Authority. Photo of Palestinian-American veterans marching in parade in Chicago, Illinois. Olive wood carved manger scene. Rec'd—3/21/2013. Est. Value—$414.00. Disposition—National Archives and Records Administration. Olive wood handled pursuant to United States Secret Service policy.	His Excellency Mahmoud Abbas, President of the Palestinian Authority.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Clock depicting United States and Israeli times and temperatures with presentation plaque. Framed Medal of Distinction and framed certificate honoring President Obama. Rec'd—3/22/2013. Est. Value—$835.00. Disposition—National Archives and Records Administration.	His Excellency Shimon Peres, President of the State of Israel.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of Tangible Gifts Furnished by the White House—Executive Office of the President]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States.	Woodcut statue of the angel Gabriel and the Star of Bethlehem. Rec'd—3/25/2013. Est. Value—$1,380.00. Disposition—National Archives and Records Administration.	Ms. Vera Baboun, Mayor of Bethlehem.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Two 8″ × 5″ multi-colored porcelain Chinese temple dogs. Rec'd—3/26/2013. Est. Value—$450.00. Disposition—National Archives and Records Adminstration.	His Excellency Wang Qishan, Secretary of the Central Commission for Discipline Inspection of the Communist Party of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Four traditional Senegalese outfits in black, purple, white, and beige. 14″ bronze sculpture of a horse with rider holding a sword. Rec'd—3/28/2013. Est. Value—$1,420.00. Disposition—Clothing at National Archives and Records Administration. Sculpture retained for official use only.	His Excellency Macky Sall, President of the Republic of Senegal.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Brown upholstered chair with footrest. Rec'd—4/1/2013. Est. Value—$4,000.00. Disposition—Retained for official use only.	His Excellency Lee Hsien Loong, Prime Minister of the Republic of Singapore.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Large gold-inlaid jar in ''Five Oxen'' design from a historical Tang Dynasty picture. Rec'd—4/12/2013. Est. Value—$1,800.00. Disposition—National Archives and Records Administration.	His Excellency Cui Tiankai, Ambassdor of the People's Republic of China to the United States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Circular silver platter engraved with major world cities and global positioning coordinates with distance from the State of Qatar. Rec'd—4/23/2013. Est. Value—$6,500.00. Disposition—National Achives and Records Administration.	His Highness Sheikh Hamad Bin Khalifa Al Thani, Amir of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Framed photograph of President Obama and King Abdullah II, signed by His Majesty. Hardcover book, title: ''Madi: A Boundless Life.'' 2012 limited-edition print of seated man with plant by Hussein Madi. Photo album of President Obama's visit to the Hashemite Kingdom of Jordan. Rec'd—5/2/2013. Est. Value—$1,535.00. Disposition—National Archives and Records Administration.	His Majesty King Abdullah II ibn Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	26.5″ × 34″ neo-pop art style print of the National Theater in San Jose, Costa Rica by Carolina Rodriguez. Rec'd—5/3/2013. Est. Value—$590.00. Disposition—National Archives and Records Administration.	Her Excellency Laura Chinchilla Miranda, President of the Republic of Costa Rica.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of Tangible Gifts Furnished by the White House—Executive Office of the President]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States.	Glass sculpture of a woman carrying a jug on wooden base with gold etching. Rec'd—5/3/2013. Est. Value—$490.00. Disposition—National Archives and Records Administration.	His Excellency Mauricio Funes, President of the Republic of El Salvador.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	23″ × 20″ Turkish calligraphy version of ''Barak Huseyin Obama'' with tezhip border and gold frame. Rec'd—5/15/2013. Est. Value—$1,200.00. Disposition—National Archives and Records Administration.	His Excellency Recep Tayyip Erdoğan, Prime Minister of the Republic of Turkey.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	20″ × 1″ porcelain oval-shaped vase with black monochrome scene of mountains and trees and square hollow wood plinth. Rec'd—6/7/2013. Est. Value—$1,400.00. Disposition—National Archives and Records Administration.	His Excellency Xi Jinping, President of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Blue-striped upholstered ottoman with storage compartments. Dark brown carrying case containing six glasses. 12 bottles of Pisco Brand. Rec'd—6/10/2013. Est. Value—$1,040.00. Disposition—National Archives and Records Administration. Perishable items handled pursuant to United States Secret Service policy.	His Excellency Ollanta Moises Humala Tasso, President of the Republic of Peru.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Six piece porcelain espresso cup set with gold inside and silver leaf pattern on outside. Rec'd—6/17/2013. Est. Value—$540.00. Disposition—National Archives and Records Administration.	His Excellency Vladimir Putin, President of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Framed photo of the G8 Leaders. Custom USB stick. Paperback book, title: ''My NI.'' CD, title: ''Bestselling British Songs.'' Hardcover book, title: ''Scenic Ireland: The Province of Ulster.'' Two porcelain cups with shamrocks. Wash bag by Anya Hindmarch. Mulberry tan travel bag with monogram. Apothecary bath products. Co Couture chocolates. Bottle of whiskey. Rec'd—6/18/2013. Est. Value—$2,116.27. Disposition—National Archives and Records Administration. Bath products and perishable items handled pursuant to United States Service policy.	The Right Honorable David Cameron, MP, Prime Minister of the United Kingdom of Great Britain and Northern Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of Tangible Gifts Furnished by the White House—Executive Office of the President]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States.	Wooden chest carved with flower and leaf design and brass fittings containing 20 green kente-style cloths with image of President Obama, 19 black hats with pins, 20 white baseball caps with image of President Obama, 21 blue kente-style cloths with image of President Obama, 18 navy blue polo shirts, 10 white polo shirts, a 56″ × 80″ blue plaid cloth, and one blue cloth with beaded decoration on round beaded tray with bow. Rec'd—6/27/2013. Est. Value—$1,926.00. Disposition—National Archives and Records Administration.	His Excellency Ali Mohamed Shein, President of Zanzibar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Hand-crafted drum bordered by colors of Senegalese flag tied with black thread on a wooden base. Rec'd—6/27/2013. Est. Value—$950.00. Disposition—National Archives and Records Administration.	Chief Justice Oumar Sakho, First President of the Supreme Court of the Republic of Senegal.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	4′ tall wooden statue of a woman carrying a basket. Bronze statue of Senegalese national hero Lat Dior Ngone Latyr Diop. Rec'd—6/27/2013. Est. Value—$1,205.00. Disposition—National Archives and Records Administration.	His Excellency Macky Sall, President of the Republic of Senegal.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	50″ × 12″ bronze statue of cheetah. Four bottles of wine. Rec'd—6/28/2013. Est. Value—$1,288.03. Disposition—National Archives and Records Administration. Perishable items handled pursuant to United States Secret Service policy.	His Excellency Jacob Zuma, President of the Republic of South Africa.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	11″ × 7″ full zebra skin mounted on felt. 37″ × 50″ painting of Maasai tribes-people. Sculpture. Rec'd—7/1/2013. Est. Value—$4,000.00. Disposition—National Archives and Records Administration.	His Excellency Jakaya Kikwete, President of the United Republic of Tanzania.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	23″ × 19″ scale carved from cedar. Copy of original letter sent by Ho Chi Minh to President Harry Truman in 1946. Rec'd—7/24/2013. Est. Value—$780.00. Disposition—National Archives and Records Administration.	His Excellency Truong Tan Sang, President of the Socialist Republic of Vietnam.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Gift basket of Godiva chocolates. Rec'd—8/4/2013. Est. Value—$2,484.00. Disposition—Perishable items handled pursuant to United States Secret Service policy.	His Majesty Mohammed VI, King of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of Tangible Gifts Furnished by the White House—Executive Office of the President]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States.	8″ silver-covered cast resin relief plaque depicting Pericles' Funeral Oration including Greek quote from the oration. Rec'd—8/8/2013. Est. Value—$430.00. Disposition—National Archives and Records Administration.	His Excellency Antonis Samaras, Prime Minister of the Hellenic Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	22″ × 27″ framed amber painting of hut and larger structure in background. Paperback book, title: ''Testimonios de La Asuncion: Crecimiento y desarrollo en sus 450 anos 1537–1987''. Rec'd—8/15/2013. Est. Value—$505.00. Disposition—National Archives and Records Administration.	His Excellency Horacio Cartes, President of the Republic of Paraguay.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	35″ × 23.5″ and 27″ × 19″ framed photo collages of President Obama and the First Lady with the President and First Lady of South Africa from their visit to South Africa. Rec'd—8/26/2013. Est. Value—$580.00. Disposition—National Archives and Records Adminsitration.	His Excellency Jacob Zuma, President of the Republic of South Africa.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	3″ × 1″ polished amber mounted on wooden base. DVD, title: ''The Other Dream Team.'' Personalized basketball jersey in green and yellow with flags of Lithuania and the United States on the front. Rec'd—9/3/2013. Est. Value—$439.98. Disposition—National Archives and Records Administration.	Her Excellency Dalia Grybauskaitė, President of the Republic of Lithuania.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	34″ × 13″ print of boats coming to port in a busy harbor by Louis Jean Deprez, depicting Swedish battle fleet. Rec'd—9/4/2013. Est. Value—$480.00. Disposition—National Archives and Records Administration.	His Majesty King Carl XVI Gustaf of Sweden.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	20″ × 19″ tall porcelain rose plum shape vase with lotus flower design. Rec'd—9/6/2013. Est. Value—$3,200.00. Disposition—National Archives and Records Administration.	His Excellency Xi Jinping, President of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	30″ × 30″ print of Turkish calligraphy in a circular design with interweaving lines and square shapes colored in navy, orange, and teal, title: ''Fahrettin 2007''. Rec'd—9/22/2013. Est. Value—$690.00. Disposition—National Archives and Records Administration.	His Excellency Abdullah Gül, President of the Republic of Turkey.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	24″ × 32″ framed painting of a beach scene in Mauritius, title: ''Sous un Mangier'' by Vaco. 21″ × 17″ framed painting of Le Morne Brabant mountain by Ragusa. Rec'd—10/1/2013. Est. Value—$835.00. Disposition—National Archives and Records Administration.	His Excellency Navinchandra Ramgoolam, Prime Minister of Mauritius.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of Tangible Gifts Furnished by the White House—Executive Office of the President]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States.	Olive green leather briefcase with maroon pattern at top, floral design, and three outside zippers. iPad mini in blue presentation box. International power cord for iPad mini. Black and silver pen with gold symbol on top. Rec'd—10/12/2013. Est. Value—$2,088.99. Disposition—National Archives and Records Administration.	His Majesty Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah ibni Al-Marhum Sultan Haji Omar 'Ali Saifuddien Sa'adul Khairi Waddien, Sultan and Yang Di-Pertuan of Brunei Darussalam.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Three Aurora fountain pens in black case, one green, one red, and one white, each with 18K gold nib with plaque of flags of Italy and the European Union. Book, title: "Bibenda." Case of wine with corkscrew. Rec'd—10/15/2013. Est. Value—$1,273.84. Disposition—National Archives and Records Administration. Perishable items and corkscrew handled pursuant to United States Secret Service policy.	His Excellency Enrico Letta, President of the Council of Ministers of the Italian Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	72″ × 48″ traditional Pakistani carpet with cream and white floral design. Rec'd—10/31/2013. Est. Value—$600.00. Disposition—National Archives and Records Administration.	His Excellency Nawaz Sharif, Prime Minister of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	15″ tall granite Hammurabi Obelisk on wooden stand with inlayed mother of pearl. Rec'd—10/31/2013. Est. Value—$900.00. Disposition—National Archives and Records Administration.	His Excellency Nouri Al-Maliki, Prime Minister of the Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	57.5″ × 61″ framed acrylic painting of President Obama and the First Lady. Rec'd—11/20/2013. Est. Value—$3,100.00. Disposition—National Archives and Records Administration.	Her Excellency Liu Yandong, Vice Premier of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Poniard knife and gold sheath covered in green and red jewels. Visconti fountain pen with Declaration of Independence design, magnifying glass, and mini scroll in brown presentation box. Rec'd—11/20/2013. Est. Value—$3,750.00. Disposition—National Archives and Records Administration.	His Majesty Mohammed VI, King of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of Tangible Gifts Furnished by the White House—Executive Office of the President]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States.	Large cream color storage trunk with wooden ribs, leather handles, and removable feet containing various items including a 6.5″ diameter polished sterling silver bowl, 8″ × 10″ silver picture frame, and three hardcover books, title: ''Audubon's Birds of America,'' ''Botanica Magnifica,'' and ''San Francisco Then''. Rec'd—11/20/2013. Est. Value—$2,262.00. Disposition—National Archives and Records Administration.	His Majesty Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah ibni Al-Marhum Sultan Haji Omar 'Ali Saifuddien Sa'adul Khairi Waddien, Sultan of Yang Di-Pertuan of Brunei Darussalam.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Walking stick with metal bird topper made from Colombian wood by Adriana Henricio. Rec'd—12/3/2013. Est. Value—$524.00. Disposition—National Archives and Records Administration.	His Excellency Juan Manuel Santos Calderón, President of the Republic of Colombia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Cufflinks with etched menorah tablet. Rec'd—12/3/2013. Est. Value—$485.00. Disposition—National Archives and Records Administration.	His Excellency Ron Dermer, Ambassador of the State of Israel to the United States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Large Azerbaijani rug with geometric designs of red, blue, and white in leather carrying bag. Rec'd—12/5/2013. Est. Value—$6,560.00. Disposition—National Archives and Records Administration.	His Excellency Elin Suleymanov, Ambassador of the Republic of Azerbaijan to the United States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	17″ circular quilted table mat in yellow and white with three circular floor sitting mats of the same material and design. Rec'd—12/31/2013. Est. Value—$1,800.00. Disposition—National Archives and Records Administration.	His Excellency Goodluck Jonathan, President of the Federal Republic of Nigeria.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	26″ tall glass, amber-colored sculpture depicting a falcon perched on a branch looking over its shoulder. Rec'd—12/31/2013. Est. Value—$10,408.00. Disposition—National Archives and Records Administration.	His Excellency Mohamed Bin Abdulla Al Rumaihi, Ambassador of the State of Qatar to the United States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States, and Mrs. Michelle Obama.	Two traditional male and female Malian garments including a white tunic and pants. Dark wood figurine of woman's silhouette carrying container overhead. Rec'd—4/22/2013. Est. Value—$520.00. Disposition—National Archives and Records Administration.	Mrs. Mintou Doucoure Traore, First Lady of the Republic of Mali.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States, and Mrs. Michelle Obama.	Double-rolled scroll, title: ''Freedom of the City of Cape Town'' signed by President Obama and the First Lady, hand-inked on paper mounted on hand carved protea wood batons. Rec'd—6/30/2013. Est. Value—$2,055.00. Disposition—National Archives and Records Administration.	The City of Cape Town of the Republic of South Africa.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of Tangible Gifts Furnished by the White House—Executive Office of the President]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States, and Mrs. Michelle Obama.	Three 9.5″ porcelain plates with Russian city scenes, one with Peterhof Palace, one with an equestrian statue, and one with the Monument of the Emperor Peter I and the Konstantin Palace. White porcelain tea set with two half-circle cups and one tea pot with blue, red, black, orange, and green stripes. White porcelain tea set with two tea cups, two large coasters and a tea pot. DVD, title: ''Jewels'' from the Mariinsky Theatre Ballet. Rec'd—9/6/2013. Est. Value—$1,084.00. Disposition—National Archives and Records Administration.	His Excellency Vladimir Putin, President of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States, and Mrs. Michelle Obama.	Black leather box displaying the Kuwaiti emblem containing black and gold Kuwaiti clothing. Set of historical Kuwaiti coins from 1780 to present with display stand and case. Leather card with inscription. Rec'd—9/12/2013. Est. Value—$1,230.00. Disposition—National Archives and Records Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mrs. Michelle Obama, First Lady of the United States.	Leila collection by Mouawad 18K white gold flower shaped jewelry set with yellow sapphires and diamonds, including a pair of earrings, a ring, a necklace with 18-inch chain, and a magnifying glass. Gold-plated rose in red presentation box. Rec'd—3/12/2013. Est. Value—$71,468.00. Disposition—National Archives and Records Administration.	Her Majesty Queen Pengiran Anak Saleha of Brunei Darussalam.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mrs. Michelle Obama, First Lady of the United States.	Silver Seder plate with Hebrew inscriptions. Rec'd—3/20/2013. Est. Value—$445.00. Disposition—National Archives and Records Administration.	His Excellency Benjamin Netanyahu, Prime Minister of the State of Israel, and Mrs. Sara Netanyahu.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mrs. Michelle Obama, First Lady of the United States.	Set of 12 silver spoons, bearing ''lion passant'' and leopard head markings with flowers in polished wood presentation box. Rec'd—4/23/2013. Est. Value—$600.00. Disposition—National Archives and Records Administration.	His Highness Sheikh Hamad Bin Khalifa Al Thani, Amir of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mrs. Michelle Obama, First Lady of the United States.	Porcelain tableware set including bowls, dishes, plates, chopsticks, napkins, and spoons. Book, title: ''The Very Best of Korean Cooking''. Rec'd—5/7/2013. Est. Value—$375.00. Disposition—National Archives and Records Administration.	Her Excellency Park Geun-hye, President of the Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of Tangible Gifts Furnished by the White House—Executive Office of the President]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Mrs. Michelle Obama, First Lady of the United States.	31″ × 39″ framed lithograph depicting two figures draped in the American flag and the Union Jack flag by artist Dean Baer. Signed photo of His Royal Highness in a leather frame. Rec'd—5/9/2013. Est. Value—$1,330.00. Disposition—National Archives and Records Administration.	His Royal Highness Prince Henry Charles Albert David of Wales.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mrs. Michelle Obama, First Lady of the United States.	Gold, flower-shaped brooch with pearl flower bud. Rec'd—5/20/2013. Est. Value—$1,400.00. Disposition—National Archives and Records Administration.	His Excellency U Thein Sein, President of Burma.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mrs. Michelle Obama, First Lady of the United States.	24″ × 17″ framed print of the Brandenburg Gate by Joseph Robers. Rec'd—6/18/2013. Est. Value—$460.00. Disposition—National Archives and Records Administration.	Her Excellency Dr. Angela Merkel, Chancellor of the Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mrs. Michelle Obama, First Lady of the United States.	Porcelain, hand-painted tea set with two cups, two plates, one platter, two small plates, and one teapot. Multi-colored beaded chicken basket. Multi-colored necklace and earrings. Two ornamental eggs, one blotched, one striped. Two mugs commemorating the President and First Lady's trip to the Republic of South Africa. Rec'd—7/28/2013. Est. Value—$1,010.00. Disposition—National Archives and Records Administration.	Mrs. Tobeka Zuma, First Lady of the Republic of South Africa.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mrs. Michelle Obama, First Lady of the United States.	Two 3″ diameter gold-plated candy dishes in a black box. 4″ diameter candy dish by Orrefors Crystal with Swedish Royal insignia. Rec'd—9/4/2013. Est. Value—$610.00. Disposition—National Archives and Records Administration.	Her Majesty Queen Silvia Renate of Sweden.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mrs. Michelle Obama, First Lady of the United States.	Embroidered handbag with multi-colored aviary motif. Rec'd—9/12/2013. Est. Value—$580.00. Disposition—National Archives and Records Administration.	His Excellency Julio Ligorría, Ambassador of the Republic of Guatemala to the United States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mrs. Michelle Obama, First Lady of the United States.	Matching necklace and earring set made of blue topaz and pearls. Rec'd—9/24/2013. Est. Value—$940.00. Disposition—National Archives and Records Administration.	Mrs. Shiranthi Rajapaksa, First Lady of the Democratic Socialist Republic of Sri Lanka.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mrs. Michelle Obama, First Lady of the United States.	Drop earrings of silver and blue crystal by Baccarat. Hardcover book, title: "Nature—Simple, Healthy and Good". Rec'd—9/24/2013. Est. Value—$435.00. Disposition—National Archives and Records Administration.	Ms. Valérie Trierweiler, First Lady of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of Tangible Gifts Furnished by the White House—Executive Office of the President]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Mrs. Michelle Obama, First Lady of the United States.	6″ × 4″ clutch purse with gold outline and blue emerald cut jewels by Elie Saab. Rec'd—9/24/2013. Est. Value—$1,164.00. Disposition—National Archives and Records Administration.	Mrs. Wafaa Suleiman, First Lady of the Lebanese Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mrs. Michelle Obama, First Lady of the United States.	Traditional Azerbaijani red head scarf. Rec'd—12/5/2013. Est. Value—$435.00. Disposition—National Archives and Records Administration.	His Excellency Elin Suleymanov, Ambassador of the Republic of Azerbaijan to the United States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	Four soccer jerseys of the Mexican national team signed by the team members and personalized for the First Family. Silver beaded bracelet and ring in bow design. Silver necklace and earrings with heart design. Rec'd—5/9/2013. Est. Value—$1,020.00. Disposition—National Archives and Records Administration.	His Excellency Enrique Peña Nieto and Mrs. Angélica Rivera de Peña, President and First Lady of the United Mexican States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	Book, title: ''Dreams from My Father'' translated into Hebrew and bound in leather with inscription. Black leather necklace with pendant featuring a bird and rabbit by Ilana Goor. Black bracelet with silver bird charm and clasp by Ilana Goor. Pink bracelet with silver clasp by Ilana Goor. Gold lapel pin in a small black leather box. Hardcover book, title: ''Ilana Goor: Hybrids'' inscribed by the artist. Paperback book, title: ''Ilana Goor.'' Paperback book, title: ''Ilana Goor Collection 2011''. Rec'd—3/22/2013. Est. Value—$1,045.00. Disposition—National Archives and Records Administration.	His Excellency Shimon Peres, President of the State of Israel.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	Four scarves in a box set by Kuna, separately made of 100% Vicuna, Royal Alpaca, Guanaco, and Royal Llama yarn. Rec'd—6/10/2013. Est. Value—$1,650.00. Disposition—National Archives and Records Administration.	His Excellency Ollanta Moises Humala Tasso, President of the Republic of Peru.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of Tangible Gifts Furnished by the White House—Executive Office of the President]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
First Family	Two traditional Senegalese outfits for each member of the First Family. Two traditional handmade beaded necklaces, one of beads only and the other featuring medallions of silver, gold, and copper. 18″ ebony wooden statue of woman wearing a wrap. 9″ ebony wooden abstract statue of two people embracing. Assimil French language workbook and audio exercises contained in blue box. Black and white painting of the First Family on canvas. Rec'd—6/27/2013. Est. Value—$2,598.90. Disposition—National Archives and Records Administration.	His Excellency Macky Sall, President of the Republic of Senegal.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	Hand-crafted drum bordered by colors of Senegalese flag, tied with black thread on a wooden base. Rec'd—6/27/2013. Est. Value—$400.00. Disposition—National Archives and Records Administration.	His Excellency Youssou N'Dour, Minister-Counselor to the President of the Republic of Senegal.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	Two necklaces in 18K white gold with diamond pendants in the shape of Africa containing a tanzanite stone in the middle. Two sets of earrings with matching necklace in 18K white gold tear drop shape containing diamonds and tanzanite. Cuff links of 18K gold with tanzanite. 39″ × 52″ painting of the First Family with Mount Kilimanjaro in the background. Rec'd—7/1/2013. Est. Value—$6,340.00. Disposition—National Archives and Records Administration.	His Excellency Jakaya Kikwete, President of the United Republic of Tanzania.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	Chess board made of silver tiles on a piece of glass with silver and bronze pieces in a beige suede case. Rec'd—9/24/2013. Est. Value—$430.00. Disposition—National Archives and Records Administration.	His Excellency Michel Suleiman, President of Lebanese Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	22″ × 17″ × 9″ large wood box with intricate exterior carvings containing two pairs of traditional jeweled Moroccan shoes. Two pendant necklaces with Hand of Fatima design of gold and diamonds. Three Kaftan dresses, one blue with gold thread detail, one purple with gold thread detail, and one pink with silver thread detail each in a green leather case. Rec'd—11/20/2013. Est. Value—$14,785.00. Disposition—National Archives and Records Administration.	His Majesty Mohammed VI, King of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of Tangible Gifts Furnished by the White House—Executive Office of the President]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
First Family Children	Two beige shawls with pearl and lace detail. Two Anatoli hand mirrors with silverplate frame. Rec'd—5/16/2013. Est. Value—$880.00. Disposition—National Archives and Records Administration.	Mrs. Emine Erdoğan, First Lady of the Republic of Turkey.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member Tony Blinken.	8″ × 4″ × 2″ red leather William & Son clock in triangle shape with silver detailing. Hardcover book, title: ''Between Two Seas: A Celebration of Modern Bahrain''. Rec'd—6/5/2013. Est. Value—$1,491.00. Disposition—Gift Office pending transfer to General Services Administration.	His Royal Highness Salman Bin Hamad Al Khalifa, Crown Prince of the Kingdom of Bahrain, First Deputy Prime Minister, and Deputy Supreme Commander of the Bahrain Defense Force.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member Karen Donfried.	Glass paperweight and silver pen, each etched with ''The Parliament of Montenegro''. Rec'd—11/18/2013. Est. Value—$500.00. Disposition—Gift Office pending transfer to General Services Administration.	His Excellency Ranko Krivokapic, Speaker of the Parliament of Montenegro.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member Thomas Donilon.	78″ × 45″ hand-woven Afghan rug in beige, red, and green with beige fringe. Rec'd—1/10/2013. Est. Value—$400.00. Disposition—Gift Office pending transfer to General Services Administration.	His Excellency Hamid Karzai, President of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member Jeffry Eggers.	77″ × 49″ rug with floral pattern, maroon border, and shades of beige surrounding a maroon center. Rec'd—10/29/2013. Est. Value—$500.00. Disposition—Gift Office pending transfer to General Services Administration.	His Excellency Nawaz Sharif, Prime Minister of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member Ferial Govashiri.	Gold and black pen with flags of the United States and Brunei on the clip. Rec'd—3/13/2013. Est. Value—$1,400.00. Disposition—Gift Office pending transfer to General Services Administration.	His Majesty Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah ibni Al-Marhum Sultan Haji Omar 'Ali Saifuddien Sa'adul Khairi Waddien, Sultan and Yang Di-Pertuan of Brunei Darussalam.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member John Holdren.	16 GB Xiaomi 2 mobile phone. Rec'd—1/10/2013. Est. Value—$749.00. Disposition—Gift Office pending transfer to General Services Administration.	His Excellency Wan Gang, Minister of Science and Technology of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member Tracy Lawry.	Gold and black pen with flags of the United States and Brunei on the clip. Rec'd—3/13/2013. Est. Value—$1,400.00. Disposition—Gift Office pending transfer to General Services Administration.	His Majesty Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah ibni Al-Marhum Sultan Haji Omar 'Ali Saifuddien Sa'adul Khairi Waddien, Sultan and Yang Di-Pertuan of Brunei Darussalam.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member Denis McDonough.	Framed oil painting, title: ''Latifa's House'' with presentation plaque. Rec'd—1/30/2013. Est. Value—$500.00. Disposition—Gift Office pending transfer to General Services Administration.	His Excellency Shaikh Khalifa Bin Abdulla Al Khalifa, Secretary-General of the Supreme Defense Council of Bahrain and National Security Advisor to the King of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of Tangible Gifts Furnished by the White House—Executive Office of the President]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
White House Staff Member Lisa Monaco.	Silver plaque with the colors of Yemen's flag in a blue velvet box. Jewelry set made of silver and red agate with necklace, ring, bracelet and earrings contained in white presentation box. Rec'd—4/15/2013. Est. Value—$655.00. Disposition—Gift Office pending transfer to General Services Administration.	Mr. Ali Hassan al-Ahmadi, Chairman of National Security Bureau of the Republic of Yemen.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member Lisa Monaco.	Jewelry set made of silver and red agate with necklace, ring, bracelet and earrings contained in white presentation box. Decorative plaque with an image of a gun and sword crossing under an eagle's wings. Packages of coffee and honey. Rec'd—9/18/2013. Est. Value—$540.00. Disposition—Gift Office pending transfer to General Services Administration. Perishable items handled pursuant to United States Secret Service policy.	His Excellency Mohammed Nasser Ahmed Ali, Defense Minister of the Republic of Yemen.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member Dr. Susan Rice.	Jewelry set made of silver and red agate with necklace, ring, bracelet and earrings contained in white presentation box. Rec'd—8/2/2013. Est. Value—$450.00. Disposition—Gift Office pending transfer to General Services Administration.	His Excellency Abd Rabbu Mansour Hadi, President of the Republic of Yemen.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member Dr. Susan Rice.	19″ porcelain vase in the shape of a flowering plant with light green coloring and two pink flower buds. Rec'd—8/19/2013. Est. Value—$950.00. Disposition—Gift Office pending transfer to General Services Administration.	His Excellency Chang Wanquan, Minister of Defense and State Councilor of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Dr. Susan Rice.	Blue silk scarf in red presentation box. Hardcover book, title: "Treasures of Indian Wildlife." 10″ × 7″ × 2 ″ wooden presentation box for both items with gold painted designs. Rec'd—8/20/2013. Est. Value—$495.00. Disposition—Gift Office pending transfer to General Services Administration.	Mr. Shivshankar Menon, National Security Advisor of the Republic of India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member Dr. Susan Rice.	3″ × 3″ round mosaic glass box in black and gold with pink and red flower detail. Rec'd—9/18/2013. Est. Value—$540.00. Disposition—Gift Office pending transfer to General Services Administration.	Dr. Hakan Fidan, Undersecretary, Turkish National Intelligence Organization.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of Tangible Gifts Furnished by the White House—Executive Office of the President]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
White House Staff Member Jacob Sullivan.	Hand-made Haddad Cutlery silverware set of 12 forks and three large serving utensils with rooster handles. 8″ × 10″ silver tray with the Seal of Lebanese Republic and etched signature of Commander Kahwaji presented in brown leather box. Rec'd—8/5/2013. Est. Value—$890.00. Disposition—Gift Office pending transfer to General Services Administration.	General Jean Kahwaji, Commander of the Lebanese Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member Celeste Wallander.	Collection of coins from Uzbekistan. Scarf in red, white, and blue. Rec'd—11/22/2013. Est. Value—$575.00. Disposition—Gift Office pending transfer to General Services Administration.	His Excellency Abdulaziz Kamilov, Minister of Foreign Affairs of the Republic of Uzbekistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member Colin Willet.	Gold and black pen with flags of the United States and Brunei on the clip. Rec'd—3/13/2013. Est. Value—$1,400.00. Disposition—Gift Office pending transfer to General Services Administration.	His Majesty Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah ibni Al-Marhum Sultan Haji Omar 'Ali Saifuddien Sa'adul Khairi Waddien, Sultan and Yang Di-Pertuan of Brunei Darussalam.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—OFFICE OF THE VICE PRESIDENT

[Report of Tangible Gifts Furnished by the White House—Office of the Vice President]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Silver hanging clock with horse and seated rider. Rec'd—4/23/2013. Est. Value—$3,100.00. Disposition—National Archives and Records Administration.	His Highness Sheikh Hamad bin Khalifa Al Thani, Amir of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Replica sterling silver, title: "Poporo Quimbaya." Rec'd —5/27/2013. Est. Value—$480.00. Disposition—National Archives and Records Administration.	His Excellency Juan Manuel Santos Calderón, President of the Republic of Colombia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Steel kettle drum with beater, metal stand, and leather case. Rec'd —5/28/2013. Est. Value—$1,069.00. Disposition—National Archives and Records Administration.	Her Excellency Kamla Persad-Bissessar, Prime Minister of the Republic of Trinidad and Tobago.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Framed photograph of the Palacio Itamaraty. Rec'd—5/31/2013. Est. Value—$450.00. Disposition—National Archives and Records Administration.	His Excellency Michel Miguel Elias Temer Lulia, Vice President of the Federative Republic of Brazil.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Gilt-lacquer thread framed galloping horse sculpture. Rec'd—7/9/2013. Est. Value—$1,200.00. Disposition—National Archives and Records Administration.	His Excellency Yang Jiechi, State Councilor of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—OFFICE OF THE VICE PRESIDENT—Continued

[Report of Tangible Gifts Furnished by the White House—Office of the Vice President]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Wool rug with a beige and olive green floral and leaf design in royal purple holder. Rec'd—7/23/2013. Est. Value—$760.00. Disposition—National Archives and Records Administration.	His Excellency Dr. Manmohan Singh, Prime Minister of the Republic of India, and Mrs. Gursharan Kaur.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Framed calligraphy, title: ''Strength.'' Rec'd—7/26/2013. Est. Value—$540.00. Disposition—National Archives and Records Administration.	His Excellency Lee Hsien Loong, Prime Minister of the Republic of Singapore.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Official state decorative medals in presentation box. Rec'd—8/30/2013. Est. Value—$550.00. Disposition—National Archives and Records Administration.	His Excellency Toomas Hendrik Ilves, President of the Republic of Estonia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Baltic amber carved face mounted on a green marble base. Rec'd—8/30/2013. Est. Value—$450.00. Disposition—National Archives and Records Administration.	Her Excellency Dalia Grybauskaitė, President of the Republic of Lithuania.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Metal Arfaj plant replica in wooden display case. Rec'd—9/13/2013. Est. Value—$490.00. Disposition—National Archives and Records Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Large engraved silver coin in walnut case. Rec'd—9/20/2013. Est. Value—$850.00. Disposition—National Archives and Records Administration.	His Excellency Enrique Peña Nieto, President of the United Mexican States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Silk rug in beige and salmon with centered rosette. Rec'd—10/23/2013. Est. Value—$2,800.00. Disposition—National Archives and Records Administration.	His Excellency Nawaz Sharif, Prime Minister of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Maroon glass pitcher with brass design on brass stand. Rec'd—11/22/2013. Est. Value—$480.00. Disposition—National Archives and Records Administration.	His Excellency Bülent Arınç, Deputy Prime Minister of the Republic of Turkey.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States and Dr. Jill Biden, Second Lady of the United States.	Sterling silver falcon statue with decorative jewels on marble pedestal. Rec'd—9/29/2011. Est. Value—$4,700.00. Disposition—National Archives and Records Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States and Dr. Jill Biden, Second Lady of the United States.	Two traditional Kuwaiti garments with cloth satchel in leather folder. Rec'd—9/13/2013. Est. Value—$620.00. Disposition—National Archives and Records Administration.	His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Jill Biden, Second Lady of the United States.	Blue Joaquim shawl with rhinestone orchid. Rec'd—7/26/2013. Est. Value—$465.00. Disposition—National Archives and Records Administration.	His Excellency Lee Hsien Loong, Prime Minister of the Republic of Singapore.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Carlos Elizondo, Residential Manager and Social Secretary of the Vice President.	Silver Tissot men's wristwatch. Rec'd—5/10/2013. Est. Value—$925.00. Disposition—National Archives and Records Administration.	His Majesty King Abdullah II ibn Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE

[Report of Tangible Gifts Furnished by the Department of State]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Hillary Clinton, Secretary of State of the United States.	Black two-strand cushion pearl necklace with gemstones on a copper clasp. Rec'd—10/2012. Est. Value—$970.00. Disposition—Purchased by recipient from General Services Administration.	Daw Aung San Suu Kyi, Chair of the National League for Democracy and Member of Parliament from Kawhmu Constituency of Burma.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Two-toned avalon blue Hermès blanket. Rec'd—1/4/2013. Est. Value—$1,300.00. Disposition—Pending transfer to General Services Administration.	His Majesty King Abdullah II ibn Al Hussein and Her Majesty Queen Rania Al Abdullah, King and Queen of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	76″ x 62″ handwoven carpet. Rec'd—1/10/2013. Est. Value—$660.00. Disposition—Pending transfer to General Services Administration.	His Excellency Hamid Karzai, President of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Framed painting of Tanzanian birds on a black canvas. Black and yellow scarf with portrait of President Barack Obama between two African continents. Rec'd—1/18/2013. Est. Value—$595.00. Disposition—Pending transfer to General Services Administration.	His Excellency Mwanaidi Sinare Maajar, Ambassador of the United Republic of Tanzania to the United States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	Small red and pearl lacquer shell clock by Mikimoto. Rec'd—2/22/2013. Est. Value—$485.00. Disposition—Pending transfer to General Services Administration.	His Excellency Fumio Kishida, Minister of Foreign Affairs of Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	Wilkinson sword with gold and navy blue tassel, gold and black sheath with lion handle, and "ER" engraved on the hilt of the sword . Rec'd—2/25/2013. Est. Value—$469.00. Disposition—Retained for official use only.	The Right Honorable William Hague, MP, Secretary of State of Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	Leather and wooden stationery set with three slots and Italian seal. Hardcover book, title: "Villa Nadzma—Raphael's Dream". Rec'd—2/27/2013. Est. Value—$525.00. Disposition—Pending transfer to General Services Administration.	His Excellency Giulio Terzi, Minister of Foreign Affairs of the Italian Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	Bronze dugong in a leather presentation box. Rec'd—3/4/2013. Est. Value—$1,100.00. Disposition—Pending transfer to General Services Administration.	His Highness General Sheikh Mohammed bin Zayed Al Nahyan, Crown Prince of Abu Dhabi and Deputy Supreme Commander of the UAE Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	Silver apple shaped candy dish with lid in yellow presentation box. Rec'd—3/11/2013. Est. Value—$385.00. Disposition—Pending transfer to General Services Administration.	His Majesty Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah ibni Al-Marhum Sultan Haji Omar 'Ali Saifuddien Sa'adul Khairi Waddien, Sultan and Yang Di-Pertuan of Brunei Darussalam.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued

[Report of Tangible Gifts Furnished by the Department of State]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable John Kerry, Secretary of State of the United States.	15.75″ diameter silver tone display plate with ''Libyan Interim Government'' inscription. 56″ × 110″ large woven rug. Rec'd—3/12/2013. Est. Value—$650.00. Disposition—Pending transfer to General Services Administration.	His Excellency Ali Zeidan, Prime Minister of Libya.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	35″ × 55″ black, brown, and red rug. Lapis and brass five socket candelabrum in blue presentation box. Rec'd—3/25/2013. Est. Value—$560.00. Disposition—Pending transfer to General Services Administration.	His Excellency Hamid Karzai, President of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	Engraved Christotle ''Malmaison'' crystal carafe with silver plated stern. Rec'd—3/27/2013. Est. Value—$800.00. Disposition—Pending transfer to General Services Administration.	His Excellency Laurent Fabius, Minister of Foreign Affairs of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	Golf putter. Rec'd—4/14/2013. Est. Value—$445.00. Disposition—Pending transfer to General Services Administration.	His Excellency Shinzo Abe, Prime Minister of Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	Eight panel miniature folding screen in traditional Korean lacquer. Rec'd—4/26/2013. Est. Value—$440.00. Disposition—Pending transfer to General Services Administration.	His Excellency Yun Byung-se, Minister of Foreign Affairs of the Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	Six teacups and saucers in traditional Benjauang style. Assortment of DoiTung coffee and macadamia nut products. Rec'd—5/6/2013. Est. Value—$558.00. Disposition—Teacups pending transfer to General Services Administration Perishable items handled pursuant to the guidelines set forth by General Services Administration.	His Excellency Dr. Surapong Tovichakchaikul, Deputy Prime Minister and Minister of Foreign Affairs of the Kingdom of Thailand.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	Framed enamel scenes depicting a church, a bridge, and various buildings. 4″ × 5.75″ framed enamel picture of the Kremlin. Rec'd—5/7/2013. Est. Value—$430.00. Disposition—Pending transfer to General Services Administration.	His Excellency Vladimir Putin, President of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	Floral orthodox easter egg with Minister of Foreign Affairs inscription and matching stand. Rec'd—5/9/2013. Est. Value—$520.00. Disposition—Pending transfer to General Services Administration.	His Excellency Leonid Kozhara, Minister of Foreign Affairs of Ukraine.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	Delta fountain pen with inkwell. Rec'd—5/9/2013. Est. Value—$476.00. Disposition—Pending transfer to General Services Administration.	His Excellency Enrico Letta, President of the Council of Ministers of the Italian Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued

[Report of Tangible Gifts Furnished by the Department of State]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable John Kerry, Secretary of State of the United States.	Framed silver dragon boat with a green and gold border. Five black wall hangings with brightly colored drawings. Rec'd—5/20/2013. Est. Value—$350.00. Disposition—Pending transfer to General Services Administration.	His Excellency U Thein Sein, President of Burma.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	St. Dupont leather bag. Two St. Dupont pens with 14k gold accents. Rec'd—5/26/2013. Est. Value—$1,675.00. Disposition—Pending transfer to General Services Administration.	His Excellency Hailemariam Desalegn, Prime Minister of the Federal Democratic Republic of Ethiopia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	Silver desk clock by William and Son of London. Book, title: "Between Two Seas—A Celebration of Modern Bahrain," by Andrew Weaver. Rec'd—6/5/2013. Est. Value—$825.00. Disposition—Pending transfer to General Services Administration.	His Royal Highness Salman Bin Hamad Al Khalifa, Crown Prince of the Kingdom of Bahrain, First Deputy Prime Minister, and Deputy Supreme Commader of the Bahrain Defense Force.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	Six model Kuwaiti ships in a maroon suitcase. Rec'd—6/26/2013. Est. Value—$420.00. Disposition—Pending transfer to General Services Administration.	His Excellency Sheikh Sabah Al-Khaled Al-Hamad Al-Sabah, Deputy Prime Minister and Minister of Foreign Affairs of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	Aspinal of London leather briefcase. Mont Blanc Meistersuck carbon steel rollerball pen. Black leather notebook holder. Commemorative one ounce gold $100 coin. Three copies of book, title: "ASEAN 2013—Annual Security Outlook." 14k gold men's wristwatch with ASEAN member flag motif. Rec'd—7/1/2013. Est. Value—$4,495.00. Disposition—Pending transfer to General Services Administration.	The Government of Brunei Darussalam.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	Dinnerware set for eight people with a yellow handpainted floral motif. Rec'd—8/12/2013. Est. Value—$580.00. Disposition—Pending transfer to General Services Administration.	His Excellency Juan Manuel Santos Calderón, President of the Republic of Colombia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	Ruyi scepter with tassels depicting a dragon with a glass display base. Rec'd—9/19/2013. Est. Value—$490.00. Disposition—Pending transfer to General Services Administration.	His Excellency Wang Yi, Minister of Foreign Affairs of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	Desk set with a Montblanc pen and stationery set. Framed photo of APEC leaders. Rec'd—10/7/2013. Est. Value—$540.00. Disposition—Pending transfer to General Services Administration.	Asia-Pacific Economic Cooperation.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued

[Report of Tangible Gifts Furnished by the Department of State]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable John Kerry, Secretary of State of the United States.	Printed vinyl briefcase with zippered pockets. Stamp book album. Rec'd—10/9/2013. Est. Value—$555.00. Disposition—Pending transfer to General Services Administration.	His Majesty Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah ibni Al-Marh'um Sultan Haji Omar 'Ali Saifuddien Sa'adul Khairi Waddien, Sultan and Yang Di-Pertuan of Brunei Darussalam.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	11.75″ diameter lapis lazuli bowl. Rec'd—10/12/2013. Est. Value—$490.00. Disposition—Pending transfer to General Services Administration.	His Excellency Hamid Karzai, President of Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	Book, title: "Najib—Beginning of a Legacy" with personalized inscription. Silver ornamental box and lid with silver foliate scroll design. Rec'd—10/17/2013. Est. Value—$510.00. Disposition—Pending transfer to General Services Administration.	YAB Dato' Sri Mohd Najib bin Tun Abdul Razak, Prime Minister of Malaysia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	Gold-plated replica of the Abraj Al-Bait clock tower in Makkah with DVD. Rec'd—11/6/2013. Est. Value—$20,450.00. Disposition—Pending transfer to General Services Administration.	Abdullah bin Abd al-Aziz Al Saud, Custodian of the Two Holy Mosques, King of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	Visconti fountain pen from the Istos Arancis Collection. Rec'd—11/20/2013. Est. Value—$1,950.00. Disposition—Pending transfer to General Services Administration.	His Majesty Mohammed VI, King of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	Various perishable products. Snowman ornament. Bottle of Château Hosanna wine. Lunt silver picture frame. Large Illuminaria candle. Reed and Barton glass vase. Book, title: "North America." Book, title: "Fred Lyon—San Francisco Then." Rustic American flag storage trunk. Rec'd—12/1/2013. Est. Value—$520.00. Disposition—Pending transfer to General Services Administration Perishable items handled pursuant to the guidelines set forth by General Services Administration.	His Majesty Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah ibni Al-Marhum Sultan Haji Omar 'Ali Saifuddien Sa'adul Khairi Waddien, Sultan and Yang Di-Pertuan of Brunei Darussalam.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	24.5″ × 39″ handwoven silk rug. Rec'd—12/4/2013. Est. Value—$760.00. Disposition—Pending transfer to General Services Administration.	His Excellency Elin Suleymanov, Ambassador of the Republic of Azerbaijan to the United States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	Bottle of Dragos Voievod cognac. Rec'd—12/4/2013. Est. Value—$432.00. Disposition—Perishable items handled pursuant to the guidelines set forth by General Services Administration.	Mr. Igor Corman, Speaker of Parliament of the Republic of Moldova.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	Framed oil painting of an outdoor scene with a church in a village near a body of water. Rec'd—12/4/2013. Est. Value—$550.00. Disposition—Pending transfer to General Services Administration.	His Excellency Iurie Leanca, Prime Minister of the Republic of Moldova.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued

[Report of Tangible Gifts Furnished by the Department of State]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable John Kerry, Secretary of State of the United States.	Personalized honorary storage cubby at Cricova Winery containing 460 bottles of Moldovan wine. Rec'd—12/4/2013. Est. Value—$8,339.50. Disposition—Retained at Cricova Winery in the Republic of Moldova to be displayed. All wine remains in the storage cubby at the winery.	Mr. Valentin Bodiul, Director of Cricova Winery of the Republic of Moldova.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	8″ bronze drum on wooden stand. Wooden carving of a goat. Rec'd—12/16/2013. Est. Value—$430.00. Disposition—Pending transfer to General Services Administration.	His Excellency Pham Binh Ming, Deputy Prime Minister and Foreign Minister of the Socialist Republic of Vietnam.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	Silver-clad cast resin horse with signature on flank on a faux malachite base. Rec'd—12/23/2013. Est. Value—$425.00. Disposition—Pending transfer to General Services Administration.	His Excellency Adel bin Ahmed al-Jubeir, Ambassador of the Kingdom of Saudi Arabia to the United States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Kerry, Secretary of State of the United States.	Brown storage chest with assorted Bateel food products. Rec'd—12/27/2013. Est. Value—$400.00. Disposition—Chest pending transfer to General Services Administration Perishable items handled pursuant to the guidelines set forth by General Services Administration.	His Excellency Abdelaziz Bouteflika, President of the People's Democratic Republic of Algeria.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mrs. Teresa Heinz Kerry, Spouse of the Secretary of State of the United States.	Silver and coral jewelry set containing a necklace, bracelet, ring, and earrings. Rec'd—7/29/2013. Est. Value—$425.00. Disposition—Purchased by recipient from General Services Administration.	His Excellency Abd Rabbu Mansour Hadi, President of the Republic of Yemen.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mrs. Teresa Heinz Kerry, Spouse of the Secretary of State of the United States.	Large bright orange silk scarf with brilliant jewel design. Large white porcelain vase with personalized inscription in a presentation box. Rec'd—11/21/2013. Est. Value—$395.00. Disposition—Pending transfer to General Services Administration.	Her Excellency Liu Yandong, Vice Premier of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable James B. Steinberg, Deputy Secretary of State.	15″ square white and green porcelain vase with three landscape designs by Ciyitang Liling Hunan China. Rec'd—10/13/2009. Est. Value—$1,200.00. Disposition—Pending transfer to General Services Administration.	Mr. Li Yuanchao, Member of the Politburo Party of the Communist Party of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable William J. Burns, Deputy Secretary of State.	22″ brass statue of an abstracted standing human figure on an oval wooden base. Rec'd—2/8/2013. Est. Value—$435.00. Disposition—Pending transfer to General Services Administration.	His Excellency Augustin Matata Ponyo, Prime Minister of the Democratic Republic of the Congo.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued

[Report of Tangible Gifts Furnished by the Department of State]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable William J. Burns, Deputy Secretary of State.	57″ x 77″ rug. Rec'd—5/11/2013. Est. Value—$400.00. Disposition—Pending transfer to General Services Administration.	His Excellency Hamid Karzai, President of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable William J. Burns, Deputy Secretary of State.	William and Son of London red triangle clock with silver design. Rec'd—6/1/2013. Est. Value—$1,070.00. Disposition—Pending transfer to General Services Administration.	His Royal Highness Salman Bin Hamad Al Khalifa, Crown Prince of the Kingdom of Bahrain, First Deputy Prime Minsiter, and Deputy Supreme Commander of the Bahrain Defense Force.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable William J. Burns, Deputy Secretary of State.	Silver plate with engraving in a leatherette presentation box. Hand-made Haddad Cutlery serving set for nine. Rec'd—06/28/2013. Est. Value—$490.00. Disposition—Pending Transfer to General Services Administration.	General Jean Kahwagi, Commander of the Lebanese Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable William J. Burns, Deputy Secretary of State.	35.5″ × 15″ ornamental wooden hanging shelf with mother of pearl and abalone shell marquetry. Rec'd—7/3/2013. Est. Value—$1,450.00. Disposition—Pending transfer to General Services Administration.	Foreign Government Official	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable William J. Burns, Deputy Secretary of State.	Pearl tie tack. Rec'd—9/11/2013. Est. Value—$2,040.00. Disposition—Pending transfer to General Services Administration.	Mr. Natsuo Yamaguchi, Chief Representative of Japan's New Komeito Party.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Peter Coneway, Ambassador to Swiss Confederation.	2,700 Swiss Francs. Rec'd—11/2008. Est. Value—$2,464.34. Disposition—Deposited into the Emergencies in the Diplomatic and Consular Services account within the Department of State.	His Excellency Francesco Canalini, Apostolic Nuncio to the Swiss Confederation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Kieran McGee, RSO	Tissot PRS Zoo watch. Rec'd—2/24/2009. Est. Value—$470.00. Disposition—Pending transfer to General Services Administration.	Foreign Government Official	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Gary Grappo, Ambassador to the Sultanate of Oman.	Set of six red lacquerware placemats and napkin rings inlaid with mother of pearl in traditional Omani coffee pot designs in a wooden lacquerware box with mother of pearl inlaid lid. Rec'd—5/26/2009. Est. Value—$540.00. Disposition—Pending transfer to General Services Administration.	His Excellency Yahya al Sulaimi, Minister of Education of the Sultanate of Oman.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Gary Grappo, Ambassador to the Sultanate of Oman.	Silver traditional Omani coffee pot. Rec'd—5/26/2009. Est. Value—$1,500.00. Disposition—Pending transfer to General Services Administration.	His Highness Sayyid Fahd Al Said, Deputy Prime Minister of the Council of Ministers of the Sultanate of Oman.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Gary Grappo, Ambassador to the Sultanate of Oman.	Small silver traditional Omani coffee pot and three small hollow silver cups in red velvet lined box. Rec'd—5/26/2009. Est. Value—$1,623.00. Disposition—Pending transfer to General Services Administration.	His Excellency General Ali Majid al Ma'amri, Minister of the Royal Office of the Sultanate of Oman.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued

[Report of Tangible Gifts Furnished by the Department of State]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Gary Grappo, Ambassador to the Sultanate of Oman.	Silver traditional Omani khanjar knife and belt in a velvet lined box. Rec'd—5/26/2009. Est. Value—$950.00. Disposition—Pending transfer to General Services Administration.	His Excellency Mohamed al Ma'amri, Minister of State and the Governor of Dhofar of the Sultanate of Oman.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Gary Grappo, Ambassador to the Sultanate of Oman.	Dhow box made of sterling silver and silver gilt. Miniature 18k yellow gold astrolabe necklace. Rec'd—5/26/2009. Est. Value—$7,000.00. Disposition—Pending transfer to General Services Administration.	His Majesty Sultan Qaboos al Said, Sultan of Oman.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Gary Grappo, Ambassador to the Sultanate of Oman.	Silver traditional Omani khanjar knife with elephant ivory handle in a velvet lined box with Royal Office insignia stamped in gold on lid. Rec'd—5/26/2009. Est. Value—$400.00. Disposition—Transferred to the Department of the Interior, Fish and Wildlife Services to be properly handled.	Lieutenant General Mundhir Majid Al Said, Head of Liaison of the Royal Office of the Sultanate of Oman.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Huntsman, Ambassador to the People's Republic of China.	Off-round pearl neckalce with silvertone clasp. Rec'd—12/2/2009. Est. Value—$500.00. Disposition—Pending transfer to General Services Administration.	Foreign Government Official	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Fletcher M. Burton, Team Leader of the Kirkuk Provinical Reconstruction Team.	Watch. Rec'd—5/2010. Est. Value—$1,100.00. Disposition—Pending transfer to General Services Administration.	His Excellency Hajredin Kuci, Deputy Prime Minister of the Republic of Kosovo.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Vladimir Medoev, Economic Specialist.	Tissot watch model T018.617.16.051.00. Rec'd—6/29/2010. Est. Value—$409.00. Disposition—Pending transfer to General Services Administration.	The Federal Antimonopoly Service of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Fletcher M. Burton, Team Leader of the Kirkuk Provinical Reconstruction Team.	39″ × 57″ silk qum carpet. Rec'd—8/2010. Est. Value—$1,200.00. Disposition—Pending transfer to General Services Administration.	Dr. Kamal Kirkuki, Speaker of Parliament of the Kurdistan Regional Government.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Tara Foley, Political Officer	Four bottle perfume set from Hermes. Swarovski necklace. Swarovski earrings. Rec'd—11/2010. Est. Value—$370.00. Disposition—Pending transfer to General Services Administration.	Permanent Mission of the State of Qatar to the United Nations.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Bonnie S. Gutman, Public Affairs Counselor.	Versace watch. Rec'd—12/5/2010. Est. Value—$900.00. Disposition—Pending transfer to General Services Administration.	Dr. Majed al-Harbi, Director for the King Abdullah Scholarship Programs of the Ministry of Higher Education of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Asel Roberts, Protocol Officer	Silver Tissot Swiss watch. Rec'd—12/24/2010. Est. Value—$ 450.00. Disposition—Pending transfer to General Services Administration.	His Excellency Ali bin Fahad Faleh Al-Hajri, Ambassador of the State of Qatar to the United States.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued

[Report of Tangible Gifts Furnished by the Department of State]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Susan Rice, Ambassador of the United States to the United Nations.	Four walking sticks made of ebony wood with mother of pearl inlay. Framed beaded United States flag. Beaded headband and necklace set. Sheet with floral embroidery. Calabash bowl painted with floral design with beaded handles attached to the tops and sides. Rec'd—7/9/2011. Est. Value—$860.00. Disposition—Pending transfer to General Services Administration.	Government of the Republic of South Sudan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Tim Forte, Special Agent	Concord watch with silver band and diamond face. Rec'd—10/24/2011. Est. Value—$2,690.00. Disposition—Pending transfer to General Services Administration.	The Government of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Michael McGee, Special Agent	Georg Jensen watch with white face and three bands. Rec'd—10/24/2011. Est. Value—$1,775.00. Disposition—Pending transfer to General Services Administration.	The Government of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Rylan Husssey, Special Agent	Cerruti watch with black band and black face. Rec'd—10/24/2011. Est. Value—$780.00. Disposition—Pending transfer to General Services Administration.	The Government of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Derek Hirons, Special Agent ...	Cerruti watch with black band and black face. Rec'd—10/24/2011. Est. Value—$780.00. Disposition—Pending transfer to General Services Administration.	The Government of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Charles Shannon, Special Agent.	Hermès watch with silver band and blue face, model number 1298624. Rec'd—10/24/2011. Est. Value—$3,125.00. Disposition—Pending transfer to General Services Administration.	The Government of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Karen Brown, Special Agent ...	Etema watch with silver band, model number 3206.41. Rec'd—10/24/2011. Est. Value—$740.00. Disposition—Purchased by recipient from General Services Administration.	The Government of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Jason Lew, Special Agent	Robergé watch with green wristband. Rec'd—10/24/2011. Est. Value—$1,600.00. Disposition—Pending transfer to General Services Administration.	The Government of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Mark Earl, Special Agent	Concord watch with silver band and diamond face. Rec'd—10/24/2011. Est. Value—$2,690.00. Disposition—Pending transfer to General Services Administration.	The Government of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Jason Gutzler, Special Agent ..	Cerruti watch with black band. Rec'd—10/24/2011. Est. Value—$385.00. Disposition—Pending transfer to General Services Administration.	The Government of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued

[Report of Tangible Gifts Furnished by the Department of State]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Mr. Chris Ray, Special Agent	Cerruti watch with brown leather band. Rec'd—10/24/2011. Est. Value—$400.00. Disposition—Pending transfer to General Services Administration.	The Government of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Kelly Willman, Special Agent ..	Technomarine watch with black leather band and silver face. Rec'd—10/24/2011. Est. Value—$3,250.00. Disposition—Pending transfer to General Services Administration.	The Government of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Komaal Collie, Special Agent ..	Cerruti watch with black leather band. Rec'd—10/24/2011. Est. Value—$385.00. Disposition—Pending transfer to General Services Administration.	The Government of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Eddie Alava, Special Agent	Etema watch with silver band and black face. Rec'd—10/24/2011. Est. Value—$925.00. Disposition—Pending transfer to General Services Administration.	The Government of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Marc Grossman, Special Representative for Afghanistan and Pakistan.	51″ × 77″ Iranian Qom yellow and brown silk carpet with a medallion pattern. Rec'd—11/3/2011. Est. Value—$6,380.00. Disposition—Pending transfer to General Services Administration.	Dr. Ali Bin Fetais Al Marri, Attorney General of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Marc Grossman, Special Representative for Afghanistan and Pakistan.	Mont Blanc 2010 Mark Twain Writer's Edition pen set including pen, ballpoint pen, and pencil. Rec'd—11/3/2011. Est. Value—$430.00. Disposition—Pending Transfer to General Services Administration.	His Highness Sheikh Hamad Bin Khalifa Al-Thani, Amir of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Catherine Jones, Spouse of the Ambassador to Malaysia.	Louis Vuitton purse. Rec'd—11/17/2011. Est. Value—$1,700.00. Disposition—Pending transfer to General Services Administration.	Her Royal Highness Sultanah Pahang Hajjah Kalsom of Malaysia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Kerry Walsh Stockwe	Cover ladies' watch with black rubber wristband. Rec'd—1/20/2012. Est. Value—$390.00. Disposition—Pending transfer to General Services Administration.	His Majesty King Abdullah II ibn Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Khristen Schwenn	Cover ladies' watch with black rubber wristband. Rec'd—1/20/2012. Est. Value—$390.00. Disposition—Pending transfer to General Services Administration.	His Majesty King Abdullah II ibn Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Kerri-Ann Jones, Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.	46.5″ metal giraffe. Rec'd—4/10/2012. Est. Value—$380.00. Disposition—Pending purchase by recipient from General Services Administration.	The Government of the United Republic of Tanzania.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Capricia Penavic Marshall, Chief of Protocol.	Six bottles of Vérité La Muse red wine. Six bottles of Château Lafite Rothschild Paullac wine. Rec'd—2/21/2013. Est. Value—$6,000.00. Disposition—Perishable items handled pursuant to the guidelines set forth by General Services Administration.	His Excellency Yousef Al Otaiba, Ambassador of the United Arab Emirates to the United States.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued

[Report of Tangible Gifts Furnished by the Department of State]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Richard G. Olson, Ambassador to the Islamic Republic of Pakistan.	Bottle of Château Margaux 1986 Premier Grand Cru Classé. Rec'd—2/25/2013. Est. Value—$682.00. Disposition—Perishable items handled pursuant to the guidelines set forth by General Services Administration.	His Excellency Asif Ali Zardari, President of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Bridget Brink, Deputy Chief of Mission to Georgia.	Chinese enamel plate. Rec'd—4/23/2013. Est. Value—$505.00. Disposition—Retained for official use only.	Mr. Hao Deng, Deputy Chief of Mission of the People's Republic of China to Georgia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Earl Anthony Wayne, Ambassador to Mexico.	White decorative plate with steriling silver inlays crafted and signed by Emilia. Rec'd—4/23/2013. Est. Value—$425.00. Disposition—Retained for official use only.	The Honorable Ángel Aguirre Rivero, Governor of the State of Guerrero.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Barbara Leaf, Deputy Assistant Secretary of the Near Middle East Bureau.	Emilio Pucci blue, lime, and black wool scarf. Rec'd—4/2013. Est. Value—$390.00. Disposition—Pending transfer to General Services Administration.	His Excellency Jabir Habeb Jabir Hemaidawi, Ambassador of the Republic of Iraq to the United States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. James Infanzon, Protocol Officer.	Silver Victorinox Swiss Army men's watch (Ref. 241300) . Rec'd—5/10/2013. Est. Value—$495.00. Disposition—Pending transfer to General Services Administration.	His Majesty King Abdullah II ibn Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Christopher McMullen, Ambassador to the Republic of Angola.	Bronze statue. Rec'd—6/3/2013. Est. Value—$15,000.00. Disposition—Retained for official use only.	His Excellency Manuel Vicente, Vice President of the Republic of Angola.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Capricia Penavic Marshall, Chief of Protocol.	Silver and lapis lazuli necklace. Mustard yellow blanket with tassels by Octavio Pizarro. Rec'd—6/3/2013. Est. Value—$470.00. Disposition—Necklace purchased by recipient from General Services Administration Blanket pending transfer to General Services Administration.	His Excellency Sebastian Piñera, President of the Republic of Chile.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David Pearce, Acting Special Representative for Afghanistan and Pakistan.	Silver tone metal and plastic ship model in red presentation case. Rec'd—6/7/2013. Est. Value—$420.00. Disposition—Retained for official use only.	Dr. Ali Bin Fetais Al Marri, Attorney General of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Eleni Tsakopoulos Kounalakis, Ambassador to the Repulic Hungary.	Plum Zsolnay vase with red and white flowers. Rec'd—6/7/2013. Est. Value—$1,450.00. Disposition—Purchased by recipient from General Services Administration.	His Excellency Janos Martonyi, Minister of Foreign Affairs of the Republic of Hungary.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hugo Llorens, Assistant Chief of Mission to the Islamic Republic of Afghanistan.	7′ × 5′ red Andkhoee carpet. Rec'd—6/15/2013. Est. Value—$600.00. Disposition—Pending transfer to General Services Administration.	His Excellency Farooq Wardak, Minister of Education of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Kerri-Ann Jones, Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.	Bronze desk ornament with two winged lions and an hourglass in the center of drawer. Rec'd—6/20/2013. Est. Value—$365.00. Disposition—Pending transfer to General Services Administration.	Professor Murat Zhurinov, President of the National Academy of Sciences of the Republic of Kazakhstan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued

[Report of Tangible Gifts Furnished by the Department of State]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Christopher Murray, Ambassador to the Republic of Congo.	5′ × 4′ oil painting. Rec'd—6/24/2013. Est. Value—$1,500.00. Disposition—Retained for official use only.	His Excellency Basile Ikouébé, Minister of Foreign Affairs of the Republic of Congo.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Thomas Smitham, Chargé d'Affaires to the Republic of Trinidad and Tobago.	Handcrafted polished steel pan drum in Calypso and Trinidad traditions. Rec'd—6/27/2013. Est. Value—$940.00. Disposition—Retained for official use only.	His Excellency Prakash Ramadhar, Minister of Legal Affairs of the Republic of Trinidad and Tobago.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John A. Heffern, Ambassador to the Republic of Armenia.	Landscape painting by Rafael Megall Melikyan. Rec'd—7/3/2013. Est. Value—$5,000.00. Disposition—Retained for official use only.	Mr. Gurgen Arsenyan, Member of Parliament of the National Assembly of the Republic of Armenia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Paul Jones, Ambassador to Malaysia.	12″ gilt dagger with cover in presentation box. Rec'd—7/3/2013. Est. Value—$400.00. Disposition—Retained for official use only.	His Royal Highness Haji Ahmad Shah Al-Mustain Billah, Sultan of Pahang State of Malaysia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Catherine Jones, Spouse of the Ambassador to Malaysia.	Pink vinyl Christian Dior handbag with a chrome chainlink strap. Rec'd—7/3/2013. Est. Value—$4,500.00. Disposition—Pending transfer to General Services Administration.	His Royal Highness Haji Ahmad Shah Al-Mustain Billah, Sultan of Pahang State of Malaysia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John F. Tefft, Ambassador to Ukraine.	13.5″ bronze dancing Cossack sculpture by Kamil. Rec'd—7/4/2013. Est. Value—$2,450.00. Disposition—Retained for official use only.	Mr. Serhiy Lovochkin, Chief of Staff of the President of Ukraine.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Richard B. Norland, Ambassador to Georgia.	Book, title: "Boubluoū Atrac Kazaxctaha". Rec'd—8/7/2013. Est. Value—$700.00. Disposition—Retained for official use only.	His Excellency Yermukhamed Yertysbayev, Ambassador of the Republic of Kazakhstan to Georgia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Libby Heffern, Spouse of the Ambassador to the Republic of Armenia.	Karen Terzyan candle holder. Rec'd—8/14/2013. Est. Value—$2,000.00. Disposition—Retained for official use only.	Ms. Rita Sargsyan, First Lady of the Republic of Armenia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Maura Connelly, Ambassador to the Lebanese Republic.	Cartier silver ladies' watch with a cream face. Rec'd—8/14/2013. Est. Value—$2,840.00. Disposition—Pending transfer to General Services Administration.	Government of the Lebanese Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Maura Connelly, Ambassador to the Lebanese Republic.	Oriental rug. Rec'd—8/19/2013. Est. Value—$3,800.00. Disposition—Retained for official use only.	His Excellency Mohammad Safadi, Minister of Finance of the Lebanese Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Dan Mozena, Ambassador to the People's Republic of Bangladesh.	Painting on canvas. Rec'd—8/2013. Est. Value—$650.00. Disposition—Retained for official use only.	His Excellency Mahbubey Alam, Attorney General of the People's Republic of Bangladesh.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Sean Kirkpatrick, Special Agent.	500 United States dollars. Rec'd—9/19/2013. Est. Value—$500.00. Disposition—Delivered to the Department of State Cashier's Office to be deposited to the Department of the Treasury.	His Royal Highness Prince Abd al-Illah bin Abd al-Aziz Al Saud, Prince Advisor to the King of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Wendy Sherman, Under Secretary of State for Political Affairs.	Limited-edition Tig Isi gondola glass bowl with 24k gold trim. Rec'd—9/25/2013. Est. Value—$870.00. Disposition—Pending transfer to General Services Administration.	Dr. Hakan Fidan, Undersecretary of the Turkish National Intelligence Organization.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued

[Report of Tangible Gifts Furnished by the Department of State]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Richard Morningstar, Ambassador to the Republic of Azerbaijan.	39.25″ × 47.25″ silk carpet. Rec'd—11/13/2013. Est. Value—$625.00. Disposition—Retained for official use only.	Mr. Shamsaddin Hajiyev, Rector of the Economic University of the Republic of Azerbaijan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Wendy Sherman, Under Secretary of State for Political Affairs.	Pearl jewelry set containing a necklace, bracelet, and earrings. Air tight canister filled with honey. Coffee. Rec'd—12/3/2013. Est. Value—$780.00. Disposition—Jewelry set pending transfer to General Services Administration Perishable items handled pursuant to the guidelines set forth by General Services Administration.	His Excellency Mohammed Nasser Ahmed Ali, Minister of Defense of the Republic of Yemen.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Natalie Jones, Acting Chief of Protocol.	100″ × 159″ red handwoven area rug. Rec'd—12/17/2013. Est. Value—$2,950.00. Disposition—Pending transfer to General Services Administration.	His Majesty Mohammed VI, King of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Tony Franco, Protocol Officer	80″ × 127″ red handwoven area rug. Rec'd—12/17/2013. Est. Value—$1,870.00. Disposition—Pending transfer to General Services Administration.	His Majesty Mohammed VI, King of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Sarah Henning, Protocol Officer.	80″ × 127″ red handwoven area rug. Rec'd—12/17/2013. Est. Value—$1,870.00. Disposition—Pending transfer to General Services Administration.	His Majesty Mohammed VI, King of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Leigh Garland, Senior Gifts Officer.	80″ × 127″ red handwoven area rug. Rec'd—12/17/2013. Est. Value—$1,870.00. Disposition—Pending transfer to General Services Administration.	His Majesty Mohammed VI, King of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Dean Lewis, Protocol Officer ..	80″ × 127″ red handwoven area rug. Rec'd—12/17/2013. Est. Value—$1,870.00. Disposition—Pending transfer to General Services Administration.	His Majesty Mohammed VI, King of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Samantha Tubman, Assistant Chief of Protocol for Visits.	80″ × 127″ red handwoven area rug. Rec'd—12/17/2013. Est. Value—$1,870.00. Disposition—Pending transfer to General Services Administration.	His Majesty Mohammed VI, King of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. James Infanzon, Protocol Officer.	80″ × 127″ red handwoven area rug. Rec'd—12/17/2013. Est. Value—$1,870.00. Disposition—Pending transfer to General Services Administration.	His Majesty Mohammed VI, King of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. David Solomon, Protocol Officer.	80″ × 127″ orange handwoven area rug. Rec'd—12/17/2013. Est. Value—$1,870.00. Disposition—Pending transfer to General Services Administration.	His Majesty Mohammed VI, King of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Jason Rahlan, Public Affairs Officer.	80″ × 127″ red handwoven area rug. Rec'd—12/17/2013. Est. Value—$1,870.00. Disposition—Pending transfer to General Services Administration.	His Majesty Mohammed VI, King of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Penny Price, Senior Protocol Officer.	80″ × 127″ red handwoven area rug. Rec'd—12/17/2013. Est. Value—$1,870.00. Disposition—Pending transfer to General Services Administration.	His Majesty Mohammed VI, King of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued

[Report of Tangible Gifts Furnished by the Department of State]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Mr. Michael Van Buskirk, Special Agent in Charge.	Brown leather Louis Vuitton wallet. Rec'd—12/23/2013. Est. Value—$680.00. Disposition—Pending transfer to General Services Administration.	Colonel Mohamed Al Nassr, Security Attaché at the Embassy of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Barbara Leaf, Deputy Assistant Secretary for the Near East Affairs Bureau.	William and Son red triangle clock with silver design at base . Rec'd—12/2013. Est. Value—$1,100.00. Disposition—Pending transfer to General Services Administration.	Mr. Salman bin Khalifa, Director General of the Office of the First Deputy Prime Minister of the Kingdom of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Unknown	Longines watch. Rec'd—Unknown. Est. Value—$4,800.00. Disposition—Pending transfer to General Services Administration.	Government of the Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Unknown	Rado watch. Rec'd—Unknown. Est. Value—$700.00. Disposition—Pending transfer to General Services Administration.	Government of the Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Unknown	Rado watch. Rec'd—Unknown. Est. Value—$3,100.00. Disposition—Pending transfer to General Services Administration.	Government of the Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Unknown	Delsey black suitcase. Burberry Summer perfume. Technoluxury watch. Montale Paris perfume. Lauder Pleasures cologne. Helveco black leather wallet. Black pinstripe fabric. Purple Guess wallet. Façonnable pink tie. Cerruti 1881 burgundy tie. Pink pearl necklace. Pierre Germani watch with black leather band and silver and diamond face. Germani silver and diamond watch. Rec'd—Unknown. Est. Value—$4,250.00. Disposition—Pending transfer to General Services Administration.	Foreign Government Official	Non-acceptance would cause embarrassment to donor and U.S. Government.
Unknown	22.5″ × 6.5″ sterling silver tray with eggshell inlay. Rec'd—Unknown. Est. Value—$390.00. Disposition—Pending transfer to General Services Administration.	Foreign Government Official	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Patrick F. Kennedy, Under Secretary of State for Management.	Rug. Rec'd—Unknown. Est. Value—$1,545.00. Disposition—Pending transfer to General Services Administration.	Embassy of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

[Report of Travel Furnished by the Administrative Office of the United States Courts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable John M. Rogers, Circuit Judge, United States Court of Appeals of the Sixth Circuit.	Travel: Transportation from airport to hotel. Hotel accommodations for six nights. Several meals. Rec'd—11/3–9/2013. Est. Value—$1,140.00.	China Foreign Affairs University	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: CENTRAL INTELLIGENCE AGENCY

[Report of Tangible Gifts Furnished by the Central Intelligence Agency]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable John O. Brennan, Director of the Central Intelligence Agency.	60″ × 108″ wool rug with a brown background. Rec'd—4/3/2013. Est. Value—$700.00. Disposition—On display in Director's office for official use only.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John O. Brennan, Director of the Central Intelligence Agency.	142″ × 106″ wool rug with a light ivory ground. Rec'd—5/15/2013. Est. Value—$3,000.00. Disposition—On display in Director's office for official use only.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John O. Brennan, Director of the Central Intelligence Agency.	Brown leather cased filigree silver double-edged curved dagger. Rec'd—5/15/2013. Est. Value—$1,500.00. Disposition—On display in Director's office for official use only.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John O. Brennan, Director of the Central Intelligence Agency.	Mosaic and gilt glass footed bowl. Rec'd—5/18/2013. Est. Value—$1,500.00. Disposition—On display in Director's office for official use only.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John O. Brennan, Director of the Central Intelligence Agency.	Silk carpet with green background with a large medallion in the center. Rec'd—6/11/2013. Est. Value—$1,000.00. Disposition—On display in Director's office for official use only.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John O. Brennan, Director of the Central Intelligence Agency.	116″ × 49″ woven rug with red and green colors. Rec'd—6/18/2013. Est. Value—$1,200.00. Disposition—On display in Director's office for official use only.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John O. Brennan, Director of the Central Intelligence Agency.	Four small paintings depicting the winter, spring, summer, and fall. Rec'd—6/19/2013. Est. Value—$1,500.00. Disposition—On display in Director's office for official use only.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John O. Brennan, Director of the Central Intelligence Agency.	Lalique frosted and clear glass falcon. Rec'd—7/24/2013. Est. Value—$2,500.00. Disposition—On display in Director's office for official use only.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John O. Brennan, Director of the Central Intelligence Agency.	Turquoise studded and gilt amber glass covered bowl with a removable dome lid. Rec'd—9/18/2013. Est. Value—$1,500.00. Disposition—On display in Director's office for official use only.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John O. Brennan, Director of the Central Intelligence Agency.	Gilt and silver metal model of a palm tree in a faux red reptile case. Rec'd—9/18/2013. Est. Value—$1,000.00. Disposition—On display in Director's office for official use only.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John O. Brennan, Director of the Central Intelligence Agency.	Jewelry set in a gold plated box. Rec'd—11/5/2013. Est. Value—$700.00. Disposition—On display in Director's office for official use only.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued

[Report of Tangible Gifts Furnished by the Central Intelligence Agency]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable John O. Brennan, Director of the Central Intelligence Agency.	38″ × 29″ pictorial rug with a green ground. Rec'd—12/20/2013. Est. Value—$750.00. Disposition—On display in Director's office for official use only.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John O. Brennan, Director of the Central Intelligence Agency.	48″ × 36″ silk meditation rug with a purple background. Rec'd—12/21/2013. Est. Value—$3,500.00. Disposition—On display in Director's office for official use only.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Michael J. Morell, Acting Director of the Central Intelligence Agency.	Teleti painting by Edmond Kalandadze. Rec'd—1/28/2013. Est. Value—$500.00. Disposition—Pending transfer to General Services Administration.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Michael J. Morell, Acting Director of the Central Intelligence Agency.	Two bottles of red wine. Rec'd—7/9/2013. Est. Value—$1,151.00. Disposition—Perishable items handled pursuant to the guidelines set forth by the General Services Administration.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Omega Constellation men's watch. Rec'd—7/16/2003. Est. Value—$2,000.00. Disposition—Pending transfer to General Services Administration.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Longine's Legend diver's watch. Rec'd—7/26/2012. Est. Value—$1,882.00. Disposition—Pending transfer to General Services Administration.	5USC 7342 (f)(4).	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	103″ × 66″ wool rug with a gold ground and red accents. Rec'd—11/8/2012. Est. Value—$1,000.00. Disposition—On display in Director's office for official use only.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Chopard ballpoint pen. Rec'd—12/29/2012. Est. Value—$500.00. Disposition—Pending transfer to General Services Administration.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	2008 Omega "Seamaster Professional" gentlemen's stainless steel water resistant self winding wristwatch. Rec'd—2/1/2013. Est. Value—$1,500.00. Disposition—Pending transfer to General Services Administration.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Bottle of cognac in a crystal decanter. Rec'd—2/14/2013. Est. Value—$1,200.00. Disposition—Decanter on display for official use only. Perishable items handled pursuant to the guidelines set forth by General Services Administration.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued

[Report of Tangible Gifts Furnished by the Central Intelligence Agency]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
An Agency Employee	Bottle of cognac in a crystal decanter. Rec'd—2/15/2013. Est. Value—$1,385.00. Disposition—Decanter on display for official use only. Perishable items handled pursuant to the guidelines set forth by General Services Administration.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Portable briefcase-style letter steamer and secret writing analyzer. Rec'd—2/25/2013. Est. Value—$400.00. Disposition—On display for official use only.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	114″ × 77″ wool rug with a navy blue background. Rec'd—2/27/2013. Est. Value—$2,500.00. Disposition—Pending transfer to General Services Administration.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Wool carpet. Rec'd—3/24/2013. Est. Value—$500.00. Disposition—On display for official use only.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Wool carpet. Rec'd—3/24/2013. Est. Value—$500.00. Disposition—On display for official use only.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	64GB Apple iPhone 5. Rec'd—4/1/2013. Est. Value—$850.00. Disposition—Pending transfer to General Services Administration.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	57″ × 40″ wool rug with a blue background. Rec'd—4/3/2013. Est. Value—$700.00. Disposition—On display for official use only.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	57″ × 40″ wool rug with a blue background. Rec'd—4/3/2013. Est. Value—$700.00. Disposition—On display for official use only.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	60″ × 36″ wool rug with rust background. Rec'd—4/3/2013. Est. Value—$700.00. Disposition—On display for official use only.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Framed silk carpet. Rec'd—4/13/2013. Est. Value—$2,250.00. Disposition—On display for official use only.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Tissot PRC men's watch. Two Bashi design wool rugs. Rec'd—5/4/2013. Est. Value—$4,500.00. Disposition—Pending transfer to General Services Administration.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Samsung Galaxy III cellphone. Rec'd—5/6/2013. Est. Value—$400.00. Disposition—Pending transfer to General Services Administration.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued

[Report of Tangible Gifts Furnished by the Central Intelligence Agency]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
An Agency Employee	Gentlemen's Aqua Timer stainless steel automatic winding water-resistant chronograph wristwatch. Rec'd—6/4/2013. Est. Value—$5,500.00. Disposition—Pending purchase from General Services Administration by recipient.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Louis Vuitton grey leather handbag. Rec'd—6/6/2013. Est. Value—$2,500.00. Disposition—Pending transfer to General Services Administration.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Men's titanium Tissot Touch wristwatch. Ladies' titanium Tissot Touch wristwatch. Rec'd—6/30/2013. Est. Value—$1,200.00. Disposition—Pending transfer to General Services Administration.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Wall hanging of galloping horses. Rec'd—7/4/2013. Est. Value—$400.00. Disposition—On display for official use only.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Rosewood box. Cerruti 1881 men's wristwatch. Cerruti 1881 wallet. Cerruti 1881 ball point pen. Rec'd—7/17/2013. Est. Value—$515.00. Disposition—Pending transfer to General Services Administration.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Three iPads. Versace watch. Glamora watch. Cerruti wallet and pen set. Pallas wallet and pen set. Rec'd—7/17/2013. Est. Value—$4,300.00. Disposition—Pending transfer to General Services Administration.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Wool carpet. Box of jewelry with matching necklace and earrings. Rec'd—7/20/2013. Est. Value—$430.00. Disposition—Pending transfer to General Services Administration.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Wainer men's silver and brown wristwatch. Rec'd—7/27/2013. Est. Value—$500.00. Disposition—Pending transfer to General Services Administration.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Wainer men's silver and brown wristwatch. Rec'd—7/27/2013. Est. Value—$500.00. Disposition—Pending transfer to General Services Administration.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Citizen ladies' silver and gold wristwatch with diamonds around the dial. Rec'd—7/27/2013. Est. Value—$500.00. Disposition—Pending transfer to General Services Administration.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Two Breitling watches. Rec'd—8/18/2013. Est. Value—$1,100.00. Disposition—Pending transfer to General Services Administration.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued

[Report of Tangible Gifts Furnished by the Central Intelligence Agency]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
An Agency Employee	Citizen Tachymeter silver men's wristwatch. Rec'd—8/21/2013. Est. Value—$550.00. Disposition—Pending transfer to General Services Administration.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Citizen Tachymeter silver men's wristwatch. Rec'd—8/21/2013. Est. Value—$550.00. Disposition—Pending transfer to General Services Administration.	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Citizen Tachymeter silver men's wristwatch. Rec'd—8/21/2013. Est. Value—$550.00. Disposition—Pending transfer to General Services Administration..	5USC 7342 (f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEFENSE INTELLIGENCE AGENCY

[Report of Tangible Gifts Furnished by the Defense Intelligence Agency]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Rear Admiral Paul Becker, Director for Intelligence, US Pacific Command.	Royal Selangor pewter tea set. Rec'd—7/2/2013. Est. Value—$1,259.00. Disposition—Retained in the Office of the Director for Intelligence for official use only.	Lieutenant General Abdul Hadi Bin Hj Hussin, Director of the General Defense Intelligence of the Malaysian Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEFENSE LOGISTICS AGENCY

[Report of Travel Furnished by the Defense Logistics Agency]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Colonel Emily Buckman, Chief, TRANSCOM Support Division.	Travel: Air travel upgrade to business class while traveling on an official travel ticket previously purchased by the United States government for travel outside of the United States (from Baku to Paris). Rec'd—8/23/2013. Est. Value—$454.00.	Representative of the Government of the Republic of Azerbaijan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dr. Judith Baroody, Foreign Policy Advisor.	Travel: Air travel upgrade to business class while traveling on an official travel ticket previously purchased by the United States government for travel outside of the United States (from Baku to Paris). Rec'd—8/23/2013. Est. Value—$454.00..	Representative of the Government of the Republic of Azerbaijan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lieutenant Colonel Adam Silverman, TRANSCOM Support Division.	Travel: Air travel upgrade to business class while traveling on an official travel ticket previously purchased by the United States government for travel outside of the United States (from Baku to Paris). Rec'd—8/23/2013. Est. Value—$454.00.	Representative of the Government of the Republic of Azerbaijan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF COMMERCE

[Report of Tangible Gifts Furnished by the Department of Commerce]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Rebecca Blank, Acting Secretary of Commerce of the United States.	Small wooden sculpture depicting the State of Rio de Janiero. Rec'd—3/20/2013. Est. Value—$498.00. Disposition—Pending transfer to General Services Administration.	The Honorable Sergio de Oliveira Cabral Santos Filno, Governor of the State of Rio de Janeiro of the Federative Republic of Brazil.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE

[Report of Tangible Gifts Furnished by the Department of Defense]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance.
The Honorable Leon E. Panetta, Secretary of Defense.	Basel wristwatch. Rec'd—10/8/2012. Est. Value—$1,172.00. Disposition—Pending Transfer to General Services Administration.	His Excellency General Guillermo Galvan, Secretary of National Defense of Mexico.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Chuck Hagel, Secretary of Defense.	Rug. Rec'd—3/10/2013. Est. Value—$650.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Hamid Karzai, President of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Chuck Hagel, Secretary of Defense.	Silver clock. Rec'd—6/7/2013. Est. Value—$1,456.00. Disposition—Pending Transfer to General Services Administration.	His Royal Highness Salman Bin Hamad Al Khalifa, Crown Prince of the Kingdom of Bahrain, First Deputy Prime Minister, Deputy Supreme Commander of the Bahrain Defense Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Chuck Hagel, Secretary of Defense.	Painting. Rec'd—6/11/2013. Est. Value—$650.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Pedro Cateriano Bellido, Minister of Defense of the Republic of Peru.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Chuck Hagel, Secretary of Defense.	Figurine. Rec'd—6/11/2013. Est. Value—$465.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Ollanta Moises Humala Tasso, President of the Republic of Peru.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Chuck Hagel, Secretary of Defense.	Silver dagger. Jewelry set. Rec'd—7/30/2013. Est. Value—$1,240.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Abd Rabbu Mansour Hadi, President of the Republic of Yemen, Yemen.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Chuck Hagel, Secretary of Defense.	Statue, title: "Vision of the Bear". Rec'd—3/27/2012. Est. Value—$500.00. Disposition—Pending Transfer to General Services Administration.	The Honorable Peter G. MacKay, P.C., Q.C., M.P., Minister of National Defense of Canada.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Chuck Hagel, Secretary of Defense.	Wine serving set. Rec'd—8/5/2013. Est. Value—$600.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Safar Abiyev, Minister of Defense of the Republic of Azerbaijan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Chuck Hagel, Secretary of Defense.	Silver container. Rec'd—8/29/2013. Est. Value—$445.00. Disposition—Pending Transfer to General Services Administration.	His Majesty Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah ibni Al-Marhum Sultan Haji Omar 'Ali Saifuddien Sa'adul Khairi Waddien, Sultan and Yang Di-Pertuan of Brunei Darussalam.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Chuck Hagel, Secretary of Defense.	Portrait of Secretary Hagel. Rec'd—8/30/2013. Est. Value—$400.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Voltaire T. Gazmin, Secretary of National Defense of the Republic of the Philippines.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued

[Report of Tangible Gifts Furnished by the Department of Defense]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance.
The Honorable Chuck Hagel, Secretary of Defense.	Figurines of six Kazakh warriors. Rec'd—11/13/2013. Est. Value—$650.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Adilbek Dzhaksybekov, Minister of Defense of the Republic of Kazakhstan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Chuck Hagel, Secretary of Defense.	Visconti Skelton Aluten fountain pen. Rec'd—11/25/2013. Est. Value—$1,695.00. Disposition—Pending Transfer to General Services Administration.	His Majesty Mohamed VI, King of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Chuck Hagel, Secretary of Defense.	Silver pen set. Rec'd—12/10/2013. Est. Value—$1,400.00. Disposition—Pending Transfer to General Services Administration.	His Majesty Salman Bin Hamad Al Khalifa, Crown Prince of the Kingdom of Bahrain, First Deputy Prime Minister, and Deputy Supreme Commander of the Bahrain Defense Force.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Chuck Hagel, Secretary of Defense.	Rug. Rec'd—12/11/2013. Est. Value—$600.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Nawaz Sharif, Prime Minister of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mrs. Lilibet Hagel, Spouse of the Secretary of Defense.	Hand-painted lamp bases. Rec'd—8/19/2013. Est. Value—$775.00. Disposition—Pending Transfer to General Services Administration.	General Chang Wanquan, State Councilor and Minister of Defense of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
General Martin E. Dempsey, Chairman of the Joint Chiefs of Staff.	Candlestick holders. Rec'd—2/25/2013. Est. Value—$640.00. Disposition—Pending Transfer to General Services Administration.	Lieutenant General Hernán Mardones Ríos, Chief of the Joint Staff of the Republic of Chile.	Non-acceptance would cause embarrassment to donor and U.S. Government.
General Martin E. Dempsey, Chairman of the Joint Chiefs of Staff.	Rug. Rec'd—4/6/2013. Est. Value—$400.00. Disposition—Pending Transfer to General Services Administration.	General Sher Mohammad Karimi, Chief of Army Staff of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
General Martin E. Dempsey, Chairman of the Joint Chiefs of Staff.	Globe. Soup bowl with chopsticks set. Rec'd—4/22/2013. Est. Value—$1,190.00. Disposition—Pending Transfer to General Services Administration.	General Fang Fenghui, Chief of the General Staff of the People's Liberation Army.	Non-acceptance would cause embarrassment to donor and U.S. Government.
General Martin E. Dempsey, Chairman of the Joint Chiefs of Staff.	Model tank with stand. Rec'd—4/23/2013. Est. Value—$1,160.00. Disposition—Pending Transfer to General Services Administration.	General Fang Fenghui, Chief of the General Staff of the People's Liberation Army.	Non-acceptance would cause embarrassment to donor and U.S. Government.
General Martin E. Dempsey, Chairman of the Joint Chiefs of Staff.	Statue. Rec'd—4/24/2013. Est. Value—$445.00. Disposition—Pending Transfer to General Services Administration.	General Liu Yazhou, Political Commissiar of the People's Liberation Army's National Defense University.	Non-acceptance would cause embarrassment to donor and U.S. Government.
General Martin E. Dempsey, Chairman of the Joint Chiefs of Staff.	Silver plate. Rec'd—6/11/2013. Est. Value—$900.00. Disposition—Pending Transfer to General Services Administration.	His Royal Highness Salman Bin Hamad Al Khalifa, Crown Prince of the Kingdom of Bahrain, First Deputy Prime Minister, and Deputy Supreme Commander of the Bahrain Defense Force.	Non-acceptance would cause embarrassment to donor and U.S. Government.
General Martin E. Dempsey, Chairman of the Joint Chiefs of Staff.	Clock. Picture frame. Rec'd—6/26/2013. Est. Value—$490.00. Disposition—Pending Transfer to General Services Administration.	General Thanasak Patimaprakorn, Chief of Defense Forces of the Kingdom of Thailand.	Non-acceptance would cause embarrassment to donor and U.S. Government.
General Martin E. Dempsey, Chairman of the Joint Chiefs of Staff.	Cadet saber model. Rec'd—7/15/2013. Est. Value—$430.00. Disposition—Pending Transfer to General Services Administration.	Admiral Francisco Soberon Sanz, Secretary of the Mexican Navy.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued

[Report of Tangible Gifts Furnished by the Department of Defense]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance.
General Martin E. Dempsey, Chairman of the Joint Chiefs of Staff.	Lapis lazuli bowl. Rec'd—7/22/2013. Est. Value—$485.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Hamid Karzai, President of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
General Martin E. Dempsey, Chairman of the Joint Chiefs of Staff.	Rug. Rec'd—7/22/2013. Est. Value—$380.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Bismillah Khan Mohammadi, Minister of Defense of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
General Martin E. Dempsey, Chairman of the Joint Chiefs of Staff.	Dagger. Holy water. Rec'd—8/14/2013. Est. Value—$450.00. Disposition—Pending Transfer to General Services Administration.	Lieutenant General Marshal Al-Zaben, Chairman of the Joint Chiefs of Staff of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
General Martin E. Dempsey, Chairman of the Joint Chiefs of Staff.	Decorative knife. Rec'd—8/14/2013. Est. Value—$7,960.00. Disposition—Pending Transfer to General Services Administration.	His Excellency King Abdullah II ibn Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
General Martin E. Dempsey, Chairman of the Joint Chiefs of Staff.	Suitcase. Two pens. Two watches. Cufflink set. Five bottles of perfume. Two bottles of cologne. Rec'd—8/26/2013. Est. Value—$2,691.00. Disposition—Pending Transfer to General Services Administration.	Lieutenant General Marshal Al-Zaben, Chairman of the Joint Chiefs of Staff of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mrs. Deanie Dempsey, Spouse of the Chairman of the Joint Chiefs of Staff.	Necklace. Rec'd—8/13/2013. Est. Value—$980.00. Disposition—Pending Transfer to General Services Administration.	Mrs. Revital Gantz, Spouse of the Chief of Defense of the State of Israel.	Non-acceptance would cause embarrassment to donor and U.S. Government.
General John Allen, United States Marine Corps, Retired, Senior Advisor to the Secretary of Defense.	Rug. Rec'd—6/1/2012. Est. Value—$850.00. Disposition—Pending Transfer to General Services Administration.	The Government of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Kathleen H. Hicks, Principal Director, Under Secretary of Defense, OSD Policy.	Wristwatch. Rec'd—9/14/2012. Est. Value—$365.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Dimitri Shashkin, Minister of Defense of Georgia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Ashton B. Carter, Deputy Secretary of Defense.	Lapis lazuli box. Rec'd—1/10/2013. Est. Value—$420.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Hamid Karzai, President of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Colonel Scott Dullea, Georgia Desk Officer, OSD Policy.	Wristwatch. Rec'd—1/12/2013. Est. Value—$365.00. Disposition—Pending Transfer to General Services Administration.	Lieutenant Colonel Temur Eubidze, Defense Attaché of Georgia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Vikram Singh, Deputy Assistant Secretary of Defense, South & Southeast Asia, OSD Policy.	Thirteen piece bone china. Rec'd—1/28/2013. Est. Value—$410.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Gotobaya Rajapaksa, Secretary of Defense of the Ministry of Defense and Urban Development of the Democratic Socialist Republic of Sri Lanka.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Michael Vickers, Under Secretary of Defense for Intelligence (USD)(I).	Plaque with twenty-one sterling silver symbols. Rec'd—3/19/2013. Est. Value—$465.00. Disposition—Pending Transfer to General Services Administration.	Brigadier General Lawel Chekou Kore, Director General of the General Directorate for Documentation and External Security of the Republic of Niger.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable James Miller, Under Secretary of Defense, OSD Policy.	Trophy. Robe. Rec'd—3/30/2013. Est. Value—$430.00. Disposition—Pending Transfer to General Services Administration.	Major General Hamad Al-Attiyah, Chief of Staff of Qatar Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued

[Report of Tangible Gifts Furnished by the Department of Defense]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance.
The Honorable Joaquin Malavet, Deputy Assistant Secretary of Defense, South & Southeast Asia, OSD Policy.	Credit card holder. Document holder. Two jewelry sets containing a necklace and a pair of earrings. Rec'd—4/10/2013. Est. Value—$775.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Muhammed Moeen, Defense Attaché of the People's Republic of Bangladesh.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable James Miller, Under Secretary of Defense, OSD Policy.	Two wristwatches. Fabric. Necktie. Seven bottles of perfume. Suitcase. Rec'd—5/4/2013. Est. Value—$8,438.00. Disposition—Pending Transfer to General Services Administration.	His Highness Sheikh Tamim bin Hamad Al-Thani, Heir Apparent of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable William F. Wechsler, Deputy Assistant Secretary of Defense, Special Operations & CT, OSD Policy.	Sword in glass case. Rec'd—5/6/2013. Est. Value—$440.00. Disposition—Pending Transfer to General Services Administration.	Mr. Roukoz Chemel, Commander of Ranger Regiment of the State of Israel.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David Sedney, Deputy Assistant Secretary of Defense, Afghanistan, Pakistan & Central Asia, OSD Policy.	Handmade plate. Rec'd—5/8/2013. Est. Value—$715.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Ilhom Nematov, Ambassador of the Republic of Uzbekistan to the United States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David Sedney, Deputy Assistant Secretary of Defense, Afghanistan, Pakistan & Central Asia, OSD Policy.	Lapis bowl. Rec'd—5/11/2013. Est. Value—$385.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Hamid Karzai, President of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David Sedney, Deputy Assistant Secretary of Defense, Afghanistan, Pakistan & Central Asia, OSD Policy.	Rug. Rec'd—5/13/2013. Est. Value—$380.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Bismillah Khan Mohammadi, Minister of Defense of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Edward Minahan, Principal Director, Deputy Assistant Secretary of Defense, Middle East, OSD Policy.	Silver figurine. Rec'd—5/13/2013. Est. Value—$370.00. Disposition—Pending Transfer to General Services Administration.	The Government of the State of Israel.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Peter Lavoy, A/ASD Asian & Pacific Security Affairs, OSD Policy.	Cufflinks. Rec'd—5/17/2013. Est. Value—$450.00. Disposition—Pending Transfer to General Services Administration.	Her Excellency Sherry Rehman, Ambassador of the Islamic Republic of Pakistan to the United States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Ashton B. Carter, Deputy Secretary of Defense.	Lapis lazuli bowl. Rec'd—6/13/2013. Est. Value—$640.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Hamid Karzai, President of the Islamic Republic of Afghanistan, Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David Helvey, Deputy Assistant Secretary of Defense, East Asia, OSD Policy.	Jewelry box. Rec'd—6/17/2013. Est. Value—$455.00. Disposition—Pending Transfer to General Services Administration.	Major General Lee Seo-young, Defense Attaché of the Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Admiral James A. Winnefeld, Jr., Vice Chairman of the Joint Chiefs of Staff.	Book. Alcohol. Scarf. Rec'd—7/16/2013. Est. Value—$375.00. Disposition—Pending Transfer to General Services Administration. Perishable items handled pursuant to the guidelines set forth by General Services Administration.	His Excellence Admiral Francisco Soberon Sanz, Secretary of the Mexican Navy.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Michael Vickers, Under Secretary of Defense for Intelligence (USD)(I).	Tea set. Rec'd—7/17/2013. Est. Value—$1,260.00. Disposition—Pending Transfer to General Services Administration.	Lieutenant General Abdul Hadi Bin Hj Hussin, Director of the General Defense Intelligence of the Malaysian Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lieutenant General Curtis Scaparrotti, Director of the Joint Chiefs of Staff.	Plaque. Two wristwatches. Rec'd—7/19/2013. Est. Value—$885.00. Disposition—Pending Transfer to General Services Administration.	General Kwon Oh-sung, Deputy Commander of the ROK–US Combined Forces Command.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued

[Report of Tangible Gifts Furnished by the Department of Defense]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance.
The Honorable Michael Dumont, Deputy Assistant Secretary of Defense for Afghanistan, Pakistan and Central Asia, OSD Policy.	Leather briefcase. Rec'd—8/1/2013. Est. Value—$390.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Rashad Mahmood, Chairman of the Joint Chiefs of Staff Committee of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Mark W. Lippert, Special Assistant to the Secretary of Defense.	Silver cufflink set with tie clasp. Rec'd—9/6/2013. Est. Value—$650.00. Disposition—Pending Transfer to General Services Administration.	Mr. Natsuo Yamaguchi, Chief Representative of Japan's New Komeito Party.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Ashton B. Carter, Deputy Secretary of Defense.	Two bottles of wine. Rec'd—9/8/2013. Est. Value—$460.00. Disposition—Perishable items handled pursuant to the guidelines set forth by General Services Administration.	Lieutenant General Wang Guanzhong, Deputy Chief of the General Staff of the People's Liberation Army.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Michael Vickers, Under Secretary of Defense for Intelligence (USD)(I).	Rozet Kutu box. Rec'd—9/18/2013. Est. Value—$580.00. Disposition—Pending Transfer to General Services Administration.	Dr. Hakan Fidan, Undersecretary, Turkish National Intelligence Organization.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Michael Vickers, Under Secretary of Defense for Intelligence (USD)(I).	Cartier watch. Rec'd—10/2/2013. Est. Value—$8,545.00. Disposition—Pending Transfer to General Services Administration.	The Government of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Michael Vickers, Under Secretary of Defense for Intelligence (USD)(I).	Rolex watch. Rec'd—10/2/2013. Est. Value—$12,000.00. Disposition—Pending Transfer to General Services Administration.	The Government of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Drew Thompson, Director, China, Taiwan and Mongolia, OSD Policy.	Framed calligraphy. Rec'd—10/16/2013. Est. Value—$390.00. Disposition—Pending Transfer to General Services Administration.	Lieutenant General Mike Tien, Taipei Economic and Cultural Representative Office in the United States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Major General Heidi Brown, Director of Test, Missile Defense Agency.	Rochas Paris wristwatch. Rec'd—10/18/2013. Est. Value—$605.00. Disposition—Pending Transfer to General Services Administration.	The Government of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable James Miller, Under Secretary of Defense, OSD Policy.	Sword. Shovel. Medal. Certificate. Rec'd—10/28/2013. Est. Value—$825.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Mircea Duşa, Minister of Defense of Romania.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Peter Lavoy, A/ASD Asian & Pacific Security Affairs, OSD Policy.	Two bottles of wine. Rec'd—11/18/2013. Est. Value—$460.00. Disposition—Perishable items handled pursuant to the guidelines set forth by General Services Administration.	Lieutenant General Zhang Shibo, Beijing Military Region Commander of the People's Liberation Army.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Stephen W. Preston, General Counsel of the Department of Defense.	Model ship. Rec'd—12/9/2013. Est. Value—$2,100.00. Disposition—Pending Transfer to General Services Administration.	Dr. Ali Bin Fetais Al Marri, Attorney General of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE AIR FORCE

[Report of Tangible Gifts Furnished by the Department of the Air Force]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Lieutenant General David Goldfein, United Staff Air Force Commander, USAFCENT.	Concord men's and ladies' watch set. Rec'd—6/19/2012. Est. Value—$775.00. Disposition—Transferred to General Services Administration.	Major General Hamad Al-Attiyah, Chief of Staff of the Qatar Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lieutenant General Frank Gorenc, United States Air Force Assistant Vice Chief of Staff.	Falcon statue on stand. Rec'd—1/1/2013. Est. Value—$1,069. Disposition—Displayed in the Pentagon, room 4E944.	His Excellency Mohamed Bin Abdulla Al Rumaihi, Ambassador of the State of Qatar to the United States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Ahmed Abouelea, Cultural Advisor, USAFCENT.	Mont Blanc men's watch. Rec'd—1/10/2013. Est. Value—$1,000.00. Disposition—Transferred to General Services Administration.	Brigadier General Abdullah Juma'an Al-Hamad, General Coordinator of the Qatar Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lieutenant General David Goldfein, United States Air Force Commander, USAFCENT.	Esprit men's watch. Kuwait shaped pendant. Rec'd—1/31/2013. Est. Value—$437.00. Disposition—Transferred to General Services Administration.	Major General Khamis Sultan Al Farhan, Commander of the Kuwait Air Force.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Colonel James Brandenburg, 738 AEAG Commander.	Macbook Air. 16GB iPhone 4s. Rec'd—2/1/2013. Est. Value—$1,650.00. Disposition—Pending transfer to General Services Administration.	Major General Abdul Raziq Sherzai, Commander of the Kandahar Air Wing of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Captain Petrina Hanson, United States Air Force Staff.	Escade jewelry set. Guerlain perfume. Alexandre perfume. Guerlain parfumeur. Rec'd—2/4/2013. Est. Value—$425.00. Disposition—Transferred to General Services Adminitration.	Sheikha Hissa bint Mohamed Al-Attiyah of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lieutenant General David Goldfein, United States Air Force Commander, USAFCENT.	Aigner necklace. Aigner bracelet. Dar Al Oud perfume. Oscent parfum. Silver Five and Seven parfum. Rec'd—2/4/2013. Est. Value—$500.00. Disposition—Transferred to General Services Administration.	Major General Hamad Al-Attiyah, Chief of Staff of the Qatar Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Timothy Bennet, Chief, Civil and Foreign Government Access.	Grovana men's watch. Rec'd—4/10/2013. Est. Value—$700.00. Disposition—Transferred to General Services Administration.	Staff Brigadier Abdelraham Ibrahim Al Mazmi, Air Attaché of the United Arab Emirates.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lieutenant Elizabeth Jackson, Protocol, Joint Base Andrews.	Cover ladies' watch. Rec'd—5/1/2013. Est. Value—$400.00. Disposition—Pending transfer to General Services Administration.	His Majesty King Abdullah II ibn Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. John Polhemus, Flight Line Protocol, Joint Base Andrews.	Yard-O-Led Edwardian pen. Rec'd—5/6/2013. Est. Value—$495.00. Disposition—Transferred to General Services Administration.	His Majesty King Abdullah II ibn Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lieutenant General David Goldfein, United States Air Force Commander, USAFCENT.	Mont Blanc wallet, pen, cufflink set. Rec'd—6/8/2013. Est. Value—$460.00. Disposition—Transferred to General Services Administration.	Major General Mohammed Al-Khayarin, Commander Qatari Emiri Air Force.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Brigadier General Paul McGillicuddy, 380 AEW Commander.	16GB iPhone 5. Rec'd—6/13/2013. Est. Value—$649.00. Disposition—Transferred to General Services Administration.	Staff Brigadier Essam Abdullah Al-Shamri, Commander of the Al Dhafre Air Base of the United Arab Emirates.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE AIR FORCE—Continued

[Report of Tangible Gifts Furnished by the Department of the Air Force]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Lieutenant General Ralph Jodice II, United States Air Force Commander, NATO.	Glass 7 metal trophy. Delse suitcase. Concord men's and ladies' watch set. Two bolts of fabric. Al Jazeera men's and ladies' perfume set. Charriol Royal Leather men's perfume. Versace Diamond perfume. Two men's neck ties. Rec'd—6/13/2013. Est. Value—$4,300.00. Disposition—Transferred to General Services Administration.	Major General Hamad Al-Attiyah, Chief of Staff of the Qatar Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Brigadier General Kevin Schneider	iPhone 5, 16GB. Rec'd—7/1/2013. Est. Value—$400.00. Disposition—Transferred to General Services Administration.	Staff Brigadier Essam Abdullah Al-Shamri, Commander of the Al Dhafre Air Base of the United Arab Emirates.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lieutenant General John Hesterman, United States Air Force Commander, USAFCENT.	Silver letter opener. Blue tie. Cufflinks. Silver business card holder. Rec'd—9/9/2013. Est. Value—$757.00. Disposition—Pending transfer to General Services Administration.	Air Vice Marshal Matar Al-Obaidani, Commander of the Omani Air Force.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Heidi Grant, Deputy Under Secretary of the Air Force for International Affairs.	Moltan glass falcon statue. Rec'd—9/9/2013. Est. Value—$1,444.00. Disposition—Displayed in Pentagon, SAF/IA office for official use only.	Lieutenant General Fayyadh al-Ruwaili, Commander of the Royal Saudi Air Force.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lieutenant General John Hesterman, United States Air Force Commander, USAFCENT.	Chopard silver pen. Al Jazeera Classic parfum, Al Jazeera AA parfum. Rec'd—9/10/2013. Est. Value—$360.00. Disposition—Pending transfer to General Services Administration.	Major General Hamad Al-Attiyah, Minister of State for Defense Affairs of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Major Rebecca Tubman, AFCENT AWC.	Burberry ladies' watch. Rec'd—9/11/2013. Est. Value—$595.00. Disposition—Pending transfer to General Service Administration.	Staff Brigadier Tareq Mohammed Al Bannai, UAE Military Attaché in Canberra.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lieutenant Elizabeth Jackson, Protocol, Joint Base Andrews.	Longines Dolce ladies' watch. Rec'd—10/1/2013. Est. Value—$1,200.00. Disposition—Pending transfer to General Service Administration.	His Majesty King Abdullah II ibn Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. John Polhemus, Flight Line Protocol, Joint Base Andrews.	Three Afghan style rugs. Rec'd—11/27/2013. Est. Value—$3,000.00. Disposition—Pending transfer to General Service Administration.	Captain Mohammed Anesrif, Embassy of the Kingdom of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. John Polhemus, Flight Line Protocol, Joint Base Andrews.	Yard-O-Led Edwardian pen. Rec'd—5/6/2013. Est. Value—$495.00. Disposition—Transferred to General Services Administration.	His Majesty King Abdullah II ibn Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Unknown United States Air Force Member.	Concord Mariner watch. Al Jaber watch, wallet, cufflinks, and pen set. Rec'd—Unknown. Est. Value—$1,305.00. Disposition—Transferred to General Services Administration.	Foreign Government Official	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE ARMY

[Report of Tangible Gifts Furnished by the Department of the Army]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Brigadier General Thomas Vandal, DGC–S, 3rd Infantry Division, U.S. Army.	Men's Longines Hydro Conquest sport watch. Rec'd—11/4/2010. Est. Value—$2,400.00. Disposition—In custody of Army Gift Program pending transfer to General Services Administration.	Major General Jamal, Deputy Minister of Peshmerga of the Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Staff Sergeant Julie B. Korb, Protocol Driver, U.S. Army Africa (USARAF).	500 euros. Rec'd—5/8/2012. Est. Value—$672.00. Disposition—In custody of Army Gift Program pending transfer to Defense Finance and Accounting Services.	Lieutenant General Onyeabo Ihejirika, Chief of Army Staff of the Federal Republic of Nigeria.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Charlotte Hogan, GS–15, Business Transformation Division Chief, U.S. Army IMCOM.	Gold necklace, bracelet, earrings, and ring set. Rec'd—12/18/2012. Est. Value—$1,500.00. Disposition—In custody of Army Gift Program pending transfer to General Services Administration.	Command Sergeant Major Emad, Besmaya Training Center of the Iraqi Army.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lieutenant General Vincent K. Brooks, Commanding General 3rd Army, U.S. Army Central.	iPad mini. Carrying case. Rec'd—2/19/2013. Est. Value—$699.00. Disposition—iPad Mini in custody of Army Gift Program. Waiting recipient's delivery of carrying case. Both items pending transfer to General Services Administration.	Staff Major General Mohammed Ali Abdulla Al Issa, Director of Moral Guidance, Ministry of Defense of the United Arab Emirates.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lieutenant General Francis J. Wiercinski, Commander, US Army Pacific.	Model railroad scene with train engine. Rec'd—2/21/2013. Est. Value—$1,102.90. Disposition—On display for official use only at the Headquarters, US Army Pacific, Building T100, Fort Shafter, Hawaii 96858.	General Prayut Chan-o-cha, Commander in Chief of the Royal Thai Army.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Charlotte Hogan, GS–15, Business Transformation Division Chief, U.S. Army IMCOM.	iPad. Case. Rec'd—4/9/2013. Est. Value—$620.00. Disposition—In custody of Army Gift Program pending transfer to General Services Administration.	Command Sergeant Major Emad, Besmaya Training Center of the Iraqi Army.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Major General Michael S. Repass, Commander, Special Operations Command Europe (SOCEUR).	Framed print of a decorative map of Estonia and Latvia. Rec'd—5/24/2013. Est. Value—$400.00. Disposition—Pending purchase from General Services Administration by recipient. Currently located in SOCEUR HQ on Patch Barracks, USAG-Stuttgart, Germany.	His Excellency Urmas Reinsalu, Minister of Defense of the Republic of Estonia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lieutenant Colonel Ralph Arthur LounsbroughCommander 840th Transportation Battalion.	Omega Seamaster watch. Rec'd—6/6/2013. Est. Value—$3,739.00. Disposition—In custody of Army Gift Program pending transfer to General Services Administration.	Lieutenant General Sheikh Khaled Al-Jarrah, Chief of Staff of the Kuwait Armed Forces.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Major General Robert Abrams, Commanding General, 3rd Infantry Division, Fort Stewart, Georgia.	60″ × 84″ hand-stitched patterned orange colored rug. Rec'd—7/8/2013. Est. Value—$900.00. Disposition—Retained for display for official use only in the 3rd Infantry Division Headquarters Building, Fort Stewart, Georgia.	Major General Abdul Raziq Sherzai, Commander of the Kandahar Air Wing Commander of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE ARMY—Continued

[Report of Tangible Gifts Furnished by the Department of the Army]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Brigadier General Christopher Hughes, Deputy Commanding General-Maneuver, Regional Command (South), Kandahar Airfield, Afghanistan.	60″ × 84″ hand-stitched patterened burgundy colored rug. Rec'd—7/12/2013. Est. Value—$700.00. Disposition—On display for official use only in the Regional Command (South), 4th Infantry Division Headquarters Building, Kandahar Airfield, Afghanistan.	Major General Abdul Raziq Sherzai, Commander of the Kandahar Air Wing Commander of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Major General Vandal, Commander, 2d Infantry Division.	Leather bound photo album, title: ''Republic of Korea/United States Alliance 60th Celebration Photo Album''. Rec'd—7/15/2013. Est. Value—$770.00. Disposition—On display for official use only at the 2nd Infantry Division Museum, Camp Red Cloud, APO, AP 96258–5041.	Mr. Ahn Byung-young, Mayor of Uijeongbu City, Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Colonel Christopher Eubank, Commander, Army Support Group-Kuwait, Camp Arifjan, Kuwait.	Camera and pouch (to be used for claims processing, documenting damages to any ASG property for FLIPL investigations, other documentary investigative needs, and photos for official functions). One ounce fragrant woodchip potpourri. One ounce saffron potpourri. Rec'd—9/12/2013. Est. Value—$425.00. Disposition—Stored for official use only at Room 116, Building 216, Camp Arifjan, Kuwait, APO, AE 09366.	Major General Abdulhameed Al-Awadhi, Assistant Under Secretary for Criminal Security Affairs of the Ministry of the Interior of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lieutenant Colonel Dana J. Chase, Command Judge Advocate, Army Support Group-Kuwait, Camp Arifjan, Kuwait.	Camera and pouch (to be used for claims processing, documenting damages to any ASG property for FLIPL investigations, other documentary investigative needs, and photos for official functions). One ounce fragrant woodchip potpourri. One ounce saffron potpourri. Rec'd—9/12/2013. Est. Value—$425.00. Disposition—Stored for official use only at Room 116, Building 216, Camp Arifjan, Kuwait, APO, AE 09366.	Major General Abdulhameed Al-Awadhi, Assistant Under Secretary for Criminal Security Affairs of the Ministry of the Interior of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Major General Paul J. LaCamera, Commanding General, Regional Command (South), 4th Infantry Division, Kandahar Airfield, Afghanistan.	3′ × 5′ machine-made wool rug with silk accents. Rec'd—10/22/2013. Est. Value—$400.00. Disposition—Pending purchase from General Services Administration by recipient. Currently located at Regional Command (South), 4th Infantry Division Headquarters Building, Kandahar Airfield, Afghanistan.	Major General Abdul Raziq Sherzai, Commander of the Kandahar Air Wing Commander of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Brigadier General James Rainey, Deputy Commanding General (Maneuver), Regional Command (South), 4th Infantry Division, Kandahar Airfield, Afghanistan.	3.5′ × 5.5′ handmade Belgian wool rug. Rec'd—10/22/2013. Est. Value—$500.00. Disposition—Pending purchase from General Services Administration by recipient. Currently located at Regional (South) 4th Infantry Division Headquarters Building, Kandahar Airfield, Afghanistan.	Major General Abdul Raziq Sherzai, Commander of the Kandahar Air Wing Commander of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE ARMY—Continued

[Report of Tangible Gifts Furnished by the Department of the Army]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Lieutenant General Charles T. Cleveland, Commanding, USASOC.	Pearl earrings and matching necklace. Marble decorative peacock plate. Embelished cashmere stole. Sterling silver medallion and marble holder. Indian Army presentation plaque. Rec'd—12/1/2013. Est. Value—$643.20. Disposition—On display for official use only at Headquarters, USASOC, 2929, Desert Storm Drive, Fort Bragg, NC, 28310.	Lieutenant General Bikram Singh, Chief of Army Staff of the Indian Army.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE NAVY

[Report of Tangible Gifts and Travel Furnished by the Department of the Navy]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Ray Mabus, Secretary of the Navy.	Replica of the gold raft of El Dorado "La Balsa Muisca". Rec'd—1/11/2011. Est. Value—$625.00. Disposition—Retained by recipient for official use only.	Admiral (r) Álvaro Echandía Durán, Director General of the National Directorate of Intelligence of the Republic of Colombia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Ray Mabus, Secretary of the Navy.	American Tourister hardside suitcase. Five bottles of perfume. Two silk ties. Four yards of suit fabric. Longines ladies' watch. Longines men's watch. Leather box. Rec'd—11/20/2013. Est. Value—$7, 190.73. Disposition—Pending transfer to General Services Administration.	Major General Hamad Al-Attiyah, Minister of State for Defense Affairs of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Admiral James Stavridis, U.S. Navy, Commander, U.S. Southern Command.	Dominican-made Karabaly-Cristobal M2 7.62mm 1950 rifle. Rec'd—3/29/2007. Est. Value—$500.00. Disposition—In route to the Chief of Naval Operations Awards Branch.	Major General Juan Campusano Lopez, Chief of Staff of the Dominican Republic Army.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Admiral Jonathan Greenert, U.S. Navy, Chief of Naval Operations.	Rolens men's wristwatch. Rec'd—10/5/2011. Est. Value—$500.00. Disposition—Pending transfer to General Services Administration.	Representative Kim Sung-Chan, Member of the Republic of Korea National Assembly.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Vice Admiral John Miller, U.S. Navy; Commander, U.S. Naval Forces Central Command/U.S. FIFTH Fleet/Combined Maritime Forces.	Canvas painting, title: "The History of the Police Fort." Rec'd—5/14/2012. Est. Value—$1,063.83. Disposition—Pending transfer to General Services Administration.	Lieutenant General Shaikh Rashid bin Abdulla Al Khalifa, Minister of the Interior of the Kingdom of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Vice Admiral John Miller, U.S. Navy; Commander, U.S. Naval Forces Central Command/U.S. FIFTH Fleet/Combined Maritime Forces.	Movado men's wristwatch. Ferrari men's wristwatch. Rec'd—6/26/2012. Est. Value—$1,124.99. Disposition—Pending transfer to General Services Administration.	Staff Brigadier General Saeed Bin Hamdan Al-Nayhan, Deputy Commander of the United Arab Emirates Naval Force.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Vice Admiral John Miller, U.S. Navy; Commander, U.S. Naval Forces Central Command/U.S. FIFTH Fleet/Combined Maritime Forces.	14″ decorative crystal. Book, title "Oman Living Traditions". Rec'd—12/4/2012. Est. Value—$886.00. Disposition—Retained by recipient for official use only.	Lieutenant General Ahmed Al-Nabhani, Chief of the Sultan's Armed Forces of the Sultanate of Oman.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE NAVY—Continued

[Report of Tangible Gifts and Travel Furnished by the Department of the Navy]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Vice Admiral John Miller, U.S. Navy; Commander, U.S. Naval Forces Central Command/U.S. FIFTH Fleet/Combined Maritime Forces.	White iPad Mini. Two computer bags. Rec'd—2/20/2013. Est. Value—$690.00. Disposition—Retained by recipient for official use only.	Staff Brigadier General Saeed Bin Hamdan Al-Nayhan, Deputy Commander of the United Arab Emirates Naval Force.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Vice Admiral Michael Miller, U.S. Navy; Superintendentof the U.S. Naval Academy.	Omega De Ville men's wristwatch. Wooden ship. Replica of gold crown of Cheonmachong Tomb, Korean National Treasure No. 188. Rec'd—4/30/2013. Est. Value—$1,825.00. Disposition—Pending transfer to General Services Administration.	Major General Khalid Mohammad Al Khonder, Commdant of Ali Al Sabah Military College of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Vice Admiral John Miller, U.S. Navy; Commander, U.S. Naval Forces Central Command/U.S. FIFTH Fleet/Combined Maritime Forces.	Large silver plate. Rec'd—5/14/2013. Est. Value—$365.00. Disposition—Retained by recipient for official use only.	Rear Admiral Nizah Jbaily, Head of the Lebanese Navy.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Rear Admiral Katherine Gregory, U.S. Navy; Commanding Officer, Naval Facilities Engineering Command.	Decorative glass floral sculpture. Rec'd—5/28/2013. Est. Value—$500.00. Disposition—Pending transfer to General Services Administration.	Captain Park Jae-sig, Chief of Civil Engineers of the Republic of Korea Navy.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Vice Admiral John Miller, U.S. Navy; Commander, U.S. Naval Forces Central Command/U.S. FIFTH Fleet/Combined Maritime Forces.	Jordanian dagger. Rec'd—6/11/2013. Est. Value—$530.00. Disposition—Retained by recipient for official use only.	General Marshal Al-Zaben, Chairman of the Joint Chiefs of Staff of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Rear Admiral James Foggo III, U.S. Navy; Assistant Deputy Chief of Naval Operations for Operations, Plans and Strategy.	FIYTA wristwatch. Rec'd—9/13/2013. Est. Value—$400.00. Disposition—Pending purchase from General Services Administration by recipient.	Admiral Wu Shengli, Commander of the People's Liberation Navy.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Vice Admiral Robert Thomas, U.S. Navy; Commander, U.S. SEVENTH Fleet.	Framed calligraphy painting by Sisyu. Rec'd—11/14/2013. Est. Value—$3,400.00. Disposition—Retained by recipient for official use only.	Vice Admikral Yasushi Matsushita, Commander in Chief, Japanese Maritime Self-Defense Force.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Captain John Bemonte, U.S. Navy; Director, Europe Command/Africa Command & North Atlantic Treaty Organization Division Security Cooperation Directorate, Navy International Programs Officer.	Travel: 2013 Internal Defense Industry Fair. Rec'd—5/6–9/2013. Est. Value—$2,119.90.	Mr. Murad Bayar, Undersecretary for Defense Industries of the Ministry of National Defense of the Republic of Turkey.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Ross Sawtelle, Strategic Planner, Strategic Planning Directorate, Navy International Programs Office.	Travel: 2013 Internal Defense Industry Fair. Rec'd—5/6–9/2013. Est. Value—$2,119.90.	Mr. Murad Bayar, Undersecretary for Defense Industries of the Ministry of National Defense of the Republic of Turkey.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Rear Admiral Joseph Rixey, U.S. Navy; Deputy Assistant Secretary of the Navy (International Programs)/Director, Navy International Programs Office.	Travel: 2013 Paris Air Show. Rec'd—6/16–19/2013. Est. Value—$1,250.00.	His Excellency Jean-Yves Le Drian, Minister of Defense of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lieutenant Brandr BeekmanEllner, U.S. Navy; Aide to Director, Navy International Programs.	Travel: 2013 Paris Air Show. Rec'd—6/16–19/2013. Est. Value—$1,250.00.	His Excellency Jean-Yves Le Drian, Minister of Defense of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Admiral Bruce Clingan, U.S. Navy; Commander, U.S. Naval Forces Europe/U.S. Naval Forces Africa.	Travel: Celebrating the 525th Anniversary of the Royal Navy. Rec'd—6/18–20/2013. Est. Value—$921.36.	Vice Admiral Borsboom, Royal Netherlands Navy.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lieutenant Commander Glenn Todd, U.S. Navy; Aide de Camp to Commander, U.S. Naval Forces Europe/U.S. Naval Forces Africa.	Travel: Celebrating the 525th Anniversary of the Royal Navy. Rec'd—6/18–20/2013. Est. Value—$921.36.	Vice Admiral Borsboom, Royal Netherlands Navy.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE NAVY—Continued

[Report of Tangible Gifts and Travel Furnished by the Department of the Navy]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Mr. Jack Hurley, Personal Security Naval Criminal Investigative Agent.	Travel: Celebrating the 525th Anniversary of the Royal Navy. Rec'd—6/18–20/2013. Est. Value—$921.36.	Vice Admiral Borsboom, Royal Netherlands Navy.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: UNITED STATES MARINE CORPS

[Report of Tangible Gift Furnished by the United States Marine Corps]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
General John F. Kelly, U.S. Marine Corps, Commander, U.S. Southern Command.	Cristobal M2 7.26 rifle, serial no. 37089, produced circa 1950 in the Dominican Republic and mounted in a display case. Rec'd—8/7/2013. Est. Value—$500.00. Disposition—Retained for official use only.	Admiral Sigfrido Pared Perez, Minister of Defense of the Dominican Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF EDUCATION.

[Report of Tangible Gifts and Travel Furnished by the Department of Education]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Ms. Carmel Martin	Travel: In kind travel to Zurich and Bern to participate in a study trip for the Swiss vocational and professional education training. Rec'd—3/16–22/2013. Est. Value—$2,570.00.	Swiss Dual System of Vocational and Professional Education.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Sharon Miller	Travel: In kind travel to Frankfort, Leipzig, and Berlin to participate in the German Embassy's skills initiative and study tour. Rec'd—6/29–7/6/2013. Est. Value—$4,626.20.	Organization for Economic Co-operation and Development and the Ministry of Education and Research of the Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Brenda Dann-Messier	Travel: In Kind travel to Leipzig, Germany to participate in seminar, title: ''Vet and Workplace Learning for Economic Success''. Rec'd—7/2–6/2013. Est. Value—$4,353.10.	Organization for Economic Co-operation and Development.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Clay Pell	Travel: In kind travel to Singapore to represent the United States at the East Asia Summit Conference, title: ''Bilingualism: Policy and Practice''. Rec'd—9/11–16/2013. Est. Value—$3,814.60.	Ministry of Education of the Republic of Singapore.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Brenda Dann-Messier	Travel: In kind travel to Istanbul, Turkey to attend informal meeting of Education Minister seminar, title: ''Fostering Skills and Employability through Education''. Rec'd—9/27–10/5/2013. Est. Value—$995.00.	Organization for Economic Co-operation and Development and the Ministry of Education of the Republic of Turkey.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Rafael Nevarez	Travel: In kind travel to Valetta, Malta to participate in the ENIC–NARIC Conference. Rec'd—10/16–22/2013. Est. Value—$2,100.00.	The European Commission	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF HOMELAND SECURITY

[Report of Tangible Gifts and Travel Furnished by the Department of Homeland Security]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Janet Napolitano, Secretary of Homeland Security.	Hardcover book, title: ''Spirit of Borneo, martin and Osa Johnson's Journey 1920 & 1935, Hollywood's First Historic Glimpse,'' by James Sarda and Danny Wong. Rec'd—2/21/2013. Est. Value—$350.00. Disposition—On display for official use only at 3801 Nebraska Ave. NW., Bldg 5, Room 5103, Washington, DC.	The Honorable Tansri Abdul Gani Patail, Attorney General of Malaysia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Janet Napolitano, Secretary of Homeland Security.	HNKA POCCNR (translation to English is NIKA) watch in white gold or sterling silver with a white band. Item number 01768694 Oct 117–3–002–95. Rec'd—5/23/2013. Est. Value—$2,976.00. Disposition—On display for official use only at 3801 Nebraska Ave. NW., Room 5103, Washington, DC.	The Honorable Vladimir Kolokoltsev, Minister of Internal of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Janet Napolitano, Secretary of Homeland Security.	Sterling silver bell with engravings of flowers, leaves, and birds on an ornate handle. Bell has a presentation of Adam and Eve, leaves, and two doves. Hermes bright pink 100% silk scarf with designs of people, animals, trees, and flowers. Rec'd—. 7/23/2013. Est. Value—$1,110.00. Disposition—On display for official use only at 3801 Nebraska Ave. NW., Room 5103, Washington, DC.	His Excellency Miguel Angel Osorio Chong, Secretary of the Government of Mexico.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Rand Beers, Acting Secretary of Homeland Security.	Limited edition blue and white Delta brand quill pen made of resin turned by hand from solid bards with trimmings in metal alloys, polished, and platinum plated. Rec'd—12/3/2013. Est. Value—$360. Disposition—On display for official use only at 3801 Nebraska Ave. NW., Room 5103, Washington, DC.	Mr. Alessandro Marangoni, Acting Deputy Chief of Police of the Italian Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Sikina Hasham, Policy Analyst, Office of International Affairs, U.S. Department of Homeland Security.	Travel: Participation in a Department of State education and cultural exchange program. Participants included interagency personnel and a Congressional delegation. Funds covered transportation and lodging costs. Rec'd—1/4/2013. Est. Value—$3,970.00.	Ministry of Foreign Affairs of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Kevin J. Laws, Program Manager, Cyber Crimes Center, Homeland Security Investigations.	Travel: Department of Homeland Security representative at a training workshop for ''Child Exploitation and Human Trafficking'' Conference sponsored by ICMEC. Rec'd—1/13/2013. Est. Value—$2,794.70.	Mr. Guillermo Galarza, International Center for Missing and Exploited Children.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Peter Chiaro, Jr., DNDO Rad/Nuc Detection Standards Program Manager.	Travel: Presented a lecture on radiation measurement-related standards at a meeting of the Japanese Standards Association. Rec'd—1/13/2013. Est. Value—$2,794.70.	Mr. Masami Tanaka, President of the Japanese Standards Association.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF HOMELAND SECURITY—Continued

[Report of Tangible Gifts and Travel Furnished by the Department of Homeland Security]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Mr. James Cole, Program Manager, Cyber Crimes Center, Homeland Security Investigations.	Travel: Presented a child exploitation training to Brazilian Federal Police on behalf of INTERPOL. Rec'd—3/8/2013. Est. Value—$3,200.00.	Mr. Michael Moran, Assistant Director of the Human Trafficking and Child Exploitation Directorate of INTERPOL.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Alan D. Bersin, Assistant Secretary for International Affairs, U.S. Department of Homeland Security.	Travel: Airfare, lodging, and meals for participation in the March 2013 meeting of the INTERPOL Executive Committee which Assistant Secretary Bersin. attended in his capacity as the INTERPOL Vice President for the Americas. Rec'd—3/9–15/2013. Est. Value—$9,500.00.	INTERPOL	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Lori P. Miller, 3D/WARRP PM, Ag Defense Branch, Chem Bio Division, HSARPA, DHS S&T.	Travel: Presenting data as subject matter expert at Republic of Korea Environmentally Friendly Animal Mortality Disposal Technology and Policy International Seminar. Rec'd—. 4/24/2013. Est. Value—$3,282.00	Ministry of Agriculture, Food, and Rural Affairs and the National Institute of Animal Science of the Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Peter I. Buchan, Criminal Research Officer, Cyber Crimes Center, Homeland Security Investigations.	Travel: Lodging, meals, travel, excess baggage fees, training materials, and incidental expenses for two weeks as ICE instructor for a training program for Abu Dhabi and Dubai police personnel sponsored by the Ministry of Interior of the United Arab Emirates. Rec'd—4/26/2013. Est. Value—$10,556.02.	General Directorate of Abu Dhabi Police of the United Arab Emirates.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. David E. Collins, Criminal Research Officer, Cyber Crimes Center, Homeland Security Investigations.	Travel: Lodging, meals, and incidental expenses for two weeks as ICE instructor for a training program for Abu Dhabi and Dubai police personnel sponsored by the Ministry of Interior of the United Arab Emirates. Rec'd—4/26/2013. Est. Value—$9,856.02.	General Directorate of Abu Dhabi Police of the United Arab Emirates.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Alan D. Bersin, Assistant Secretary for International Affairs, U.S. Department of Homeland Security.	Travel: Airfare, lodging, and meals for participation in the June 2013 meeting of the INTERPOL Executive Committee which Assistant Secretary Bersin attended in his capacity as the INTERPOL Vice President for the Americas. Rec'd—6/15–22/2013. Est. Value—$9,500.00.	INTERPOL	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Mark Koumans, Principal Deputy Assistant Secretary for International Affairs, U.S. Department of Homeland Security.	Travel: Airfare and lodging costs for travel to the Five Country Conference Deputy Heads of Delegation Meeting in London, UK. The purpose of the meeting was to identify gaps and overlaps in FCC security efforts and to ensure that current initiatives are advancing GCC goals related to security, service, and savings. Rec'd—6/17–20/2013. Est. Value—$4,000.00.	Immigration New Zealand	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF HOMELAND SECURITY—Continued

[Report of Tangible Gifts and Travel Furnished by the Department of Homeland Security]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Mr. Erik Barnett, Attaché to the EU, Homeland Security Investigations.	Travel: HSI Representative to speak at seminar, title: ''The Intellectual Property as a Strategic Driver for the Global Economy: A Multilateral Approach''. Rec'd—6/19/2013. Est. Value—$509.54.	Mr. José Manuel Gómez Bravo, Director of the International Observatory of Intellectual Property of Spain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Edward Rhyne, Program Manager, Cyber Security Division, Homeland Security Advanced Research Projects Agency, Science and Technology Directorate, Department of Homeland Security.	Travel: Requested by the donor to run a workshop at the 225th Annual Security in Government (SIG) Conference in Canberra, Australia. Rec'd—8/10/2013. Est. Value—$2,205.00.	Mr. Michael Jerks, Assistant Secretary of Critical Infrastructure and Protective Security Policy in the National Security Resilience Policy Division of the Attorney-General's Department of Australia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Carl J. Milazzo, Deputy Assistant Director.	Travel: Lodging, meals, and travel to Manly, Australia for faculty exchange. Reciprocal faculty exchange to serve as adjunct fellow for the purpose of observation and sharing of best practices in furtherance of the MOA between the Australian Institute for Police Management and the FLETC. Rec'd—8/31–9/14/2013. Est. Value—$4,802.00.	Australia's Institute of Police Management.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Teresa Lustig, TCA Branch Program Manager.	Travel: Mission critical invitational travel. Invited speaker by Management Committee of Cost Action Es1009 at the 2nd Workshop on Local-Scale Airborne Hazards Modeling and Emergency Response. Dr. Lustig talked about her area of expertise from the viewpoint of stakeholders, emergency managers, and responders. Rec'd—9/1/2013. Est. Value—$3,024.58.	Professor Dr. Bernd Leil, Environmental Wind Tunnel Laboratory, Meteorological Institute of the University of Hamburg.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Lori P. Miller, 3D/WARRP PM, Ag Defense Branch, Chem Bio Division, HSARPA, DHS S&T.	Travel: Department of Homeland Security representative at the European Union Anti-Bio Threat Project Briefing. Rec'd—9/9/2013. Est. Value—$2,200.00.	The Prevention of and Fight Against Crime Program of the European Commission.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Gerald Epstein, Deputy Assistant Secretary for Chemical, Biological, Radiological, and Nuclear Policy, PDEV.	Travel: Department of Homeland Security representative at a conference on evidence based security concerns raised by dual-use biological research. Rec'd—9/15/2013. Est. Value—$1,869.00.	Dr. Mark Smith, Program Director of Wilton Park.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Jeffrey E. Ellis, National Program Manager, Homeland Security Investigations, Division 3/HSTU.	Travel: Sole Department of Homeland Security representative at the European Union Police Service training exercise conducted in Nairobi, Kenya. Rec'd—9/15/2013. Est. Value—$1,884.00.	Ms. Andrea Torzani, Carabinieri of the Italian Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF HOMELAND SECURITY—Continued

[Report of Tangible Gifts and Travel Furnished by the Department of Homeland Security]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Mr. William R. Absher	Travel: Lodging, meals, and travel to Frankfurt, Germany for faculty exchange. Reciprocal faculty exchange for the purpose of observation and sharing of best practices in furtherance of the MOA between the Ministry of the Interior for Sports and Infrastructure, Rheinland-Phalz, Germany and the FLETC. Rec'd—9/16–21/2013. Est. Value—$2,794.70.	Ministry of the Interior for Sports of the Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Michael D. Evans, Branch Chief.	Travel: Lodging, meals, and travel to Frankfurt, Germany for faculty exchange. Reciprocal faculty exchange for the purpose of observation and sharing of best practices in furtherance of the MOA between the Ministry of the Interior for Sports and Infrastructure, Rheinland-Phalz, Germany and the FLETC. Rec'd—9/16–21/2013. Est. Value—$2,794.70.	Ministry of the Interior for Sports of the Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Brandon Wales, Director of the Homeland Infrastructure Threat and Risk Analysis Center.	Travel: Delivered a keynote at the National Security Seminar 2013 and attended meetings with the Ministry of Home Affairs. Rec'd—9/19–27/2013. Est. Value—$2,471.11.	Mr. Kok Ping Soon, Senior Director of the National Security Coordination Center of the Republic of Singapore.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Majdi Y. Haddad, Investigator, HSI Attaché, Abu Dhabi.	Travel: Escort delegation assesment team in furtherance of joint Abu Dhabi Police/HSI Attaché UC ops initiative. Rec'd—9/20/2013. Est. Value—$5,946.09.	Lieutenant Colonel Saleh Saeed Al Amoodi, Chief of the International Training Section, Training Department, General Directorate of Abu Dhabi Police.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Sikina Hasham, Policy Analyst, Office of International Affairs, U.S. Department of Homeland Security.	Travel: Participation in Department of Homeland Security/Department of Justice meetings to discuss establishing a U.S.-Qatar law enforcement training academy. Funds covered transportation and lodging costs. Rec'd—9/23/2013. Est. Value—$4,900.00.	Ministry of Interior of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Paul DiPietra, (A) Director—Middle East, Office of International Affairs, U.S. Department of Homeland Security.	Travel: Participation in Department of Homeland Security/Department of Justice meetings to discuss establishing a U.S.-Qatar law enforcement training academy. Funds covered transportation and lodging costs. Rec'd—9/23/2013. Est. Value—$4,900.00.	Ministry of Interior of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF HOMELAND SECURITY—Continued

[Report of Tangible Gifts and Travel Furnished by the Department of Homeland Security]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Mr. Daniel Ovadia, Program Specialist.	Travel: Travel expenses to Doha, Qatar for training assessment. Meetings with Qatar Academy officials in connection with Department of Homeland Security/OIA proposal for FLETC, Department of Justice/ICITAP, and the Government of the State of Qatar to establish a police training and education academy in Doha, Qatar. Provide subject matter expertise in FLETC's potential role in the project. Rec'd—9/23–27/2013. Est. Value—$4,209.00.	Ministry of Interior of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Russel D. Polson, International Policy Advisor.	Travel: Travel expenses to Doha, Qatar for training assessment. Meetings with Qatar Academy officials in connection with Department of Homeland Security/OIA proposal for FLETC, Department of Justice/ICITAP, and the Government of the State of Qatar to establish a police training and education academy in Doha, Qatar. Provide subject matter expertise in FLETC's potential role in the project. Rec'd—9/23–27/2013. Est. Value—$4,209.00.	Ministry of Interior of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Kendrick Yeung, Assistant Attaché.	Travel: Guest speaker presenting on Child Sexual Exploitation Investigations. Rec'd—9/30/2013. Est. Value—$790.00.	Mr. Eric Huang, National Immigration Agency, Taiwan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF JUSTICE

[Report of Tangible Gifts and Travel Furnished by the Department of Justice]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Eric Holder, Attorney General of the United States.	Montblanc leather briefcase. Rec'd—. 3/10/2013. Est. Value—$1,490.00. Disposition—Accepted on behalf of the Department of Justice and forwarded to JMD/Property.	His Excellency Muhammad al Issa, Minister of Justice of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Eric Holder, Attorney General of the United States.	Nika men's watch. Rec'd—5/22/2013. Est. Value—$367.00. Disposition—Accepted on behalf of the Department of Justice and forwarded to JMD/Property.	The Honorable Vladimir Kolokoltsev, Minister of Internal Affairs of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Eric Holder, Attorney General of the United States.	Silver dagger with case. Set of woman's jewelry. Rec'd—3/19/2013. Est. Value—$850.00. Disposition—Accepted on behalf of the Department of Justice and forwarded to JMD/Property.	His Excellency Abd Rabbu Mansour Hadi, President of the Republic of Yemen.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF JUSTICE—Continued

[Report of Tangible Gifts and Travel Furnished by the Department of Justice]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Eric Holder, Attorney General of the United States.	Rug with case. Rec'd—10/21/2013. Est. Value—$420.00. Disposition—Accepted on behalf of the Department of Justice and forwarded to JMD/Property.	Dr. Ali Bin Fatasis Al-Marri, Attorney General of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Eric Holder, Attorney General of the United States.	Burberry men's scarf. Rec'd—12/13/2013. Est. Value—$425.00. Disposition—Accepted on behalf of the Department of Justice and forwarded to JMD/Property.	Colonel Mohamed Abdulaziz Al-Nassr, Security Attaché of the Embassy of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Eric Holder, Attorney General of the United States.	Travel: Hotel accommodations for the 2013 Quintet in New Zealand. Rec'd—5/6–8/2013. Est. Value—$550.00.	The Honorable Christopher Finlayson, Attorney General of New Zealand.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF TREASURY

[Report of Tangible Gifts Furnished by the Department of Treasury]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Jacob Lew, Secretary of the Treasury.	2013 Chinese Year of the Dragon silver coin set. Rec'd—3/19/2013. Est. Value—$399.00. Disposition—Pending transfer to General Services Administration.	The Honorable Zhou Xiaochuan, Governor of the People's Bank of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Jacob Lew, Secretary of the Treasury.	Burberry charcoal check cashmere scarf. Wedgewood figurine, title "Bank of England Gatekeeper." Navy G7 umbrella. The Royal Mint Medallion coin. Rec'd—5/15/2013. Est. Value—$928.00. Disposition—Pending transfer to General Services Administration.	The Right Honorable George Osborne, MP, Chancellor of the Exchequer of the United Kingdom of Great Britain and Northern Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Lael Brainard, Under Secretary for International Affairs.	Commemorative coins from the National Bank of Ukraine. Rec'd—9/20/2012. Est. Value—$385.00. Disposition—Pending transfer to General Services Administration.	His Excellency Yuriy Kolobov, Minister of Finance of Ukraine.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Neal Wolin, Deputy Secretary	Framed black and white painting. Rec'd—11/13/2012. Est. Value—$450.00. Disposition—Pending transfer to General Services Administration.	His Excellency Augustin Matata Ponyo, Prime Minister of the Democratic Rep. of the Congo.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Jennifer Fowler, Deputy Assistant Secretary.	Leather artwork in frame. Rec'd—9/6/2013. Est. Value—$450.00. Disposition—Pending transfer to General Services Administration.	Ministry of the National Treasury of the Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF VETERANS' AFFAIRS

[Report of Tangible Gifts Furnished by the Department of Veterans' Affairs]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Mr. Zachary Wilgrin, Dependent of Ms. Sharon Weiner, Attorney, Office of General Counsel, Department of Veterans' Affairs.	Scholarship of $1,000 USD paid directly to Yeshiva University on behalf of Zachary Welgrin. Rec'd—8/2013. Est. Value—$1,000.00. Disposition—Paid directly to Yeshiva University in New York, New York.	Masa Israel Journey	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: ENVIRONMENTAL PROTECTION AGENCY

[Report of Travel Furnished by the Environmental Protection Agency]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Dr. Vincent James Cogliano, Acting Director of EPA's Integrated Risk Information System, Office of Research and Development.	Travel: Travel expenses accepted included meals, transportation, incidental expenses and lodging while in Lyon, France. EPA authorized acceptance of the cash reimbursement pursuant to exception in the Foreign Gifts and Decorations Act at 5 U.S.C. § 7342(c)(1)(B)(ii). Rec'd—2/13/2013. Est. Value—$2,225.00.	International Agency for Research on Cancer of the World Health Organization.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Sasha Koo-Oshima, Senior International Water Policy Advisor, Office of Water.	Travel: Travel expenses accepted included meals, transportation, incidental expenses while in The Hague, Netherlands. EPA authorized acceptance of the cash reimbursement pursuant to exception in the Foreign Gifts and Decorations Act at 5 U.S.C. § 7342(c)(1)(B)(ii). Rec'd—2/23–3/2/2013. Est. Value—$1,245.66.	Organization for Economic Co-operation and Development.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Lesley Vazquez-Coriano, Microbiologist, Office of Water, Office of Science and Technology.	Travel: Travel expenses accepted included meals and incidental expenses (e.g., internet access) and lodging while in Zurich, Switzerland. EPA authorized acceptance of the cash reimbursement pursuant to exception in the Foreign Gifts and Decorations Act at 5 U.S.C. § 7342(c)(1)(B)(ii). Rec'd—3/14–23/2013. Est. Value—$2,228.00.	World Health Organization	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Timothy J. Wade, Chief, Epidemiology Branch, National Health and Environmental Effects Research Laboratory.	Travel: Travel expenses accepted included meals, transportation, incidental expenses, and lodging while in Zurich, Switzerland. EPA authorized acceptance of the cash reimbursement pursuant to exception in the Foreign Gifts and Decorations Act at 5 U.S.C. § 7342(c)(1)(B)(ii). Rec'd—3/16–23/2013. Est. Value—$4,293.77.	World Health Organization	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: ENVIRONMENTAL PROTECTION AGENCY—Continued

[Report of Travel Furnished by the Environmental Protection Agency]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Ms. Stephanie Adrian, International Environmental Affairs Specialist, Office of International and Tribal Affairs.	Travel: Travel expenses accepted included meals for 5 days and lodging for 4 days while in Addis Ababa, Ethiopia. EPA authorized acceptance of the cash reimbursement pursuant to exception in the Foreign Gifts and Decorations Act at 5 U.S.C. § 7342(c)(1)(B)(ii). Rec'd—4/15–20/2013. Est. Value—$825.00.	United Nations Industrial Development Organization.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Peter Banwell, Environmential Protection Specialist, Office of Air and Radiation, Energy Star Program.	Travel: Travel expenses accepted included meals, hotel, local transportation and incidental expenses while in San Salvadar, El Salvador. EPA authorized acceptance of the cash reimbursement pursuant to exception in the Foreign Gifts and Decorations Act at 5 U.S.C. § 7342(c)(1)(B)(ii). Rec'd—4/16/2013. Est. Value—$1,074.00.	United Nations Environment Program.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. David Duster, Environmental Scientist, Office of Enforcement, Compliance and Environmental Justice.	Travel: Travel expenses accepted included meals, transportation, and incidental expenses while traveling to Singapore. EPA authorized acceptance of the cash reimbursement pursuant to exception in the Foreign Gifts and Decorations Act at 5 U.S.C. § 7342(c)(1)(B)(ii). Rec'd—5/6/2013. Est. Value—$1,326.00.	Mr. Fong Peng Keong, Director of the Pollution Control Department of the National Environment Agency of the Republic of Singapore.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. William Davis Jones, Associate Director, International Compliance Assurance Division, Office of Enforcement and Compliance Assurance.	Travel: Travel expenses accepted included meals, transportation, and incidental expenses while traveling to Singapore. EPA authorized acceptance of the cash reimbursement pursuant to exception in the Foreign Gifts and Decorations Act at 5 U.S.C. § 7342(c)(1)(B)(ii). Rec'd—5/6/2013. Est. Value—$1,326.00.	Mr. Fong Peng Keong, Director of the Pollution Control Department of the National Environment Agency of the Republic of Singapore.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Amy C. Miller, Deputy Director, Enforcement Division, Region IX.	Travel: Travel expenses accepted included meals, transportation, and incidental expenses while traveling to Singapore. EPA authorized acceptance of the cash reimbursement pursuant to exception in the Foreign Gifts and Decorations Act at 5 U.S.C. § 7342(c)(1)(B)(ii). Rec'd—5/6/2013. Est. Value—$1,326.00.	Mr. Fong Peng Keong, Director of the Pollution Control Department of the National Environment Agency of the Republic of Singapore.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. William Sonntag Program Analyst United States Environmental Protection Agency, Office of International and Tribal Affairs Office of Global Affairs and Policy.	Travel: Travel expenses accepted included meals, transportation, incidental expenses, and lodging during travel to Dublin Ireland. EPA authorized acceptance of the cash reimbursement pursuant to exception in the Foreign Gifts and Decorations Act at 5 U.S.C. § 7342(c)(1)(B)(ii). Rec'd—5/9/2013. Est. Value—$1,219.81.	The European Environment Agency.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: ENVIRONMENTAL PROTECTION AGENCY—Continued

[Report of Travel Furnished by the Environmental Protection Agency]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Ms. Keith Sappington, Senior Science Advisor, Office of Pesticide Programs.	Travel: Lodging, meals, ground transportation while in Ottawa, Canada. EPA authorized acceptance of the cash reimbursement pursuant to exception in the Foreign Gifts and Decorations Act at 5 U.S.C. § 7342(c)(1)(B)(ii). Rec'd—4/16–28/2012. Est. Value—$1,080.00.	Health Canada, Pest Management Regulatory Agency.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. William Sonntag, Program Analyst, Office of International and Tribal Affairs.	Travel: Lodging and per diem expenses while in Copenhagen, Denmark for five days. EPA authorized acceptance of the cash reimbursement pursuant to exception in the Foreign Gifts and Decorations Act at 5 U.S.C. § 7342(c)(1)(B)(ii). Rec'd—6/23–27/2013. Est. Value—$1,870.00.	United Nations Environment Program.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Neil Frank, Acting Group Leader, Air Quality Analysis Group, Office of Air and Radiation.	Travel: Cash reimbursement to cover per diem and incidentals for 4 days while in Beijing, China. EPA authorized acceptance of the cash reimbursement pursuant to exception in the Foreign Gifts and Decorations Act at 5 U.S.C. § 7342(c)(1)(B)(ii). Rec'd—7/9/2013. Est. Value—$398.00.	Beijing Municipal Bureau of Environmental Protection.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Joann Rice, Physical Scientist, Office of Air and Radiation, Office of Air Quality Planning and Standards.	Travel: Cash reimbursement to cover per diem and incidentals for 4 days while in Beijing, China. EPA authorized acceptance of the cash reimbursement pursuant to exception in the Foreign Gifts and Decorations Act at 5 U.S.C. § 7342(c)(1)(B)(ii). Rec'd—7/9/2013. Est. Value—$398.00.	Beijing Municipal Bureau of Environmental Protection.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Daniel E. Campbell, PhD. Systems Ecologist, Office of Research and Development, National Health and Environmental Effects Research Laboratory, Atlantic Ecology Division.	Travel: Travel expenses accepted included meals, transportation, incidental expenses (e.g., internet access, laundry, taxi, etc.) and lodging while in Guangzhou, the People's Republic of China. EPA authorized acceptance of the cash reimbursement pursuant to exception in the Foreign Gifts and Decorations Act at 5 U.S.C. § 7342(c)(1)(B)(ii). Rec'd—8/19/2013. Est. Value—$774.00.	Professor Lu Hongfang of the South China Botanical Garden of the Chinese Academy of Sciences.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Eugene Jablonowski, Senior Health Physicist, Region 5 Superfund Emergency Response.	Travel: Travel expenses accepted included meals, transportation, and incidental expenses, lodging, international phone charges and government purchase card international transaction fees while in Vienna, Austria. EPA authorized acceptance of the cash reimbursement pursuant to exception in the Foreign Gifts and Decorations Act at 5 U.S.C. § 7342(c)(1)(B)(ii). Rec'd—8/24–31/2013. Est. Value—$1,807.31.	Nuclear Spectrometry and Applications Laboratory of the Physics Section, Division of Physical and Chemical Sciences of the Department of Nuclear Sciences and Applications of the International Atomic Energy Agency.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: ENVIRONMENTAL PROTECTION AGENCY—Continued

[Report of Travel Furnished by the Environmental Protection Agency]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Mr. Michael Doherty, Ph.D., Chemist, Office of Pesticide Programs, Health Effects Division.	Travel: Per diem while in Geneva, Switzerland. EPA authorized acceptance of the cash reimbursement pursuant to exception in the Foreign Gifts and Decorations Act at 5 U.S.C. § 7342(c)(1)(B)(ii). Rec'd—8/30/2013. Est. Value—$2,635.20.	Food and Agriculture Organization of the United Nations.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. P.V. Shah, Chief, Inert Ingredient Assessment Branch, Office of Pesticide Programs, Registration Division.	Travel: Meals, local transportation, and misc expenses (14 days) and Hotel (12 nights) while in Geneva, Switzerland. EPA authorized acceptance of the cash reimbursement pursuant to exception in the Foreign Gifts and Decorations Act at 5 U.S.C. § 7342(c)(1)(B)(ii). Rec'd—9/15–27/2013. Est. Value—$5,020.00.	World Health Organization	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Sasha Koo-Oshima, Senior International Water Policy Advisor, Office of Water.	Travel: Travel expenses accepted included meals, transportation, incidental expenses while in The Hague, Netherlands. EPA authorized acceptance of the cash reimbursement pursuant to exception in the Foreign Gifts and Decorations Act at 5 U.S.C. § 7342(c)(1)(B)(ii). Rec'd—9/23–27/2013. Est. Value—$1,455.85.	Organization for Economic Co-operation and Development.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. James Jetter, Environmental Engineer, Office of Research and Development, National Risk Management Research Laboratory.	Travel: Travel expenses accepted included lodging ($560.37) and meals/incidental expenses ($179.13) while in Tegucigalpa, Honduras from 10/28/2013 to 11/1/2013. EPA authorized acceptance of the cash reimbursement pursuant to exception in the Foreign Gifts and Decorations Act at 5 U.S.C. § 7342(c)(1)(B)(ii). Rec'd—11/4–16/2013. Est. Value—$1,380.00.	Ministry of Finance of the Republic of Honduras.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Diane Nacci, Research Biologist, Office of Research and Development.	Travel: Cash reimbursement received for meals, lodging and transportation within France during travel. EPA authorized acceptance of the cash reimbursement pursuant to exception in the Foreign Gifts and Decorations Act at 5 U.S.C. § 7342(c)(1)(B)(ii). Rec'd—11/4/2013. Est. Value—$858.73.	The French National Research Agency.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Eugene Jablonowski, Senior Health Physicist, Region 5 Superfund Emergency Response.	Travel: Travel expenses accepted included meals and incidental expenses, lodging, and transportation while in Vienna, Austria. EPA authorized acceptance of the cash reimbursement pursuant to exception in the Foreign Gifts and Decorations Act at 5 U.S.C. § 7342(c)(1)(B)(ii). Rec'd—11/4–16/2013. Est. Value—$1,380.00.	Department of Nuclear Energy, Division of Nuclear Fuel Cycle and Waste Technology of the International Atomic Energy Agency.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: ENVIRONMENTAL PROTECTION AGENCY—Continued

[Report of Travel Furnished by the Environmental Protection Agency]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Ms. Lesley Vazquez D'Anglada, Microbiologist.	Travel: Travel expenses accepted included meals and incidental expenses (e.g., internet access) and lodging while in New Delhi, India. EPA authorized acceptance of the cash reimbursement pursuant to exception in the Foreign Gifts and Decorations Act at 5 U.S.C. § 7342(c)(1)(B)(ii). Rec'd—11/8–14/2013. Est. Value—$888.00.	World Health Organization	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. David Bussard, Director, National Center for Environmental Assessment-Washington Division.	Travel: Travel expenses accepted included cash payment of to cover lodging, meals, local transportation and incidentals while in Utrecht, Netherlands. EPA authorized acceptance of the cash reimbursement pursuant to exception in the Foreign Gifts and Decorations Act at 5 U.S.C. § 7342(c)(1)(B)(ii). Rec'd—11/13/2013. Est. Value—$1,845.00.	International Program on Chemical Safety of the World Health Organization.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Vincent James Cogliano, Acting Director, Integrated Risk Information System, Office of Research on Development.	Travel: Travel expenses accepted include 3 days per diem expenses, lodging, meals, incidental expenses, and local transportation while in Lyon, France. EPA authorized acceptance of the cash reimbursement pursuant to exception in the Foreign Gifts and Decorations Act at 5 U.S.C. § 7342(c)(1)(B)(ii). Rec'd—11/16–20/2013. Est. Value—$740.00.	International Agency for Research on Cancer of the World Health Organization.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Weihsueh A. Chiu, Supervisory Physical Scientist, Office of Research and Development.	Travel: Travel expenses accepted included meals, transportation, incidental expenses and lodging while in Utrecht, Netherlands. EPA authorized acceptance of the cash reimbursement pursuant to exception in the Foreign Gifts and Decorations Act at 5 U.S.C. § 7342(c)(1)(B)(ii). Rec'd—11/17–23/2013. Est. Value—$1,800.00.	World Health Organization	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Santhini Ramasamy, Senior Toxicologist, Office of Water.	Travel: Cash reimbursement for lodging, meals, and incidentals while in Geneva, Switzerland. EPA authorized acceptance of the cash reimbursement pursuant to exception in the Foreign Gifts and Decorations Act at 5 U.S.C. § 7342(c)(1)(B)(ii). Rec'd—12/13/2013. Est. Value—$2,272.00.	World Health Organization	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: FEDERAL COMMUNICATIONS COMMISSION

[Report of Travel Furnished by the Federal Communications Commission]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Mr. Troy Tanner, Deputy Chief, International Bureau.	Travel: Travel expenses originating and terminating entirely outside of the U.S. for conference to address and participate in a three day workshop, title: ''Telecommunicaitons for the Inclusive Development and Regional Integration for the Andean Contries''. Rec'd—5/20–23/2013. Est. Value—$522.00.	Ms. Veroncia Zavala, General Manager of the Office of Strategic Planning and Development, Inter-American Development Bank.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Mindel De La Torre, Bureau Chief, International Bureau.	Travel: Travel expenses originating and terminating entirely outside of the U.S. for conference, title: ''The Digital Agenda Challenge'' to participate as a panelist. Rec'd—7/1/2013. Est. Value—$1,179.00.	Ms. Mafalda Resende, Conference Secretariat of ANACOM of the Portuguese Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Jonathan Levy, Deputy Chief Economist, Office of Strategic Planning & Policy Analysis.	Travel: Travel expenses orginating and terminating entirelly outside of the U.S. for conference to address and participate in a two-day seminar, title: ''Broadcasting Regulation in the Era of Convergence: Communication Regulation and Consumer Protection''. Rec'd—8/27–9/1/2013. Est. Value—$12,133.00.	Mr. Takorn Tantasith, Secretary General of the National Broadcasting and Telecommunication Commission of the Kingdom of Thailand.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Steven Rosenberg, Chief Data Officer, Wireline Competition Bureau.	Travel: Travel expenses originating and terminating entirely outside of the U.S. for conference to represented the FCC at the International Telecommunication Union (ITU) event (ITU Training on Broadband Policy) presenting material on how the U.S. has implemented its National Broadband Plan to an audience of international regulators and service providers. Rec'd—10/27–11/3/2013. Est. Value—$6,050.00.	Mr. Ashish Narayan, Program Coordinator of the International Telecommuncations Union of the Kingdom of Thailand.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[Report of Tangible Gifts Furnished by National Archives and Records Administration]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Ms. Patrice Murray, Archives Specialist.	Cartier pen. Rec'd—8/16/2013. Est. Value—$460. Disposition—Pending transfer to National Archives Trust Fund.	His Excellency Majid Sultan Almehairi, Executive Director, National Center for Documentation, Ministry of Presidential Affairs of the United Arab Emirates.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Michael Carlson	Cartier pen. Rec'd—8/16/2013. Est. Value—$460. Disposition—Pending transfer to National Archives Trust Fund.	His Excellency Majid Sultan Almehairi, Executive Director, National Center for Documentation, Ministry of Presidential Affairs of the United Arab Emirates.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: NATIONAL ARCHIVES AND RECORDS ADMINISTRATION—Continued

[Report of Tangible Gifts Furnished by National Archives and Records Administration]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Ms. Wilda Logan	Cartier pen. Rec'd—8/16/2013. Est. Value—$460. Disposition—Pending transfer to National Archives Trust Fund.	His Excellency Majid Sultan Almehairi, Executive Director, National Center for Documentation, Ministry of Presidential Affairs of the United Arab Emirates.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Lisa Haralampus	Cartier pen. Rec'd—8/16/2013. Est. Value—$460. Disposition—Pending transfer to National Archives Trust Fund.	His Excellency Majid Sultan Almehairi, Executive Director, National Center for Documentation, Ministry of Presidential Affairs of the United Arab Emirates.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Susan Page	Cartier pen. Rec'd—8/16/2013. Est. Value—$460. Disposition—Pending transfer to National Archives Trust Fund.	His Excellency Majid Sultan Almehairi, Executive Director, National Center for Documentation, Ministry of Presidential Affairs of the United Arab Emirates.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Amy Lubick	Cartier pen. Rec'd—8/16/2013. Est. Value—$460. Disposition—Pending transfer to National Archives Trust Fund.	His Excellency Majid Sultan Almehairi, Executive Director, National Center for Documentation, Ministry of Presidential Affairs of the United Arab Emirates.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

[Report of Tangible Gifts Furnished by the Office of the Director of National Intelligence]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
5 U.S.C. § 7342(f)(4), as amended	6″ × 10.5″ enameled silver processional group of an elephant with elaborate howdah flanked by a mounted horse and a mounted camel with a seed pearl bridle on a floral enameled and silver chased bottom stand in a fitted red brocade silk case. Rec'd –5/20/2013. Est. Value—$500.00. Disposition—Retained for official use only.	5 U.S.C. § 7342(f)(4), as amended.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: OFFICE OF NATIONAL DRUG CONTROL POLICY

[Report of Tangible Gifts Furnished by the Office of National Drug Control Policy]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable R. Gil Kerlikowske, Director of National Drug Control Policy.	Glass enclosed framed shadow box containing Russian medals. Rec'd—11/13/2013. Est. Value—$500.00. Disposition—Retained for official use only in the Office of Supply Reduction.	Mr. Viktor Ivanov, Director of Federal Drug Control Service of the Russian Federation and Chairman of State Anti-Drug Committee.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: U.S. HOUSE OF REPRESENTATIVES

[Report of Tangible Gifts and Travel Furnished by the U.S. House of Representatives]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable John Boehner, Speaker of the House.	Mongolian horse head fiddle and case. Rec'd—4/2/2013. Est. Value—$850.00. Disposition—Office of the Clerk of the House of Representatives.	His Excellency Zandaakhuu Enkhbold, Chairman of the State Great Hural of Mongolia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Dana Rohrabacher, Member of Congress.	Bottle of Sarajishvili 20th century cognac. Rec'd—2/22/2013. Est. Value—$1,400.00. Disposition—Retained for official use only in 2300 Rayburn House Office Building.	His Excellency Irakli Garibashvili, Minister of Internal Affairs of Georgia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Rob Bishop, Member of Congress.	Travel: Ground transportation in Berlin and Munich, Germany. Rec'd—3/23–29/2013. Est. Value—Unknown.	Ms. Renée Krebs, Office of the Parliamentary Friendship Groups of the Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Jim Cooper, Member of Congress.	Travel: Ground transportation in Berlin and Munich, Germany. Rec'd—3/23–29/2013. Est. Value—Unknown.	Ms. Renée Krebs, Office of the Parliamentary Friendship Groups of the Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Jim Costa, Member of Congress.	Travel: Ground transportation in Berlin and Munich, Germany. Rec'd—3/23–29/2013. Est. Value—Unknown.	Ms. Renée Krebs, Office of the Parliamentary Friendship Groups of the Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Diana DeGette, Member of Congress.	Travel: Ground transportation in Berlin and Munich, Germany. Rec'd—3/23–29/2013. Est. Value—Unknown.	Ms. Renée Krebs, Office of the Parliamentary Friendship Groups of the Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Charles W. Dent, Member of Congress.	Travel: Ground transportation in Berlin and Munich, Germany. Rec'd—3/23–29/2013. Est. Value—Unknown.	Ms. Renée Krebs, Office of the Parliamentary Friendship Groups of the Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Gene Green, Member of Congress.	Travel: Ground transportation in Berlin and Munich, Germany. Rec'd—3/23–29/2013. Est. Value—Unknown.	Ms. Renée Krebs, Office of the Parliamentary Friendship Groups of the Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Timothy F. Murphy, Member of Congress.	Travel: Ground transportation in Berlin and Munich, Germany. Rec'd—3/23–29/2013. Est. Value—Unknown.	Ms. Renée Krebs, Office of the Parliamentary Friendship Groups of the Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Tim Ryan, Member of Congress.	Travel: Ground transportation in Berlin and Munich, Germany. Rec'd—3/23–29/2013. Est. Value—Unknown.	Ms. Renée Krebs, Office of the Parliamentary Friendship Groups of the Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable F. James Sensenbrenner, Jr., Member of Congress.	Travel: Ground transportation in Berlin and Munich, Germany. Rec'd—3/23–29/2013. Est. Value—Unknown.	Ms. Renée Krebs, Office of the Parliamentary Friendship Groups of the Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: UNITED STATES SENATE

[Report of Tangible Gifts and Travel Furnished by the United States Senate]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Carl Levin, United States Senator.	Large rug. Rec'd—4/30/2013. Est. Value—$500.00. Disposition-Deposited with the Secretary of the Senate.	His Excellency Eklil Ahmad Hakimi, Ambassador of the Islamic Republic of Afghanistan to the United States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. James A. Wolfe, Director of Security, Select Committee on Intelligence, United States Senate.	Victorinox Swiss Army Watch. Rec'd—5/2/2013. Est. Value—$599.00. Disposition-Deposited with the Secretary of the Senate.	His Majesty King Abdullah II ibn Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: UNITED STATES SENATE—Continued

[Report of Tangible Gifts and Travel Furnished by the United States Senate]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable James E. Risch, United States Senator.	Silver jewel encrusted handcrafted elephant. Box of assorted Heladiv tea. Rec'd—5/15/2013. Est. Value—$400.00. Disposition-Deposited with the Secretary of the Senate.	Mr. Ajith Nivard Cabraal, Governor of the Central Bank of the Democratic Socialist Republic of Sri Lanka.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Barrasso, United States Senator.	Silver jewel encrusted handcrafted elephant. Box of assorted Heladiv tea. Rec'd—5/15/2013. Est. Value—$400.00. Disposition-Deposited with the Secretary of the Senate.	Mr. Ajith Nivard Cabraal, Governor of the Central Bank of the Democratic Socialist Republic of Sri Lanka.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Lamar Alexander, United States Senator.	6'' red and gold vase. Rec'd—11/11/2013. Est. Value—$400.00. Disposition-Deposited with the Secretary of the Senate.	King Pu-tsung, Representative of the Taipei Economic and Cultural Representative Office in the United States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Marco Rubio, United States Senator.	Travel: Transportation expense. Rec'd—2/20/2013. Est. Value—Unknown.	Government of the State of Israel	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Jamie Fly, Counselor for Foriegn and National Security Affairs, Office of United States Senator Marco Rubio, United States Senate.	Travel: Transportation expense. Rec'd—2/20/2013. Est. Value—Unknown.	Government of the State of Israel	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Brian Walsh, Professional Staff Member, Select Committee on Intelligence, United States Senate.	Travel: Transportation expense. Rec'd—2/20/2013. Est. Value—Unknown.	Government of the State of Israel	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert Menendez, United States Senate.	Travel: Transportation expense. Rec'd—5/28/2013. Est. Value—Unknown.	Government of the State of Israel	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Daniel O'Brien, Chief of Staff, Senator Robert Menendez, United States Senate.	Travel: Transportation expense. Rec'd—5/28/2013. Est. Value—Unknown.	Government of the State of Israel	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Ilan Goldenberg, Professional Staff Member, Committee on Foreign Relations, United States Senate.	Travel: Transportation expense. Rec'd—5/28/2013. Est. Value—Unknown.	Government of the State of Israel	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Jodi Herman, Chief Counsel, Committee on Foreign Relations, United States Senate.	Travel: Transportation expense. Rec'd—5/28/2013. Est. Value—Unknown.	Government of the State of Israel	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Bob Corker, United States Senator.	Travel: Transportation expense. Rec'd—7/6/2013. Est. Value—Unknown.	Government of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Jamil Jaffer, Minority Chief Counsel, Committee on Foreign Relations, United States Senate.	Travel: Transportation expense. Rec'd—7/6/2013. Est. Value—Unknown.	Government of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Michael Phelan, Minority Professional Staff Member, Committee on Foreign Relations, United States Senate.	Travel: Transportation expense. Rec'd—7/6/2013. Est. Value—Unknown.	Government of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Bill Nelson, United States Senator.	Travel: Transportation expense. Rec'd—8/4–5/2013. Est. Value—Unknown.	Government of the Republic of Haiti.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mrs. Grace Nelson, Spouse, United States Senator Bill Nelson.	Travel: Transportation expense. Rec'd—8/4–5/2013. Est. Value—Unknown.	Government of the Republic of Haiti.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Marin Stein, Legislative Assistant, Office of Senator Bill Nelson, United States Senate.	Travel: Transportation expense. Rec'd—8/4–5/2013. Est. Value—Unknown.	Government of the Republic of Haiti.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Bob Corker, United States Senator.	Travel: Transportation expense. Rec'd—8/15/2013. Est. Value—Unknown.	Government of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Jamil Jaffer, Minority Chief Counsel, Committee on Foreign Relations, United States Senate.	Travel: Transportation expense. Rec'd—8/15/2013. Est. Value—Unknown.	Government of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: UNITED STATES SENATE—Continued

[Report of Tangible Gifts and Travel Furnished by the United States Senate]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Ms. Stacie Oliver, Professional Staff Member, Committee on Foreign Relations, United States Senate.	Travel: Transportation expense. Rec'd—8/15/2013. Est. Value—Unknown.	Government of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Thune, United States Senator.	Travel: Transportation expense. Rec'd—8/24/2013. Est. Value—Unknown.	Government of the Republic of Rwanda.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Roy Blunt, United States Senator.	Travel: Transportation expense. Rec'd—8/24/2013. Est. Value—Unknown.	Government of the Republic of Rwanda.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Mike Johanns, United States Senator.	Travel: Transportation expense. Rec'd—8/24/2013. Est. Value—Unknown.	Government of the Republic of Rwanda.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mrs. Stephanie Johanns, Spouse, United States Senator Mike Johanns.	Travel: Transportation expense. Rec'd—8/24/2013. Est. Value—Unknown.	Government of the Republic of Rwanda.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John Barrasso, United States Senator.	Travel: Transportation expense. Rec'd—8/24/2013. Est. Value—Unknown.	Government of the Republic of Rwanda.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mrs. Bobette Barrasso, Spouse, United States Senator John Barrasso.	Travel: Transportation expense. Rec'd—8/24/2013. Est. Value—Unknown.	Government of the Republic of Rwanda.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Saxby Chambliss, United States Senator.	Travel: Transportation expense. Rec'd—8/24/2013. Est. Value—Unknown.	Government of the Republic of Rwanda.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mrs. Julianne Chambliss, Spouse, United States Senator Saxby Chambliss.	Travel: Transportation expense. Rec'd—8/24/2013. Est. Value—Unknown.	Government of the Republic of Rwanda.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Lindsay Graham, United States Senator.	Travel: Transportation expense. Rec'd—8/24/2013. Est. Value—Unknown.	Government of the Republic of Rwanda.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ms. Virginia McKay Boney, Deputy Appropriations Director, Senator Lindsay Graham.	Travel: Transportation expense. Rec'd—8/24/2013. Est. Value—Unknown.	Government of the Republic of Rwanda.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Andres King, Deputy Chief of Staff, Senator Lindsey Graham.	Travel: Transportation expense. Rec'd—8/24/2013. Est. Value—Unknown.	Government of the Republic of Rwanda.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Paul Grove, Minority Clerk, Committee on Appropriations, Subcommittee on State, Foreign Organizations, and Related Programs.	Travel: Transportation expense. Rec'd—8/24/2013. Est. Value—Unknown.	Government of the Republic of Rwanda.	Non-acceptance would cause embarrassment to donor and U.S. Government

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