FEDERAL REGISTER

Vol. 79 Thursday,
No. 205 October 23, 2014

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OFFICE OF THE FEDERAL REGISTER

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Presidential Documents

Title 3—

The President

Executive Order 13680 of October 16, 2014

Ordering the Selected Reserve and Certain Individual Ready Reserve Members of the Armed Forces to Active Duty

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 121 and 12304 of title 10, United States Code, I hereby determine that it is necessary to augment the active Armed Forces of the United States for the effective conduct of Operation United Assistance, which is providing support to civilian-led humanitarian assistance and consequence management support related to the Ebola virus disease outbreak in West Africa. In furtherance of this operation, under the stated authority, I hereby authorize the Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, under their respective jurisdictions, to order to active duty any units, and any individual members not assigned to a unit organized to serve as a unit of the Selected Reserve, or any member in the Individual Ready Reserve mobilization category and designated as essential under regulations prescribed by the Secretary concerned, and to terminate the service of those units and members ordered to active duty.

This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE,
October 16, 2014.

[FR Doc. 2014–25292
Filed 10–22–14; 8:45 am]
Billing code 3295–F5

Presidential Documents

Proclamation 9196 of October 17, 2014

National Character Counts Week, 2014

By the President of the United States of America

A Proclamation

For generations, our Nation's beliefs in mutual respect, shared responsibility, and equality for all have strengthened our bond as a people and guided our path—uniting us in times of crisis and inspiring us in moments of triumph. During National Character Counts Week, we reaffirm the principles that built America and dedicate ourselves to passing on our highest ideals to our children.

We see the true character of our country in the examples set by the work and lives of our people. We see it in the educators, mentors, and parents who teach our kids not only to understand math and history, but also to know and show compassion and respect. We see it in first responders who put themselves in harm's way to protect strangers, and in our men and women in uniform who selflessly serve the land we love and defend the values we cherish. And we see it in small acts of kindness that define who we are as Americans and help us recognize our common humanity.

When we give our daughters and sons a foundation of integrity, hard work, and responsibility, and when we empower them with the courage to choose these values in the face of cynicism, we prepare them for a lifetime of engaged citizenship and create stronger communities across America. This week, and all year long, let us all do our part to ensure the fundamental tenets that have shaped our Union from its founding continue to sustain us and draw out the best in each of us.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 19 through October 25, 2014, as National Character Counts Week. I call upon public officials, educators, parents, students, and all Americans to observe this week with appropriate ceremonies, activities, and programs.

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

[FR Doc. 2014–25294
Filed 10–22–14; 8:45 am]
Billing code 3295–F5

Presidential Documents

Proclamation 9197 of October 17, 2014

National Forest Products Week, 2014

By the President of the United States of America

A Proclamation

Our Nation's forests are an essential element of our urban spaces and rural landscape. Covering more than 750 million acres across America, they create opportunities for recreation and habitats for wildlife, and their products play an integral role in our Nation's economy and our daily lives. Paper and wood products allow us to communicate, teach, and learn. They provide us shelter and energy, and they package and deliver our food, medicine, and manufactured goods. And whether it is a paper containing the Gettysburg Address or a child's crayon masterpiece, these products capture life's memorable moments across generations. During National Forest Products Week, we celebrate the many uses of our natural bounty, and we renew our commitment to protect our forests and ensure these resources endure.

Forest products are recyclable and renewable, and in a changing climate, responsible management of our Nation's forests is even more important. Our forests purify the air we breathe and provide clean water to our communities. By absorbing and storing carbon dioxide, forests and forest products help reduce the greenhouse gases in our atmosphere, removing roughly 16 percent of our carbon emissions. In the face of increased threats to our forests—including diseases and insect infestations that spread more quickly, droughts that last longer, and wildfires that burn more frequently and more intensely—we are taking action to preserve these vital pieces of our environment and economy. As part of my Administration's Climate Action Plan, we are increasing the resilience of our country's forests and preserving their key role in mitigating climate change.

My Administration is committed to safeguarding these green spaces across our country for the use and enjoyment of our children and grandchildren. Through our America's Great Outdoors Initiative, we are empowering communities to do their part to protect their forested land, from urban parks to working forests. When cities and towns have the support they need to conserve their own resources, neighborhoods thrive and local economies grow.

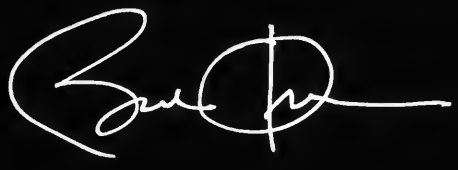
For centuries, our forests have shaped the character of our Nation and contributed to its expansion, and we have an obligation to ensure the next generation has access to the same drivers of progress. This week, we resolve to do our part to protect our forests and secure a cleaner, healthier future for posterity.

To recognize the importance of products from our forests, the Congress, by Public Law 86–753 (36 U.S.C. 123), as amended, has designated the week beginning on the third Sunday in October of each year as "National Forest Products Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim October 19 through October 25, 2014, as National Forest Products Week. I call on the people of the United States to join me in recognizing the dedicated individuals who are responsible for the stewardship of our forests and for the preservation, management,

and use of these precious natural resources for the benefit of the American people.

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



[FR Doc. 2014–25295
Filed 10–22–14; 8:45 am]
Billing code 3295–F5

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

[Doc. Number AMS–FV–12–0013]

Onions Other Than Bermuda-Granex-Grano/Creole; Bermuda-Granex-Grano

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule revises the U.S. Standards for Grades of Onions (Other Than Bermuda-Granex-Grano (BGG) and Creole Type) and the U.S. Standards for Grades of BGG Type Onions which were issued under the Agricultural Marketing Act of 1946. The Agricultural Marketing Service (AMS) is amending the "similar varietal characteristic" and "one type" requirements to allow mixed colors of onions when designated as a mixed or specialty pack. This revision will update the standards to more accurately represent today's marketing practices and to provide the industry with greater flexibility.

DATES: Effective November 24, 2014.

FOR FURTHER INFORMATION CONTACT: Dave Horner, Standardization Branch, Specialty Crops Inspection (SCI) Division, (540) 361–1128 or 1150. The current U.S. Standards for Grades of Onions (Other Than BGG and Creole Type) and the U.S. Standards for Grades of BGG Type Onions are available on the SCI Division Web site at *www.ams.usda.gov/scihome*.

SUPPLEMENTARY INFORMATION: The changes in these two sets of standards will permit specified packs of mixed colors of onions to be certified to a U.S. grade. The revisions apply to the U.S. standards for grades for two categories of onions: (1) Other Than BGG and Creole Type and (2) BGG Type. Also, these revisions affect the grade requirements under two marketing orders, 7 CFR parts 958 and 959, issued under the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601–674) and applicable imports.

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 rule has been determined not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

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 rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Regulatory Flexibility Act and Paperwork Reduction Act

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS has considered the economic impact of these revisions 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 unduly or disproportionately burdened. Accordingly, AMS has prepared this final regulatory flexibility analysis.

Each of the standards, except the section in the Other Than BGG and Creole Type Standards that affects the U.S. No. 2 grade, currently states that one of the requirements to be certified in a grade is that the onion pack contains "similar varietal characteristics." The wording will be changed to: "Similar varietal characteristics, except color when designated as a specialty or mixed pack." In the U.S. No. 2 grade for the Other Than BGG and Creole Type Standards, the wording will be changed to "One type, except when designated as a specialty or mixed pack." The additional wording will permit onions of different colors in the same pack as long as the pack is appropriately designated as a "specialty or mixed pack." Allowing the commingling of mixed colors in an onion pack, when designated, will facilitate the marketing of onions by providing the industry with more flexibility that reflects current industry practices, thereby encouraging additional commerce.

A farm-level estimate of the size of the U.S. onion industry can be obtained from National Agricultural Statistics Service (NASS) data. Averaging NASS onion production for the most recent three years of data available (2010–2012) yields a U.S. production estimate of 73.3 million hundredweight (cwt), of which about 9.6 million cwt (13 percent) are onions for processing. Subtracting 9.6 million for processing from the total 73.3 million cwt yields an estimate of 63.7 million cwt sold for the fresh market. The total 3-year average onion crop value is $912 million, and the value of onions for processing is $81.5 million. The difference is a computed estimate of $830.5 million for the crop value sold into the fresh market. Average onion acreage for the period 2010–2012 is 143,383. Dividing total crop value by acreage yields a 3-year average grower revenue per acre estimate of about $5,800.

An estimate of the total number of onion farms from the 2007 Agricultural Census (the most recent data available on farm numbers) is 4,074. An onion farm is defined by the Census as a farm from which 50 percent or more of the value of agricultural sales are from onions. The Small Business Administration (SBA) threshold for a large business in farming is $750,000 in annual sales. With average revenue per acre of $5,800, 129 acres of onions would generate approximately $750,000

in crop value. Census data shows that 3,679 out of a total of 4,074 farms (90 percent) are less than 100 acres. Most onion farms would therefore be considered small businesses under the SBA definition, in terms of onion sales only (not including sales of other crops). There is no published data with which to make comparable estimates of the number of packers or shippers of onions. However, we estimate that at least some would be considered small entities under applicable SBA criteria.

With regard to the marketing orders, there are approximately 30 Idaho and Eastern Oregon onion handlers and approximately 30 South Texas onion handlers subject to regulation under marketing orders 958 and 959, respectively. Under both marketing orders, the majority of these handlers would be considered small businesses under the SBA criteria. In addition to these domestic handlers, in 2013, there were approximately 460 onion importers subject to import regulations.

About 80 percent of the value of production for U.S. onions comes from seven states. In declining order of magnitude, with three year average market shares ranging from 19 to 7 percent, those states are: California, Washington, Oregon, Georgia, Texas, Nevada, and New Mexico. The remaining five states for which NASS reports annual onion production are Idaho, New York, Colorado, Michigan, and Wisconsin, whose combined crop value is 20 percent of total U.S. onion crop value.

In considering alternatives to this rule, benefits of the changes substantially outweigh the costs. The only additional cost borne by packers/shippers, which is expected to be minimal, is when "specialty or mixed packs" are designated by means of labeling. There are no other additional costs to packers/shippers or growers from this change, and smaller entities would not bear a disproportionate cost. The change in the standards reflects a shift in onion packing/shipping practices that is already underway. The additional flexibility in the revised standards will facilitate additional onion sales, to the benefit of growers, packers, and consumers.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this 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 onions.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule. However, there are marketing programs that regulate the handling of onions under 7 CFR parts 958 and 959. Onions under a marketing order have to meet certain requirements set forth in the grade standards. In addition, onions are subject to section 8e import requirements under the Agricultural Marketing Act of 1937, as amended (7 U.S.C. 601–674) which requires imported onions to meet grade, size and quality under the applicable marketing order (7 CFR part 980).

Background

The industry is packing mixed colors of onions, primarily in Idaho, Oregon, Washington, and Texas. In addition, marketing order 958 for Idaho and Oregon Onions, administered by the Idaho-Eastern Oregon Onion Committee, was amended November, 2011, to allow pearl onion packs and experimental shipments of mixed colors. Furthermore, in a May 2012 meeting with the USDA Marketing Order Administration Division, AMS was informed that Washington State, which is outside of marketing order 958, has packed mixed colors of larger Walla Walla type onions for Canada. However, the U.S. Onion Standards do not permit certifying a U.S. grade to mixed color packs.

To address this issue, a rule proposing revisions to U.S. Standards for Grades of Onions (Other Than BGG and Creole Type) and the U.S. Standards for Grades of BGG Type Onions was published in the **Federal Register** on August 22, 2013 (78 FR 52099). The public comment period closed on October 21, 2013. The one response, which came from a large industry trade association, showed full support for the revisions.

Based on the information gathered, the revisions will bring the U.S. Standards for Grades of Onions (Other Than BGG and Creole Type) and the U.S. Standards for Grades of BGG Type Onions in line with current marketing practices and provide shippers and packers with more flexibility. Therefore, AMS will amend the similar varietal characteristic and one type requirements for:

- Onions Other Than BGG and Creole Type in Sections 51.2830, 51.2831, and 51.2832, which affects the U.S. No. 1, U.S. Export No. 1, and U.S. Commercial grades, by adding "except color when designated as a specialty or mixed pack." Likewise, AMS will amend the one type requirement in Section 51.2835, which affects the U.S. No. 2 grade, by adding "except when designated as a specialty or mixed pack."
- BGG Type Onions in Sections 51.3195 and 51.3197, which affects the U.S. No. 1, U.S. Combination, and U.S. No. 2 grades, by adding "except color when designated as a specialty or mixed pack."

In addition, AMS will correct an administrative error from the rule that inadvertently recorded "of" instead of "or" in Section 51.2831.

List of Subjects in 7 CFR Part 51

Agricultural commodities, Food grades and standards, Fruits, Nuts, Reporting and recordkeeping requirements, Trees, Vegetables.

For reasons set forth in the preamble, 7 CFR part 51 is to be amended as follows:

PART 51—[AMENDED]

■ 1. The authority citation for part 51 continues to read as follows:

Authority: 7 U.S.C. 1621–1627.

■ 2. In § 51.2830, paragraph (a)(1) is revised to read as follows:

§ 51.2830 U.S. No. 1.

* * * * *

(a) * * *

(1) Similar varietal characteristics, except color when designated as a specialty or mixed pack;

* * * * *

■ 3. In § 51.2831, paragraph (a)(1) is revised to read as follows:

§ 51.2831 U.S. Export No. 1.

* * * * *

(a) * * *

(1) Similar varietal characteristics, except color when designated as a specialty or mixed pack;

* * * * *

■ 4. In § 51.2832, paragraph (a)(1) is revised to read as follows:

§ 51.2832 U.S. Commercial.

* * * * *

(a) * * *

(1) Similar varietal characteristics, except color when designated as a specialty or mixed pack;

* * * * *

■ 5. In § 51.2835, paragraph (a)(1) is revised to read as follows:

§ 51.2835 U.S. No. 2.

* * * * *

(a) * * *

(1) One type, except when designated as a specialty or mixed pack;

* * * * *

■ 6. In § 51.3195, paragraph (a)(1) is revised to read as follows:

§ 51.3195 U.S. No. 1.

* * * * *

(a) * * *

(1) Similar varietal characteristics, except color when designated as a specialty or mixed pack;

* * * * *

■ 7. In § 51.3197, paragraph (a)(1) is revised to read as follows:

§ 51.3197 U.S. No. 2.

* * * * *

(a) * * *

(1) Similar varietal characteristics, except color when designated as a specialty or mixed pack;

* * * * *

Dated: October 17, 2014.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2014–25193 Filed 10–22–14; 8:45 am]

BILLING CODE 3410–02–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1024

Compliance Bulletin and Policy Guidance—Mortgage Servicing Transfers

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Compliance Bulletin and Policy Guidance.

SUMMARY: The Bureau of Consumer Financial Protection (CFPB) is issuing a compliance bulletin and policy guidance entitled "Compliance Bulletin and Policy Guidance—Mortgage Servicing Transfers" in light of potential risks to consumers that may arise in connection with transfers of residential mortgage servicing rights.

DATES: This bulletin is effective October 23, 2014 and applicable beginning August 19, 2014.

FOR FURTHER INFORMATION CONTACT: Allison Brown, Program Manager (202) 435–7107; Yevgeny Shrago, Attorney, (202) 435–7098; or Whitney Patross, Attorney (202) 435–7057, Office of Supervision Policy.

SUPPLEMENTARY INFORMATION:

I. Introduction

The CFPB is issuing this compliance bulletin and policy guidance to residential mortgage servicers and subservicers (collectively, servicers), in light of potential risks to consumers that may arise in connection with transfers of residential mortgage servicing rights. The CFPB's concern in this area remains heightened due to the continuing high volume of servicing transfers.

Servicers engaged in significant servicing transfers should expect that the CFPB will, in appropriate cases, require them to prepare and submit informational plans describing how they will be managing the related risks to consumers.

The CFPB is continuing to monitor the mortgage servicing market and may engage in further rulemaking in this area.

II. Description of Compliance Bulletin and Policy Guidance

This document replaces CFPB Bulletin 2013–01 (Mortgage Servicing Transfers), released in February 2013, which also addressed servicing transfers. This document advises mortgage servicers that the CFPB will be carefully reviewing servicers' compliance with Federal consumer financial laws applicable to servicing transfers. The revised Regulation X, implementing the Real Estate Settlement Procedures Act (RESPA) (new servicing rule), took effect on January 10, 2014. It requires servicers to, among other things, maintain policies and procedures that are reasonably designed to achieve the objectives of facilitating the transfer of information during mortgage servicing transfers and of properly evaluating loss mitigation applications.[1] Section A of this document, "General Transfer-Related Policies and Procedures", provides examples of general transfer-related policies and procedures that CFPB examiners may consider in evaluating whether servicers have satisfied these requirements successfully. The examples listed in this section are not exhaustive and in future examinations CFPB examiners will consider a servicer's transfer-related policies and procedures as a whole in determining whether they are reasonably designed to achieve these objectives.

Section B, "Applicability of the New Servicing Rules to Transfers", answers certain frequently asked questions about how the revised Regulation X applies in the area of servicing transfers. This section also describes certain focus areas for CFPB examiners and explains how entities can minimize compliance risk. Section C, "Protections under Federal Consumer Financial Law", describes other Federal consumer financial laws applicable to servicing transfers and explains potential consequences if servicers are not fulfilling their obligations under the law. Section D, "Plans for Handling Servicing Transfers", informs servicers engaged in significant servicing transfers that the CFPB will, in appropriate cases, require them to prepare and submit informational plans describing how they will be managing the related risks to consumers.

III. Compliance Bulletin and Policy Guidance

A mortgage servicer, among other things, collects and processes loan payments on behalf of the owner of the mortgage note. Servicing transfers are common and may occur in several ways. The mortgage owner may sell the rights to service the loan, called the Mortgage Servicing Rights (MSR), separately from the note ownership. The owner of the loan or MSR may, rather than servicing the loan itself, hire a vendor—typically called a subservicer—to take on the servicing duties. MSR owners frequently sell MSR outright as an asset. Servicing transfers may also occur through whole loan servicing transfers or whole loan portfolio transfers, rather than through sales of MSR. In this document, we are using the term "transfer" broadly to cover transfers of servicing rights as well as transfers of servicing responsibilities through subservicing or whole loan servicing arrangements.

The CFPB advises mortgage servicers that its examiners will be carefully reviewing servicers' compliance with Federal consumer financial laws applicable to servicing transfers. These may include, among others, the RESPA and its implementing regulation, Regulation X, the Truth in Lending Act (TILA) and its implementing regulation, Regulation Z, the Fair Credit Reporting Act (FCRA) and its implementing regulation, Regulation V, the Fair Debt Collection Practices Act (FDCPA), and the Dodd-Frank Wall Street Reform and Consumer Protection Act's prohibitions on unfair, deceptive, or abusive acts or practices (UDAAPs).

The provisions of the new servicing rule and related commentary that relate to transfers can be found at 12 CFR 1024.33, 12 CFR 1024.38, and 12 CFR 1024.41.[2]

A. General Transfer-Related Policies and Procedures

CFPB mortgage servicing examinations now include reviews for compliance with the new servicing rule. Among other things, the rule requires servicers to maintain policies and procedures that are reasonably designed to achieve the objective of facilitating

[1] 12 CFR 1024.38(a), (b)(4).

[2] 12 CFR 1024.30 defines the scope of application of these provisions. Note that small servicers, as defined in 12 CFR 1026.41(e)(4), are exempt from certain provisions.

the transfer of information during mortgage servicing transfers.[3] The following are examples of policies and procedures that CFPB examiners may consider in future examinations as contributing to meeting these requirements:[4]

- Ensuring that contracts require the transferor to provide all necessary documents and information at loan boarding.
- Developing tailored transfer instructions for each deal and conducting meetings to discuss and clarify key issues with counterparties in a timely manner; for large transfers, this could be months in advance of the transfer. Key issues may include descriptions of proprietary modifications, detailed descriptions of data fields, known issues with document indexing, and specific regulatory or settlement requirements applicable to some or all of the transferred loans.
- Using specifically tailored testing protocols to evaluate the compatibility of the transferred data with the transferee servicer's systems and data mapping protocols.
- Engaging in quality control work after the transfer of preliminary data to validate that the data on the transferee's system matches the data submitted by the transferor.
- Recognizing when the transfer cannot be implemented successfully in a single batch and implementing alternative protocols, such as splitting the transfer into several smaller transactions, to ensure that the transferee can comply with its servicing obligations for every loan transferred.

In future examinations, CFPB examiners may also consider the following post-transfer policies and procedures, among others, for transferee servicers as contributing to meeting this requirement:

- Implementing a post-transfer process for validating data to ensure it transferred correctly and is functional, as well as developing procedures for identifying and *addressing* data errors for inbound loans.
- Effectively organizing and labeling incoming information, as well as ensuring that the transferee servicer uses any transferred information before seeking information from borrowers.
- Conducting regularly scheduled calls with transferor servicers to identify any loan level issues and to research and resolve those issues within a few days of them being raised.

Moreover, the new servicing rule requires servicers, among other things, to maintain policies and procedures that are reasonably designed to achieve the objective of properly evaluating loss mitigation applications.[5] There is heightened risk inherent in transferring loans in loss mitigation, including the risk that documents and information are not accurately transferred. CFPB examiners will therefore pay particular attention to servicers' handling of loss mitigation in the context of transfers. In cases where servicers choose to engage in transfers of loans with pending loss mitigation applications or approved trial modification plans, CFPB examiners may consider the following policies and procedures, among others, as contributing to meeting this requirement:

- As a transferor, specifically flagging all loans with pending loss mitigation applications (complete and incomplete), as well as approved loss mitigation plans (including trial modification plans) through a previously agreed upon means and assisting in ensuring that the transferee's systems can process the loss mitigation data upon transfer.
- As a transferee, requiring that the transferor servicer supply a detailed list of loans with pending loss mitigation applications, as well as approved loss mitigation plans.
- As a transferee, requiring that appropriate documentation for loans with pending loss mitigation applications, as well as approved loss mitigation plans, be transferred pre-boarding.
  - For example, one transferor servicer that has engaged in large volumes of transfers has provided advance access to a web portal containing loan documentation for such loans 45–60 days before transfer.
- As a transferee, ensuring receipt of information regarding any loss mitigation discussions with borrowers, including any copies of loss mitigation documents.[6]
  - The transferee servicer's policies and procedures must address obtaining any such missing information or documents from a transferor servicer before attempting to obtain such information from borrowers.[7]
  - The CFPB expects transferee servicers to ensure that they review transferred documents to determine if the documents may be used in loss mitigation efforts. A transferee that, following a transfer, requires borrowers to resubmit loss mitigation application materials is unlikely to have policies and procedures that comply with 12 CFR 1024.38(b)(4).
  - A transferee that, following a transfer, fails to identify documents and information that borrowers are required to submit to complete loss mitigation applications is unlikely to have policies and procedures that comply with 12 CFR 1024.38(b)(2)(iv).
  - A transferee that, following a transfer, fails to properly evaluate borrowers who submit loss mitigation applications is unlikely to have policies and procedures that comply with 12 CFR 1024.38(b)(2)(v).
- As a transferee, monitoring newly transferred loans and determining if partial payments received are actually payments pursuant to trial or permanent modification agreements.

On the other hand, CFPB examiners may consider the following practices, among others, as indicating that a servicer's policies and procedures are not reasonably designed to achieve the rule's objectives of facilitating the transfer of information during mortgage servicing transfers or properly evaluating loss mitigation applications. During a number of examinations, CFPB examiners determined that servicers had failed to properly identify loans that were in a trial or permanent modification with the prior servicer at time of transfer. In other exams, CFPB examiners found that servicers had failed to honor trial or permanent modification offers unless they could independently confirm that the prior servicer properly offered a modification or that the offered modification met investor criteria. In some of these instances, CFPB's examination determined that the transferee servicers did not obtain all of the information they needed from the transferor servicer. As a result, the servicers required borrowers to submit additional paperwork or to provide copies of financial documents they had already submitted to the transferor servicer. These servicers also subjected some borrowers to substantial delays while re-underwriting their loans. In some cases, the borrowers subsequently received a new modification with inferior terms, and in others, the servicer actually

[3] 12 CFR 1024.38(a), (b)(4).

[4] Section 1024.38(b)(4) does not prescribe any specific policies or procedures that a servicer must implement; the rule says that the policies and procedures must be "reasonably designed" to achieve the goal of facilitating the transfer of information during servicing transfers. CFPB examiners will consider a servicer's transfer-related policies and procedures as a whole, in light of the servicer's particular facts and circumstances, in determining whether they are reasonably designed to achieve the rule's objectives.

[5] 12 CFR 1024.38(a), (b)(2).

[6] 12 CFR 1024, Supp. I, Comment 1024.38(b)(4)(ii)–1.

[7] *Id.*

conducted a foreclosure sale. In all of the cases discussed above, CFPB examiners concluded, based on the particular facts, that the servicers had engaged in unfair practices and directed them to adopt policies and procedures to prevent continued unfair practices in this area and to remediate harmed consumers. CFPB has previously publicized these findings in *Supervisory Highlights*.[8] Certain CFPB examinations, which occurred prior to the effective date of the new servicing rule, found that these practices violated the UDAAP prohibition; under the new servicing rule such practices may also constitute violations of 12 CFR 1024.38.

Finally, CFPB has received questions regarding a policy of transferring relevant data or documents to a transferee during the days following loan boarding, even though the transferor had the information in its possession prior to boarding. Such a transfer practice may prevent the transferor servicer from complying with its obligation to have policies and procedures reasonably designed to *timely* transfer all information and documents. It also may prevent the transferee servicer from complying with its obligation to have policies and procedures reasonably designed to achieve the objective of properly evaluating loss mitigation applications. CFPB examiners will carefully scrutinize the policies and procedures of any institution that regularly waits until after loan boarding to transfer information that it had in its possession prior to boarding. The CFPB recognizes that servicers may not legally be able to provide certain information prior to the sale date; in that event, the CFPB will expect that servicers will still make every effort to transfer information prior to loan boarding, subject to those limitations.[9]

B. Applicability of Other Parts of the New Servicing Rule to Transfers

In addition to the transfer-related policies and procedures requirements described above, transfers may implicate other requirements under the new servicing rule:

Error Resolution Procedures (12 CFR 1024.35) and Requests for Information (12 CFR 1024.36)

Servicers are required to meet certain procedural requirements for responding to notices of error and written information requests.

- If the transferee servicer receives a notice of error or information request from the borrower or the borrower's agent, the transferee servicer must comply with all applicable requirements under 12 CFR 1024.35 and .36 within the regulatory timeframes, even if the transferor was servicing the loan at the time of the alleged error or the event about which information is requested.
- A transfer does not relieve transferor servicers from their obligations under 12 CFR 1024.35 and .36. Transferor servicers are obligated to respond to notices of error and information requests received from the borrower or borrower's agent up to one year after the loan was transferred or discharged.[10]
- Servicers that transfer a mortgage loan shortly after receiving a notice of error or information request from the borrower or borrower's agent are still obligated to respond within the applicable timeframes, notwithstanding the servicing transfer.

Force-Placed Insurance (12 CFR 1024.37 and 12 CFR 1024.17(k))

Before a servicer assesses any premium charge or fee related to force-placed insurance on a borrower, the servicer must comply with certain requirements, including sending notices to the borrower.

- If the transferee servicer replaces the existing force-placed insurance policy with a new force-placed insurance policy,[11] the transferee servicer must comply with Regulation X's requirements, including having a reasonable basis to conclude the borrower has failed to comply with the mortgage loan contract's requirement to maintain hazard insurance. The transferee servicer must also send the notice required by 12 CFR 1024.37(e) prior to assessing a premium charge or fee on the borrower.
- If a servicer transfers a mortgage loan after mailing or delivering to the borrower one or both of the notices required by 12 CFR 1024.37(c) and (d), the transferee servicer does not need to resend the notice(s) that the transferor already sent. However, the transferee servicer must ensure that the borrower has been sent all required notices within the applicable timeframes before it may assess any premium charge or fee related to force-placed insurance.

Early Intervention (12 CFR 1024.39)

A servicer must establish or make good faith efforts to establish live contact with a delinquent borrower not later than the 36th day of the borrower's delinquency.[12] As clarified in CFPB Bulletin 2013–12,[13] servicers are required to make good faith efforts to establish live contact for each billing cycle for which a borrower has been delinquent for at least 36 days.

- A transferee servicer must begin or continue the good faith efforts regardless of whether the delinquency began while the loan was being serviced by the transferor servicer.

A servicer must provide to a delinquent borrower a written notice containing certain information not later than the 45th day of the borrower's delinquency.[14]

- A transferee servicer must comply with the written notice requirement regardless of whether the delinquency began while the loan was being serviced by the transferor servicer.

Continuity of Contact (12 CFR 1024.40)

Servicers must maintain policies and procedures that are reasonably designed to achieve certain objectives related to personnel assigned to assist delinquent borrowers.

- A transferee servicer's policies and procedures must be reasonably designed to achieve these objectives when delinquent loans are transferred. In future examinations, CFPB examiners may consider the following policies and procedures, among others, as contributing to meeting this requirement:
  - Identifying which borrowers are 45 days or more delinquent at transfer and ensuring that personnel are available to assist such borrowers starting at loan boarding.[15]
  - Ensuring that these servicer personnel can provide the borrower with accurate information as required by 12 CFR 1024.40(b)(1), including information relating to loss mitigation applications started at the transferor servicer.

[8] *Supervisory Highlights* is a publication that periodically shares general information about examination findings without identifying specific companies. All editions of *Supervisory Highlights* are available at *http://www.consumerfinance.gov/reports/*.

[9] The sale date is the date that the money changes hands and the parties are legally committed to the servicing transfer.

[10] 12 CFR 1024.35(g)(1)(iii) and 12 CFR 1024.36(f)(1)(v).

[11] Changes to the terms of an existing force-placed insurance policy, such as selecting a new provider, changing the scope of coverage, or changing the premium owed by the borrower, may meet the standards for replacement of the existing force-placed insurance policy depending on the particular circumstances.

[12] 12 CFR 1024.39(a).

[13] CFPB Bulletin 2013–12 (*Implementation Guidance for Certain Mortgage Servicing Rules*), October 15, 2013.

[14] 12 CFR 1024.39(b).

[15] 12 CFR 1024.40(a).

- Ensuring, pursuant to 12 CFR 1024.40(b)(2), that servicer personnel can retrieve, in a timely manner:
  - A complete record of the borrower's payment history, including with the transferor servicer and all prior servicers, and
  - All written information the borrower has provided to the transferor servicer and all prior servicers in connection with a loss mitigation application.
- Servicers also should consider how to inform delinquent borrowers of the availability of servicer personnel. For example, the customer service telephone number could be included in the Welcome Letter or early intervention communications required by Regulation X or other communications following the transfer.

Loss Mitigation (12 CFR 1024.41)

As stated above, CFPB examiners will pay particular attention to servicers' handling of loss mitigation in the context of transfers. A transferee that obtains the servicing of a mortgage loan for which an evaluation of a complete loss mitigation option is in process should continue the evaluation of the complete loss mitigation application to the extent practicable.[16]

- CFPB examiners will carefully scrutinize any evaluations that take longer than 30 days from the date the *transferor* received the borrower's complete application, especially where the borrower suffered negative consequences attributable to the delay.

As discussed above, in cases where servicers choose to engage in transfers of loans with pending loss mitigation applications or approved trial modification plans, among the policies and procedures that CFPB examiners may consider as contributing to meeting the requirements under 12 CFR 1024.38(b)(4), are whether the transferee servicer obtained information regarding loss mitigation discussions from the transferor *before* attempting to obtain such information from a borrower. If a loan is transferred with a loss mitigation application pending or when a borrower is in a loss mitigation program, the transferor and transferee should manage their risk of non-compliance with 12 CFR 1024.41. One way to help manage this risk is by ensuring that all applicable loss mitigation information was sent to the transferee by the date of transfer, including, for example:

Before the Borrower Accepts an Offer

- All applicable loss mitigation notices and when they were sent, including:
  - Acknowledgment notices required by 12 CFR 1024.41(b)(2)(i)(B);
  - Notices stating the servicer's determination of which loss mitigation options, if any, it will offer to the borrower on behalf of the owner or assignee of the mortgage loan, as required by 12 CFR 1024.41(c)(1)(ii);
  - Denial notices as required by 12 CFR 1024.41(d), and 12 CFR 1024(h)(4);
- All documents and information submitted by a borrower to be evaluated for loss mitigation options; and
- Documents and information sufficient to show, as applicable:
  - If a borrower submitted an application and when that application was received by the transferor servicer;
  - Whether documentation and information submitted by a borrower in response to the notice required by 12 CFR 1024.41(b)(2)(i)(B) constituted a complete application or not;
  - The date the transferor servicer received a complete application;
  - If, and when, the servicer requested additional documents or information, and if, and when, the borrower provided them;
  - Whether an evaluation had been completed and if a loss mitigation offer was made to a borrower;
  - If the borrower was denied for a loan modification option, whether the borrower appealed and, if so, the status of the appeal; and
  - If a foreclosure sale is pending:
    - The current date of the foreclosure sale;
    - Whether a borrower submitted a complete application more than 37 days before the foreclosure sale; and
    - Instructions to and from foreclosure counsel to ensure compliance with 12 CFR 1024.41(g), including instructions and status of all necessary stays, continuances and/or dismissals.

After the Borrower Accepts an Offer

- All loss mitigation agreements, including trial and permanent loan modification agreements, forbearance agreements, short sale agreements, deed-in-lieu of foreclosure agreements, or other applicable agreements;
- Documents and information sufficient to show, as applicable, whether the borrower accepted an offer; and whether the borrower was performing in accordance with the terms of the offer.

C. Protections Under Federal Consumer Financial Law

Other federal consumer financial laws may also apply in the transfer context. The FCRA provides protection for consumers by generally prohibiting the furnishing of information to a consumer reporting agency that the furnisher knows or has reasonable cause to believe is inaccurate.[17] A servicer that furnishes information to consumer reporting agencies must establish and implement reasonable written policies and procedures regarding the accuracy and integrity of the information furnished; in doing so, the servicer must consider applicable federal guidelines and must periodically review the policies and procedures and update them as necessary to ensure their continued effectiveness.[18] The FCRA also gives consumers the ability to dispute credit reporting information with consumer reporting agencies and directly with their furnishers.[19] Servicers, like other furnishers, must appropriately investigate such disputes and report their existence along with any other information reported to consumer reporting agencies.[20]

The FDCPA imposes obligations on servicers to the extent they act as debt collectors within the meaning of the FDCPA.[21] Among other obligations, the FDCPA requires that within five days after the initial communication with a borrower in connection with the collection of any debt, a debt collector must send the borrower a notice including the amount of the debt, the creditor's name, the borrower's right to request verification of the debt, and other required information.[22] CFPB examiners have identified a number of entities that failed to send the notices within five days of initial contact and some entities that failed to send them at all. The FDCPA also prohibits deceptive representations, the use of unfair or unconscionable means, and harassing or abusive conduct in debt collection.[23]

In addition to the notice requirements and other consumer protections described above, servicers must avoid engaging in UDAAPs. The CFPB emphasizes that conduct that does not violate one of the specific prohibitions

[16] 12 CFR pt. 1024, Supp. I, Comment 1024.41(i)–2.

[17] 15 U.S.C. 1681s–2(a)(1)(A). The requirement does not apply if the furnisher clearly and conspicuously specifies to the consumer an address for notices of errors. 15 U.S.C. 1681s–2(a)(1)(B)–(C).

[18] 15 U.S.C. 1681s–2(e); 12 CFR 1022.42.

[19] 15 U.S.C. 1681i(a)(1), 1681s–2(a)(8); 12 CFR 1022.43.

[20] 15 U.S.C. 1681s–2(a)(3), (8), (b).

[21] 15 U.S.C. 1692a(6).

[22] 15 U.S.C. 1692g(a). The requirement does not apply if the information is contained in the initial communication or the consumer has paid the debt. *Id.*

[23] 15 U.S.C. 1692d, 1692e, 1692f.

in the laws discussed above may nonetheless constitute a UDAAP.[24]

CFPB expects all servicers under its jurisdiction, including those with significant transfer volume, to maintain a robust Compliance Management System (CMS). A robust CMS must, among other things, both ensure that violations of Federal consumer financial law do not occur during a transfer and must contain mechanisms for promptly identifying and remediating any violations of Federal consumer financial law that do occur. Entities with a robust CMS have strong policies and procedures, effective board oversight, regular and properly directed training, internal monitoring, external audits and complaint review.

CFPB expects servicers that identify any potential violations during a transfer to undertake all necessary corrective measures. Such corrective measures should include both steps to prevent the violation from occurring for subsequently transferred loans and to remediate any actual harm the violation may have caused the consumer whose loan was transferred. If the CFPB determines that a servicer has engaged in any acts or practices that violate the new servicing rule, that are unfair, deceptive, or abusive, or that otherwise violate Federal consumer financial law, it will take appropriate supervisory and enforcement actions to address violations and seek all appropriate corrective measures, including remediation of any harm to consumers. In determining the appropriate action, the CFPB will consider a variety of factors, including the timeliness of identification and the timeliness and scope of remediation of the violation by the servicer.

D. Plans for Handling Servicing Transfers

As part of its efforts to focus supervisory attention on the topics described above, the CFPB will, in appropriate cases, require servicers engaged in significant servicing transfers to prepare and submit written plans to the CFPB detailing how they will manage the associated consumer risks. The CFPB will use these plans to assess consumer risk and inform further examination planning. Servicers do not need approval from the CFPB before moving forward with servicing transfers unless specifically required to do so (e.g., by a consent order).

[24] The CFPB Supervision and Examination Manual provides further guidance on how the UDAAP prohibition applies to supervised entities. That examination manual is available at *http://www.consumerfinance.gov/guidance/supervision/manual.*

The information included in a plan would depend on the circumstances of the particular transfer. In general, however, the CFPB will request information regarding:

1. The number of loans involved in the transfer;
2. The total servicing volume being transferred (measured by unpaid principal balance);
3. The name(s) of the servicing platform(s) on which the transferor stored all relevant account-level information for transferred loans prior to transfer and information about compatibility with the transferee's systems;
4. A detailed description of how the servicer will ensure that it is complying with the applicable new servicing rule provisions on transfers;
5. A detailed description of the transaction and system testing to be conducted to ensure accurate transfer of electronic information and a description of the summary report resulting from the transferee or transferor's testing;
6. A description of how the transferee will identify and correct errors identified in connection with the transfer, including a specified time period for reviewing files and resolving errors;
7. A description of the training plan and actual training materials for staff involved in reviewing, assessing, utilizing, or communicating information regarding the transferred loans; and
8. A customer-service plan, specific to the transferred loans, that provides for responding to loss mitigation requests or inquiries and for identifying whether a loan is subject to a pending loss mitigation resolution or application.

IV. Regulatory Requirements

This Compliance Bulletin and Policy Guidance is a non-binding compliance bulletin and policy guidance articulating considerations relevant to the CFPB's exercise of its supervisory authority under Regulation X and RESPA and reciting certain requirements of Regulation X and other Federal consumer financial laws applicable to servicing transfers. It is therefore exempt from the notice and comment rulemaking requirements under the Administrative Procedure Act pursuant to 5 U.S.C. 553(b).

Because no notice of proposed rulemaking is required, the Regulatory Flexibility Act does not require an initial or final regulatory flexibility analysis. 5 U.S.C. 603(a), 604(a).

The CFPB has determined that this Compliance Bulletin and Policy Guidance does not impose any new or revise any existing recordkeeping, reporting, or disclosure requirements on covered entities or members of the public that would be collections of information requiring OMB approval under the Paperwork Reduction Act, 44 U.S.C. 3501, et seq.

Dated: October 7, 2014.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2014–24194 Filed 10–22–14; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2014–0698; Special Conditions No. 25–567–SC]

Special Conditions: Bombardier Aerospace, Models BD–500–1A10 and BD–500–1A11 Series Airplanes; Airplane Electronic System Security Protection From Unauthorized External Access

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; corrections.

SUMMARY: This document corrects two errors that appeared in Docket No. FAA–2014–0698, Special Conditions No. 25–567–SC, which was published in the **Federal Register** on September 12, 2014 (79 FR 54574). There is an error in the header information and in one instance of one of the airplane model numbers in the publication.

DATES: The effective date of this correction is October 23, 2014.

FOR FURTHER INFORMATION CONTACT: Varun Khanna, FAA, Airplane and Flight Crew Interface Branch, ANM–111,Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1298; facsimile (425) 227–1149.

SUPPLEMENTARY INFORMATION: On September 12, 2014, the **Federal Register** published document designated as "Docket No. FAA–2014–0698, Notice No. 25–567–SC," (79 FR 54574). The document issued special conditions pertaining to network security in the digital systems architecture, access from external sources, on the BD–500–1A10 and BD–500–1A11 series airplanes.

As published, the document contained two errors:

1. In the header of the document, "Notice No." should have been "Special Conditions No."

2. In one instance, one of the airplane model numbers was published as "BD–500–1A1" instead of "BD–500–1A11."

Correction

In Final special conditions document (FR Doc. 2014–21789) published on September 12, 2014 (79 FR 54574), make the following corrections:

1. On page 54574, second column in the header information, correct "Notice No." to read "Special Conditions No."

2. On page 54575, third column, last line in the introductory text in the section titled, "The Special Conditions," correct "BD–500–1A1" to read "BD–500–1A11."

Issued in Renton, Washington, on October 16, 2014.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–25241 Filed 10–22–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2014–0666; Special Conditions No. 25–566–SC]

Special Conditions: Bombardier Aerospace, Models BD–500–1A10 and BD–500–1A11 Series Airplanes; Isolation or Airplane Electronic System Security Protection From Unauthorized Internal Access

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; corrections.

SUMMARY: This document corrects two errors that appeared in Docket No. FAA–2014–0666, Special Conditions No. 25–566–SC, which was published in the **Federal Register** on September 12, 2014 (79 FR 54572). There is an error in the header information and in one instance of one of the airplane model numbers in the publication.

DATES: The effective date of this correction is October 23, 2014.

FOR FURTHER INFORMATION CONTACT: Varun Khanna, FAA, Airplane and Flight Crew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1298; facsimile (425) 227–1149.

SUPPLEMENTARY INFORMATION: On September 12, 2014, the **Federal Register** published document designated as "Docket No. FAA–2014–0666, Notice No. 25–566–SC," (79 FR 54572). The document issued special conditions pertaining to network security in the digital systems architecture, access from internal sources, on the BD–500–1A10 and BD–500–1A11 series airplanes.

As published, the document contained two errors:

1. In the header of the document, "Notice No." should have been "Special Conditions No."

2. In one instance, the airplane model number was published as "BD–500–1A1" instead of "BD–500–1A11."

Correction

In Final special conditions document (FR Doc. 2014–21788), published on September 12, 2014 (79 FR 54572), make the following corrections:

1. On page 54572, third column in the header information, correct "Notice No." to read "Special Conditions No."

2. On page 54574, first column, last line in the introductory text of the section titled, "The Special Conditions," correct "BD–500–1A1" to read "BD–500–1A11."

Issued in Renton, Washington, on October 16, 2014.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–25240 Filed 10–22–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2014–0434; Special Conditions No. 25–544–SC]

Special Conditions: Bombardier Aerospace, Models BD–500–1A10 and BD–500–1A11; Composite Wing and Fuel Tank Structure Post-Crash Fire Survivability

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Bombardier Aerospace, Models BD–500–1A10 and BD–500–1A11 series airplanes. These airplanes will have novel or unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. These design features are composite materials used in the construction of the fuel tank skin and structure, which may behave differently in a post-crash fire than traditional aluminum construction. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: *Effective Date:* This action is effective on November 24, 2014.

FOR FURTHER INFORMATION CONTACT: Alan Sinclair, FAA, Airframe and Cabin Safety Branch, ANM–115 Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–2195; facsimile 425–227–1232.

SUPPLEMENTARY INFORMATION:

Background

On December 10, 2009, Bombardier Aerospace applied for a type certificate for their new Models BD–500–1A10 and BD–500–1A11 series airplanes (hereafter collectively referred to as "CSeries"). The CSeries airplanes are swept-wing monoplanes with an aluminum alloy fuselage sized for 5-abreast seating. Passenger capacity is designated as 110 for the Model BD–500–1A10 and 125 for the Model BD–500–1A11. Maximum takeoff weight is 131,000 pounds for the Model BD–500–1A10 and 144,000 pounds for the Model BD–500–1A11.

Conventional airplanes with aluminum skin and structure provide a well-understood level of safety during post-crash fire scenarios with respect to fuel tanks. This is based on service history and extensive full-scale fire testing. The CSeries airplanes will not be fabricated primarily with aluminum for the fuel tank structure. Instead, they will be fabricated using predominantly composite structure and skin for the wings and fuel tanks. Composites may or may not have the equivalent capability of aluminum, and current regulations do not provide objective performance requirements for wing and fuel tank structure with respect to post-crash fire safety. Because the use of composite structure is novel and unusual with respect to the designs envisioned when the applicable regulations were promulgated, additional tests and analyses substantiation will be required to show that the CSeries airplanes will provide an acceptable level of safety with respect to the performance of the wings and fuel tanks during an external fuel-fed fire.

Type Certification Basis

Under the provisions of Title 14, Code of Federal Regulations (14 CFR) 21.17, Bombardier Aerospace must show that the CSeries airplanes meet the applicable provisions of 14 CFR part 25 as amended by Amendments 25–1 through 25–129.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the CSeries airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the CSeries airplanes must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36, and the FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92–574, the "Noise Control Act of 1972."

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The CSeries airplanes will incorporate the following novel or unusual design features: The structural elements and skin of the wings and fuel tanks will be fabricated using predominantly composite materials rather than conventional aluminum.

Discussion

Transport category airplanes in operation today have traditionally been designed with aluminum materials. Conventional airplanes with aluminum skin and structure provide a well-understood level of safety during post-crash fires with respect to fuel tanks. Current regulations were developed and have evolved under the assumption that wing construction would be of aluminum materials.

Aluminum has the following properties with respect to fuel tanks and fuel-fed external fires:

• Aluminum is highly thermally conductive and readily transmits the heat of a fuel-fed external fire to fuel in the tank. This has the benefit of rapidly driving the fuel tank ullage to exceed the upper flammability limit of fuel vapors prior to fuel tank skin burn-through or heating of the wing upper surface above the auto-ignition temperature, thus greatly reducing the threat of fuel tank explosion.

• Aluminum panels at thicknesses previously used in wing lower surfaces of large transport category airplanes have been fire resistant as defined in 14 CFR 1.1 and Advisory Circular (AC) 20–135, *Powerplant Installation and Propulsion System Component Fire Protection Test Methods, Standards, and Criteria.*

• Heat absorption capacity of aluminum and fuel prevent burn-through or wing collapse for a time interval that generally exceeds the passenger evacuation time.

The ability of aluminum wing surfaces to withstand post-crash fire conditions when wetted by fuel on their interior surface has been demonstrated by tests conducted at the FAA Technical Center. Results of these tests have verified adequate dissipation of heat across wetted aluminum fuel tank surfaces so that localized hot spots do not occur, thus minimizing the threat of explosion. This inherent capability of aluminum to dissipate heat also allows the wing lower surface to retain its load-carrying characteristics during a fuel-fed ground fire and significantly delay wing collapse or burn-through for a time interval that usually exceeds evacuation times. In addition, as an aluminum fuel tank is heated with significant quantities of fuel inside, fuel vapor accumulates in the ullage space, exceeding the upper flammability limit relatively quickly and thus reducing the threat of a fuel tank explosion prior to fuel tank burn-through.

Fuel tanks constructed with composite materials may or may not have equivalent properties. AC 20–107B (Change 1), *Composite Aircraft Structure,* section 11b, "Fire Protection, Flammability and Thermal Issues," states: "Wing and fuselage applications should consider the effects of composite design and construction on the resulting passenger safety in the event of in-flight fires or emergency landing conditions, which combine with subsequent egress when a fuel-fed fire is possible." Pertinent to the wing structure, post-crash fire passenger survivability is dependent on the time available for passenger evacuation prior to fuel tank breach or structural failure. Structural failure can be a result of degradation in load-carrying capability in the upper or lower wing surface caused by a fuel-fed ground fire and also as a result of over-pressurization caused by ignition of fuel vapors in the fuel tank.

For the CSeries airplanes, composite materials will be used to fabricate the majority of the wing fuel tank. Hence, the current regulations may not be adequate for the certification of the CSeries airplanes featuring wing fuel tanks fabricated with composite material. Therefore, Bombardier must present additional confirmation by test and analysis that the CSeries airplanes' design provides an acceptable level of safety with respect to the performance of the wing fuel tanks when exposed to the direct effects of post-crash ground fire or under-wing fuel-fed fires.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Discussion of Comments

Notice of proposed special conditions No. 25–14–08–SC for the Bombardier CSeries airplanes was published in the **Federal Register** on July 16, 2014 (79 FR 41457). No comments were received, and the special conditions are adopted as proposed.

Applicability

As discussed above, these special conditions are applicable to the Models BD–500–1A10 and BD–500–1A11 series airplanes. Should Bombardier Aerospace apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on two model series of airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

■ The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Bombardier Aerospace Models BD–500–1A10 and BD–500–1A11 series airplanes.

Composite Wing and Fuel Tank Post-Crash Fire Survivability

1. The wing fuel tank structure must withstand an external fuel-fed pool fire for a minimum of 5 minutes.

2. The integrity of the wing fuel tank structure must be demonstrated at:

- Minimum fuel load, not less than reserve fuel level;
- Maximum fuel load equal to the maximum range fuel quantity; and
- Any other critical fuel loads.

3. The demonstration must consider fuel tank flammability, burn-through resistance, wing structural strength retention properties, and auto-ignition threats from localized heating of composite structure, fasteners, or any other feature that may produce an ignition source during a ground fire event for the required time duration.

Issued in Renton, Washington, on October 16, 2014.

Michael Kascycki,

Acting Manager, Transport Airplane Directorate.

[FR Doc. 2014–25239 Filed 10–22–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2014–0421; Special Conditions No. 25–571–SC]

Special Conditions: Boeing Commercial Airplanes, Model 767–2C Airplane; Interaction of Fuel Systems and Structures

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Boeing Model 767–2C airplane. This airplane will have novel or unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. These design features include the addition of four body fuel tanks and a modified fuel management system that, directly or as a result of failure or malfunction, could affect the airplane's structural performance. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for these design features. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: *Effective Date:* This action is effective on November 24, 2014.

FOR FURTHER INFORMATION CONTACT: Mark Freisthler, FAA, Airframe and Cabin Safety Branch, ANM–115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–1119; facsimile 425–227–1232.

SUPPLEMENTARY INFORMATION:

Background

On January 18, 2010, Boeing Commercial Airplanes applied for an amendment to Type Certificate No. A1NM to include the new Model 767–2C. The Boeing Model 767–2C, which is a derivative of the Model 767–200 currently approved under Type Certificate No. A1NM, is a transport category airplane, intended for use as a freighter, powered by two PW4062 engines with a maximum takeoff weight of 415,000 pounds.

The Boeing Model 767–2C will have more fuel capacity than a traditional freighter through the addition of four body fuel tanks. The Model 767–2C contains fuel systems that could, directly or as a result of failure or malfunction, affect the aircraft's structural performance. Current regulations do not take into account loads for the airplane due to the effects of fuel system failures on structural performance; therefore, special conditions are needed.

Type Certification Basis

Under the provisions of Title 14, Code of Federal Regulations (14 CFR) 21.101, Boeing must show that the Model 767–2C meets the applicable provisions of 14 CFR part 25, as amended by Amendments 25–0 through 25–130, except for earlier amendments as agreed upon by the FAA. These regulations will be incorporated into Type Certificate No. A1NM after type certification approval of the Model 767–2C.

In addition, the certification basis includes other regulations, special conditions, and exemptions that are not relevant to these special conditions. Type Certificate No. A1NM will be updated to include a complete description of the certification basis for these model airplanes.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model 767–2C because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Model 767–2C must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type-certification basis under § 21.101.

Novel or Unusual Design Features

The Boeing Model 767–2C will incorporate the following novel or unusual design features: Fuel system changes including the addition of forward and aft body fuel tanks, a main-to-center-tank gravity transfer system, hydraulically-powered-pumps for jettison, a nitrogen generation system for inerting of all fuel tanks, and a pressure-regulating closed fuel tank vent system. Digital electronic controls (i.e., fuel management systems) are added for control and monitoring of these systems.

Discussion

The fuel management system is designed to keep the fuel distributed in accordance with fuel usage requirements. System failures of these new and modified systems may result in adverse fuel distributions or center-of-gravity excursions that increase the airplane loads. For example, a failure of the main tank gravity drain valve may result in less wing main tank fuel than normal management; or failure of the body auxiliary tank transfer systems may result in excessive body fuel at landing. Additionally, failures of the nitrogen generation system, fuel transfer system, or vent/pressure regulating system may result in excessive fuel tank pressures. These types of failures are addressed by these special conditions.

Special conditions have been applied on past airplane programs in order to require consideration of the effects of systems on structures. These special conditions are similar to those previously applied except that the scope is limited to new fuel system features unique to the Model 767–2C. These

special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Discussion of Comments

Notice of proposed special conditions No. 25–14–07–SC for the Boeing Model 767–2C airplane was published in the **Federal Register** on July 2, 2014 (79 FR 37670). No comments were received, and the special conditions are adopted as proposed.

Applicability

As discussed above, these special conditions are applicable to the Boeing Model 767–2C airplane. Should Boeing Commercial Airplanes apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model of airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

■ The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Boeing Commercial Airplanes Model 767–2C airplane.

1. Interactions of fuel systems and structures. General.

a. For airplanes equipped with fuel systems that affect structural performance, either directly or as a result of a failure or malfunction, the influence of these systems and their failure conditions must be taken into account when showing compliance with the requirements of 14 CFR part 25 subparts C and D.

b. The criteria in Section 2 below must be used for showing compliance with these special conditions for airplanes equipped with fuel systems that either directly or as a result of failure or malfunction affect structural performance.

c. The criteria only address the direct structural consequences of the system responses and performances and cannot be considered in isolation but should be included in the overall safety evaluation of the airplane. These criteria may in some instances duplicate standards already established for this evaluation. These criteria are only applicable to structural elements whose failure could prevent continued safe flight and landing. Specific criteria that define acceptable limits on handling characteristics or stability requirements when operating in the system degraded or inoperative mode are not provided in these special conditions.

d. Depending on the specific characteristics of the airplane, additional studies may be required that demonstrate the capability of the airplane to meet other realistic conditions such as alternative gust or maneuver descriptions for an airplane equipped with a load alleviation system.

e. The following definitions are applicable to these special conditions:

(1) Structural performance: Capability of the airplane to meet the structural requirements of part 25.

(2) Flight limitations: Limitations that can be applied to the airplane flight conditions following an in-flight occurrence and that are included in the airplane flight manual (e.g., speed limitations, avoidance of severe weather conditions, etc.).

(3) Operational limitations: Limitations, including flight limitations, that can be applied to the airplane operating conditions before dispatch (e.g., fuel, payload and Master Minimum Equipment List limitations).

(4) Probabilistic terms: The probabilistic terms (probable, improbable, extremely improbable) used in these special conditions are the same as those used in § 25.1309.

(5) Failure condition: The term failure condition is the same as that used in § 25.1309. However, these special conditions apply only to system failure conditions that affect the structural performance of the airplane (e.g., system failure conditions that induce loads, change the response of the airplane to inputs such as gusts or pilot actions, or lower flutter margins). The system failure conditions include consequential or cascading effects resulting from the first failure.

2. Effects of Fuel System Failure on Structures. The following criteria will be used in determining the influence of the fuel system and its failure conditions on the airplane structural elements.

a. *Fuel system fully operative.* With the fuel system fully operative, the following apply:

(1) Limit loads must be derived in all normal operating configurations of the fuel system from all the limit conditions specified in subpart C (or used in lieu of those specified in subpart C), taking into account any special behavior of such a system or associated functions or any effect on the structural performance of the airplane that may occur up to the limit loads. In particular, any significant nonlinearity (rate of fuel transfer, thresholds or any other system nonlinearities) must be accounted for in a realistic or conservative way when deriving limit loads from limit conditions.

(2) The airplane must meet the strength requirements of part 25 (i.e., static strength, residual strength), using the specified factors to derive ultimate loads from the limit loads defined above. The effect of nonlinearities must be investigated beyond limit conditions to ensure the behavior of the system presents no anomaly compared to the behavior below limit conditions. However, conditions beyond limit conditions need not be considered when it can be shown that the airplane has design features that will not allow it to exceed those limit conditions.

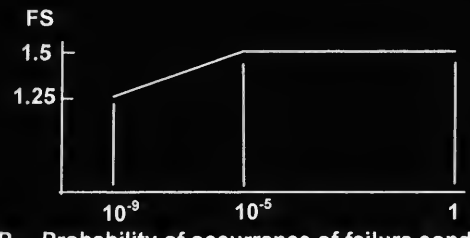
(3) The airplane must meet the aeroelastic stability requirements of § 25.629.

b. *Fuel system in the failure condition.* For any fuel system failure condition not shown to be extremely improbable, the following apply:

(1) At the time of occurrence, starting from 1-g level flight conditions, a realistic scenario, including pilot corrective actions, must be established to determine the loads occurring at the time of failure and immediately after failure.

(i) For static strength substantiation, these loads, multiplied by an appropriate factor of safety that is related to the probability of occurrence of the failure, are ultimate loads to be considered for design. The factor of safety is defined in Figure 1.

Figure 1. Factor of safety (FS) at the time of occurrence.



(ii) For residual strength substantiation, the airplane must be able to withstand two thirds of the ultimate loads defined in subparagraph 2b(1)(i). For pressurized cabins, these loads must be combined with the normal operating differential pressure.

(iii) Freedom from aeroelastic instability must be shown up to the speeds defined in § 25.629(b)(2). For failure conditions that result in speeds beyond V_C/M_C, freedom from aeroelastic instability must be shown to increased speeds, so that the margins intended by § 25.629(b)(2) are maintained.

(iv) Failures of the fuel system that result in forced structural vibrations (oscillatory failures) must not produce loads that could result in detrimental deformation of the affected structural elements.

(2) For continuation of flight, for an airplane in the system failed state and considering any appropriate reconfiguration and flight limitations, the following apply:

(i) The loads derived from the following conditions (or used in lieu of the following conditions) at speeds up to V_C/M_C, or the speed limitation prescribed for the remainder of the flight, must be determined:

(A) The limit symmetrical maneuvering conditions specified in §§ 25.331 and 25.345.

(B) The limit gust and turbulence conditions specified in §§ 25.341 and 25.345.

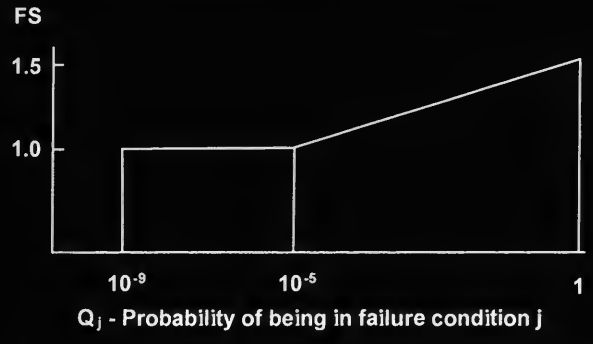
(C) The limit rolling conditions specified in § 25.349 and the limit unsymmetrical conditions specified in §§ 25.367 and 25.427(b) and (c).

(D) The limit yaw maneuvering conditions specified in § 25.351.

(E) The limit ground loading conditions specified in §§ 25.473, 25.491, and 25.493.

(ii) For static strength substantiation, each part of the structure must be able to withstand the loads in paragraph 2b(2)(i) of these special conditions multiplied by a factor of safety depending on the probability of being in this failure state. The factor of safety is defined in Figure 2.

Figure 2. Factor of safety (FS) for continuation of flight.



$Q_j = (T_j)(P_j)$ where:

T_j = Average time spent in failure condition j (in hours)

P_j = Probability of occurrence of failure condition j (per hour)

Note: If P_j is greater than 10^{-3} per flight hour, then a 1.5 factor of safety must be applied to all limit load conditions specified in subpart C.

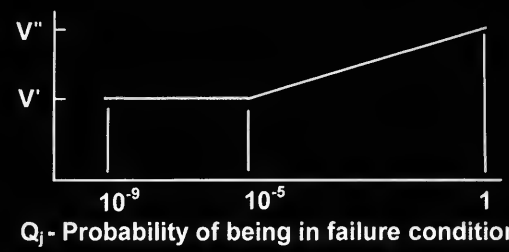
(iii) For residual strength substantiation, the airplane must be able to withstand two thirds of the ultimate loads defined in paragraph 2b(2)(ii) of these special conditions. For pressurized cabins, these loads must be combined with the normal operating differential pressure.

(iv) If the loads induced by the failure condition have a significant effect on fatigue or damage tolerance, then their effects must be taken into account.

(v) Freedom from aeroelastic instability must be shown up to a speed determined from Figure 3. Flutter clearance speeds V′ and V″ may be based on the speed limitation specified

for the remainder of the flight using the margins defined by § 25.629(b).

Figure 3: Clearance speed



V' = Clearance speed as defined by § 25.629(b)(2).
V" = Clearance speed as defined by § 25.629(b)(1).
$Q_j = (T_j)(P_j)$ where:
T_j = Average time spent in failure condition j (in hours).
P_j = Probability of occurrence of failure condition j (per hour).
Note: If P_j is greater than 10^{-3} per flight hour, then the flutter clearance speed must not be less than V".

(vi) Freedom from aeroelastic instability must also be shown up to V' in Figure 3 above, for any probable system failure condition combined with any damage required or selected for investigation by § 25.571(b).

(3) Consideration of certain failure conditions may be required by other sections of part 25 regardless of calculated system reliability. Where analysis shows the probability of these failure conditions to be less than 10^{-9}, criteria other than those specified in this paragraph may be used for structural substantiation to show continued safe flight and landing.

c. *Failure indications.* For fuel system failure detection and indication, the following apply:

(1) The fuel system must be checked for failure conditions, not extremely improbable, that degrade the structural capability below the level required by part 25 or significantly reduce the reliability of the remaining system. As far as reasonably practicable, the flight crew must be made aware of these failures before flight. Certain elements of the fuel system, such as mechanical and hydraulic components, may use special periodic inspections, and electronic components may use daily checks, in lieu of detection and indication systems to achieve the objective of this requirement. These identified inspections must be limited to components that are not readily detectable by normal detection and indication systems and where service history shows that inspections will provide an adequate level of safety.

(2) The existence of any failure condition, not extremely improbable, during flight that could significantly affect the structural capability of the airplane and for which the associated reduction in airworthiness can be minimized by suitable flight limitations, requires a caution level alert for immediate flightcrew awareness and a warning level alert for immediate flightcrew awareness and corrective action. For example, a flightcrew alert during flight is required for failure conditions that result in a factor of safety between the airplane strength and the loads of subpart C below 1.25, or flutter margins below V", because it could significantly affect the structural capability of the airplane.

d. *Dispatch with known failure conditions.* If the airplane is to be dispatched in a known fuel system failure condition that affects structural performance, or affects the reliability of the remaining system to maintain structural performance, then the provisions of these special conditions must be met, including the provisions of paragraph 2a for the dispatched condition, and paragraph 2b for subsequent failures. Expected operational limitations may be taken into account in establishing P_j as the probability of failure occurrence for determining the safety margin in Figure 1. Flight limitations and expected operational limitations may be taken into account in establishing Q_j as the combined probability of being in the dispatched failure condition and the subsequent failure condition for the safety margins in Figures 2 and 3. These limitations must be such that the probability of being in this combined failure state and then subsequently encountering limit load conditions is extremely improbable. No reduction in these safety margins is allowed if the subsequent system failure rate is greater than 10^{-3} per hour.

Issued in Renton, Washington, on October 16, 2014.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–25242 Filed 10–22–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0532; Directorate Identifier 2014–CE–016–AD; Amendment 39–17994; AD 2014–21–02]

RIN 2120–AA64

Airworthiness Directives; Pacific Aerospace Limited Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Pacific Aerospace Limited Model FU24–954 and FU24A–954 airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as cracking of the control column at the wiring access hole, which could lead to loss of control. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective November 28, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of November 28, 2014.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0532; or in person at Document 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 service information identified in this AD, contact Pacific Aerospace Limited, Airport Road, Hamilton Private Bag 3027 Hamilton 3240, New Zealand; telephone: +64 7 843 6144; fax: +64 7 843 6134; email: *pacific@aerospace.co.nz;* Internet: *http://www.aerospace.co.nz/.* You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

FOR FURTHER INFORMATION CONTACT: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4123 ; fax: (816) 329–4090; email: *karl.schletzbaum@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to add an AD that would apply to Pacific Aerospace Limited Model FU24–954 and FU24A–954 airplanes. The NPRM was published in the **Federal Register** on August 5, 2014 (79 FR 45383). The NPRM proposed to correct an unsafe condition for the specified products and was based on mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country. The MCAI states:

> This AD requires an inspection of the control column for mechanical damage, deformation and cracks per the instructions in Pacific Aerospace Limited (PAL) Mandatory Service Bulletin (MSB) No. PACSB/FU/095 issue 2 dated 28 May 2014. For control columns found with mechanical damage or deformation the AD requires a 50 hour repetitive NDT inspection until replacement. Control column replacement is required at the next maintenance inspection, or within the next 150 hours TIS, whichever is the later.

The MCAI can be found in the AD docket on the Internet at: *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0532-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (79 FR 45383, August 5, 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 the 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 45383, August 5, 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 45383, August 5, 2014).

Costs of Compliance

We estimate that this AD will affect 1 product of U.S. registry. We also estimate that it would take about .5 work-hour per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of this AD on U.S. operators to be $42.50, or $42.50 per product.

In addition, we estimate that any necessary follow-on actions would take about 8 work-hours and require parts costing $1,000, for a cost of $1,680 per product. We have no way of determining the number of products that may need these actions.

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

Authority for This Rulemaking

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

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

Regulatory Findings

We determined that this 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 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* by searching for and locating Docket No. FAA–2014–0532; 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 the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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 AD:

2014–21–02 Pacific Aerospace Limited: Amendment 39–17994; Docket No. FAA–2014–0532; Directorate Identifier 2014–CE–016–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective November 28, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Pacific Aerospace Limited Models FU24–954 and FU24A–954 airplanes, all serial numbers, certificated in any category.

(d) Subject

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

(e) Reason

This AD was prompted from mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as cracking of the control column at the wiring access hole. We are issuing this AD to detect and correct cracking of the control column at the wiring access hole, which could cause control column failure and subsequent loss of control.

(f) Actions and Compliance

Unless already done, do the following actions in paragraphs (f)(1) through (f)(3) of this AD, following the accomplishment instructions in Pacific Aerospace Limited Mandatory Service Bulletin PACSB/FU/095, Issue 2, dated May 28, 2014.

(1) Within the next 50 hours time-in-service (TIS) after November 28, 2014 (the effective date of this AD), inspect the control column part number (P/N) 08–45031/32 for cracks.

(2) If any mechanical damage, deformation, or cracks are found, before further flight, replace the control column with an airworthy control column P/N 08–45031/32.

(3) If no mechanical damage, deformation, or cracks are found after the inspection required in paragraph (f)(1) of this AD, at the next scheduled maintenance inspection or within the next 150 hours TIS, whichever occurs later, replace the control column with an airworthy P/N 08–45031/32.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4123; fax: (816) 329–4090; email: *karl.schletzbaum@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

(h) Related Information

Refer to MCAI Civil Aviation Authority (CAA) AD DCA/FU24/183, dated May 29, 2014, for related information. The MCAI can be found in the AD docket on the Internet at: *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0532-0002.*

(i) 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) Pacific Aerospace Limited Mandatory Service Bulletin PACSB/FU/095, Issue 2, dated May 28, 2014.

(ii) Reserved.

(3) For Pacific Aerospace Limited service information identified in this AD, contact Pacific Aerospace Limited, Airport Road, Hamilton Private Bag 3027 Hamilton 3240, New Zealand; telephone: +64 7 843 6144; fax: +64 7 843 6134; email: *pacific@aerospace.co.nz;* Internet: *http://www.aerospace.co.nz/.*

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

(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 Kansas City, Missouri, on October 9, 2014.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–24698 Filed 10–22–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–28413; Directorate Identifier 2007–NE–25–AD; Amendment 39–17993; AD 2014–21–01]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding airworthiness directives (ADs) 90–26–01, 91–20–02, and 2009–05–02 for all General Electric Company (GE) CF6–80C2 and CF6–80E1 series turbofan engines. This AD retains the requirements of those ADs and requires removal of additional fuel manifold part numbers (P/Ns), additional repetitive inspections, replacement as required of certain fuel manifold P/Ns and tube (block) clamps, and replacement of loop clamps. This AD was prompted by a report of an under-cowl fire caused by a manifold high-pressure fuel leak, and several additional reports of fuel leaks. We are issuing this AD to prevent failure of the fuel manifold, which could lead to uncontrolled engine fire, engine damage, and damage to the airplane.

DATES: This AD is effective November 28, 2014.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of November 28, 2014.

ADDRESSES: For service information identified in this AD, contact General Electric Company, GE Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215; phone: (513) 552–3272; email: *geae.aoc@ge.com.* You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call (781) 238–7125.

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–2007–28413; 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 Document 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: Kasra Sharifi, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone (781) 238–7773; fax: (781) 238–7199; email: *kasra.sharifi@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 90–26–01, Amendment 39–6810 (55 FR 49611, November 30, 1990), ("AD 90–26–01"), and AD 91–20–02, Amendment 39–8036 (56 FR 55231, October 25, 1991), ("AD 91–20–02"), and AD 2009–05–02, Amendment 39–15826 (74 FR 8161, February 24, 2009), ("AD 2009–05–02"). AD 90–26–01 and AD 91–20–02 applied to all GE CF6–80C2 series turbofan engines. AD 2009–05–02 applied to all GE CF6–80C2 and CF6–80E1 series turbofan engines. The NPRM published in the **Federal Register** on January 17, 2014 (79 FR 3139). The NPRM was prompted by a report of an under-cowl fire caused by a manifold high-pressure fuel leak and several additional reports of fuel leaks. The NPRM proposed to retain the requirements of the superseded ADs: AD 90–26–01 and AD 91–20–02 required removal of certain fuel manifold P/Ns; AD 2009–05–02 required inspection of certain fuel manifold P/Ns and replacement of certain consumable components. The NPRM also proposed to require removal of additional fuel manifold P/Ns, performance of additional initial and repetitive inspections, replacement as required of certain fuel manifold P/Ns and tube (block) clamps, and replacement of loop clamps at each fuel manifold inspection opportunity. We are issuing this AD to prevent failure of the fuel manifold, which could lead to uncontrolled engine fire, engine damage, and damage to the airplane.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM (79 FR 3139, January 17, 2014) and the FAA's response to each comment.

Request To Replace Two Incorrect Part Numbers

Several commenters requested that we replace two incorrect fuel manifold P/Ns with the correct P/Ns.

We agree. We corrected the P/Ns in paragraph (c) of this AD from P/Ns 1308M31G12 and 1308M32G12 to P/Ns 1303M31G12 and 1303M32G12.

Request To Change and Clarify Compliance Information

Several commenters requested that we make changes to Table 1 to paragraph (e) in the NPRM (79 FR 3139, January 17, 2014). Three commenters requested that we remove the compliance time of six months because this requirement is unjustified. Two commenters requested that we remove one row of information due to redundancy. One commenter requested that we reorder the rows to make the table easier to follow.

We partially agree. We agree that the table is problematic. A six-month compliance time was meant to be a "grace period" for products that might have already exceeded the threshold. But, including a "grace period" is unnecessary, since AD 2009–05–02, which we are superseding with this AD, mandates the same requirement. We removed the six-month compliance time period.

We disagree with making the other changes as suggested, but did reword paragraph (e) to this AD to eliminate the tables and clarify the AD.

Request To Change Definition of Shop Visit

Several commenters requested that we change the definition of shop visit to exclude certain maintenance visits because the current definition forces the replacement of the fuel manifold at the majority of shop visits.

We agree. We changed the definition of shop visit for the purposes of this AD to exclude shop visits for specified types of maintenance.

Request To Allow Reinstallation of Certain P/N Fuel Manifolds During On-Wing Maintenance

Virgin Atlantic Airways, Delta Air Lines, AIRDO, and GE requested that we allow reinstallation of fuel manifolds, P/Ns 1303M31G12, 1303M32G12, 2420M70G01, and 2420M71G01, during on-wing maintenance, and only mandate removal of these P/Ns during shop visits. The commenters state that modification of the fuel manifold configuration during on-wing maintenance is not practicable due to complexity, potential for maintenance error, and cost compared to replacement during shop visit.

We agree. The intent of this AD is to require removal of fuel manifolds, P/Ns 1303M31G12, 1303M32G12, 2420M70G01, and 2420M71G01, during shop visit, not during on-wing maintenance. We removed the installation prohibition statement that included these P/Ns.

Request To Exclude Certain Engine Models From Applicability

Lufthansa Cargo requested that we exclude from the applicability of this AD certain CF6–80C2 engine models.

We disagree. All CF6–80C2 engine models are affected by the same unsafe condition. We did not change this AD.

Request To Change the Focus of This AD, and To Retain and Supersede Different ADs

KLM Royal Dutch Airlines (KLM) requested that we address pigtail cracking in this AD, instead of tube (block) clamp and loop clamp chafing, by retaining AD 2009–05–02, Amendment 39–15826 (74 FR 8161, February 24, 2009), AD 91–20–02, Amendment 39–8036 (56 FR 55231, October 25, 1991), and AD 90–26–01, Amendment 39–6810 (55 FR 49611, November 30, 1990), and by superseding AD 2007–11–20, Amendment 39–15077 (72 FR 30956, June 5, 2007). KLM states that the recent under-cowl fire event was related to pigtail cracking, which the FAA has not addressed, and not to tube (block) and loop clamp chafing.

We disagree. Pigtail cracking, tube (block) clamp chafing, and loop clamp chafing can all be caused by resonant vibration within the engine operation range. This AD requires removal of fuel manifolds susceptible to resonant vibration, which addresses pigtail cracking, tube (block) clamp chafing, and loop clamp chafing leading to fuel manifold leaks. We did not change this AD.

Request To Remove From Paragraph (e)(2) Reference to "Tube (Block) Clamp"

KLM requested that we delete reference to the "Tube (Block) Clamp" from paragraph (e)(2) of this AD because instructions regarding inspection and replacement of the tube (block) clamp are not addressed in that paragraph.

We partially agree. The reference to the "Tube (Block) Clamp" in paragraph (e)(2) is inaccurate. We restructured the compliance paragraphs. Paragraphs (e)(2)(ii) and (e)(2)(iii) of this AD now reference "Tube (Block) Clamp."

Request To Provide More Information Regarding the Unsafe Condition

Lufthansa Technik AG and Deutsche Lufthansa AG requested that we provide additional details concerning the unsafe condition.

We partially agree. Although the AD Discussion section provides sufficient information regarding the fuel manifold leaks, we included a reference to additional information in the Related Information paragraph of this AD.

Request To Expand Compliance To Address Other Unsafe Conditions

One commenter requested that we expand the compliance requirements of this AD to address other possible unsafe conditions in the designs of the accessory gearbox, spray shield, and fuel nozzle, and made reference to National Transportation Safety Board (NTSB) safety recommendations (SRs) A–13–022 and A–12–047.

We disagree. Unsafe conditions in the engine caused by designs of the accessory gearbox and spray shield are not the subjects of this AD. Fire caused by fuel manifold leak is the subject of this AD. SRs A–13–022 and A–12–047 do not address fire caused by fuel manifold leaks. We did not change this AD.

Request To Allow Use of Future Revisions of Referenced Service Bulletins (SBs)

Delta Air Lines requested that we allow use of future revisions of the SBs referenced in compliance paragraphs because this would eliminate the need to request an alternative method of compliance (AMOC) if the SBs are revised.

We disagree. We are authorized to mandate use of procedures in SBs that are published and which we have reviewed. Since future revisions of SBs are not yet published, we are not authorized to mandate their use in advance. We did not change this AD.

Request To Address Repetitive Inspections of Fuel Manifolds Repaired With PTFE-Coated Para-Aramid Tape

Japan Airlines requested that we allow repetitive inspections of fuel manifolds that have PTFE-coated para-aramid tape at the tube (block) clamp locations. The NPRM (79 FR 3139, January 17, 2014) addressed initial inspections, but did not address repetitive inspections of fuel manifolds repaired with PTFE-coated para-aramid tape.

We agree. We changed the references to SBs in this AD to more recent versions that allow repetitive inspections of fuel manifolds that have PTFE-coated para-aramid tape at the tube (block) clamp locations.

Request To Require the Use of GE Method To Replace Fuel Manifolds

Boeing Commercial Airplanes and another commenter requested that we require that manifolds be replaced using the method stated in the GE SBs. To substantiate the request, the second commenter referred to NTSB SR A–13–028.

We disagree. The regulations require that operators use acceptable methods, techniques, and practices to replace the fuel manifolds. The GE SBs contain one acceptable method to replace the fuel manifolds, but not the only acceptable method of doing so. We did not change this AD.

Request To Clarify Certain Preamble and Compliance Paragraphs

GE requested that we clarify, in the "Proposed AD Requirements" paragraph, the additional P/Ns of fuel manifolds to be inspected and replaced. GE also requested that we make clear, in the "Summary" paragraph, that on-wing replacement of tube (block) clamps and fuel manifolds is based on inspection results. GE also requested that we use alternative wording in paragraph (e) and Table 2 to paragraph (e) of this AD.

We partially agree. We agree that we needed to clarify the P/Ns to be removed before further flight, and those to be inspected until removed. We changed this AD to clearly identify both groups. We also agree that paragraph (e) of this AD required clarification. We reworded paragraph (e) of this AD to clearly identify the requirements to correct the unsafe condition.

Request To Allow Installation of Certain Prohibited P/Ns

Asiana Airlines, EVA Airways, Thai Airways, AIRDO, and Japan Airlines requested that for fuel manifold, P/Ns 1303M31G12, 1303M32G12, 2420M70G01, and 2420M71G01, we reduce the inspection interval or require non-destructive inspection at shop visits rather than require removal and prohibit installation. The operators state that their records do not indicate that these parts cause leaks or experience wear that would cause their replacement, and they expressed concerns that the reliability of the replacement fuel manifolds is lower than that of the prohibited fuel manifolds.

We disagree. A reduced inspection interval does not prevent pigtail cracking between shop visits. Our data does not justify a reduced inspection interval to prevent fuel leak events, or indicate that the new fuel manifold design has lower reliability. We did not change this AD.

Request To Allow Use of Certain P/Ns for Drained Engine Configurations

Lufthansa Technik AG requested that we allow the use of fuel manifold, P/Ns 2420M70G01, 2420M71G01, 1303M31G12, and 1303M32G12, as replacement parts for drained (pre SB 73–0253) engine configurations. The commenter states that GE's service information allows use of fuel manifold, P/Ns 1303M31G12 and 1303M32G12, on engines with drain system installed, and this AD does not prohibit installation of fuel manifold, P/Ns 1303M31G10 and 1303M32G10.

We disagree. We have no data showing that drainless fuel manifolds installed in engines with a drain system are more reliable than when installed in engines with a drainless system. We did not change this AD.

Request To Remove Certain Fuel Manifolds From Applicability

Lufthansa Cargo requested that we remove from the applicability of this AD drainless fuel manifolds to which PTFE-coated para-aramid tape was applied and the loop and tube (block) clamps were inspected.

We disagree. We received several reports of fuel leaks and a report of under-cowl fire. The inspections alone required by this AD do not address pigtail cracking leading to fuel leaks, and therefore do not provide an acceptable level of safety. We did not change this AD.

Request To Remove the Word "Uncontrolled" From the Description of Fire

Boeing Commercial Airplanes requested that we remove from the preamble the word "uncontrolled" from the description of fire caused by a fuel manifold leak because an uncontrolled fire in this scenario could only occur with a significant failure of the engine nacelle fire protection system.

We disagree. The data upon which we relied, including the Continued Airworthiness Assessment Methodologies (CAAM) database for transport category airplanes, includes data showing flammable fluid leaks leading to uncontrolled fires. We did not change this AD.

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 editorial changes to improve clarity. We have determined that these changes:

- Are consistent with the intent that was proposed in the NPRM (79 FR 3139, January 17, 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 3139, January 17, 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 would affect 1,126 engines installed on airplanes of U.S. registry. We also estimate that required parts cost about $34,894 per engine. We also estimate that it will take about 6 hours to accomplish the actions required by this AD. The average labor rate is $85 per hour. Based on these figures, we estimate the total cost of this AD to U.S. operators to be $39,864,904.

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 to the extent that it justifies making a regulatory distinction, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing airworthiness directive (AD) 90–26–01, Amendment 39–6810 (55 FR 49611, November 30, 1990); AD 91–20–02, Amendment 39–8036 (56 FR 55231, October 25, 1991); and AD 2009–05–02, Amendment 39–15826 (74 FR 8161, February 24, 2009); and

■ b. Adding the following new AD:

2014–21–01 General Electric Company: Amendment 39–17993; Docket No. FAA–2007–28413; Directorate Identifier 2007–NE–25–AD.

(a) Effective Date

This AD is effective November 28, 2014.

(b) Affected ADs

This AD supersedes AD 90–26–01, Amendment 39–6810 (55 FR 49611, November 30, 1990); AD 91–20–02, Amendment 39–8036 (56 FR 55231, October 25, 1991); and AD 2009–05–02, Amendment 39–15826, (74 FR 8161, February 24, 2009).

(c) Applicability

This AD applies to all General Electric Company (GE) CF6–80C2 and CF6–80E1 series turbofan engines with fuel manifold, part number (P/N) 1303M31G04, 1303M32G04, 1303M31G06, 1303M32G06, 1303M31G07, 1303M32G07, 1303M31G08, 1303M32G08, 1303M31G12, 1303M32G12, 2420M70G01, or 2420M71G01, installed.

(d) Unsafe Condition

This AD was prompted by a report of an under-cowl fire caused by a fuel manifold high-pressure fuel leak, and several additional reports of fuel leaks. We are issuing this AD to prevent failure of the fuel manifold, which could lead to uncontrolled engine fire, engine damage, and damage to the airplane.

(e) Compliance

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

(1) Fuel Manifold Removal.

(i) After the effective date of this AD, do not return to service any CF6–80C2 or CF6–80E1 series engine with fuel manifold P/N 1303M31G04, 1303M32G04, 1303M31G06, 1303M32G06, 1303M31G07, 1303M32G07, 1303M31G08, or 1303M32G08, installed.

(ii) At the next engine shop visit after the effective date of this AD, remove from service fuel manifold P/Ns 1303M31G12, 1303M32G12, 2420M70G01, and 2420M71G01.

(2) Fuel Manifold, Loop Clamp, and Tube (Block) Clamp Initial and Repetitive Inspection and Replacement.

(i) For CF6–80C2 and CF680E1 series engines, with fuel manifold, P/N 1303M31G12, 1303M32G12, 2420M70G01, or 2420M71G01 installed, inspect the fuel manifold and replace if required by inspection results, and replace the loop clamps as follows:

(A) For CF6–80C2 series engines, use paragraphs 3.A, 3.C, and 3.D of GE CF6–80C2 Service Bulletin (SB) No. S/B 73–0326 R04, Revision 4, dated December 23, 2009, to do the inspection and replacements.

(B) For CF6–80E1 series engines, use paragraphs 3.A, 3.B, and 3.C of GE CF6–80E1 SB No. S/B 73–0061 R04, Revision 4, dated December 23, 2009, to do the inspection and replacements.

(C) Compliance time for fuel manifold inspection and loop clamp replacement:

(*1*) If the engine is a first-run engine, inspect the fuel manifold and replace the loop clamps within 7,500 flight hours (FH) time-since-new (TSN).

(*2*) If the engine's fuel manifold was ever inspected and new loop clamps were previously installed, inspect the fuel manifold and replace the loop clamps within 7,500 FH time-since-last-inspection (TSLI).

(*3*) If the engine's fuel manifold was not inspected, new loop clamps were not installed, or it is unknown when the loop clamps were installed, inspect the fuel manifold and replace the loop clamps within 1,750 FH time-since-last-shop-visit or within 4 months after the effective date of this AD, whichever occurs later.

(ii) For CF6–80C2 and CF6–80E1 series engines, with fuel manifold, P/N 1303M31G12, 1303M32G12, 2420M70G01, or 2420M71G01, with tube (block) clamp, P/N 1153M26G15, installed, inspect fuel manifold and tube (block) clamps, and replace if required by inspection results, as follows:

(A) For CF6–80C2 series engines, use paragraphs 3.A.(1) through 3.A.(8) and 3.C.(1) through 3.C.(2) of GE CF6–80C2 SB No. S/B 73–0414, Revision 1, dated May 29, 2014, to do the inspection.

(B) For CF6–80E1 series engines, use paragraphs 3.A.(1) through 3.A.(6) and 3.C.(1)

through 3.C.(2) of GE CF6–80E1 SB No. S/B 73–0121, Revision 1, dated May 29, 2014, to do the inspection.

(C) Compliance time for fuel manifold and tube (block) clamp inspection:

(*1*) If the engine is a first-run engine, inspect the fuel manifold and tube (block) clamps within 7,500 FH TSN or within 3 months after the effective date of this AD, whichever occurs later.

(*2*) If the engine was previously inspected using either of GE CF6–80C2 SB No. S/B 73–0414, Revision 1, dated May 29, 2014, or GE CF6–80E1 SB No. S/B 73–0121, Revision 1, dated May 29, 2014, or earlier versions, then inspect the fuel manifold and tube (block) clamps within 7,500 FH TSLI or within 3 months after the effective date of this AD, whichever occurs later.

(*3*) If the engine is not a first-run engine and was not previously inspected using GE CF6–80C2 SB No. S/B 73–0414, Revision 1, dated May 29, 2014, or GE CF6–80E1 SB No. S/B 73–0121, Revision 1, dated May 29, 2014, or earlier versions, then inspect the fuel manifold and tube (block) clamps within 7,500 FH TSN or within 3 months after the effective date of this AD, whichever occurs later.

(iii) Thereafter, inspect fuel manifold, P/Ns 1303M31G12, 1303M32G12, 2420M70G01, and 2420M71G01, and tube (block) clamps, replace if required by inspection results, and replace the loop clamps within every 7,500 FH TSLI, using paragraphs (e)(2)(i)(A), (e)(2)(i)(B), (e)(2)(ii)(A), and (e)(2)(ii)(B) of this AD, as applicable.

(f) Definition

(1) For the purposes of this AD, an engine shop visit is the induction of an engine into the shop where the separation of a major engine flange occurs, except that induction into the shop for any of the reasons in paragraphs (f)(i) through (f)(iv) of this AD is not an engine shop visit:

(i) Induction of an engine into a shop solely for removal of the compressor top or bottom case for airfoil maintenance, or for variable stator vane bushing replacement;

(ii) Induction of an engine into a shop solely for replacement of the turbine rear frame;

(iii) Induction of an engine into a shop solely for replacement of the accessory gearbox or transfer gearbox, or both; or

(iv) Induction of an engine into a shop solely for core vibration trim balance procedure that requires separation of a major engine flange.

(2) For the purposes of this AD, a first-run engine is an engine that has not had a shop visit since entering service.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Engine Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(2) Previously approved AMOCs for AD 2009–05–02 (74 FR 8161, February 24, 2009) remain approved for the corresponding requirements of paragraphs (e)(1) and (e)(2) of this AD.

(h) Related Information

(1) For more information about this AD, contact Kasra Sharifi, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. 01803; phone (781) 238–7773; fax: (781) 238–7199; email: *kasra.sharifi@faa.gov*.

(2) For additional details of the under cowl fire that prompted this AD, refer to National Transportation Safety Board (NTSB) safety recommendation (SR) A–13–028. The NTSB SR is available on the Internet at *http://www.ntsb.gov/doclib/recletters/2013/A-13-028.pdf*.

(i) 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) General Electric Company (GE) CF6–80C2 Service Bulletin (SB) No. 73–0326 R04, Revision 4, dated December 23, 2009.

(ii) GE CF6–80C2 SB No. S/B 73–0414, Revision 1, dated May 29, 2014.

(iii) GE CF6–80E1 SB No. 73–0061 R04, Revision 4, dated December 23, 2009.

(iv) GE CF6–80E1 SB No. S/B 73–0121, Revision 1, dated May 29, 2014.

(3) For GE service information identified in this AD, contact General Electric Company, GE Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215; phone: (513) 552–3272; email: *geae.aoc@ge.com*.

(4) You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call (781) 238–7125.

(5) You may view this service information 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 Burlington, Massachusetts, on October 7, 2014.

Kim Smith,

Acting Directorate Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2014–24697 Filed 10–22–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0345; Directorate Identifier 2013–NM–230–AD; Amendment 39–17998; AD 2014–21–06]

RIN 2120–AA64

Airworthiness Directives; Beechcraft Corporation (Type Certificate Previously Held by Hawker Beechcraft Corporation; Raytheon Aircraft Company; Beech Aircraft Corporation) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Beechcraft Corporation (Type Certificate Previously Held by Hawker Beechcraft Corporation; Raytheon Aircraft Company; Beech Aircraft Corporation) Model 400, 400A, 400T, and MU–300 airplanes. This AD was prompted by a report of a failure of the Acme nut threads in a pitch trim actuator (PTA). This AD requires an inspection to determine if PTAs having a certain serial number and part number are installed, and replacement if they are installed. This AD also requires repetitive replacements of PTAs with new PTAs or certain overhauled PTAs. We are issuing this AD to prevent failure of the Acme nut threads in the PTA, which could lead to loss of control of pitch trim and reduced controllability of the airplane.

DATES: This AD is effective November 28, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 28, 2014.

ADDRESSES: For service information identified in this AD, contact Beechcraft Corporation, TMDC, P.O. Box 85, Wichita, KS 67201–0085; telephone 316–676–8238; fax 316–671–2540; email *tmdc@beechcraft.com*; Internet *http://pubs.beechcraft.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–

0345; 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: Ann Johnson, Aerospace Engineer, Systems and Propulsion Branch, ACE–116W, FAA, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, KS 67209; phone: 316–946–4105; fax: 316–946–4107; email: *Ann.Johnson@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 certain Beechcraft Corporation (Type Certificate Previously Held by Hawker Beechcraft Corporation; Raytheon Aircraft Company; Beech Aircraft Corporation) Model 400, 400A, 400T, and MU–300 airplanes. The NPRM published in the Federal Register on June 30, 2014 (79 FR 36675). The NPRM was prompted by a report of a failure of the Acme nut threads in a PTA. The NPRM proposed to require an inspection to determine if PTAs having a certain serial number and part number are installed, and replacement if they are installed. The NPRM also proposed to require repetitive replacements of PTAs with new PTAs or certain overhauled PTAs. We are issuing this AD to prevent failure of the Acme nut threads in the PTA, which could lead to loss of control of pitch trim and reduced controllability of the airplane.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (79 FR 36675, June 30, 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 36675, June 30, 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 36675, June 30, 2014).

Costs of Compliance

We estimate that this AD affects 735 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
Identification of serial/part numbers (735 airplanes).	1 work-hour × $85 per hour = $85.	$0	$85	$62,475.
Replacement of PTA (26 airplanes).	10 work-hours × $85 per hour = $850 per replacement.	$17,334 per replacement	$18,184 per replacement	$472,784 per replacement.
Repetitive replacement of jackscrew and Acme nut on PTAs (735 airplanes).	10 work-hours × $85 per hour = $850 per replacement.	$17,334 per replacement	$18,184 per replacement	$13,365,240 per replacement.

According to the manufacturer, the costs of this AD associated with Hawker Beechcraft Service Bulletin SB 27–4100, dated March 2012, may be covered under warranty, thereby reducing the cost impact on affected owners/operators. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate. The costs of the repetitive replacement are not covered under warranty. However, the PTA manufacturer states that it is already replacing the Acme nut and jackscrew at every overhaul, so the owners/operators should not see a cost increase due to this repetitive replacement requirement.

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):

2014–21–06 Beechcraft Corporation (Type Certificate Previously Held by Hawker Beechcraft Corporation; Raytheon Aircraft Company; Beech Aircraft Corporation): Amendment 39–17998; Docket No. FAA–2014–0345; Directorate Identifier 2013–NM–230–AD.

(a) Effective Date

This AD is effective November 28, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the airplanes identified in paragraphs (c)(1) and (c)(2) of this AD, certificated in any category.

(1) Beechcraft Corporation (Type Certificate Previously Held by Hawker Beechcraft Corporation; Raytheon Aircraft Company; Beech Aircraft Corporation) airplanes identified in paragraphs (c)(1)(i), (c)(1)(ii), and (c)(1)(iii) of this AD.

(i) Model 400 Beechjet airplanes having serial numbers RJ–1 through RJ–65, inclusive.

(ii) Model 400A Beechjet airplanes having serial numbers RK–1 through RK–604, inclusive.

(iii) Model 400T Beechjet airplanes having serial numbers TT–1 through TT–180, inclusive; and TX–1 through TX–13, inclusive.

(2) Beechcraft Corporation (Type Certificate Previously Held by Hawker Beechcraft Corporation; Raytheon Aircraft Company; Mitsubishi Heavy Industries, Inc. Ltd.) Model MU–300 airplanes, having serial numbers A003SA through A093SA, inclusive.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report of a failure of the Acme nut threads in a pitch trim actuator (PTA). We are issuing this AD to prevent failure of the Acme nut threads in the PTA, which could lead to loss of control of pitch trim and reduced controllability of the airplane.

(f) Compliance

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

(g) Determination of Serial Number and Part Number

Within 200 flight hours or 6 months after the effective date of this AD, whichever occurs first, inspect to determine the serial number and part number of the PTA, in accordance with the Accomplishment Instructions of Hawker Beechcraft Service Bulletin SB 27–4100, dated March 2012. A review of manufacturer delivery and operator maintenance records is acceptable in lieu of the inspection, if the serial number and part number of the PTA can be conclusively determined from that review.

(h) Replacement

If any serial number and part number found during any inspection required by paragraph (g) of this AD is one listed in Table 1 or Table 2 of Hawker Beechcraft Service Bulletin SB 27–4100, dated March 2012: Within 200 flight hours or 6 months after the effective date of this AD, whichever occurs first, replace the PTA with a serviceable PTA or an overhauled PTA having an Acme nut and jackscrew replaced with a new Acme nut and jackscrew, in accordance with the Accomplishment Instructions of Hawker Beechcraft Service Bulletin SB 27–4100, dated March 2012.

(i) Repetitive Replacements

Within 1,800 flight hours after the effective date of this AD, or at the next PTA overhaul, whichever occurs first, replace the PTA with a new PTA or an overhauled PTA having the Acme nut and jackscrew replaced with a new Acme nut and jackscrew, in accordance with sections 3.A.(2), (3), and (5) through (10) of Hawker Beechcraft Service Bulletin SB 27–4100, dated March 2012. Repeat the replacement thereafter at intervals not to exceed 1,800 flight hours, or at every PTA overhaul, whichever occurs first.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Wichita 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 (k) of this AD.

(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.

(k) Related Information

For more information about this AD, contact Ann Johnson, Aerospace Engineer, Systems and Propulsion Branch, ACE–116W, FAA, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, KS 67209; phone: 316–946–4105; fax: 316–946–4107; email: *Ann.Johnson@faa.gov.*

(l) 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) Hawker Beechcraft Service Bulletin SB 27–4100, dated March 2012.

(ii) Reserved.

(3) For service information identified in this AD, contact Beechcraft Corporation, TMDC, P.O. Box 85, Wichita, KS 67201–0085; telephone 316–676–8238; fax 316–671–2540; email *tmdc@beechcraft.com;* Internet *http://pubs.beechcraft.com.*

(4) 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.

(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 13, 2014.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–24963 Filed 10–22–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Part 122

Notice of Arrival Restrictions Applicable to Flights Carrying Persons Who Have Recently Traveled to, From, or Through Certain Ebola-Stricken Countries

AGENCY: U.S. Customs and Border Protection; Department of Homeland Security.

ACTION: Notice of arrival restrictions.

SUMMARY: This document announces the decision of the Commissioner of CBP to direct all flights to the U.S. carrying persons who have recently traveled to, from, or through Ebola-stricken countries to arrive at one of the U.S. airports where CBP is implementing enhanced screening procedures.

DATES: Effective October 21, 2014.

FOR FURTHER INFORMATION CONTACT: Francis Russo, Office of Field Operations, (202) 325–4835, *ofo-ops-cat@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

According to the Centers for Disease Control and Prevention (CDC), the

current Ebola virus disease (Ebola) epidemic is the largest in history, affecting multiple countries in West Africa. Ebola, previously known as Ebola hemorrhagic fever, is a rare and deadly disease caused by infection with one of the Ebola virus strains. Ebola can cause disease in humans, nonhuman primates (monkeys, gorillas, and chimpanzees), and other animals. Ebola is caused by infection with a virus of the family Filoviridae, genus Ebolavirus. There are five identified Ebola virus species found in several African countries. The current outbreak is due to Ebola virus (Zaire ebolavirus) in Guinea, Sierra Leone, and Liberia.

In order to assist in preventing the further introduction and spread of this communicable disease in the United States, CBP, in coordination with other DHS components and offices, the CDC, and other agencies charged with protecting the homeland and the American public, is currently implementing enhanced screening protocols at five U.S. airports that receive the largest number of travelers from Liberia, Guinea, and Sierra Leone. To ensure that all travelers with recent travel to, from, or through the affected countries are screened, CBP directs all flights to the U.S. carrying such persons to arrive at the five airports where the enhanced screening procedures are being implemented. While CBP anticipates working with the air carriers in an endeavor to identify potential travelers from the affected countries prior to boarding, air carriers will remain obligated to comply with the requirement of this notice, particularly in the event that travelers who have recently traveled to, from, or through the affected countries are boarded on flights bound for the U.S.

Notice of Arrival Restrictions Applicable to Flights Carrying Persons Who Have Recently Traveled to, From, or Through Certain Ebola-Stricken Countries

Pursuant to 19 U.S.C. 1433(c) and 19 CFR 122.32, CBP has the authority to limit the location where all aircraft entering the U.S. from abroad may land. Under this authority, I hereby direct all operators of aircraft carrying persons to the U.S. whose recent travel included Liberia, Guinea, or Sierra Leone to land at one of the following five airports: John F. Kennedy International Airport (JFK), New York; Newark Liberty International Airport (EWR), New Jersey; Washington Dulles International Airport (IAD), Virginia; Chicago O'Hare International Airport (ORD), Illinois; and Hartsfield-Jackson Atlanta International Airport (ATL), Georgia. This list of affected countries and airports may be modified by an updated publication in the **Federal Register** or by posting an advisory to follow at *www.cbp.gov*. The restrictions will remain in effect until superseded, modified, or revoked by publication in the **Federal Register** or posting on *www.cbp.gov*.

Dated: October 21, 2014.

R. Gil Kerlikowske,

Commissioner.

[FR Doc. 2014–25358 Filed 10–21–14; 4:15 pm]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0934]

Drawbridge Operation Regulation; Lake Washington, Seattle, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Evergreen Point Floating Bridge (State Route 520) across Lake Washington at Seattle, WA. The deviation is necessary to accommodate vehicular traffic attending football games at Husky Stadium at the University of Washington, Seattle, Washington. This deviation allows the bridge to remain in the closed position two hours before and two hours after each game. Note that the game times for the games scheduled at Husky Stadium have not yet been determined due to NCAA television scheduling.

DATES: This deviation is effective from October 25, 2014 through November 22, 2014.

ADDRESSES: The docket for this deviation, [USCG–2014–0934] is available at *http://www.regulations.gov*. Type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Steven M. Fischer, Bridge Administrator, Thirteenth District, Coast Guard; telephone 206–220–7282, email *Steven.M.Fischer3@uscg.mil*. If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Washington State Department of Transportation, on behalf of the University of Washington Police Department, has requested that the Evergreen Point Floating Bridge (State Route 520) remain closed to vessel traffic, and need not open to vessel traffic to facilitate timely movement of pre-game and post-game football traffic. The Evergreen Point Floating Bridge provides three navigational openings for vessel passage, the movable floating span, subject to this closure, and two fixed navigational openings; one on the east end of the bridge and one on the west end. The fixed navigational opening on the east end of the bridge provides a horizontal clearance of 150 feet and a vertical clearance of 57 feet (the east end navigation channel is currently blocked due to construction). The opening on the west end of the bridge provides a horizontal clearance of 170 feet and a vertical clearance of 45 feet. These vertical clearance measurements are made in reference to the Mean Water Level of Lake Washington. Vessels which do not require a bridge opening may continue to transit beneath the bridge during these closure periods. Under normal conditions this bridge opens on signal if at least two hours notice is given in 33 CFR 117.1049.

This deviation period will cover the dates October 25, 2014, November 8, 2014, and November 22, 2014. The times for the closures will be determined and announced in the Coast Guard's Local Notice to Mariners and Broadcast Notice to Mariners as they become available. Due to NCAA television scheduling, the times for the games are not currently available.

The deviation allows the center span of Evergreen Point Floating Bridge (State Route 520) to remain in the closed position and need not open for maritime traffic for two hours before and after the University of Washington football game on October 25, 2014, November 8, 2014, and November 22, 2014. The bridge shall operate in accordance to 33 CFR 117.1049 at all other times. Waterway usage on the Lake Washington Ship Canal ranges from commercial tug and barge to small pleasure craft.

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

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

Dated: October 10, 2014.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2014–25271 Filed 10–22–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0849]

RIN 1625–AA00

Safety Zone; Ordinance Removal; Saipan Harbor, CNMI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone in support of World War II ordinance disposal found southeast of Buoy 3 in Saipan Harbor. This safety zone will encompass a 140 yard radius centered around a blue and white buoy, located at approximately 15 degrees 13.370 minutes North Latitude, 145 degrees 42.256 minutes East Longitude, southeast of Buoy 3 in Saipan Harbor. (NAD 1983)

DATES: This rule is effective without actual notice from October 23, 2014 until December 18, 2014. For the purposes of enforcement, actual notice will be used from September 19, 2014, until October 23, 2014.

ADDRESSES: Documents indicated in this preamble are part of docket USCG–2014–0849. 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. (EST), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call Chief Kristina Gauthier, U.S. Coast Guard Sector Guam at (671) 355–4866. If you have any questions on viewing or submitting material to the docket, call Cheryl Collins Program Manager, Docket Operations, at (202) 366–9826 or 1–800–647–5527.

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." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable. The Coast Guard received notice of the ordinance on September 10, 2014. Due to the emergent nature of this incident, the Coast Guard did not have time to issue a notice of proposed rulemaking. The ordinance was discovered during operations related to the grounded M/V PAUL RUSS which was covered under the temporary final rule USCG–2013–0203.

Under 5 U.S.C. 553(d)(3), for the same reason mentioned above, the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Due to the late notice and inherent danger in removal of ordinance, and a grounded vessel, delaying the effective period of this safety zone would be contrary to the public interest.

B. Basis and Purpose

The legal basis for this rule is the Coast Guard's authority to establish regulated navigation areas and other limited access areas: 33 U.S.C. 1231; 33 CFR 1.05–1, 6.04–6, 160.5; and Department of Homeland Security Delegation No. 0170.1.

A safety zone is a water area, shore area, or water and shore area, for which access is limited to authorized person, vehicles, or vessels for safety or environmental purposes. The purpose of this rulemaking is to protect mariners from the potential hazards associated with salvage operations. Approaching too close to such operations could potentially expose the mariner to hazardous conditions.

C. Discussion of Rule

In order to protect the public from the hazards associated with the ordinance and subsequent removal operations, the Coast Guard is establishing a temporary safety zone, effective from September 19, 2014 until December 18, 2014. The enforcement period for this rule is from September 19, 2014 until December 18, 2014.

The safety zone is located within the Guam COTP Zone (See 33 CFR 3.70–15), and will cover all waters bounded by a circle with a 140-yard radius centered around the ordinance, located at approximately 15 degrees 13.370 North Latitude, 145 degrees 42.256 minutes East Longitude, from the surface of the water to the ocean floor.

The general regulations governing safety zones contained in 33 CFR 165.23 apply. Entry into, transit through or anchoring within this zone is prohibited unless authorized by the COTP or a designated representative thereof. Any Coast Guard commissioned, warrant, or petty officer, and any other COTP representative permitted by law, may enforce the zone. The COTP may waive any of the requirements of this rule for any person, vessel, or class of vessel upon finding that application of the safety zone is unnecessary or impractical for the purpose of maritime safety. Vessels or persons violating this rule may be subject to the penalties set forth in 33 U.S.C. 1232 and/or 50 U.S.C. 192.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of

potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. The Coast Guard expects the economic impact of this rule to be extremely minimal based on the limited geographic area affected by it.

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 safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. Traffic will be allowed to pass through the zone with the permission of the Coast Guard Patrol Commander 671–355–4821. During the effective period, we will issue maritime advisories widely available to users of the Saipan shipping channel and surrounding waters.

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 calls for no 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 or more in any one year. Though this rule will not result in such 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 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 closed area of the Saipan Harbor, to vessel traffic and water sports above and below the water, until further notice. This rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction.

List of Subjects in 33 CFR Part 165

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

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

PART 165–REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapters 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.T14–0849 to read as follows:

§ 165.T14–0849 Safety Zone; Ordinance Removal, Saipan Harbor, CNMI.

(a) *Location.* The following area, within the Guam Captain of the Port (COTP) Zone (See 33 CFR 3.70–15), from the surface of the water to the ocean floor, is a safety zone: All waters bounded by a circle with a 140-yard radius, centered around the World War II era ordinance, located at approximately 15 degrees 13.370 minutes North Latitude, 145 degrees 42.256 minutes East Longitude, southeast of Buoy 3 in Saipan Harbor (NAD 1983).

(b) *Effective period.* This rule is effective from September 19, 2014 until December 18, 2014.

(c) *Enforcement period.* This safety zone will be enforced from September 19, 2014 until December 18, 2014.

(d) *Regulations.* The general regulations governing safety zones contained in § 165.23 apply. Entry into, transit through or within this zone is prohibited unless authorized by the COTP or a designated representative thereof.

(e) *Enforcement.* Any Coast Guard commissioned, warrant, or petty officer, and any other COTP representative permitted by law, may enforce this temporary safety zone.

(f) *Waiver.* The COTP may waive any of the requirements of this rule for any person, vessel, or class of vessel upon finding that application of the safety zone is unnecessary or impractical for the purpose of maritime security.

(g) *Penalties.* Vessels or persons violating this rule are subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 192.

Dated: September 19, 2014.

B.J. Kettner,

Commander, U. S. Coast Guard, Captain of the Port Guam, Acting.

[FR Doc. 2014–25273 Filed 10–22–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Part 685

RIN 1840–AD17

[Docket ID ED–2014–OPE–0082]

William D. Ford Federal Direct Loan Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations governing the William D. Ford Federal Direct Loan (Direct Loan) Program. These regulations strengthen and improve administration of the Federal Direct PLUS Loan Program authorized under title IV of the Higher Education Act of 1965, as amended (HEA).

DATES: These regulations are effective July 1, 2015. *Implementation date:* For the implementation date, see the *Implementation Date of These Regulations* section of this document.

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SUPPLEMENTARY INFORMATION:

Executive Summary: Purpose of This Regulatory Action: We are amending § 685.200 of title 34 of the Code of Federal Regulations (CFR) to update the standard for determining if a potential parent or student borrower has an adverse credit history for purposes of eligibility for a Direct PLUS Loan (PLUS loan). Specifically, the final regulations will revise the definition of "adverse credit history" and require that parents and students who have an adverse credit history but who are approved for a PLUS loan on the basis that extenuating circumstances exist or who obtain an endorser for the PLUS loan must receive loan counseling before receiving the loan. The current regulations governing adverse credit history determinations have not been updated since the Direct Loan Program was established in 1994. The final regulations will reflect programmatic and economic changes that have occurred since 1994.

Summary of the Major Provisions of This Regulatory Action: These final regulations will—

- Revise the student PLUS loan borrower eligibility criteria to state more clearly that the PLUS loan adverse credit history requirements apply to student, as well as parent, PLUS loan borrowers.
- Add definitions of the terms "charged off" and "in collection" for purposes of determining whether an applicant for a PLUS loan has an adverse credit history.
- Specify that a PLUS loan applicant has an adverse credit history if the applicant has one or more debts with a total combined outstanding balance greater than $2,085 that are 90 or more days delinquent as of the date of the credit report, or that have been placed in collection or charged off during the two years preceding the date of the credit report.
- Provide that the combined outstanding balance threshold of $2,085 will be increased over time based on the rate of inflation, as measured by the Consumer Price Index for All Urban Consumers (CPI–U).
- Revise the provision that specifies the types of documentation the Secretary may accept as a basis for determining that extenuating circumstances exist for a PLUS loan applicant who is determined to have an adverse credit history.
- Specify that an applicant for a PLUS loan who is determined to have an adverse credit history, but who obtains an endorser, must complete PLUS loan counseling offered by the Secretary before receiving a PLUS loan.
- Specify that an applicant for a PLUS loan who is determined to have an adverse credit history, but who documents to the Secretary's satisfaction that extenuating circumstances exist, must complete PLUS loan counseling offered by the Secretary before receiving the PLUS loan.

Costs and Benefits: As further detailed in the *Regulatory Impact Analysis* section of this document, the final regulations will affect applicants for parent and student PLUS loans by modifying the standard for a determination of an adverse credit history. In particular, a student or parent will be considered to have an adverse credit history if the student or parent has one or more debts with a combined outstanding balance greater than $2,085 that are 90 or more days delinquent as of the date of the credit report, or that have been placed in collection or charged off during the two years preceding the date of the credit report.

The final regulations will also require that an applicant for a PLUS loan who is determined to have an adverse credit history but who documents to the satisfaction of the Secretary that extenuating circumstances exist or who obtains an endorser must complete PLUS loan counseling offered by the Secretary prior to receiving the loan.

In November 2011, the Department modified its procedures relating to adverse credit history determinations to be consistent with the regulations. This modification resulted in an increase in the number of PLUS loan applicants who were determined to have an adverse credit history. The Department expects that the final regulations will increase the number of PLUS loan applicants who pass the adverse credit

history check. We estimate an increase of approximately 370,000 PLUS loan applicants who will pass the adverse credit history check under the final regulations. As a result of the changes in these final regulations, these applicants will not need to apply for reconsideration of an initial PLUS loan denial due to an adverse credit history, saving them time and effort.

Additionally, because the final regulations strike a balance between increased availability of PLUS loan funds to improve student access to postsecondary education and helping to limit overborrowing through improved financial literacy, we believe that there will be benefits for both borrowers and the Department.

On August 8, 2014, the Secretary published a notice of proposed rulemaking (NPRM) for this part in the **Federal Register** (79 FR 46640).[1] The final regulations contain changes from the NPRM, which are fully explained in the *Analysis of Comments and Changes* section of this document.

Implementation Date of These Regulations: Section 482(c) of the HEA requires that regulations affecting programs under title IV of the HEA be published in final form by November 1, prior to the start of the award year (July 1) to which they apply. However, that section also permits the Secretary to designate any regulation as one that an entity subject to the regulations may choose to implement earlier and the conditions for early implementation.

Consistent with the Department's objective to improve the loan application process for Direct PLUS loan borrowers, the Secretary is exercising his authority under section 482(c) to implement the new and amended regulations included in this document as soon as possible after the publication date of these final regulations. We will publish a separate **Federal Register** notice to announce when we are ready to implement these regulations.

Public Comment: In response to our invitation in the NPRM, 310 parties submitted comments on the proposed regulations. We group major issues according to subject, with appropriate sections of the regulations referenced in parentheses. We discuss other substantive issues under the sections of the proposed regulations to which they pertain. Generally, we do not address technical or other minor changes.

Analysis of Comments and Changes: An analysis of the comments and of any changes in the regulations since publication of the NPRM follows.

General Comments: The majority of commenters expressed strong support for the proposed regulations. One commenter described the proposed regulations as an important step in making PLUS loans work better for students.

Several commenters urged the Department to launch an aggressive awareness and outreach campaign so that parents and students are made aware of the changes to the PLUS loan eligibility requirements.

A small number of commenters objected to the proposed regulations. One commenter expressed disappointment that, in the commenter's view, only small changes were made to the regulatory definition of "adverse credit history." This commenter felt that the revisions to the definition would make no difference for low-income families who may take on more debt than they can afford when borrowing PLUS loans.

We also received comments recommending additional changes to the PLUS loan regulations. One commenter recommended allowing parent borrowers to repay PLUS loans using the Income Based Repayment (IBR) plan. Another commenter recommended that we include "aggressive" loan forgiveness policies for PLUS loans. A commenter recommended that parent PLUS loans and graduate and professional student PLUS loans be separated into two different lending programs. One commenter recommended that parent PLUS loan borrowers not be allowed to borrow more for all their children than they can afford to repay in ten years, or by time the parent retires, whichever comes first.

Discussion: We appreciate the support from the overwhelming majority of commenters.

We disagree that the changes to the adverse credit history requirements are minor and will have little impact. We believe these changes will have a significant impact in providing low-income students with access to higher education and will make the financial aid process more transparent for students and their parents. In our view, the enthusiastic support for these regulations evidenced in comments submitted by students, alumni and employees of institutions of higher education, and by organizations representing students and institutions of higher education bolster that belief.

While we share the commenters' concerns about the ability of low-income students and parents who borrow PLUS loans to repay their loans, we disagree that these regulations will put low-income borrowers at risk. We believe that the enhanced consumer information that the Department will provide, which will include voluntary PLUS loan counseling for all student and parent PLUS borrowers, and the mandatory PLUS loan counseling for certain borrowers will help students and parents to understand the obligations associated with borrowing a PLUS loan and assist them in making careful decisions about taking on student loan debt.

The recommendations relating to IBR, loan forgiveness, creating two separate PLUS loan programs, and limiting the amount parent PLUS borrowers may borrow would require statutory changes.

Changes: None.

Implementation

Comments: Several commenters requested that we implement these final regulations early, by making them effective no later than January 1, 2015. One commenter noted that the procedural modifications to the process for determining whether a borrower has an adverse credit history have been in effect for three years. This commenter stated that there is a critical need to restore access to PLUS loans for low-income borrowers who do not meet the current adverse credit history standards.

Discussion: We agree that it would be beneficial to student and parent borrowers for these final regulations to be implemented as soon as possible. As stated in the *Implementation Date of These Regulations* section of this document, the Department has designated these final regulations for early implementation. The Department will implement these regulations as soon as possible after the publication date. The Department will work with schools to inform parents and students of the changes to the PLUS loan adverse credit history standards and will publish a separate **Federal Register** notice announcing the implementation date.

Student PLUS Borrower (34 CFR 685.200(b))

Comments: One commenter agreed that the adverse credit history requirements should apply to both student and parent PLUS loan applicants. This commenter also stated that a parent's adverse credit history should not prevent an eligible student from obtaining a PLUS loan.

Another commenter recommended that the Department develop separate definitions of "adverse credit history" for student PLUS loan applicants and

[1] The NPRM is available at *www.gpo.gov/fdsys/pkg/FR-2014-08-08/pdf/2014-18673.pdf.*

parent PLUS loan applicants. The commenter argued that the typical borrowing profiles of parents and of graduate and professional students are quite different, and believed that different definitions of "adverse credit history" would allow variations in the credit approval process tailored to each type of borrower.

Discussion: We appreciate the support of the commenter who agreed that the adverse credit history requirements should apply to both parent and graduate and professional student borrowers. These final regulations will state more clearly that the same requirement applies to all PLUS loan borrowers. We also note that a parent's credit history does not affect a student PLUS loan applicant's eligibility for a PLUS loan, nor does the dependent student's credit history affect the parent's PLUS loan eligibility.

We disagree with the commenter who recommended separate definitions of "adverse credit history" for parent and graduate and professional student borrowers. As noted in the NPRM, the HEA authorizes a single PLUS loan program and limits borrowing to graduate and professional students or parents who do not have an adverse credit history, as determined pursuant to regulations promulgated by the Secretary. This requirement applies equally to student and parent borrowers. The HEA does not support different definitions of "adverse credit history" for student PLUS loan applicants and parent PLUS loan applicants.

Changes: None.

Parent PLUS Borrower: Definitions (34 CFR 685.200(c)(1))

Comments: Two commenters recommended alternative definitions for the terms "charged off" and "in collection." One of these commenters believed these definitions should be consistent with definitions found on the Investopedia Web site. Another commenter recommended that the 90-day delinquent standard be incorporated into the definitions of "in collection" and "charged off." This commenter interpreted the proposed regulations to provide that debts in an "in collection" or "charged off" status for less than 90 days would not be considered to represent an adverse credit history. This commenter also recommended incorporating language into the definitions stating that a debt would not be considered to be "in collection" or "charged off" unless an appropriate administrative or judicial body had determined that the debt was 90-days delinquent.

Discussion: While we appreciate the commenter's suggestion that the Department adopt the definitions of "charged off" and "in collection" from Investopedia, using commonly understood definitions that are used in the collections industry will provide greater clarity and transparency in the PLUS loan application process. We do not agree with the suggestion that we incorporate language into the definitions stating that an appropriate administrative or judicial body would have to determine that a debt was 90 days delinquent before the debt is considered "charged off" or "in collection." It is unlikely that a creditor would incur the cost of putting a debt in collection, or would charge off a debt and stop collecting on it altogether, before the debt is at least 90 days delinquent. This is why we proposed the 90-day delinquency standard as separate from the "charged off" or "in collection" standards. Further, it is impractical, burdensome, and unnecessary to require an administrative or judicial body to determine that a debt is 90 days delinquent before it is appropriate to consider the delinquency as demonstrating an adverse credit history.

Changes: None.

Parent PLUS Borrower: Adverse Credit History (34 CFR 685.200(c)(2))

Comments: A few commenters recommended that the PLUS adverse credit history regulations take into consideration an applicant's ability to repay the PLUS loan. These commenters argued that parent eligibility under the adverse credit history criteria should include some measure of likely ability to repay the loan based on the applicant's current financial circumstances. These commenters recommended including factors such as debt-to-income ratios, minimum income requirements, credit scores, or debt-service-to-income ratios in the definition of "adverse credit history." One commenter recommended revising the PLUS loan eligibility criteria to prevent borrowing by parents whose income is below the poverty line.

These commenters stated that they did not agree with our position that consideration of a borrower's ability to repay would require an amendment to the HEA. These commenters offered several rationales to support their position.

One commenter recommended expanding the definition of adverse credit history to include those without a credit history. This commenter asked if lack of a credit history could be considered an indicator of a borrower's willingness or ability to repay a loan.

Another commenter recommended that any changes to the adverse credit history standards that would restrict PLUS loan access be implemented for new borrowers only, so as not to affect currently enrolled students who rely on PLUS loans to assist in financing their education.

Discussion: As noted in the NPRM, adverse credit history is a measure of an individual's history of repaying existing debt. It does not measure whether the individual will have the financial ability in the future to repay a specific debt; but whether the individual has paid debt in the past. As such, the commenters' recommendations to include measures of creditworthiness in determining whether an applicant has an adverse credit history are not supported by section 428B(a)(1)(A) of the HEA, which provides that an applicant is not eligible to borrow a PLUS loan if the applicant has an adverse credit history. Lack of a credit history is not an indicator that a borrower was unable or unwilling to repay a prior debt. Therefore, we do not consider lack of a credit history to be an indicator of an adverse credit history.

These final regulations will increase the number of applicants who qualify for PLUS loans based on the initial credit check and consequently decrease the total number of applicants who are approved through the extenuating circumstances process. We do not anticipate that the changes to the adverse credit history standards in these regulations will restrict access to PLUS loans for borrowers who are currently eligible for PLUS loans. Therefore, we do not see the need to limit the applicability of these final regulations to new borrowers.

Changes: None.

Component 1—Outstanding Balance Greater Than $2,085

Comments: Many commenters supported the provision that would use the threshold amount of $2,085 in debts that are 90 or more days delinquent for determining whether the applicant has an adverse credit history. However, some commenters objected to the $2,085 amount as either too low or too high.

Two commenters recommended that the threshold amount be increased to $5,000. However, one commenter argued that the $2,085 threshold amount was too high and noted that this amount could lead to a determination that an applicant who has debts significant enough to warrant ongoing collection attempts and lawsuits does not have an adverse credit history for purposes of the PLUS loan program. This

commenter recommended reducing the threshold amount to $1,000.

Another commenter asserted that there is no evidence to suggest that granting unlimited credit to applicants with $2,085 of delinquent debt will not harm borrowers and taxpayers.

Several commenters recommended that in determining whether an applicant has an adverse credit history, we should exclude debt that is not correlated with credit risk from consideration. Several commenters cited medical debt as an example of debt that does not affect the likelihood that a consumer will repay other debt. Commenters also recommended that delinquencies on debts relating to accidents, illness, or unemployment in the immediately preceding two years be disregarded. One commenter suggested that the Department disregard car loans under $7,000.

Discussion: We believe that the $2,085 threshold amount is the appropriate amount to use in determining whether a PLUS loan applicant has an adverse credit history. As explained in the NPRM, we arrived at the amount of $2,085 by calculating the estimated median debt level for the purposes of documenting extenuating circumstances for all debts with a status of in collection, charged off, or 90 or more days delinquent, for all parent PLUS loan denials resulting from all credit checks conducted between the spring of 2012 and the spring of 2013. In these regulations, we use the $2,085 threshold as a standard for the determination of an adverse credit history, rather than as part of the process for documenting extenuating circumstances to reduce the burden on borrowers. Lastly, the Department already provides special consideration for medical debt or delinquencies relating to accidents, illness, or unemployment when determining whether an applicant has an adverse credit history. Under § 685.200(c)(2)(viii)(D), the Secretary may consider the type of debt when deciding that extenuating circumstances exist with regard to an adverse credit history determination. However, we do not believe there is a justification for treating a delinquency on a car loan differently than other consumer debt which does not relate to accidents, illness or unemployment.

Changes: None.

Component 2—Adjustment Over Time

Comments: Several commenters strongly supported the provision in the proposed regulations that would provide for the Department to adjust the $2,085 threshold amount over time. Most commenters recommended using the Consumer Price Index for All Urban Consumers (CPI–U) as the basis for indexing the threshold amount. One commenter pointed out that CPI–U is the most commonly used measure of inflation. Another commenter noted that using CPI–U would be consistent with inflation measures used in other Federal programs such as the Social Security Administration's Old-Age, Survivors, and Disability Insurance (OASDI) program. The commenter stated that as the CPI rises, what is considered as "negligible debt" should also rise.

Another commenter suggested that we utilize the same methodology we used to calculate the initial $2,085 threshold amount to recalculate the threshold amount annually. The commenter argued that the threshold amount is a function of total consumer debt and overall economic conditions and that it is not affected by inflation. The commenter noted that during the time period measured to arrive at the $2,085 threshold amount, consumers had just gone through a period of easy credit followed by a recession, resulting in larger debt levels and more delinquencies. The commenter stated that, in future years, the $2,085 threshold amount may need to be reduced as debt levels and delinquencies decrease.

One commenter recommended that the Department not adjust the $2,085 threshold amount. This commenter noted that the threshold amount is relatively high, and represents potentially significant financial trouble for an applicant. The commenter stated that the threshold amount should not be adjusted, to ensure that parents with substantial financial troubles do not overborrow. However, this commenter recommended that if the Department decides to adjust the threshold amount any future changes should be based on CPI, as a recognized measure of inflation. The commenter also recommended that we inform institutions and borrowers of the yearly adjustment when we announce the new Federal student loan interest rates.

One commenter recommended that the regulations require the Secretary to increase the threshold amount, rather than permit the Secretary to adjust the amount periodically. The commenter believed that a mandatory annual adjustment to the threshold amount would prevent the value of the threshold amount from eroding over time, and could have a significant impact in preventing future PLUS loan denials.

Several commenters recommended that there be no reduction in the threshold amount in years when the CPI–U is a negative number.

Discussion: We agree with the recommendation that we index the $2,085 threshold to the Consumer Price Index (CPI–U). As the commenters noted, indexing the threshold amount to inflation will help ensure that it remains a meaningful limit to the amount of delinquent debt a PLUS loan applicant may have and still qualify for a PLUS loan.

We disagree with the recommendation that, instead of using the rate of inflation, we use the median debt levels for all debts with a status of in collection, charged off, or 90 or more days delinquent. Although this calculation of delinquent debt of PLUS borrowers was a factor used in determining the $2,085 threshold amount, we do not believe that this methodology is appropriate for use for determining appropriate changes to the future threshold amount. As the commenter pointed out, debt levels and delinquencies may decrease in the future, meaning that we would have to either decrease or not adjust the threshold amount. Using the CPI–U index gives borrowers and schools transparency about the limit of debt that is not considered to reflect an "an adverse credit history".

Similarly, we disagree with the commenter who recommended that we not index the threshold amount. In our view, if the threshold amount is not indexed to inflation, over time it would erode the value of the threshold amount due to inflation.

We agree with the commenters that the CPI–U is an appropriate measure of inflation for indexing the threshold amount. The CPI–U is used by the Social Security Administration and other Federal programs and by private firms in collective bargaining agreements. A more detailed discussion of the widespread application of the CPI–U is provided in the *Threshold Amount Indexed to Inflation* section.

Although we agree with the commenters who suggested adjusting for inflation, we disagree with the recommendation that the threshold amount be adjusted annually. An annual adjustment for inflation may result in minimal changes to the threshold amount that could cause confusion for institutions and loan applicants. Therefore these final regulations provide for increasing the $2,085 threshold amount periodically but only when the adjustment results in a significant change in the threshold amount. The Department will determine when the change in the CPI–U since the publication of these regulations or the

most recent adjustment would result in an increase of at least $100. In addition, any inflation-adjusted increase to the threshold amount will be rounded upward to the nearest $5.

Changes: We have added § 685.200(c)(2)(viii)(C) and § 685.200(c)(2)(viii)(D) to provide that the Secretary adjusts the $2,085 threshold amount, or the most recent inflation-adjusted threshold amount, when the application of the percentage change in the CPI–U to the then current threshold amount results in an increase of $100 or more. The provision also specifies that the Secretary will round up adjustments, when made, to the nearest $5.

Component 3—Debts 90 or More Days Delinquent

Comments: One commenter recommended that an applicant with delinquent debts not be considered as having an adverse credit history unless 40 percent or more of the applicant's total accounts are an average of 120 days or more past due.

Discussion: Under the commenter's proposal, an unlimited amount of delinquent debt would not be considered to be an indicator of an adverse credit history, as long as the debt represented less than 40 percent of the applicant's total accounts. Such an open-ended standard would not be in the best interests of the PLUS loan program, or of potential PLUS loan borrowers.

Changes: None.

Component 4—In Collection or Charged Off

Comments: One commenter objected to us considering debts that have been charged off as an indicator of an adverse credit history. This commenter asserted a creditor may charge off a debt for many reasons that are not indicative of a borrower's ability to repay. The commenter asserted that it is common practice in some fields, such as the agriculture industry, to charge off debts when there are significant changes beyond the control of the lender or borrower, such as natural disasters or unforeseen and unanticipated changes in economic circumstances.

This commenter also asserted that, in other industries, creditors will refer debts that are not delinquent to a collection agency as a way of escalating collection efforts. As a result, the fact that a debt is in collection does not necessarily mean that the borrower is delinquent in payment or even that the borrower owes the amount in question. Rather, it is an expression of the lender's intent to move the collection efforts to the next level.

One commenter stated that the Department had not provided evidence to demonstrate that the consideration of debts in collection or charged off as reflecting an adverse credit history will reduce PLUS loan default rates. The commenter argued that whether an applicant has accounts that are in collection or have been charged off does not provide insight into the applicant's likely repayment behavior. The commenter noted that the proposed regulatory changes may deny PLUS loans to borrowers who are capable of repaying the loans.

Several commenters expressed support for the proposal to change the period in which we consider debts in collection or charged off as reflecting an adverse credit history from the current five years to two years. One commenter suggested that two years is a reasonable time frame to demonstrate that borrowers are likely to be able to repay their loans. These commenters asserted that a longer look-back period might hamper parental access to PLUS loans due to the lingering effects of the recession. One commenter expressed the view that a one-year look-back period is not sufficient and that a five-year look-back period is not appropriate for PLUS loan applicants. This commenter stated that using a two-year look-back period, instead of a five-year look-back period, will limit the impact of unusual economic conditions.

One commenter recommended that the Department change the look-back period from two years to three years, because many States have a three-year statute of limitations on debts for written contracts. The commenter recommended extending the look-back period to reflect these statutes of limitations and to ensure that PLUS borrowers with debt that is delinquent, charged off, or in collection, are able to either rehabilitate that debt or avoid costly lawsuits that may hinder their ability to repay a PLUS loan.

Another commenter noted that the statute of limitations on a written contract varies from State to State. According to this commenter, the average statute of limitations period in all States and the District of Columbia is just over six years. The shortest statute of limitations in any State is three years, and the most common statute of limitations is six years.

Another commenter who recommended setting the look-back period at three years noted that applicants with debts in collection or that have been charged off for two years could still be subject to aggressive collection practices, which may cause further financial distress to the borrower in the near future. This commenter stated that such applicants are not good candidates for automatic approval for a PLUS loan.

Discussion: While it may be true that a debt can be charged off for reasons other than the debtor's ability or willingness to repay, generally, if a creditor has written off a debt as a loss it is an indicator that the applicant has had some difficulty repaying the amounts owed. If the reason for the charge off was something outside of the applicant's control, as suggested by the commenter, the applicant could document that reason during the extenuating circumstances process.

We are skeptical of the commenter's assertion that a creditor would refer a debt to a collection agency if a borrower is current on his or her payments. Referring a debt to a collection agency costs the creditor. Further, the commenter does not explain why a creditor would escalate collection efforts on a borrower who consistently makes on-time payments.

We also disagree that whether an applicant has accounts in collection or a charged off status does not provide insight into likely repayment behavior. The HEA requires us to determine whether an applicant has an adverse credit history and we believe that past repayment behavior is a necessary part of this required adverse credit history determination.

We thank the commenters for their support for a two-year look-back period. The Department reviewed other lenders' look-back periods (as discussed in the NPRM) and determined that the two year look-back period presents a more accurate sample of an applicant's recent credit history than the longer periods recommended by a small number of commenters.

Changes: None.

Extenuating Circumstances (34 CFR 685.200(c)(2)(viii)(A)(3))

Comments: Commenters generally expressed support for adding a provision to require loan counseling for PLUS loan applicants who are determined to have an adverse credit history, but who qualify for a PLUS loan by demonstrating that extenuating circumstances exist. However, one commenter questioned the premise that loan counseling is helpful and reduces overborrowing. This commenter was not aware of any studies demonstrating that requiring additional counseling for parent borrowers has a positive effect on loan repayment. Another commenter echoed this statement, citing a report

that questions the benefit of financial education programs.

One commenter recommended that, before requiring PLUS loan counseling, the Department conduct a comprehensive review of how such counseling would add value to the PLUS loan borrowing experience and how it would affect PLUS loan outcomes. This commenter recommended that the Department conduct focus groups to evaluate future PLUS loan counseling.

The proposed regulations would not have required PLUS loan counseling for a borrower with an adverse credit history who qualifies for a PLUS loan by obtaining an endorser. In the NPRM, the Department requested comment on whether an applicant who qualifies for a PLUS loan by obtaining an endorser who does not have an adverse credit history should be required to complete PLUS loan counseling. Several commenters expressed support for a counseling requirement for these applicants. One commenter noted that, although the applicant has an endorser, the applicant is still primarily responsible for repaying the loan. Another commenter stated that the change requiring counseling for these two groups would target some of the most vulnerable borrowers, and would help to ensure that they understand the terms and conditions of the PLUS loan.

Another commenter asserted that the Department should establish standards for documentation of extenuating circumstances. Examples of documentation that this commenter stated should be acceptable include income tax returns, bank statements or a documented lack of alternative financial support.

One commenter recommended that the extenuating circumstances that the Department would consider should be all-inclusive. The commenter stated that an applicant's good faith effort to submit documentation of extenuating circumstances should be sufficient for the applicant to obtain the loan.

Another commenter contended that the new standards for PLUS loan eligibility should apply to endorsers as well as parent and student PLUS loan borrowers. This commenter pointed out that, while an applicant with an adverse credit history may still qualify for a PLUS loan if extenuating circumstances exist, an endorser does not have the opportunity to demonstrate extenuating circumstances.

Discussion: We believe that loan counseling is a helpful tool for all borrowers but especially borrowers who may have experienced difficulties in repaying debts in the past. The Department will make voluntary counseling materials available to all PLUS loan borrowers and endorsers but require counseling for borrowers who receive PLUS loans due to extenuating circumstances or by obtaining an endorser. The counseling will provide borrowers with information specific to PLUS loans and with information that can help them successfully manage debt. The mandatory counseling will include information on the borrowers' current loan indebtedness, provide estimated loan repayment amounts, describe ways to avoid delinquency and default and provide additional financial aid literacy information. The voluntary counseling is discussed in the "Enhanced PLUS Borrower Consumer Information" section of this document. We will consider the suggestion to conduct consumer testing to evaluate PLUS loan counseling tools and materials.

We thank the commenters who responded to our request for comment on whether an applicant who qualifies for a PLUS loan by obtaining an endorser should be required to complete PLUS loan counseling. We agree with the commenters that these applicants, as well as applicants who qualify for PLUS loans based on extenuating circumstances, should be required to complete PLUS loan counseling.

We thank the commenter for recommendations on the types of documentation that the Secretary should accept to document extenuating circumstances. We agree that the types of documentation that the commenter described would be helpful in making extenuating circumstances determinations, but we do not believe it is necessary to include the examples in the regulations.

We disagree with the recommendation that extenuating circumstances be all inclusive. Under this proposal, a borrower with an adverse credit history could obtain a PLUS loan under the extenuating circumstances provisions for any reason at all, regardless of whether the extenuating circumstance was truly justified.

We disagree with the recommendation that an individual with an adverse credit history be permitted to act as an endorser for a PLUS loan applicant if the endorser can demonstrate that extenuating circumstances exist. While the "adverse credit history" definition is the same for endorsers as it is for borrowers, we do not believe that it would provide sufficient protection for taxpayers to allow an applicant who has been determined to have an adverse credit history to qualify for the loan by obtaining an endorser who also has an adverse credit history.

Changes: We have revised § 685.200(c)(2)(viii)(A)(*2*) to specify that an applicant with an adverse credit history and who has obtained an endorser must complete PLUS loan counseling offered by the Secretary to receive a PLUS loan.

Operational Issues

Extending the Validity of Credit Checks From 90 Days to 180 Days

In the NPRM, the Department announced its intention to modify its procedures so that a credit check indicating that a PLUS loan applicant does not have an adverse credit history will remain valid for 180 days, instead of the current 90 days.

With this change to the Department's procedures, any action that would normally trigger a credit check (for example, the submission of a Direct PLUS Loan Request or a PLUS loan origination record) will not do so if a prior credit check on the applicant that revealed no adverse credit issues was conducted within the past 180 days. We plan to implement this procedural change as soon as possible, and will inform schools in advance of the effective date of the change through an announcement on the Department's Information for Financial Aid Professionals Web site.

Comments: Several commenters expressed support for this increase in the length of the period during which a credit check is valid. One commenter encouraged the Department to continue to review this issue, with the goal of eventually extending the validity of an approved credit check for at least one award year, so that PLUS borrowers would have additional certainty about their continued eligibility to receive PLUS loan funds. Another commenter agreed that the current 90-day period was too short, but felt that a period longer than 180 days may be too long.

Discussion: We appreciate the support for this change. We believe that extending the window for more than 180 days would result in individuals receiving PLUS loans based on credit checks that do not reasonably reflect their current financial circumstances.

Collecting and Publishing Information on the Performance of PLUS Loans

In the NPRM, the Department stated that it intends to collect and, where appropriate, publish information about the performance of parent and graduate and professional student PLUS loans, including default rate information based

on credit history characteristics of PLUS loan applicants and individual institutional default rates.

Comments: Several commenters responded to the Department's plan to collect and publish this information. One organization stated that it is not opposed to the Department improving transparency by providing more information about participation in the PLUS Loan program, such as the number of applications; approval, denial and reconsideration rates; and amounts borrowed. However, the commenter expressed concerns about the Department's intent to publish PLUS loan default rate information. The commenter argued that, in its view, the overall PLUS loan default rate is relatively low. The commenter also argued that since the Department, not institutions, establishes PLUS loan eligibility criteria and makes the loans, it would not be fair to publish institutional PLUS loan default rates.

Another commenter asserted that it would make sense to provide institutional default rates for PLUS loans made to graduate and professional students, but expressed concerns about publishing parent PLUS loan default rates. The commenter asserted that there is no correlation between a parent PLUS borrower's repayment behavior and the earnings capacity of an institution's graduates.

One commenter supported the Department's plan to release more information about the PLUS loan program, including default rate information, but felt that default rates alone do not provide a complete picture of how widespread financial distress might be. The commenter urged us to collect, analyze, and publish robust data on the repayment patterns of PLUS loan borrowers, and to disaggregate the data for student and parent borrowers.

One commenter noted that the Department provided the members of the negotiated rulemaking committee that considered the draft proposed regulations with data on this topic, including PLUS loan application rejection rates, reasons for rejection, sector-level default rates, and other information (*see* the discussion in the NPRM at 79 FR 46640, 46641–46643 (August 8, 2014)). The commenter urged the Department to continue providing this information annually, keeping student and parent PLUS borrower data separate, so that researchers and policymakers can better understand the performance of the PLUS loan program. The commenter also strongly recommended that the Department create a process for institutions to review PLUS loan default rate data and then publish institutional PLUS loan cohort default rates annually.

Discussion: We appreciate the feedback and will take the commenters' concerns and recommendations into consideration as we formalize our plans to collect and publish information on the performance of PLUS loans. The Department will collect and, where appropriate, publish information about the performance of parent and graduate and professional student PLUS loans, including default rate information based on credit history characteristics of PLUS loan applicants and individual institutional default rates.

Enhanced PLUS Borrower Consumer Information

In the NPRM, we invited suggestions for specific types of enhanced consumer information that the Department should develop for PLUS applicants, particularly parent PLUS applicants who may be planning to borrow for more than one dependent over multiple academic years.

Comments: Several commenters supported the Department's plans to develop enhanced consumer information for PLUS loan borrowers and provided suggestions for topics to be covered. These suggestions included the following:

- An explanation of the definition of "adverse credit history" and a description of consumer credit reports;
- For parent PLUS loan borrowers, a reminder that the parent, not the student on whose behalf the loan is obtained, is responsible for repaying the loan, and that a parent PLUS loan cannot be transferred to the student;
- An explanation of the repayment options available to parent PLUS loan borrowers;
- A reminder to borrowers who take out more than one PLUS loan on how future PLUS loans will affect loan payments; and
- A calculator to permit PLUS loan applicants to enter non-mortgage debt and net income to determine whether they can manage additional debt.

One commenter strongly encouraged us to explore ways for PLUS loan borrowers and their families to receive personalized, customized, and sustained counseling from subject-matter experts on navigating the financial aid process, avoiding over-borrowing, the importance of managing student loan debt, and budgeting and personal financial management skills. The commenter noted that such specialized counseling services should be available to those with adverse credit histories to help prevent delinquency and default and promote long-term financial well-being.

Discussion: We agree that it would be helpful to include some of the recommended items in our enhanced consumer information for all PLUS applicants. The enhanced consumer information will include voluntary PLUS loan counseling for all student and parent PLUS borrowers. The voluntary PLUS loan counseling will be easily accessible to borrowers who are seeking PLUS loans and will also be made available through links on other Department Web sites. The following are some of the items that will be included in the voluntary counseling for all PLUS borrowers:

- A calculator that will allow borrowers to estimate their future required monthly payment amount under available repayment plans.
- Tools to assist borrowers in determining how factors such as taking out additional PLUS loans or deferring repayment until the student leaves school will affect the required monthly payment amount and total loan amount to be repaid.
- Available repayment plans for student and parent PLUS borrowers.
- Information about loan consolidation.
- Budgeting information, with an emphasis on borrowing only the minimum amount needed.
- Strategies for avoiding delinquency and default.

This enhanced consumer information will be made available prior to the start of the 2015–2016 academic year.

PLUS Loan Information for Institutions and Consumers and the Most Effective Way To Communicate With Parent PLUS Borrowers

In the NPRM, we invited comments on what other types of information about parent PLUS loans would be helpful for institutions and consumers, and suggestions on the most effective way for the Department to communicate with parent PLUS loan borrowers.

Comments: We received suggestions that included some of the recommendations for enhanced PLUS loan borrower consumer information described earlier in this section, as well as the following:

- Resources for borrowers to learn how to improve their credit history to qualify for future borrowing;
- The definition of "endorser" and an explanation of the responsibilities assumed by a PLUS loan endorser;
- The importance of understanding debt-to-earnings considerations *before* an individual takes on new loan debt; and

- The penalties for fraudulent PLUS loan applications.

One commenter suggested that effective ways to communicate with parent PLUS loan borrowers include the following:

- In-person counseling with qualified professionals;
- Online counseling that is engaging, interactive, and includes knowledge checks;
- Online tutorials on specific topics; and
- Customer service using certified financial counselors who understand the concepts and tools needed to assist parents throughout the PLUS loan process.

Another commenter suggested that it may be helpful for the Department to provide paper informational materials to parent PLUS borrowers in addition to providing online resources, since some parent borrowers may have computer literacy challenges or may not have access to a computer.

Discussion: We appreciate these comments. The commenters provided many useful recommendations that will assist the Department as we consider options for better communicating with parent PLUS borrowers and providing enhanced information about parent PLUS loans to borrowers and institutions. Consistent with these goals, the voluntary PLUS loan counseling that the Department is developing will make use of graphs and charts to more clearly and effectively explain important concepts. The counseling will include knowledge checks to assess the borrower's understanding of the material. Borrowers will be able to download the content of the voluntary counseling for future reference.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Introduction

The Department makes Direct PLUS Loans to graduate and professional students and to parents of dependent undergraduate students to help them pay for education expenses not covered by other financial aid. According to data from the Department's Federal Student Aid (FSA) office, approximately 3.9 million borrowers owe a combined balance of $100 billion in total Direct PLUS loans. The Department is amending these regulations to update the standard for determining if a potential borrower has an adverse credit history for purposes of eligibility for a Direct PLUS loan.

Under Executive Order 12866, the Secretary must determine whether this regulatory action is "significant" and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a "significant regulatory action" as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an "economically significant" rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This final regulatory action is a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed these regulations under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency "to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible." The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include "identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes."

We are issuing these final regulations only on a reasoned determination that their benefits would justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits to borrowers and institutions. Based on the analysis that follows, the Department believes that these final regulations are consistent with the principles in Executive Order 13563.

We have also determined that this regulatory action does not unduly interfere with State, local, or tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs associated with this regulatory action are those we have determined as necessary for administering the Department's programs and activities.

This Regulatory Impact Analysis is divided into six sections. The "Need for Regulatory Action" section discusses why updating the regulatory requirements governing PLUS loan adverse credit history determinations is necessary.

The "Summary of Changes from the NPRM" section summarizes the most important revisions the Department made in these final regulations since publication of the NPRM. These changes were informed by the Department's consideration of the comments of 310 parties who submitted comments on the proposed regulations. The changes are intended to clarify the Department's regulations on adverse credit history determinations and eligibility for PLUS loans. In these final regulations, the Department is making two major changes in the proposed rules since the NPRM: (1) Permitting the Secretary to increase the debt threshold amount of $2,085 based on a measure of inflation; and (2) requiring borrowers who qualify for a PLUS loan by obtaining an endorser to complete PLUS loan counseling provided by the Department.

The "Discussion of Costs, Benefits, and Transfers" section considers the cost and benefit implications of these

regulations for institutions of higher education, students, and parents. We anticipate that the final regulations will result in a lower denial rate for PLUS loan applicants and a decline in the number of applicants who are subject to the extenuating circumstances process. For some parents and graduate and professional students who would be denied PLUS loans under the current standards, the final regulations will allow them to borrow a PLUS loan.

Under "Net Budget Impacts," the Department presents its estimate that the final regulations will not have a significant net budgetary impact on the Federal government.

In "Alternatives Considered," we describe other approaches we considered for key provisions of these regulations, including an automatic annual adjustment of the $2,085 threshold based on the CPI–U.

Finally, the "Final Regulatory Flexibility Analysis" considers issues relevant to small businesses and nonprofit institutions.

Elsewhere in this section under *Paperwork Reduction Act of 1995,* we identify and explain burdens specifically associated with information collection requirements.

Need for Regulatory Action

Executive Order 12866 emphasizes that "Federal agencies should promulgate only such regulations as are required by law, are necessary to interpret the law, or are made necessary by compelling public need, such as material failures of private markets to protect or improve the health and safety of the public, the environment, or the well-being of the American people." In this case, there is indeed a compelling public need for regulation. Congress amended the HEA in 2010 to end the origination of new loans under the Federal Family Education Loan (FFEL) Program. All new subsidized and unsubsidized Stafford loans, PLUS loans, and Consolidation loans are made under the Direct Loan Program. To be eligible for a Federal Direct PLUS loan, under the statute, an applicant must not have an adverse credit history. To determine if an applicant has an adverse credit history, the Department conducts a credit check on the applicant. Under current regulations, a PLUS loan applicant is considered to have an adverse credit history if the credit report shows that the applicant is 90 days delinquent on any debt, or has been the subject of a default determination, bankruptcy discharge, foreclosure, repossession, tax lien, wage garnishment, or write-off of a title IV, HEA program debt in the five years preceding the date of the credit report.

Since 2011, we have made operational changes to the Direct Loan Program to improve compliance with the applicable regulations. In accordance with those regulations, the Department has applied standards for adverse credit history determinations for PLUS loan applicants under which an applicant with debts in collection or charged off is considered to have an adverse credit history because the applicant is 90 or more days delinquent on a debt. Based on these standards, more PLUS loan applicants were determined to have an adverse credit history and had to request reconsideration of the PLUS loan denial through the Department's process for determining whether there are extenuating circumstances for an adverse credit history. After these changes resulted in an increase in PLUS loan denials, the Department made operational changes to the extenuating circumstances process to ensure that the statutory adverse credit history requirement was applied fairly without burdening borrowers or restricting access to higher education. In the interest of providing transparency to institutions and families, we concluded that the Department's operational changes should be reflected in the regulatory requirements governing PLUS loan adverse credit history determinations, which were originally established in 1994.

The final regulations will amend the definition of "adverse credit history" and will update the standard for determining if a potential PLUS loan borrower has an adverse credit history. In addition, the final regulations require that a parent or student with an adverse credit history who is approved for a PLUS loan as a result of the Secretary's determination that extenuating circumstances exist or who qualifies for a PLUS loan by obtaining an endorser must complete PLUS loan counseling before receiving the loan.

Summary of Changes From the NPRM

1. Threshold Amount Indexed to Inflation

In the NPRM, the Department solicited comments on the appropriate inflation measure to use to index the $2,085 threshold debt amount. Most of the commenters that responded to this solicitation agreed that the Department should index the $2,085 to an inflation measure, and that the CPI–U produced by the Bureau of Labor Statistics would be the most appropriate measure. The Department believes that indexing the threshold amount to inflation will ensure that it remains a meaningful limit on the amount of delinquent debt a PLUS applicant may have. The CPI–U is the most commonly used measure of inflation and it is also commonly used as a means of adjusting dollar values. The CPI–U is used to adjust consumers' income payments (for example, Social Security), to adjust income eligibility levels for government assistance and to provide cost-of-living wage adjustments to workers. Over 50 million Social Security beneficiaries and military and Federal Civil Service retirees, have cost-of-living adjustments tied to the CPI–U. In addition, eligibility criteria for millions of food stamp recipients are tied to the CPI–U.[2] Along with other agencies, the Department also uses the CPI–U for many purposes such as determining various amounts under the Individuals with Disabilities Education Act (IDEA) and the Rehabilitation Act of 1973. To be consistent with the practice of other Federal agencies and the Department itself, we have determined that the CPI–U is the most appropriate inflation measure to use to adjust the threshold debt amount.

The initial threshold amount will be $2,085. The Department will adjust this amount for inflation, using the CPI–U, only when doing so will result in a cumulative increase in the threshold amount of $100 or more. The adjustments will be determined by multiplying $2,085, or the most recent inflation adjusted amount, by the sum of all subsequent annual average percentage changes of All Items CPI–U, before seasonal adjustment, for the 12-month periods ending in December. When the product of this calculation equals or exceeds $100, the product will be rounded up to the nearest $5. This adjustment amount will then be added to the threshold amount to derive a revised higher threshold amount that reflects inflation. When the recalculated adjustment amount increases by $100 or more, the Department will notify the public of the new threshold amount and apply it to PLUS loan eligibility determinations after it is announced.

Some commenters recommended an annual adjustment of the threshold amount based on inflation. The Department believes that adjusting the threshold amount for inflation annually would result in minimal annual increases and is unnecessary. Therefore these final regulations provide for increasing the $2,085 threshold only when applying the CPI–U for prior years

[2] "Consumer Price Index: Addendum to Frequently Asked Questions." *Bureau of Labor Statistics.* (*http://stats.bls.gov/cpi/cpiadd.htm#2_3*)

would result in an increase of $100 or more.

2. Counseling for PLUS Loan Borrowers Who Qualify for a PLUS Loan by Obtaining an Endorser

The proposed regulations in the NPRM did not include a requirement that an applicant with an adverse credit history who qualifies for a PLUS loan by obtaining an endorser must receive PLUS loan counseling before receiving the loan. The Department solicited comments on whether these applicants should be required to complete PLUS loan counseling. Most commenters expressed support for a counseling requirement for these applicants. One commenter noted that, although the applicant has an endorser, the applicant is still primarily responsible for repaying the loan. Another commenter stated that the change requiring counseling for these two groups would target some of the most vulnerable borrowers, and would help to ensure that they understand the terms and conditions of the PLUS loan.

The Department agrees with the comments suggesting that loan counseling is a helpful tool for all borrowers, especially borrowers who may have experienced difficulties in repaying debts in the past. Counseling designed to provide borrowers with information specific to PLUS loans and to help borrowers successfully manage debt is important. The Department has revised these regulations to require that an applicant who has an adverse credit history and who has obtained an endorser complete PLUS loan counseling offered by the Secretary in order to receive a PLUS loan.

Discussion of Costs, Benefits, and Transfers

The Department expects that, as a result of these regulations, the number of approved applications for parent and graduate and professional student PLUS loans will increase from current levels and that this will result in a series of costs, benefits, and transfers. The most significant factor leading to this increase is expected to be the establishment of a new standard for the determination that an applicant has an adverse credit history. In particular, under these final regulations, an adverse credit history means that the applicant has one or more debts with a total combined outstanding balance greater than $2,085 that are 90 or more days delinquent as of the date of the credit report, or that have been placed in collection or charged off during the two years preceding the date of the credit report.

These final regulations also clarify the process by which PLUS loan applicants who were denied a loan may request reconsideration, and may increase the percentage of denied loan applicants who eventually qualify for PLUS loans after requesting reconsideration or obtaining an endorser who does not have an adverse credit history.

As discussed in the NPRM, parent PLUS loan applicants and their dependent students would be affected by these final regulations. Under these regulations, a larger number of parent PLUS loan applicants would be approved for PLUS loans on behalf of their dependent students without the extenuating circumstances process. As a result, some families could accrue higher loan debt amounts.

Parents who take out PLUS loans on behalf of their dependent children are acquiring some of the debt burden associated with their child's education and in some cases, most of the burden since there are no loan limits on how much parents may borrow, unlike the subsidized and unsubsidized loan limits for undergraduate students. Parent PLUS loans have higher interest rates and origination fees than Direct Subsidized and Direct Unsubsidized loans.

Increased access to PLUS loans may allow some students to continue their attendance in programs that they otherwise would not be able to afford. While some applicants may use additional Direct Unsubsidized loans to cover their educational expenses after their applicant parents have been denied PLUS loans, others may be unable to make up the difference because of annual or lifetime aggregate limits on Stafford loans and the larger cost of their selected institution. This could result in a student having to withdraw from a particular education program, transfer to another less-expensive program or institution, or find additional means of financing education, such as private student loans. Since PLUS loans can be borrowed up to the cost of attendance, they may be used to more fully cover funding gaps for dependent students who have exhausted their annual or lifetime aggregate limits for Direct Subsidized and Unsubsidized loans or allow students to attend more expensive institutions. PLUS loans often help lower-income students whose parents may lack the personal or family resources to pay for college. PLUS loans can also help graduate and professional students without their own personal resources achieve graduate degrees.

Applicants with an adverse credit history who qualify for a PLUS Loan by demonstrating that extenuating circumstances exist, or who qualify for a PLUS loan by obtaining an endorser, will be required to participate in loan counseling provided by the Department. This requirement could help PLUS loan applicants make better-informed decisions and avoid overborrowing for their own or their child's education.

Net Budget Impacts

As detailed in the NPRM, many of the changes are already reflected in the baseline budget estimates related to the PLUS loan program. However, due to data limitations, the net budget impact of this proposal could not be determined at this time. Consistent with the requirements of the Credit Reform Act of 1990, budget cost estimates for the student loan programs reflect the estimated net present value of all future non-administrative Federal costs associated with a cohort of loans. (A cohort reflects all loans originated in a given fiscal year.)

As described in the NPRM, the Department's changes to the process for making adverse credit history determinations in 2011 have already been incorporated into the Department's budget baseline. A commenter argued that the Department should have compared the effects of the proposed regulations to a baseline that did not include the 2011 changes so that the effect of the regulations would be a net increase in the level of PLUS loan application denials. The Department appreciates the comment. However, the Department believes that using the President's Budget 2015 baseline that reflects current operations and any changes in PLUS loan volume from the 2011 changes in the process for adverse credit determinations is appropriate

As discussed in the NPRM, the changes in the regulations, including (1) using $2,085 as an upfront threshold amount in the determination of an adverse credit history, and (2) the reduced look-back period of two years for accounts in collection and accounts that have been charged off to trigger a determination of adverse credit, will likely decrease the number of PLUS loan applicants who are denied loans based on an adverse credit history determination.

However, loans made to borrowers who would have been considered to have an adverse credit history before the changes in the regulations could have a higher incidence of default or could be difficult for borrowers to repay. If that were the case, potential savings from any increased PLUS volume resulting from the regulations would be reduced or even reversed. The Department does

not have data to determine if borrowers who would have been considered to have an adverse credit history in the absence of the regulations have a greater incidence of default or repayment difficulty but, if a subsidy rate were available for this subgroup of PLUS borrowers, it would likely differ from the overall PLUS subsidy rate. The budget baseline already reflects the $2,085 threshold amount as currently used in the Department's process for considering requests for reconsideration and most of the charged-off accounts or accounts in collection that would result in an adverse credit history determination fall within the two-year period that is in the final regulations. Therefore, the Department has not estimated a significant net budget impact from the regulations.

Assumptions, Limitations, and Data Sources

In developing these estimates, a wide range of data sources were used, including data from the National Student Loan Data System; operational and financial data from Department of Education systems, including especially the Fiscal Operations Report and Application to Participate (FISAP) from institutions; and data from a range of surveys conducted by the National Center for Education Statistics, such as the 2011–2012 National Postsecondary Student Aid Survey and the 2004/09 Beginning Postsecondary Student Survey. Data from other sources, such as the U.S. Census Bureau, were also used.

Accounting Statement

As required by OMB Circular A–4 (available at *www.whitehouse.gov/sites/default/files/omb/assets/omb/circulars/a004/a-4.pdf*), in Table 1, we have prepared an accounting statement showing the classification of the expenditures associated with the provisions of these regulations. Expenditures are classified as transfers from the Federal Government to student loan borrowers.

TABLE 1—ACCOUNTING STATEMENT: CLASSIFICATION OF ESTIMATED EXPENDITURES

[In millions]

Category	Benefits	
Improved clarity in process for adverse credit determinations for PLUS loans	Not quantified	
Category	**Costs**	
	7%	3%
Costs of compliance with paperwork requirements	$6.21	$6.25

Alternatives Considered

The regulatory alternatives that were considered were discussed in the NPRM (79 FR 46653). Further, as discussed in the *Analysis of Comments and Changes* section of this document, we received comments from 310 parties during the comment period following publication of the NPRM. These comments covered a range of issues, including indexing the $2,085 minimum threshold amount to an inflation measure. The Department considered the suggestion made by commenters that the $2,085 debt threshold amount be automatically adjusted each year based on CPI–U but decided that adjusting for inflation annually for what may be a minimal increase is unnecessary.

Final Regulatory Flexibility Analysis

The regulations will affect institutions that participate in the title IV, HEA programs, including alternative certification programs not housed at institutions, and individual borrowers. The U.S. Small Business Administration (SBA) Size Standards define for-profit institutions as ''small businesses'' if they are independently owned and operated and not dominant in their field of operation, with total annual revenue below $7,000,000. The SBA Size Standards define nonprofit institutions as ''small organizations'' if they are independently owned and operated and not dominant in their field of operation, or as ''small entities'' if they are institutions controlled by governmental entities with populations below 50,000. The number of title IV, HEA-eligible institutions that are small entities would be limited because of the revenues involved in the sector that would be affected by the regulations and the concentration of ownership of institutions by private owners or public systems. However, the definition of ''small organization'' does not factor in revenue. Accordingly, several of the entities subject to the regulations are ''small entities,'' and we have prepared this Final Regulatory Flexibility Analysis.

Description of the Reasons That Action by the Agency Is Being Considered

These regulations will update the standards for determining whether a parent or student has an adverse credit history for purposes of eligibility for a Direct PLUS Loan. The regulations will require PLUS loan counseling for a parent or student with an adverse credit history who obtains a PLUS loan as a result of the Secretary's determination that extenuating circumstances exist or who receives a loan after obtaining an endorser.

Succinct Statement of the Objectives of, and Legal Basis for, the Regulations

Current Direct Loan regulations (34 CFR 685.200(b) and (c)) specify that graduate and professional students, and parents borrowing on behalf of their dependent children, may borrow PLUS loans. PLUS loan borrowers must meet applicable eligibility requirements.

Description of and, Where Feasible, an Estimate of the Number of Small Entities to Which the Regulations Will Apply

The regulations will affect the approximately 7,500 institutions that participate in the title IV, HEA loan programs, as the amount and composition of title IV, HEA program aid that is available to students affects students' enrollment decisions and institutional choice. Approximately 60 percent of institutions of higher education qualify as small entities. Using data from the Integrated Postsecondary Education Data System, we estimate that 4,365 institutions qualify as small entities—1,891 are nonprofit institutions, 2,196 are for-profit institutions with programs of two years or less, and 278 are for-profit institutions with four-year programs.

Description of the Projected Reporting, Recordkeeping, and Other Compliance Requirements of the Regulations, Including an Estimate of the Classes of Small Entities That Will Be Subject to the Requirements and the Type of Professional Skills Necessary for Preparation of the Report or Record

The new regulations will not change the reporting requirements related to PLUS loans for institutions. Accordingly, the Department does not expect a change in institutional burden from the current regulations. However, PLUS loan borrowers with an adverse credit history who request reconsideration based on extenuating circumstances must provide satisfactory documentation that extenuating circumstances exist, and will be required to complete loan counseling offered by the Secretary. In addition, PLUS loan borrowers who qualify for a PLUS loan after obtaining an endorser will also be required to complete loan counseling.

Identification, to the Extent Practicable, of All Relevant Federal Regulations That May Duplicate, Overlap, or Conflict With the Regulations

The regulations are unlikely to conflict with or duplicate existing Federal regulations.

Alternatives Considered

The Department conducted a negotiated rulemaking process to develop the proposed regulations and considered a number of options for some of the provisions. No alternatives were aimed specifically at small entities.

Paperwork Reduction Act of 1995

Section 685.200 contains information collection requirements. Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3507(d)), the Department has submitted a copy of the section, and will submit the Information Collections Request (ICR) to the Office of Management and Budget (OMB) for its review.

A Federal agency may not conduct or sponsor a collection of information unless OMB approves the collection under the PRA and the corresponding information collection instrument displays a currently valid OMB control number. Notwithstanding any other provision of law, no person is required to comply with, or is subject to penalty for failure to comply with, a collection of information if the collection instrument does not display a currently valid OMB control number.

Section 685.200 Borrower Eligibility

Requirements: Under the final regulations in § 685.200(b)(5)and (c)(2)(viii)(A)(*3*), we require that a PLUS loan applicant who is determined to have an adverse credit history, in addition to providing documentation to the Secretary demonstrating that extenuating circumstances exist, must complete enhanced PLUS loan counseling to receive the PLUS loan. We believe that enhanced loan counseling will help these PLUS loan applicants to understand the ramifications of incurring this additional debt.

Based on comments received on the NPRM, we are expanding the requirement that PLUS loan applicants receive new enhanced PLUS loan counseling to also apply to PLUS loan applicants who have an adverse credit history, but who qualify for a PLUS loan by obtaining an endorser who does not have an adverse credit history. The PLUS loan applicant (but not the endorser) will be required to complete enhanced PLUS loan counseling under § 685.200(c)(2)(viii)(A)(*2*).

General: Since the publication of the NPRM, we have continued to examine available data and have based our revised burden calculation on the actual number of borrowers with adverse credit histories who documented extenuating circumstances, and the actual number of borrowers with adverse credit histories who obtained an endorser who does not have an adverse credit history during the period of March 23, 2013, through February 26, 2014, instead of basing our burden estimate on derived numbers.

Burden Calculation: During the period of March 23, 2013 through February 26, 2014, there were 785,734 PLUS loan denials. Our records indicate that, of those denials, 147,400 PLUS loans were approved after the extenuating circumstances process was completed and 63,126 PLUS loans were approved after the borrower obtained an endorser who does not have an adverse credit history.

Graduate and Professional PLUS Borrowers

All graduate and professional students who are first-time PLUS borrowers are currently required to undergo PLUS loan entrance counseling. We estimate that the enhanced PLUS loan borrower counseling requirements for each graduate and professional student who qualifies for a PLUS loan based on extenuating circumstances will, on average, increase loan counseling by 0.50 hours (30 minutes).

We estimate that, on average, each borrower's submission of documentation for the Secretary's consideration of the borrower's extenuating circumstances will take 1 hour.

We estimate that, on average, a borrower with an adverse credit history who elects to obtain an endorser who does not have an adverse credit history will require 1 hour to obtain such an endorser.

For applicants that qualify for a PLUS loan after obtaining an endorser, we estimate that, on average, each borrower will require an additional 0.50 hours to complete the enhanced PLUS loan counseling.

Of the 29,179 applicants for PLUS loans to pay for attendance at private for-profit institutions whose applications were denied, our data show that there were 10,984 graduate and professional students who received a loan after the initial denial of a PLUS loan request using the extenuating circumstances process review or after obtaining an endorser who does not have an adverse credit history. Of the 10,984 PLUS loan applicants, 7,607 were approved by documenting that extenuating circumstances existed and 3,377 PLUS loan applicants were approved after the applicant obtained an endorser who does not have an adverse credit history.

Our data show that there were 7,607 borrowers who were approved for a loan based on documentation of existing extenuating circumstances and we estimate that the burden will increase by 3,804 hours (7,607 approved requests multiplied by 0.50 hours per enhanced counseling session). Our data show that there were 3,377 borrowers who received a loan after obtaining an endorser who does not have an adverse credit history and we estimate that the burden will increase by 1,689 hours (3,377 approved requests multiplied by 0.50 hours per enhanced counseling session).

We estimate a total increase of 16,477 hours of burden for graduate and professional student PLUS borrowers at private for-profit institutions (10,984 hours for the collection and submission of documentation of existing extenuating circumstances or to obtain an endorser who does not have an adverse credit history, plus an additional 3,804 hours of enhanced counseling for borrowers who qualify for a loan after demonstrating that extenuating circumstances exist, and an additional 1,689 hours of enhanced counseling for the borrowers who receive a loan after obtaining an endorser who does not have an adverse

credit history) under OMB Control Number 1845–0129.

Of the 56,484 applicants for PLUS loans to pay for attendance at private non-profit institutions whose applications were denied, our data show that there were 33,594 graduate and professional students who received a loan after the initial denial of a PLUS loan request using the extenuating circumstances process review or after obtaining an endorser who did not have an adverse credit history. Of the 33,594 PLUS applicants, 21,424 were approved by documenting that extenuating circumstances existed and 12,170 PLUS applicants were approved after the applicant obtained an endorser who does not have an adverse credit history.

Our 2013–14 data show that there were 21,424 borrowers who were approved for a loan based on documentation of existing extenuating circumstances and we estimate that the burden will increase by 10,712 hours (21,424 approved requests multiplied by 0.50 hours per enhanced counseling session). Our data show that there were 12,170 borrowers who received a loan after obtaining an endorser who does not have an adverse credit history and we estimate that the burden will increase by 6,085 hours (12,170 approved requests multiplied by 0.50 hours per enhanced counseling session).

We estimate a total increase of 50,391 hours of burden for graduate and professional PLUS borrowers at private non-profit institutions (33,594 hours for the collection and submission of documentation of existing extenuating circumstances or to obtain an endorser who does not have an adverse credit history plus an additional 10,712 hours of enhanced counseling for borrowers who received a loan after demonstrating that extenuating circumstances exist and an additional 6,085 hours of enhanced counseling for the borrowers who received a loan after obtaining an endorser who does not have an adverse credit history) under OMB Control Number 1845–0129.

Of the 40,385 applicants for PLUS loans to pay for attendance at public institutions whose applications were denied, our data show that there were 18,503 graduate and professional students who received a loan after the initial denial of a PLUS loan request using the extenuating circumstances process review or after obtaining an endorser who does not have an adverse credit history. Of the 18,503 PLUS applicants, 12,650 were approved by documenting existing extenuating circumstances and 5,853 were approved after the applicant obtained an endorser who does not have an adverse credit history.

Our data show that there were 12,650 borrowers who were approved for a loan based on documentation of existing extenuating circumstances and we estimate that the burden will increase by 6,325 hours (12,650 approved requests multiplied by 0.50 hours per enhanced counseling session). Our data show that there were 5,853 borrowers who received a loan after obtaining an endorser who does not have an adverse credit history and we estimate that the burden will increase by 2,927 hours (5,853 approved requests multiplied by 0.50 hours per enhanced counseling session).

We estimate a total increase of 27,755 hours of burden for graduate and professional student PLUS borrowers at public institutions (18,503 hours for the collection and submission of documentation of extenuating circumstances or to obtain an endorser who does not have an adverse credit history plus an additional 6,325 hours of enhanced counseling for borrowers with extenuating circumstances and an additional 2,927 hours of enhanced counseling for the borrowers who receive a loan after obtaining an endorser who does not have an adverse credit history) under OMB Control Number 1845–0129.

Of the 3,052 denials of applicants for PLUS loans to pay for attendance at foreign institutions whose applications were denied, our data show that there were 2,426 graduate and professional students who received a loan after the initial denial of a PLUS loan request using the extenuating circumstances process review or after obtaining an endorser who does not have an adverse credit history. Of the 2,426 PLUS loan applicants, 1,505 were approved by documenting existing extenuating circumstances and 921 PLUS applicants approved after the applicant obtained an endorser who does not have an adverse credit history.

Our data show that there were 1,505 borrowers who were approved for a loan based on documentation of existing extenuating circumstances and we estimate that the burden will increase by 753 hours (1,505 approved requests multiplied by 0.50 hours per enhanced counseling session). Our data show that there were 921 borrowers who received a loan after obtaining an endorser who does not have an adverse credit history and we estimate that the burden will increase by 461 hours (921 approved requests multiplied by 0.50 hours per enhanced counseling session).

We estimate a total increase of 3,640 hours of burden for graduate and professional student borrowers at foreign institutions (2,426 hours for the collection and submission of documentation of extenuating circumstances, or to obtain an endorser who does not have an adverse credit history, plus an additional 753 hours of enhanced counseling for borrowers who qualify for a loan after demonstrating that extenuating circumstances exist, and an additional 461 hours of enhanced counseling for the borrowers who receive a loan after obtaining an endorser who does not have an adverse credit history) under OMB Control Number 1845–0129.

The total increase in burden for § 685.200(b)(5) will be 98,263 hours under OMB Control Number 1845–0129.

Parent PLUS Loan Borrowers

Based on comments received on the NPRM, these final regulations provide that any parent PLUS loan applicant who has an adverse credit history, but who qualifies for a loan after demonstrating extenuating circumstance or after obtaining an endorser who does not have an adverse credit history, must complete enhanced PLUS loan counseling before receiving a PLUS loan. Under the proposed regulations only a parent with an adverse credit history who was approved for a loan after demonstrating extenuating circumstances would have been required to complete the enhanced PLUS loan counseling before receiving a PLUS loan.

As a result of the Department's development of enhanced PLUS loan counseling, the amount of time that it will take a parent to complete the PLUS loan counseling has been increased from the NPRM estimate. We now estimate that, on average, each parent PLUS loan borrower who is required to complete the enhanced PLUS loan counseling will take 0.75 hours (45 minutes) to complete the loan counseling session. This is an additional 15 minutes from the NPRM estimate.

We estimate that, on average, each borrower submission of documentation for the Secretary's consideration of the borrower's extenuating circumstances will take 1 hour.

We estimate that, on average, a borrower who elects to obtain an endorser who does not have an adverse credit history will require 1 hour to obtain an endorser.

For applicants who receive a PLUS loan after obtaining an endorser, we estimate that, on average, each borrower (but not the endorser) will require an additional 0.75 hours to complete the enhanced PLUS loan counseling.

Of the 83,432 applicants for parent PLUS loans to pay for attendance at private for-profit institutions whose applications were denied, our data show that there were 10,480 parent borrowers who received a loan after the initial denial of a PLUS loan using the extenuating circumstances review process or after obtaining an endorser who did not have an adverse credit history. Of the 10,480 PLUS applicants, 7,612 were approved by documenting that extenuating circumstances existed and 2,868 PLUS applicants were approved after the applicant obtained an endorser who does not have an adverse credit history.

Our data show that there were 7,612 parent borrowers who were approved for a loan based on documentation of existing extenuating circumstances and we estimate that the burden will increase by 5,709 hours (7,612 approved requests multiplied by 0.75 hours per enhanced PLUS loan counseling session). Our data show that there were 2,868 parent borrowers who received a loan after obtaining an endorser who does not have an adverse credit history and we estimate that burden will increase by 2,151 hours (2,868 approved requests multiplied by 0.75 hours per enhanced loan counseling session).

We estimate a total increase of 18,340 hours of burden for parent PLUS borrowers at private for-profit institutions (10,480 hours for the collection and submission of documentation of extenuating circumstances or to obtain an endorser who does not have an adverse credit history, plus an additional 5,709 hours of enhanced counseling for parent borrowers who qualify for a loan after demonstrating extenuating circumstances, and an additional 2,151 hours of enhanced counseling for the parent borrowers who received a loan after obtaining an endorser who does not have an adverse credit history) under OMB Control Number 1845–0129.

Of the 210,621 applicants for parent PLUS loans to pay for attendance at private nonprofit institutions whose applications were denied, our data show that there were 56,192 parent borrowers who received a loan after the initial denial of a PLUS loan using the extenuating circumstances process review or after obtaining an endorser who did not have an adverse credit history. Of the 56,192 parent PLUS applicants, 38,707 parent applicants were approved by documenting that extenuating circumstances exist and 17,485 parent applicants were approved after the applicant obtained an endorser who does not have an adverse credit history.

Our data show that there were 38,707 parent PLUS borrowers who were approved for a loan based on documentation of existing extenuating circumstances and we estimate that the burden will increase by 29,030 hours (38,707 approved requests times 0.75 hours per enhanced loan counseling session). Our data show that there were 17,485 parent PLUS borrowers who received a loan after obtaining an endorser who does not have an adverse credit history and we estimate that burden will increase by 13,114 hours (17,485 approved requests multiplied by 0.75 hours per enhanced PLUS loan counseling session).

We estimate a total increase of 98,336 hours of burden for parent PLUS applicants at private non-profit institutions (56,192 hours for the collection and submission of documentation of existing extenuating circumstances or to obtain an endorser who does not have an adverse credit history, plus an additional 29,030 hours of enhanced counseling for parent applicants who qualify for a loan after demonstrating that extenuating circumstances exist, and an additional 13,114 hours of enhanced counseling for parent applicants who receive a loan after obtaining an endorser who does not have an adverse credit history) under OMB Control Number 1845–0129.

Of the 361,894 applicants for PLUS loans to pay for attendance at public institutions whose applications were denied, our data show that there were 78,039 parents borrowers who received a loan after an initial denial of a PLUS loan using the extenuating circumstances process review or after obtaining an endorser who does not have an adverse credit history. Of the 78,039 PLUS applicants, 57,706 were approved by documenting that extenuating circumstances exist and 20,333 parent applicants were approved after the applicant obtained an endorser who does not have an adverse credit history.

Our data show that there were 57,706 parent borrowers who were approved for a loan based on documentation of existing extenuating circumstances and we estimate that the burden will increase by 43,280 hours (57,706 approved requests multiplied by 0.75 hours per enhanced loan counseling session). Our data show that there were 20,333 parent applicants who received a loan after obtaining an endorser who does not have an adverse credit history, and we estimate that burden will increase by 15,250 hours (20,333 approved requests multiplied by 0.75 hours per enhanced loan counseling session).

We estimate a total increase of 136,569 hours of burden for parent PLUS applicants at public institutions (78,039 hours for the collection and submission of documentation of existing extenuating circumstances or to obtain an endorser who does not have an adverse credit history, plus an additional 43,280 hours of enhanced counseling for parent applicants who qualify for a loan after demonstrating that extenuating circumstances exist, and an additional 15,250 hours of enhanced counseling for parent applicants who received a loan after obtaining an endorser who does not have an adverse credit history) under OMB Control Number 1845–0129.

Of the 687 applicants for parent PLUS loans to pay for attendance at foreign institutions whose applications were denied, our data show that there were 308 parent borrowers who received a loan after the initial denial of a PLUS loan using the extenuating circumstances process review or after obtaining an endorser who does not have an adverse credit history. Of the 308 PLUS applicants, 189 were approved by documenting that extenuating circumstances exist and 119 parent applicants were approved after the applicant obtained an endorser who did not have an adverse credit history.

Our data show that there were 189 parent borrowers who were approved for a loan based on documentation of existing extenuating circumstances and we estimate that the burden will increase by 142 hours (189 approved requests review multiplied by 0.75 hours per enhanced loan counseling session). Our data show that there were 119 parent applicants who received a loan after obtaining an endorser who does not have an adverse credit history and we estimate that burden will increase by 89 hours (119 approved requests multiplied by 0.75 hours per enhanced loan counseling session).

We estimate a total increase of 539 hours of burden for parent PLUS loan applicants at foreign institutions (308 hours for the collection and submission of documentation of extenuating circumstances or to obtain an endorser who does not have an adverse credit history, plus an additional 142 hours for enhanced counseling for parent PLUS loan applicants who qualify for a loan after demonstrating extenuating circumstances and an additional 89 hours of enhanced counseling for applicants who receive a loan after obtaining an endorser who does not have an adverse credit history) under OMB Control Number 1845–0129.

The total increase in burden for § 685.200(c)(2)(viii)(A)(*2*) and (*3*) will be

253,784 hours under OMB Control Number 1845–0129.

Overall, burden would increase by 352,047 hours under OMB Control Number 1845–0129.

Consistent with the discussion above, the following chart describes the sections of these final regulations involving information collections, the information being collected, the collections that the Department will submit to OMB for approval, and the estimated costs associated with the information collections. The monetized net costs of the increased burden on applicants and borrowers, using wage data developed using BLS data, available at *www.bls.gov/ncs/ect/sp/ecsuphst.pdf*, is $5,738,366, as shown in the chart below. This cost was based on an hourly rate of $16.30 for applicants and borrowers.

Collection of Information

Regulatory section	Information collection	OMB Control No. and estimated burden (change in burden)	Estimated costs
Sections 685.200(b)(5) *and* 685.200(c)(1)(viii)(A)(*2*) and (*3*) *Borrower Eligibility.*	Revises language requiring documentation for extenuating circumstances and requires enhanced PLUS loan counseling for graduate and professional students. These final regulations also require loan counseling for parent PLUS borrowers with a determination of adverse credit.	OMB 1845–0129 ..... We estimate that the burden will increase by 352,047 hours.	$5,738,366

Assessment of Educational Impact

In the NPRM we requested comments on whether the proposed regulations would require transmission of information that any other agency or authority of the United States gathers or makes available.

Based on the response to the NPRM and on our review, we have determined that these final regulations do not require transmission of information that any other agency or authority of the United States gathers or makes available.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., Braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT.**

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(Catalog of Federal Domestic Assistance Number does not apply.)

List of Subjects in 34 CFR Part 685

Administrative practice and procedure, Colleges and universities, Loan programs—education, Reporting and recordkeeping requirements, Student aid, Vocational education.

Dated: October 20, 2014.

Arne Duncan,

Secretary of Education.

For the reasons discussed in the preamble, the Secretary of Education amends part 685 of title 34 of the Code of Federal Regulations as follows:

PART 685—WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM

■ 1. The authority citation for part 685 continues to read as follows:

Authority: 20 U.S.C. 1070g, 1087a, *et seq.*, unless otherwise noted.

■ 2. Section 685.200 is amended by:

■ A. In paragraph (b)(5), removing the words "of paragraph (c)(1)(vii)" and adding, in their place, the words "that apply to a parent under paragraphs (c)(2)(viii)(A) through (G) of this section"; and

■ B. Revising paragraph (c) to read as follows:

§ 685.200 Borrower eligibility.

* * * * *

(c) *Parent PLUS borrower*—(1) *Definitions.* The following definitions apply to this paragraph (c):

(i) *Charged off* means a debt that a creditor has written off as a loss, but that is still subject to collection action.

(ii) *In collection* means a debt that has been placed with a collection agency by a creditor or that is subject to more intensive efforts by a creditor to recover amounts owed from a borrower who has not responded satisfactorily to the demands routinely made as part of the creditor's billing procedures.

(2) *Eligibility.* A parent is eligible to receive a Direct PLUS Loan if the parent meets the following requirements:

(i) The parent is borrowing to pay for the educational costs of a dependent undergraduate student who meets the requirements for an eligible student under 34 CFR part 668.

(ii) The parent provides his or her and the student's social security number.

(iii) The parent meets the requirements pertaining to citizenship and residency that apply to the student under 34 CFR 668.33.

(iv) The parent meets the requirements concerning defaults and overpayments that apply to the student in 34 CFR 668.32(g).

(v) The parent complies with the requirements for submission of a Statement of Educational Purpose that apply to the student under 34 CFR part 668, except for the completion of a Statement of Selective Service Registration Status.

(vi) The parent meets the requirements that apply to a student under paragraph (a)(1)(iv) of this section.

(vii) The parent has completed repayment of any title IV, HEA program assistance obtained by fraud, if the parent has been convicted of, or has pled nolo contendere or guilty to, a crime involving fraud in obtaining title IV, HEA program assistance.

(viii)(A) The parent—

(*1*) Does not have an adverse credit history;

(*2*) Has an adverse credit history, but has obtained an endorser who does not have an adverse credit history, and completes PLUS loan counseling offered by the Secretary; or

(*3*) Has an adverse credit history but documents to the satisfaction of the Secretary that extenuating circumstances exist and completes

PLUS loan counseling offered by the Secretary.

(B) For purposes of this paragraph (c), an adverse credit history means that the parent—

(*1*) Has one or more debts with a total combined outstanding balance greater than $2,085, as may be adjusted by the Secretary in accordance with paragraphs (c)(2)(viii)(C) and (D) of this section, that are 90 or more days delinquent as of the date of the credit report, or that have been placed in collection or charged off, as defined in paragraph (c)(1) of this section, during the two years preceding the date of the credit report; or

(*2*) Has been the subject of a default determination, bankruptcy discharge, foreclosure, repossession, tax lien, wage garnishment, or write-off of a debt under title IV of the Act during the five years preceding the date of the credit report.

(C) The Secretary increases the amount specified in paragraph (c)(2)(viii)(B)(*1*) of this section, or its inflation-adjusted equivalent, when the Secretary determines that an inflation adjustment to that amount would result in an increase of $100 or more.

(D) In making the inflation adjustment described in paragraph (c)(2)(viii)(C) of this section, the Secretary:

(*1*) Uses the annual average percent change of the All Items Consumer Price Index for All Urban Consumers (CPI–U), before seasonal adjustment, as the measurement of inflation; and

(*2*) If the adjustment calculated under paragraph (c)(2)(viii)(D)(*1*) of this section is equal to or greater than $100, adding the adjustment to $2,085 threshold amount, or its inflation-adjusted equivalent, and rounding up to the nearest $5.

(E) The Secretary will publish a notice in the **Federal Register** announcing any increase to the amount specified in paragraph (c)(2)(viii)(B)(*1*) of this section.

(F) For purposes of this paragraph (c), the Secretary does not consider the absence of a credit history as an adverse credit history and does not deny a Direct PLUS loan on that basis.

(G) For purposes of this paragraph (c), the Secretary may determine that extenuating circumstances exist based on documentation that may include, but is not limited to—

(*1*) An updated credit report for the parent; or

(*2*) A statement from the creditor that the parent has repaid or made satisfactory arrangements to repay a debt that was considered in determining that the parent has an adverse credit history.

(*3*) For purposes of paragraph (c)(2) of this section, a "parent" includes the individuals described in the definition of "parent" in 34 CFR 668.2 and the spouse of a parent who remarried, if that spouse's income and assets would have been taken into account when calculating a dependent student's expected family contribution.

* * * * *

[FR Doc. 2014–25266 Filed 10–22–14; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2012–0542; FRL–9917–77–Region 9]

Approval of Air Quality Implementation Plans; California; Imperial County; Ozone Precursor Emissions Inventories

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to California's State Implementation Plan (SIP) for Imperial County that address Clean Air Act (CAA) requirements concerning ozone precursor emissions inventories of volatile organic compounds and oxides of nitrogen. These emissions inventories were submitted by California to meet CAA requirements for Imperial County, which was designated as a moderate nonattainment areas under the 1997 8-hour ozone National Ambient Air Quality Standard.

DATES: This action will be effective on December 22, 2014, without further notice, unless EPA receives adverse comments by November 24, 2014. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this rule will not take effect and that we will respond to submitted comments and take subsequent final action.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2012–0542, by one of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the on-line instructions.

2. *Email: wamsley.jerry@epa.gov.*

3. *Mail or delivery:* Jerry Wamsley, Air Division (AIR–2), U.S. Environmental Protection Agency—Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

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

Docket: The docket for this action is available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. 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 in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section below.

FOR FURTHER INFORMATION CONTACT: Jerry Wamsley, Air Division, U.S. Environmental Protection Agency—Region 9, (415) 947–4111, or via email: *wamsley.jerry@epa.gov.*

SUPPLEMENTARY INFORMATION: For the purpose of this document, we are giving meaning to certain words or abbreviations described here. The words or abbreviation "the Act" or "CAA" mean or refer to the Clean Air Act, unless the context indicates otherwise. The terms "we," "us," and "our" refer to the United States Environmental Protection Agency.

Table of Contents

I. Background

Ground-level ozone is formed when oxides of nitrogen (NO_x) and volatile organic compounds (VOC) react in the presence of sunlight. Referred to as

ozone precursor compounds, these two pollutants are emitted by many types of pollution sources, including on- and off-road motor vehicles and engines, power plants and industrial facilities, and area-wide sources, such as consumer products and lawn and garden equipment. Scientific evidence indicates that adverse public health effects occur following a person's exposure to ozone, particularly children and adults with lung disease. Breathing air containing ozone can reduce lung function and inflame airways, which can increase respiratory symptoms and aggravate asthma or other lung diseases.[1] As a consequence of this scientific evidence, we promulgated the 0.12 part per million (ppm) 1-hour ozone National Ambient Air Quality Standard (NAAQS) in 1979 (44 FR 8202, February 8, 1979).

On July 18, 1997, EPA promulgated a revised ozone NAAQS of 0.08 ppm, averaged over eight hours (62 FR 38855). This standard was determined to be more protective of public health and more stringent than the previous 1979 1-hour ozone standard. On April 30, 2004, we designated areas as attaining or not attaining the 1997 8-hour ozone NAAQS and classified Imperial County as a marginal non-attainment area with an applicable attainment date of June 15, 2007 (69 FR 23858). On February 13, 2008, EPA found that Imperial County failed to attain the 1997 8-hour ozone standard by this June 15, 2007 deadline (73 FR 8209). Consequently, Imperial County was reclassified by operation of law as a moderate ozone non-attainment area with a new attainment date of as expeditiously as practicable, but no later than June 15, 2010.

Subsequently, EPA revised the 8-hour ozone NAAQS from 0.08 to 0.075 ppm (73 FR 16436, March 27, 2008). We finalized designations for the 2008 8-hour ozone standard on May 21, 2012 (77 FR 30088). Imperial County was designated marginal for the more stringent 8-hour ozone standard. In a separate and future rulemaking, EPA will finalize the requirements that must be implemented as part of meeting the 2008 8-hour ozone standard.[2] In this action today, however, we are addressing requirements related to the 1997 8-hour ozone NAAQS only.

On December 3, 2009, EPA published our determination that Imperial County had met the 1997 8-hour ozone NAAQS based on certified ambient air monitoring data for the 2006–2008 monitoring period (74 FR 63309).[3] Pursuant to 40 CFR 51.918 and this clean data determination, EPA suspended the requirements for Imperial County and California to submit the following air quality plan elements: An attainment demonstration, reasonably available control measures, a reasonable further progress plan, and contingency measures. These requirements remain suspended for so long as Imperial County continues to attain the 1997 8-hour ozone NAAQS. Under CAA section 172(c)(3), Imperial County is required to submit emissions inventories for VOC and NO_X. These ozone precursor emissions inventories are the subject of today's action.

II. California's Submittal

On December 21, 2010, California submitted Imperial County's "Final 2009 1997 8-hour Ozone Modified Air Quality Management Plan" (2009 Ozone AQMP) to EPA for incorporation into the SIP.[4] Imperial County adopted the 2009 Ozone AQMP on July 13, 2010 and the California Air Resources Board (CARB) adopted the plan on November 18, 2010.[5] The Imperial County and CARB adoptions were each preceded by a 30-day public comment period, therefore, the State has met the requirement for adequate public notice.

As explained earlier, the elements of California's 2009 Ozone AQMP that we are acting on today consist of 2002 base year VOC and NO_X emissions inventories. These emissions inventories and the 2009 Ozone AQMP as a whole were complete by operation of law on June 21, 2011.[6]

III. Today's Action

EPA is approving the 2002 VOC and NO_X emissions inventories elements of the 2009 Ozone AQMP that California submitted to address moderate nonattainment area requirements for Imperial County under the 1997 8-hour ozone NAAQS. Our rationale and basis for this action is discussed below.

A. Ozone Precursors Emissions Inventories

A comprehensive, accurate and current inventory of actual emissions from all sources of the relevant pollutant or pollutants is required by CAA sections 172(c)(3). Imperial County's 2009 Ozone AQMP includes complete VOC and NO_X emissions inventories for the base year of 2002.[7] Emissions from different source types vary by season, time of day, or day of the week. The months from May through October are known as the "summer planning inventory" and are the months when ozone formation is pronounced and exceedances of ozone air quality standards are most likely to occur. Consequently, California used the summer planning emissions inventory for the 2009 Ozone AQMP to provide a worst case representation and a daily emissions inventory in tons per day (tpd). This summer planning inventory includes data for the pollutants reactive organic gas (ROG) and NO_X, the two primary precursors in the formation of ground-level ozone pollution.[8] We have summarized Imperial County's 2002 base year emissions inventories for ozone precursors in Table 1.

[1] See "Fact Sheet, Proposal To Revise the National Ambient Air Quality Standards for Ozone," January 6, 2010 and 75 FR 2938, January 19, 2010.

[2] EPA published the proposed rule concerning implementation of the 8-hour 2008 ozone NAAQS on June 6, 2013, (78 FR 34178). The public comment period on this implementation rule closed on August 5, 2013. EPA is reviewing comments and intends to publish a final rule in the near future.

[3] For further discussion of our clean data determination and application of our Clean Data Policy, see our proposed rule at 74 FR 48495, (September 23, 2009).

[4] See letter from Lynn Terry (for James Goldstene), California Air Resources Board to Jared Blumenfeld, EPA-Region 9, dated December 21, 2010, included in the docket for this rulemaking.

[5] See the Imperial County Board of Supervisor's "Minute Order of the Air Pollution Control Board", Number 15, dated July 13, 2010, and California Air Resources Board, Resolution 10–35, dated November 18, 2010, included in the docket for this rulemaking.

[6] If we do not determine a submittal to be complete within 6 months of its submittal, it is deemed to be complete by operation of law. See 40 CFR part 51, appendix V for the completeness criteria applied to SIP submittals.

[7] 2002 is the designated base year for SIP planning purposes under the 1997 8-hour ozone NAAQS. See Memorandum of November 18, 2002, from Lydia Wegman and Peter Tsirigotis, "2002 Base Year Emission Inventory SIP Planning: 8-hour Ozone, $PM_{2.5}$ and Regional Haze Programs" and 70 FR 71612, (November 29, 2005), EPA's Phase II implementation rule for the 1997 8-hour ozone NAAQS.

[8] The California Air Resources Board (CARB) uses the term reactive organic gases (ROG) for planning and inventory purposes and uses it synonymously with its own definition of "volatile organic compound" for regulatory purposes.

TABLE 1—IMPERIAL COUNTY, CALIFORNIA: 2002 EMISSIONS INVENTORIES FOR REACTIVE ORGANIC GAS (ROG) AND OXIDES OF NITROGEN (NO_X) BY MAJOR SOURCE CATEGORY

[Tons per day]

Source category	ROG	Percent of total	NO_X	Percent of total
Stationary Sources:				
Fuel combustion	0.12	0.32	3.57	9.54
Waste Disposal	0.02	0.05	0.00	0.00
Cleaning and Surface Coatings	0.42	1.13	0.00	0.00
Petroleum Pro. and Marketing	0.65	1.74	0.00	0.00
Industrial Processes	0.07	0.19	0.03	0.08
Subtotals	1.28	3.43	3.60	9.62
Area-Wide Sources:				
Solvent Evaporation	9.01	24.14	0.00	0.00
Miscellaneous Processes	11.81	31.65	0.92	2.46
Subtotals	20.82	55.79	0.92	2.46
Mobile Sources:				
On-Road	8.77	23.50	20.21	53.99
Off-Road Vehicles	6.45	17.28	12.70	33.93
Subtotals	15.22	40.78	32.91	87.92
Totals for Imperial County	37.32	100.00	37.43	100.00

Source: 2009 Ozone AQMP, Table 4–1, Page 26.

California develops a complete emissions inventory every year and assembles and maintains this inventory in the California Emission Inventory Development and Reporting System (CEIDARS) and the California Emission Forecasting System (CEFS). All reportable sources are categorized as either stationary, area-wide, or mobile. Stationary sources of air pollution include sources such as power plants, refineries, and manufacturing facilities and are facilities that are typically required by California to acquire and maintain a permit to operate. These sources directly report their emissions to California, which in-turn uses this data to compile a complete emissions inventory for air pollution control districts, such as Imperial County.

Area-wide sources of emissions are those where the emissions are spread throughout the nonattainment area, such as consumer products and farming operations. California uses a variety of methods to estimate emissions for approximately 500 area-wide emission sources. A complete compilation of these methodologies can be obtained from *http://www.arb.ca.gov/ei/areasrc/index0.htm*.

Mobile source emissions are further divided into on-road sources and off-road sources. On-road sources include passenger cars, school buses, and trucks. Off-road sources include construction equipment, garden equipment, boats, and outdoor recreational vehicles. California is continually updating and improving its official model to estimate emissions from mobile sources. Although California released its EMFAC2011 model, the State used its EMFAC2007 model to develop the 2002 base year emissions for on-road sources.[9] At the time of the development of this 2002 emissions inventory for ROG and NO_X, EMFAC2007 was the latest EPA approved mobile source emissions model. California used its OFFROAD2007 model to develop emissions from off-road sources for the 2002 base year emissions inventory.[10] [11]

We have evaluated Imperial County's base year 2002 emissions inventory shown in Table 1 by verifying this inventory for consistency with past and current emissions inventories and spot-checking the accuracy of the emissions inventory from raw data and accepted emissions factors and estimation methods. We find the 2002 base-year inventory to be a comprehensive and accurate representation of actual emissions and approve it as meeting the requirements of the CAA and EPA guidance.

The on-road motor vehicle emission inventories for VOC and NO_X that we are approving today do not change our previous actions concerning the motor vehicle emissions budgets used for determining the conformity of federally-funded transportation plans, programs, and projects in Imperial County, per section 176(c) of the CAA. In May 2008, we found the 2009 motor vehicle emissions budgets within the "Imperial County 8-hour Ozone Early Progress Plan" to be adequate for the purpose of determining transportation conformity: 7 tons per day of VOC; and 17 tons per day of NO_X.[12] State transportation and metropolitan planning agencies should continue to use these motor vehicle emissions budgets for determining the conformity of federally funded transportation plans, programs and projects within the Imperial County ozone non-attainment area.

IV. Final Action

EPA is approving the 2002 VOC and NO_X emissions inventories within Chapter 4 of Imperial County's 2009 Ozone AQMP. EPA is approving these emissions inventories because they meet the requirements of the CAA and EPA guidance.

[9] On January 18, 2008, EPA approved and announced the availability of EMFAC 2007 Motor Vehicle Emission Factor Model for use in SIP development in the State of California (73 FR 3464).

[10] The OFFROAD2007 model is now replaced by category specific methods and inventory models developed for specific regulatory support projects.

[11] Further information on California's official mobile source inventory models, as well as links to the mobile source emissions databases, can be obtained from *http://www.arb.ca.gov/msei/msei.htm*.

[12] See 73 FR 24594, (May 5, 2008).

V. Statutory and Executive Order Reviews

This action approves a SIP revision that meets certain emissions inventories requirements for the 1997 8-hour ozone standard. This action would 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, this approval of an emissions inventories SIP revision for the Imperial County non-attainment area of California 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, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

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

This action is not a "major rule" as defined by 5 U.S.C. 804(2). Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 22, 2014. Filing a petition for reconsideration by the Administrator of this final rule do not affect the finality of these actions 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. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the Proposed Rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2) of the CAA.)

List of Subjects in 40 CFR Part 52

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

Dated: September 24, 2014.

Jared Blumenfeld,

Regional Administrator, EPA Region 9.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(445) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(445) A plan revision submitted on December 21, 2010 by the Governor's Designee.

(i) [Reserved]

(ii) Additional materials.

(A) State of California Air Resources Board.

(1) California Air Resources Board Resolution No. 10–35, adopted November 18, 2010.

(B) Imperial County Air Pollution Control District.

(1) Imperial County Air Pollution Control Board, Minute Order No. 15, adopted July 13, 2010.

(2) Chapter 4—Emission Inventory, in "Imperial County 2009 1997 8-Hour Ozone Modified Air Quality Management Plan", adopted on July 13, 2010.

[FR Doc. 2014–24753 Filed 10–22–14; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 79, No. 205
Thursday, October 23, 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 ENERGY

10 CFR Part 430

[Docket No. EERE–2014–BT–TP–0034]

Energy Conservation Program: Test Procedures for Residential Clothes Dryers

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of public meeting.

SUMMARY: The U.S. Department of Energy (DOE) will hold a public meeting to facilitate a discussion among interested parties with regards to potential changes to the DOE clothes dryer test procedure to produce test results that measure energy use during a representative average use cycle without being unduly burdensome to conduct.

DATES: DOE will hold a public meeting on November 13, 2014, from 9:00 a.m. to 12:00 Noon in Washington, DC. Additionally, DOE plans to conduct the public meeting via webinar. You may attend the public meeting either in person or via webinar.

DOE will accept comments, data, and information before and after the public meeting, but no later than December 15, 2014. See section Public Participation for details.

ADDRESSES: The public meeting will be held at the U.S. Department of Energy, Forrestal Building, Room 4A–104, 1000 Independence Avenue SW., Washington, DC 20585–0121. To attend, please notify Ms. Brenda Edwards at (202) 586–2945. See, Public Participation for additional meeting information.

Any comments submitted must identify the NOPM for Test Procedures for Residential Clothes Dryers, and provide docket number EERE–2014–BT–TP–0034. Comments may be submitted using any of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
2. *Email: ResClothesDryer2014TP0034@ee.doe.gov.* Include the docket number in the subject line of the message.
3. *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–5B, 1000 Independence Avenue SW., Washington, DC, 20585–0121. If possible, please submit all items on a CD. It is not necessary to include printed copies.
4. *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Telephone: (202) 586–2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

For detailed instructions on submitting comments and additional information on the rulemaking process, see section Public Participation of this document.

Webinar: Registration information, participant instructions, and information about the capabilities available to webinar participants will be published on DOE's Web site at: *http://www1.eere.energy.gov/buildings/appliance_standards/product.aspx/productid/36.* Participants are responsible for ensuring their systems are compatible with the webinar software.

Docket: The docket is available for review at *http://www.regulations.gov,* and will include **Federal Register** notices, notice of proposed rulemaking, public meeting attendee lists and transcripts, comments, and other supporting documents/materials throughout the rulemaking process. The regulations.gov Web page contains simple instructions on how to access all documents, including public comments, in the docket. The docket can be accessed by searching for docket number EERE–2014–BT–TP–0034 on the regulations.gov Web site. All documents in the docket are listed in the *www.regulations.gov* index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

For information on how to review the docket or participate in the public meeting, contact Ms. Brenda Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT:
Mr. Bryan Berringer, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–0371. Email: *clothes_dryers@ee.doe.gov.*
Ms. Sarah Butler, U.S. Department of Energy, Office of the General Counsel, GC–71, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–1777. Email: *Sarah.Butler@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: Title III, Part B [1] of the Energy Policy and Conservation Act of 1975 ("EPCA" or, "the Act"), Pub. L. 94–163 (42 U.S.C. 6291, *et seq.*) sets forth a variety of provisions designed to improve energy efficiency and established the Energy Conservation Program for Consumer Products Other Than Automobiles.[2] These include residential clothes dryers, the subject of today's notice. (42 U.S.C. 6292(a)(8))

Under EPCA, the energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. The testing requirements consist of test procedures that manufacturers of covered products must use as the basis for (1) certifying to DOE that their products comply with the applicable energy conservation standards adopted under EPCA, and (2) making representations about the efficiency of those products. (42 U.S.C. 6293(c); 42 U.S.C. 6295(s)) Similarly, DOE must use these test procedures to determine whether the products comply with any relevant standards promulgated under EPCA. (42 U.S.C. 6295(s))

Under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered products, including clothes dryers. EPCA provides in relevant part that any test procedures

[1] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated as Part A.

[2] All references to EPCA refer to the statute as amended through the American Energy Manufacturing Technical Corrections Act (AEMTCA), Public Law 112–210 (Dec. 18, 2012).

prescribed or amended under this section shall be reasonably designed to produce test results which measure energy efficiency, energy use or estimated annual operating cost of a covered product during a representative average use cycle or period of use and shall not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3))

In addition, if DOE determines that a test procedure amendment is warranted, it must publish proposed test procedures and offer the public an opportunity to present oral and written comments on them. (42 U.S.C. 6293(b)(2)) Finally, in any rulemaking to amend a test procedure, DOE must determine to what extent, if any, the proposed test procedure would alter the measured energy efficiency of any covered product as determined under the existing test procedure. (42 U.S.C. 6293(e)(1))

DOE's test procedures for clothes dryers are codified in appendix D, appendix D1, and appendix D2 to subpart B of Title 10 of the Code of Federal Regulations (CFR). DOE's predecessor, the Federal Energy Administration, established the test procedure for clothes dryers at appendix D in a final rule published in the **Federal Register** on September 14, 1977 (the September 1977 Final Rule). 42 FR 46145. On May 19, 1981, DOE published a final rule to amend the test procedure by establishing a field-use factor for clothes dryers with automatic termination controls, clarifying the test cloth specifications and clothes dryer preconditioning, and making editorial and minor technical changes. 46 FR 27324. The test procedure includes provisions for determining the energy factor (EF) for clothes dryers, which is a measure of the total energy required to dry a standard test load of laundry to a "bone dry" [3] state.

On January 6, 2011, DOE published in the **Federal Register** a final rule for the residential clothes dryer and room air conditioner test procedure rulemaking (76 FR 972), in which it (1) adopted the provisions for the measurement of standby mode and off mode energy use for those products along with a new energy efficiency metric for clothes dryers, combined energy factor (CEF), that incorporates energy use in active mode, standby mode, and off mode; and (2) adopted several amendments to the clothes dryer and room air conditioner test procedures concerning the active mode for these products. 76 FR 972. DOE created a new appendix D1 in 10 CFR part 430 subpart B that contained the amended test procedure for clothes dryers. 76 FR 1032 (Jan. 6, 2011).

DOE published a final rule on August 14, 2013, to amend the clothes dryer test procedure, in which it (1) amended appendix D1 to update the reference to the latest edition of the International Electrotechnical Commission (IEC) Standard 62301, "Household electrical appliances–Measurement of standby power," Edition 2.0 2011–01; (2) amended appendix D and appendix D1 to clarify the cycle settings used for the test cycle, the requirements for the gas supply for gas clothes dryers, the installation conditions for console lights, the method for measuring the drum capacity, the maximum allowable weighing scale range, and the allowable use of a relative humidity meter; and (3) created a new appendix D2 that includes the amendments discussed above and testing methods for measuring the effects of automatic cycle termination. 78 FR 49608, 49610–12 (Aug. 14, 2013). Manufacturers must use the test procedures in appendix D1 to demonstrate compliance with energy conservation standards for clothes dryers as of January 1, 2015. 76 FR 52852, 52854 (Aug. 24, 2011) and 78 FR 49608, 49461 (Aug. 14, 2014). Alternatively, manufacturers may use the test procedures in appendix D2 to demonstrate compliance with January 2, 2015 energy conservation standards. 78 FR 49608, 49461 (Aug. 14, 2014).

Interested parties have commented publicly, as part of the previous test procedure rulemaking process and more recently through other public channels, that the DOE clothes dryer test procedures may not produce results that are representative of consumer use with regards to test load size and composition, cycle settings for the test cycle, and other provisions in the test procedure. DOE also notes that Oak Ridge National Laboratory and Pacific Northwest National Laboratory recently published reports evaluating clothes dryer performance using the new appendix D2 test method and preliminary investigations of new automatic cycle termination concepts for improving clothes dryer efficiency.[4] [5] [6] In consideration of interested parties concerns regarding the test procedure and this recent clothes dryer automatic cycle termination research, DOE is initiating an effort to determine whether amendments to the test procedure are warranted, in accordance with 42 U.S.C. 6293(b)(2).

In addition, EPCA requires that, not later than 6 years after the issuance of a final rule establishing or amending a standard, DOE publish a NOPR proposing new standards or a notice of determination that the existing standards do not need to be amended. (42 U.S.C. 6295(m)(1)). Any test procedure amendments developed as part of the test procedure rulemaking initiated by today's notice may be considered in the next energy conservation standards rulemaking for residential clothes dryers.

Public Participation

DOE will hold a public meeting for interested parties to discuss issues related to the clothes dryer test procedure, including test load composition, test load size, test cycle settings, and any other issues related to developing a test method for measuring energy use during a representative average use cycle and to gather data from the public on these issues. During the meeting, DOE expects to present its latest available test data concerning automatic cycle termination and different test loads, and to invite discussion among interested parties on modifications to the test procedure to produce more representative test results while not being unduly burdensome to conduct. All of the feedback and data gathered during the public meeting will be used in consideration of any amendments to the DOE clothes dryer test procedure.

The public meeting will be conducted in an informal, facilitated, conference style. There shall be no discussion of proprietary information, costs or prices, market shares, or other commercial matters regulated by U.S. antitrust laws. A court reporter will record the proceedings of the public meeting, after which a transcript will be available for purchase from the court reporter and placed on the DOE Web site at: *http://*

[3] "Bone dry" is defined in the DOE clothes dryer test procedure as a condition of a load of test clothes which has been dried in a dryer at maximum temperature for a minimum of 10 minutes, removed and weighed before cool down, and then dried again for 10-minute periods until the final weight change of the load is 1 percent or less. (10 CFR subpart B, appendix D, section 1.2)

[4] K. Gluesenkamp. *Residential Clothes Dryer Performance Under Timed and Automatic Cycle Termination Test Procedures.* 2014. Oak Ridge National Laboratory. Report No. ORNL/TM–2014/431. *http://web.ornl.gov/sci/buildings/docs/2014-10-09-ORNL-DryerFinalReport-TM-2014-431.pdf.*

[5] W. TeGrotenhuis. *Clothes Dryer Automatic Termination Sensor Evaluation. Volume 1: Characterization of Energy Use in Residential Clothes Dryers.* 2014. Pacific Northwest National Laboratory. Report No. PNNL–23621. *http://www.pnnl.gov/main/publications/external/technical_reports/PNNL-23621.pdf.*

[6] W. TeGrotenhuis. *Clothes Dryer Automatic Termination Sensor Evaluation. Volume 2: Improved Sensor and Control Designs.* 2014. Pacific Northwest National Laboratory. Report No. PNNL–23616. *http://www.pnnl.gov/main/publications/external/technical_reports/PNNL-23616.pdf.*

www1.eere.energy.gov/buildings/appliance_standards/product.aspx/productid/36.

Please note that foreign nationals participating in the public meeting are subject to advance security screening procedures which require advance notice prior to attendance at the public meeting. If a foreign national wishes to participate in the public meeting, please inform DOE of this fact as soon as possible by contacting Ms. Regina Washington at (202) 586–1214 or by email: *Regina.Washington@ee.doe.gov* so that the necessary procedures can be completed.

DOE requires visitors with laptop computers and other devices, such as tablets, to be checked upon entry into the building. Any person wishing to bring these devices into the Forrestal Building will be required to obtain a property pass. Visitors should avoid bringing these devices, or allow an extra 45 minutes to check in. Please report to the visitor's desk to have devices checked before proceeding through security.

Due to the REAL ID Act implemented by the Department of Homeland Security (DHS), there have been recent changes regarding ID requirements for individuals wishing to enter Federal buildings from specific states and U.S. territories. Driver's licenses from the following states or territory will not be accepted for building entry and one of the alternate forms of ID listed below will be required. DHS has determined that regular driver's licenses (and ID cards) from the following jurisdictions are not acceptable for entry into DOE facilities: Alaska, American Samoa, Arizona, Louisiana, Maine, Massachusetts, Minnesota, New York, Oklahoma, and Washington. Acceptable alternate forms of Photo-ID include: U.S. Passport or Passport Card; an Enhanced Driver's License or Enhanced ID-Card issued by the states of Minnesota, New York or Washington (Enhanced licenses issued by these states are clearly marked Enhanced or Enhanced Driver's License); a military ID or other Federal government issued Photo-ID card.

DOE will accept comments, data, and information regarding this proposed rule before or after the public meeting, but no later than the date provided in the **DATES** section at the beginning of this proposed rule. Interested parties may submit comments, data, and other information using any of the methods described in the **ADDRESSES** section at the beginning of this notice.

Submitting comments via *regulations.gov*. The *regulations.gov* Web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment itself or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Otherwise, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (CBI)). Comments submitted through *regulations.gov* cannot be claimed as CBI. Comments received through the Web site will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section below.

DOE processes submissions made through *regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery/courier, or mail. Comments and documents submitted via email, hand delivery, or mail also will be posted to *regulations.gov*. If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via mail or hand delivery/courier, please provide all items on a CD, if feasible. It is not necessary to submit printed copies. No facsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, that are written in English, and that are free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery/courier two well-marked copies: One copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked non-confidential with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include: (1) A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest.

It is DOE's policy that all comments may be included in the public docket, without change and as received,

including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

Issued in Washington, DC, on October 16, 2014.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2014–25244 Filed 10–22–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Docket No. EERE–2011–BT–CE–0077]

10 CFR Part 460

Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC)—Central Air Conditioner Regional Enforcement Standards Working Group

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open meeting for the Central Air Conditioner Regional Enforcement Standards Working Group (RES Working Group). The purpose of the working group will be to discuss and, if possible, reach consensus on a proposed rule for the enforcement of regional energy efficiency standards for split-system and single package air conditioners, as authorized by the Energy Policy and Conservation Act (EPCA) of 1975, as amended.

DATES: DOE will host a public meeting on October 24, 2014 from 8:00 a.m. to 5:00 p.m. at DOE's Forrestal Building in Washington, DC.

ADDRESSES: The meeting will be held at U.S. Department of Energy, Forrestal Building, Room 6E–069, 1000 Independence Avenue SW., Washington, DC 20585. Individuals will also have the opportunity to participate by webinar. To register for the webinar and receive call-in information, please register at *http://energy.gov/eere/buildings/appliance-standards-and-rulemaking-federal-advisory-committee.*

FOR FURTHER INFORMATION CONTACT:

Doug Rawald, U.S. Department of Energy (DOE), Office of Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585. Phone: 202–586–6734; Email: *Douglas.Rawald@hq.doe.gov.*

Johanna Hariharan, General Counsel, U.S. Department of Energy (DOE), Office of Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585. Phone: 202–287–6307; Email: *Johanna.Hariharan@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of Meeting

The purpose of the working group will be to discuss and, if possible, reach consensus on a proposed rule for the enforcement of regional energy efficiency standards for split-system and single package air conditioners, as authorized by the Energy Policy and Conservation Act (EPCA) of 1975, as amended.

Public Participation

Members of the public are welcome to observe the business of the meeting and, if time allows, may make oral statements during the specified period for public comment. To attend the meeting and/or to make oral statements regarding any of the items on the agenda, email *asrac@ee.doe.gov.* In the email, please indicate your name, organization (if appropriate), citizenship, and contact information. Please note that foreign nationals visiting DOE Headquarters are subject to advance security screening procedures. Any foreign national wishing to participate in the meeting should advise ASRAC staff as soon as possible by emailing *asrac@ee.doe.gov* to initiate the necessary procedures. Anyone attending the meeting will be required to present a government photo identification, such as a passport, driver's license, or government identification. Due to the required security screening upon entry, individuals attending should arrive early to allow for the extra time needed.

Due to the REAL ID Act implemented by the Department of Homeland Security (DHS) recent changes regarding ID requirements for individuals wishing to enter Federal buildings from specific states and U.S. territories. Driver's licenses from the following states or territory will not be accepted for building entry and one of the alternate forms of ID listed below will be required.

DHS has determined that regular driver's licenses (and ID cards) from the following jurisdictions are not acceptable for entry into DOE facilities: Alaska, Louisiana, New York, American Samoa, Maine, Oklahoma, Arizona, Massachusetts, Washington, and Minnesota.

Acceptable alternate forms of Photo-ID include: U.S. Passport or Passport Card; An Enhanced Driver's License or Enhanced ID-Card issued by the states of Minnesota, New York or Washington (Enhanced licenses issued by these states are clearly marked Enhanced or Enhanced Driver's License); A military ID or other Federal government issued Photo-ID card.

Members of the public will be heard in the order in which they request to make a statement at the public meeting. Time allotted per speaker will depend on the number of individuals who wish to speak but will not exceed five minutes. Reasonable provision will be made to include the scheduled oral statements on the agenda. A third-party neutral facilitator will make every effort to allow the presentations of views of all interested parties and to facilitate the orderly conduct of business.

Participation in the meeting is not a prerequisite for submission of written comments. Written comments are welcome from all interested parties during the course of the negotiations. Any comments submitted must identify the Regional Standards Working Group, and provide docket number EERE–2011–BT–CE–0077. Comments may be submitted using any of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
2. *Email: asrac@ee.doe.gov.* Include docket number EERE–2011–BT–CE–0077 in the subject line of the message.
3. *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.
4. *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Telephone: (202) 586–2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted.

Docket: The docket is available for review at *www.regulations.gov,* including **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials. All documents in the docket are listed in the *www.regulations.gov* index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

Issued in Washington, DC, on October 20, 2014.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2014–25277 Filed 10–22–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0848; Directorate Identifier 2014–CE–031–AD]

RIN 2120–AA64

Airworthiness Directives; Grob-Werke Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Grob-Werke Models G115EG and G120A airplanes. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as a defective starter solenoid. We are issuing this proposed AD to require actions to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by December 8, 2014.

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

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

For service information identified in this proposed AD, contact Grob Aircraft AG, Customer Service, Lettenbachstrasse 9, D–86874 Tussenhausen-Mattsies, Germany, telephone: + 49 (0) 8268–998–105; fax: + 49 (0) 8268–998–200; email: *productsupport@grob-aircraft.com;* Internet: *grob-aircraft.com.* You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0848; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4123; fax: (816) 329–4090; email: *karl.schletzbaum@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA–2014–0848; Directorate Identifier 2014–CE–031–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD No. 2014–0212, dated September 19, 2014 (referred to after this as "the MCAI"), to correct an unsafe condition for certain Grob-Werke Models G115EG and G120A airplanes. The MCAI states:

> An operator of a G 115E aeroplane experienced a total loss of electrical power in flight. The root cause was found to be a defective starter solenoid causing an internal short circuit, which resulted in breakdown of the system voltage.
>
> This condition, if not detected and corrected, could result in reduced control of the aeroplane.
>
> To address this potential unsafe condition, GROB Aircraft AG issued Service Bulletin (SB) MSB1078–196 for G 115 aeroplanes and SB MSB1121–144 for G 120 aeroplanes to provide instructions for inspection and corrective action.
>
> For the reason described above, this AD requires a one-time inspection of the starter solenoid and, depending on the findings, replacement of the starter.
>
> A technical solution is currently under development and further AD action may follow.

You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0848.

Relevant Service Information

GROB Aircraft has issued Service Bulletin No. MSB1078–196 and Service Bulletin No. MSB1121–144, both dated July 14, 2014. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

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

Interim Action

We consider this proposed AD interim action. GROB Aircraft is currently working on a final technical solution to resolve the unsafe condition. If final action is later identified, we might consider further rulemaking.

Costs of Compliance

We estimate that this proposed AD will affect 6 products of U.S. registry. We also estimate that it would take about 4 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $2,040, or $340 per product.

In addition, we estimate that any necessary follow-on actions would take about 4 work-hours and require parts costing $600, for a cost of $940 per product. We have no way of determining the number of products that may need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. Amend § 39.13 by adding the following new AD:

Grob-Werke: Docket No. FAA–2014–0848; Directorate Identifier 2014–CE–031–AD.

(a) Comments Due Date

We must receive comments by December 8, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to GROB–WERKE Model G115EG airplanes, all serial numbers through 82323/E, and Model G120A airplanes, all serial numbers through 85063, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 80: Starting.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as a defective starter solenoid. We are issuing this AD to detect and correct defective starter solenoids, which could cause an internal short circuit and could result in reduced control.

(f) Actions and Compliance

Unless already done, do the actions in paragraphs (f)(1) and (f)(2) of this AD:

(1) Within the next 30 days after the effective date of this AD, inspect the starter following the Accomplishment Instructions in GROB Aircraft Service Bulletin No. MSB1078–196, dated July 14, 2014, or GROB Aircraft Service Bulletin No. MSB1121–144, dated July 14, 2014, as applicable.

(2) If any damage is found on the starter during the inspection required in paragraph (f)(1) of this AD, before further flight, replace the starter with a serviceable part. Do the replacement following the Accomplishment Instructions in GROB Aircraft Service Bulletin No. MSB1078–196, dated July 14, 2014, or GROB Aircraft Service Bulletin No. MSB1121–144, dated July 14, 2014, as applicable.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4123; fax: (816) 329–4090; email: *karl.schletzbaum@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

(h) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No. 2014–0212, dated September 19, 2014, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0848. For service information related to this AD, contact Grob Aircraft AG, Customer Service, Lettenbachstrasse 9, D–86874 Tussenhausen-Mattsies, Germany, telephone: + 49 (0) 8268–998–105; fax; + 49 (0) 8268–998–200; email: *productsupport@grob-aircraft.com;* Internet: *grob-aircraft.com.* You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on October 16, 2014.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–25226 Filed 10–22–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0754; Directorate Identifier 2014–NM–136–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Bombardier, Inc. Model DHC–8–400 series airplanes. This proposed AD was

prompted by reports of hydraulic fluid loss from the reservoir of the main landing gear's (MLG's) alternate extension system. This proposed AD would require inspection for correct assembly of the MLG's alternate extension system reservoir lid, and corrective action if necessary. We are proposing this AD to, in the event of a failure of the primary MLG extension system, prevent failure of the alternate MLG extension system to fully extend the MLG into a down-and-locked position, which could result in collapse of both MLG during touchdown.

DATES: We must receive comments on this proposed AD by December 8, 2014.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

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

For Bombardier service information identified in this proposed AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com;* Internet *http://www.bombardier.com.* For Parker service information identified in this proposed AD, contact Parker Aerospace, 14300 Alton Parkway, Irvine, CA, 92618; phone: 949–833–3000; Internet: *http://www.parker.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–2014–0754; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Fabio Buttitta, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7303; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA–2014–0754; Directorate Identifier 2014–NM–136–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2014–15, dated June 6, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition for certain Bombardier, Inc. Model DHC–8–400 series airplanes. The MCAI states:

> Several cases have been reported of hydraulic fluid loss from the main landing gear (MLG) alternate extension system reservoir and in one case, the reservoir was found empty. The cause was determined to be an incorrectly assembled reservoir lid. In the event of a failed primary MLG extension system, an alternate MLG extension system with an empty reservoir may not be able to fully extend the MLG into the down and locked position, resulting in an unsafe landing configuration.
>
> This [Canadian] AD mandates the [general visual] inspection of the MLG alternate extension system reservoir lid for correct assembly and the required rectification [i.e., corrective action which consists of repairing the lid assembly].
>
> The unsafe landing configuration could result in collapse of both MLG during touch down. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0754.

Relevant Service Information

Bombardier has issued Service Bulletin 84–29–34, dated May 9, 2013, including Parker Service Bulletin 82910012–29–431, dated October 22, 2012. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

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

Costs of Compliance

We estimate that this proposed AD affects 173 airplanes of U.S. registry.

We also estimate that it would take about 4 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $58,820, or $340 per product.

In addition, we estimate that any necessary follow-on actions would take about 2 work-hours and require parts costing $0, for a cost of $170 per product. We have no way of determining the number of aircraft that might need this action.

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that

section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bombardier, Inc.: Docket No. FAA–2014–0754; Directorate Identifier 2014–NM–136–AD.

(a) Comments Due Date

We must receive comments by December 8, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc. Model DHC–8–401, –402, and –403 airplanes, certificated in any category, serial numbers 4001 through 4424 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 29, Hydraulic Power.

(e) Reason

This AD was prompted by reports of hydraulic fluid loss from the reservoir of the main landing gear's (MLG's) alternate extension system. We are issuing this AD to, in the event of a failure of the primary MLG extension system, prevent failure of the alternate MLG extension system to fully extend the MLG into a down-and-locked position, which could result in collapse of both MLG during touchdown.

(f) Compliance

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

(g) Inspection and Corrective Action

Within 2,000 flight hours or 12 months after the effective date of this AD, whichever occurs first: Do a general visual inspection of the MLG alternate extension system reservoir lid for correct assembly, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–29–34, dated May 9, 2013, including Parker Service Bulletin 82910012–29–431, dated October 22, 2012. Do all applicable corrective actions within 2,000 flight hours or 12 months after the effective date of this AD, whichever occurs first.

(h) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Bombardier All Operator Message 543, dated October 17, 2012, which is not incorporated by reference in this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office (ACO), ANE–170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO, ANE–170, Engine and Propeller Directorate, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2014–15, dated June 6, 2014, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0754.

(2) For Bombardier service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com;* Internet *http://www.bombardier.com.* For Parker service information identified in this AD, contact Parker Aerospace, 14300 Alton Parkway, Irvine, CA 92618; phone: 949–833–3000; Internet: *http://www.parker.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on October 15, 2014.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–25179 Filed 10–22–14; 8:45 am]

BILLING CODE 4910–13–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 14

RIN 3038–AE21

Proceedings Before the Commodity Futures Trading Commission; Rules Relating to Suspension or Disbarment From Appearance and Practice

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is proposing to amend part 14 of its regulations, under which the Commission may deny, temporarily or permanently, the privilege of certain persons to appear or practice before it. The amendment clarifies the Commission's standard for determining when an accountant has engaged in

"unethical or improper professional conduct" which has been established as a basis for denying the accountant the privilege of appearing or practicing before the Commission.

DATES: Comments must be received on or before November 24, 2014.

ADDRESSES: You may submit comments, identified by RIN number 3038–AE21, by any of the following methods:

- *Agency Web site, via the Comments Online process: http://comments.cftc.gov.* Follow the instructions for submitting comments through the Web site.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.
- *Hand delivery/courier:* Same as Mail, above.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow instructions for submitting comments.

Please submit your comments using only one method.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations, 17 CFR 145.9.

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the rulemaking will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: Jason Gizzarelli, Director, Office of Proceedings, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581. Telephone: (202) 418–5395.

SUPPLEMENTARY INFORMATION:

I. Background

The Commission proposes to amend § 14.8 of its regulations to provide additional guidance with respect to the circumstances in which the Commission, after notice and opportunity for hearing, may deny, temporarily or permanently, the privilege of appearing or practicing before it to any accountant who is found by a preponderance of the evidence to have violated § 14.8 of the regulations. Specifically, the Commission can impose a sanction upon any persons, most notably attorneys and accountants, after notice and opportunity for a hearing, who it finds do not possess the requisite qualifications to represent others; to be lacking in character or integrity; or to have engaged in unethical or improper professional conduct either in the course of an adjudicatory, investigative, rulemaking, or other proceeding before the Commission or otherwise.[1]

The Commission has filed six administrative actions alleging violations of Rule 14.8 since 1996 against accountants appearing and practicing before the Commission.[2] In each of those six cases, the Commission accepted a settlement in which the defendants were banned from practicing before the Commission for a variety of time periods. The amendments to § 14.8 relate to the practice of accountants before the Commission and are intended to expand upon the language of current § 14.8(c) to articulate the standard more specifically and in a manner consistent with the standard the Commission has applied in past administrative adjudications considering accountant behavior.

The proposed amendment of § 14.8 generally tracks Securities and Exchange Commission ("SEC") Rule 102(e), in which the SEC has elaborated its standard for determining when an accountant engages in "improper professional conduct" by specifying three types of violative conduct. The SEC rule states that, with respect to persons licensed to practice as accountants, "improper professional conduct" under SEC Rule 201.102(e)(1)(ii) means intentional or knowing conduct, including reckless conduct, that results in a violation of applicable professional standards or either of the following two types of negligent conduct: a single instance of highly unreasonable conduct that results in a violation of applicable professional standards in circumstances in which an accountant knows, or should know, that heightened scrutiny is warranted; or repeated instances of unreasonable conduct, each resulting in a violation of applicable professional standards, that indicate a lack of competence to practice before the SEC.[3]

In subparagraph (A) of its amended rule, the SEC defines "improper professional conduct" to include the most egregious violations of applicable professional standards—those done intentionally or knowingly. In subparagraph (B) of Rule 102(e), the SEC specifies what types of negligent conduct rise to the level of "improper professional conduct." These standards are being added to the proposed § 14.8 of the Commission's regulations to provide further definition to the fitness criteria established in § 14.8.

II. Role of, and Standards Applied to, Accountants

Accountants auditing Commission registrants perform a critical gatekeeper role in protecting the financial integrity of the futures markets and the investing public. Accountants appearing before the Commission in this capacity must understand the business operations of their clients and conduct financial audits both in accordance with applicable professional principles and standards and in satisfaction of all the requirements of the Commission's regulations.[4]

Rule 14.8 can be an effective remedial tool to ensure that the accountants appearing before the Commission are competent to do so and do not pose a threat to the Commission's registration and examination functions. Accountants who engage in intentional or knowing misconduct, which includes reckless conduct, clearly pose such a threat, as do accountants who engage in certain specified types of negligent conduct.

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[1] 17 CFR 14.8.

[2] *In re Deloitte & Touche and Thomas Lux,* CFTC Docket No. 96–10, 1996 WL 547883 (CFTC September 25, 1996); *In re Sherald Griffin, CPA & Donna Laubscher, CPA,* CFTC Docket No. 98–12, 1998 WL 161709 (CFTC April 8, 1998); *In re Anatoly Osadchy, CPA,* CFTC Docket No. 99–2, 1998 WL 754637 (CFTC October 29, 1998); *In re G. Victor Johnson and Altschuler, Melvoin & Glasser, LLP,* CFTC Docket No. 04–29, 2005 WL 1398672 (CFTC June 13, 2005); *In re G. Victor Johnson II, McGladrey & Pullen, LLP and Altshuler, Melvoin & Glasser, LLP,* CFTC Docket No. 11–01, 2010 WL 3903905 (CFTC October 4 2010); *In re Jeannie Veraja-Snelling,* CFTC Docket No. 13–29 (CFTC filed Aug. 26, 2013).

[3] 17 CFR 201.102(e)(1)(iv).

[4] The current professional principles and standards applicable to accountants appearing before the Commission include Generally Accepted Accounting Principles, Generally Accepted Auditing Standards, International Accounting Standards, the Code of Conduct of the American Institute of Certified Public Accountants, and the rules and standards of the Public Company Accounting Oversight Board.

The Commission believes that a single, highly unreasonable error in judgment or other act made in circumstances warranting heightened scrutiny conclusively demonstrates a lack of competence to practice before the Commission. Repeated unreasonable conduct may also indicate a lack of competence. Therefore, if the Commission finds that an accountant acted egregiously in a single instance or unreasonably in more than one instance, in each case resulting in a violation of applicable professional standards, and that this conduct indicates a lack of competence, then that accountant engaged in improper professional conduct under the standard elaborated today.

The proposed amendment to § 14.8 is not meant, however, to encompass every professional misstep. A single judgment error, for example, even if unreasonable when made, may not indicate a lack of competence to practice before the Commission sufficient to require Commission action. The proposed amendment is crafted to provide greater clarity with respect to the Commission's standard, as developed to-date through administrative adjudications, for assessing accountant conduct. At the same time, however, like the SEC regulations after which the amendment is modeled, the amendment elaborates standards that are to be applied in adjudications on a case-by-case basis, a method that promotes equitable application of the standards as warranted upon full consideration of the facts of each case.

Just as the SEC noted when it amended its rule in 1998, the Commission does not seek to use § 14.8 to establish new standards for the accounting profession.[5] The rule itself imposes no new professional standards on accountants. Accountants who appear or practice before the Commission are already subject to professional standards, and § 14.8(c) is intended to apply consistent with those existing standards.

III. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act ("RFA") requires agencies to consider whether the rules they may adopt will have a significant economic effect on a substantial number of small entities.[6] The proposed amendment simply clarifies the standard by which the Commission determines whether accountants have engaged in "improper professional conduct" and does not impose any additional burdens on small businesses. Accordingly, the Chairman, on behalf of the Commission, hereby certifies, pursuant to 5 U.S.C. 605(b), that the amendments will not have a significant economic impact on a substantial number of small businesses.

B. Paperwork Reduction Act

The proposed amendment to Rule 14.8 does not establish a collection of information for which the Commission would be obligated to comply with the Paperwork Reduction Act.[7]

C. Consideration of Costs and Benefits

Section 15(a) of the Commodity Exchange Act ("CEA") requires the Commission to "consider the costs and benefits" of its actions before promulgating a regulation under the CEA or issuing certain orders.[8] Section 15(a) further specifies that the costs and benefits shall be evaluated in light of five broad areas of market and public concern: (1) Protection of market participants and the public; (2) efficiency, competitiveness, and financial integrity of futures markets; (3) price discovery; (4) sound risk management practices; and (5) other public interest considerations. The Commission considers the costs and benefits resulting from its discretionary determinations with respect to the section 15(a) factors.

Reckless accounting practices threaten serious harm to market participants and, potentially, to the financial system as a whole.[9] Section 14.8, which encompasses "improper professional conduct" of accountants that practice before the Commission, is one of the Commission's tools to guard against such harm. This proposed amendment is not designed to substantively change the standard that the Commission now employs under § 14.8(c) in assessing accountant conduct. Rather, as discussed above, the proposed amendment—which closely tracks language in the SEC's analogous rule[10]—would simply expand upon the language of current § 14.8(c) to articulate the standard more specifically and in a manner consistent with the standard the Commission has applied in past administrative adjudications considering accountant behavior.[11]

Accordingly, the proposed amendment's chief benefit derives from clarifying the specific contours of the Commission's existing § 14.8(c) standard as applied to accountant behavior, and by codifying this refined approach in the Commission's regulations. Through this codification the more well-defined standard will be more transparent and accessible to professional practitioners, market participants, and the public generally. As a result, accountants appearing before the Commission will have the benefit of prominent notice of the specific standards of conduct to which they are held, and the consequences of failing to meet them. To the extent an accountant inclined to test the bounds of professional conduct perceives loopholes or ambiguity for exploitation in the more general standard now stated in § 14.8(c), the proposed clarifying amendment provides a deterrent against such potentially damaging conduct, a benefit for market participants and the public. Further, such clear, specific notice forecloses to a great degree potential for an offending accounting practitioner, in defense of improper conduct, to argue confusion or uncertainty about what specifically the Commission's standard requires, thus supporting Commission enforcement efficiency.

The Commission anticipates no material cost burden attributable to the proposed amendment for market participants or accounting professionals to whom the amendment is addressed. Again, this proposed rule amendment merely articulates with more precision the contours of the existing, but now more generally-stated, standard in current § 14.8(c), which incorporates the standards to which accountants must already conform under the rules governing that profession. Accountants practicing before the Commission are currently expected to be in compliance with this standard, so there should be no cost to them to change behavior to meet it.

In the following, the Commission considers the proposed amendment relative to the CEA section 15(a) factors.

(1) Protection of Market Participants and the Public

As noted, improper accounting practices may help to cover up financial frauds or foster improper managerial decisions, and may pose a threat to the safety of customer funds. By articulating

[5] *See* 63 FR 33305, June 18, 1998 and 63 FR 57164, Oct. 26, 1998.

[6] 5 U.S.C. 601 *et seq.*

[7] 44 U.S.C. 3501 *et seq.*

[8] 7 U.S.C. 19(a).

[9] For example, accounting professionals who prepare or assist in the preparation of misleading auditing reports or financial statements—either deliberately or due to their incompetence—may help cover up fraudulent practices that result in loss of customer funds. In addition, misleading auditing reports or financial statements may result in excessive risks being undertaken, because certain risk measures or decisions regarding risk management are based on accounting data.

[10] 17 CFR 201.102(e)(1)(iv).

[11] *See* footnote 2 of section I of this Preamble.

the Commission's standards in more specific, codified, and readily accessible form, the amendment safeguards against accountants professing lack of knowledge of the applicable standards—or exploiting perceived ambiguities in them—to the detriment of market participants and the public.

(2) Efficiency, Competitiveness, and Financial Integrity of Futures Markets

Threats to the safety of customer funds generate public distrust in financial market integrity. To the extent this rule amendment better informs accountants and fosters their understanding of the Commission's standards and the consequences of improper actions—actions that potentially could threaten the safety of customer funds—the proposed amendment promotes the integrity of financial markets.

(3) Price Discovery

The Commission does not foresee that the proposed amendment will directly impact price discovery.

(4) Sound Risk Management Practices

As noted, improper accounting practices may lead to unnecessary risks being undertaken, as certain risk measures or managerial decisions are based on accounting data. To the extent the proposed amendment improves accountants' understanding of the Commission's standards, thereby deterring improper conduct that potentially could result in unnecessary risks being undertaken, the proposed amendment promotes sound risk management practices.

(5) Other Public Interest Considerations

By harmonizing the CFTC Rule 14.8(c) standard for accountants with that of SEC Rule 102(e), the proposed amendment helps to ensure consistency and reduces potential for confusion.

The Commission requests comment on all aspects of this consideration of costs and benefits, including whether any alternative is perceived as more beneficial, less costly, or otherwise better suited to serve the public interests articulated in CEA section 15(a) than the amendment herein proposed.

List of Subjects in 17 CFR Part 14

Administrative practice and procedure, Professional conduct and competency standards, Ethical conduct, Penalties.

For the reasons discussed in the preamble, the Commodity Futures Trading Commission proposes to amend 17 CFR part 14 as set forth below:

PART 14—RULES RELATING TO SUSPENSION OR DISBARMENT FROM APPEARANCE AND PRACTICE

■ 1. The authority citation for part 14 continues to read as follows:

Authority: Pub. L. 93–463, sec. 101(a)(11), 88 Stat. 1391, 7 U.S.C. 4a(j), unless otherwise noted.

■ 2. Amend § 14.8 by revising paragraph (c) to read as follows:

§ 14.8 Lack of requisite qualifications, character and integrity.

* * * * *

(c) To have engaged in unethical or improper professional conduct either in the course of any adjudicatory, investigative, or rulemaking or other proceeding before the Commission or otherwise. With respect to the professional conduct of persons licensed to practice as accountants, "unethical or improper professional conduct" means:

(1) Intentional or knowing conduct, including reckless conduct, that results in a violation of applicable professional principles or standards; or

(2) Either of the following two types of negligent conduct:

(i) A single instance of highly unreasonable conduct that results in a violation of applicable professional principles or standards in circumstances in which an accountant knows, or should know, that heightened scrutiny is warranted.

(ii) Repeated instances of unreasonable conduct, each resulting in a violation of applicable professional principles or standards, which indicate a lack of competence to practice before the Commission.

Issued in Washington, DC, on October 17, 2014, by the Commission.

Christopher J. Kirkpatrick,

Secretary of the Commission.

Note: The following appendix will not appear in the Code of Federal Regulations.

Appendix to Proceedings Before the Commodity Futures Trading Commission; Rules Relating to Suspension or Disbarment From Appearance and Practice—Commission Voting Summary

On this matter, Chairman Massad and Commissioners Wetjen, Bowen, and Giancarlo voted in the affirmative. No Commissioner voted in the negative.

[FR Doc. 2014–25194 Filed 10–22–14; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 1, 16, 112, 117, and 507

[Docket Nos. FDA–2011–N–0920, FDA–2011–N–0921, FDA–2011–N–0922, and FDA–2011–N–0143]

RIN 0910–AG36, RIN 0910–AG35, RIN 0910–AG10, and RIN 0910–AG64

Food and Drug Administration Food Safety Modernization Act; Public Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of public meeting.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public meeting to discuss proposed revisions to four rules originally proposed in 2013 to implement the FDA Food Safety Modernization Act (FSMA). In response to the comments received on these foundational FSMA proposed rules, FDA issued supplemental notices of proposed rulemaking that propose significant changes to four of the proposed rules including: Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Human Food (Preventive Controls for Human Food); Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption (Produce Safety); Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Food for Animals (Preventive Controls for Animal Food); and Foreign Supplier Verification Programs for Importers of Food for Humans and Animals (Foreign Supplier Verification Programs). The purpose of the public meeting is to solicit oral stakeholder and public comments on the new content of the supplemental proposed rules and to inform the public about the rulemaking process (including how to submit comments, data, and other information to the rulemaking dockets), and to respond to questions about the supplemental proposed rules.

DATES: See section II, "How to Participate in the Public Meeting," in the **SUPPLEMENTARY INFORMATION** section of this document for the date and time of the public meeting, closing dates for advance registration, and information on deadlines for submitting either electronic or written comments to FDA's Division of Dockets Management.

ADDRESSES: See section II, "How to Participate in the Public Meeting," in

the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

For questions about registering for the meeting; to register by telephone; or to submit a notice of participation by mail, FAX, or email: Courtney Treece, Planning Professionals Ltd., 1210 W. McDermott St., Suite 111, Allen, TX 75013, 704–258–4983, FAX: 469–854–6992, email: *ctreece@planningprofessionals.com.*

For general questions about the meeting; to request an opportunity to make an oral presentation at the public meeting; to submit the full text, comprehensive outline, or summary of an oral presentation; or for special accommodations due to a disability: Juanita Yates, Center for Food Safety and Applied Nutrition (HFS–009), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240–402–1731, email: *Juanita.yates@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FSMA (Pub. L. 111–353) was signed into law by President Obama on January 4, 2011, to better protect public health by helping to ensure the safety and security of the U.S. food supply. FSMA amends the Federal Food, Drug, and Cosmetic Act to establish the foundation of a modernized, prevention-based food safety system. Among other things, FSMA requires FDA to issue regulations requiring preventive controls for human food and animal food, setting standards for produce safety, and requiring importers to verify that their foreign suppliers produce food that is as safe as food produced in the United States.

FSMA was the first major legislative reform of FDA's food safety authorities in more than 70 years, even though FDA has increased the focus of its food safety efforts on prevention over the past several years. Since January 2013, FDA has proposed seven foundational rules to implement FSMA: Produce Safety, Preventive Controls for Human Food, Preventive Controls for Animal Food, Foreign Supplier Verification Programs, Accreditation of Third-Party Auditors/Certification Bodies to Conduct Food Safety Audits and to Issue Certifications, Focused Mitigation Strategies to Protect Food Against Intentional Adulteration, and Sanitary Transportation of Human and Animal Food. FDA conducted extensive outreach to industry, growers, academia, consumer groups, tribal governments, and the Agency's counterparts at the Federal, State and local levels, and received thousands of comments on the proposals.

In response to the comments received on some of the foundational FSMA proposed rules, which FDA continues to review, FDA issued supplemental notices of proposed rulemaking that propose significant changes to four of the proposed rules: Preventive Controls for Human Food, Produce Safety, Preventive Controls for Animal Food, and Foreign Supplier Verification Programs. FDA's proposed changes are intended to provide more flexible, practical, and targeted approaches to ensuring a safe food supply system.

In the **Federal Register** of September 29, 2014 (79 FR 58523, 58433, 58475, and 58573), FDA announced the reopening of these four dockets so that the public can review the supplemental proposed rules and submit comments to the Agency. The Agency is accepting comments on the revised provisions of all four proposed rules until December 15, 2014. No additional comments will be accepted on the original proposed rules.

FDA is announcing a public meeting entitled "Food and Drug Administration Food Safety Modernization Act" so that the food industry, consumers, foreign governments, and other stakeholders can evaluate and comment on the supplemental proposals. The meeting is intended to facilitate and support the supplemental proposed rules' evaluation and commenting process.

For information on the supplemental proposed rules and related fact sheets, see FDA's FSMA Web page located at *http://www.fda.gov/Food/FoodSafety/FSMA/default.htm.*

II. How To Participate in the Public Meeting

FDA is holding the public meeting on the supplemental proposed rules to inform the public about the rulemaking process, including how to submit comments, data, and other information to the rulemaking dockets; to respond to questions about the supplemental proposed rules; and to provide an opportunity for interested persons to make oral presentations. Due to limited space and time, FDA encourages all persons who wish to attend the meeting to register in advance. There is no fee to register for the public meetings, and registration will be on a first-come, first-served basis. Early registration is recommended because seating is limited. Onsite registration will be accepted, as space permits, after all preregistered attendees are seated. Live Webcasting of the event is also being offered through the registration process.

Those requesting an opportunity to make an oral presentation during the time allotted for public comment at the meeting are asked to submit a request and to provide the specific topic or issue to be addressed. Due to the anticipated high level of interest in presenting public comment and the number of supplemental proposals being addressed at the public meeting, time for making public comment is necessarily limited. FDA is allocating 3 minutes to each speaker to make an oral presentation. Speakers will be limited to making oral remarks; there will not be an opportunity to display materials such as slide shows, videos, or other media during the meeting. If time permits, individuals or organizations that did not register in advance may be granted the opportunity to make an oral presentation. FDA would like to maximize the number of individuals who make a presentation at the meeting and will do our best to accommodate all persons who wish to make a presentation or express their opinions at the meeting.

FDA encourages persons and groups who have similar interests to consolidate their information for presentation by a single representative. After reviewing the presentation requests, FDA will notify each participant before the meeting of the approximate time their presentation is scheduled to begin and remind them of the presentation format (i.e., 3-minute oral presentation without visual media).

While oral presentations from specific individuals and organizations will be necessarily limited due to time constraints during the public meeting, stakeholders may submit electronic or written comments discussing any issues of concern to the administrative record (the docket) for the relevant rulemaking. All relevant data and documentation should be submitted with the comments to the appropriate docket (Docket Nos. FDA–2011–N–0920, FDA–2011–N–0921, FDA–2011–N–0922, and FDA–2011–N–0143).

Table 1 of this document provides information on participation in the public meeting:

TABLE 1—INFORMATION ON PARTICIPATION IN THE MEETING AND ON SUBMITTING COMMENTS TO THE RULEMAKING DOCKETS

	Date	Electronic address	Address	Other information
Public meeting	November 13, 2014	*http://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/default.htm.*	Wiley Building, 5100 Paint Branch Pkwy., College Park, MD 20740.	Onsite registration from 8 a.m.–8:30 a.m.
Advance registration	By November 7, 2014	Individuals who wish to participate in person are asked to preregister at *http://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/default.htm.*	We encourage you to use electronic registration if possible.[1]	There is no registration fee for the public meetings. Early registration is recommended because seating is limited.
Request to make an oral presentation.	By October 27, 2014	*http://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/default.htm*[2].		Requests made on the day of the meeting to make an oral presentation will be granted only if time permits. Information on requests to make an oral presentation may be posted without change to *http://www.regulations.gov*, including any personal information provided.
Request special accommodations due to a disability.	By October 27, 2014	Juanita Yates, email: *Juanita.yates@fda.hhs.gov.*	See **FOR FURTHER INFORMATION CONTACT**.	
Submit electronic or written comments.	By December 15, 2014	Docket Nos. FDA–2011–N–0920, FDA–2011–N–0921, FDA–2011–N–0922, and FDA–2011–N–0143; *http://www.regulations.gov.*	Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.	

[1] You may also register via email, mail, or FAX. Please include your name, title, firm name, address, and phone and FAX numbers in your registration information and send to: Courtney Treece, Planning Professionals Ltd., 1210 W. McDermott St., Suite 111, Allen, TX 75013, 704–258–4983, FAX: 469–854–6992, email: *ctreece@planningprofessionals.com.* Onsite registration will also be available.

[2] You may also request to make an oral presentation at the public meeting via email. Please include your name, title, firm name, address, and phone and FAX numbers as well as the full text, comprehensive outline, or summary of your oral presentation and send to: Juanita Yates, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240–402–1731, email: *Juanita.yates@fda.hhs.gov.*

III. Comments, Transcripts, and Recorded Video

Information and data submitted voluntarily to FDA during the public meeting will become part of the administrative record for the relevant rulemaking and will be accessible to the public at *http://www.regulations.gov.* The transcript of the proceedings from the public meeting will become part of the administrative record for each of the rulemakings. Please be advised that as soon as a transcript is available, it will be accessible at *http://www.regulations.gov* and at FDA's FSMA Web site at: *http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm247568.htm.* It may also be viewed at the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. Written requests are to be sent to the Division of Freedom of Information (ELEM–1029), Food and Drug Administration, 12420 Parklawn Dr., Element Bldg., Rockville, MD 20857. Additionally, FDA will be live Webcasting the event. When available, the Webcast video recording of the public meeting will be accessible at FDA's FSMA Web site at *http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm247568.htm.*

Dated: October 20, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–25261 Filed 10–22–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1271

[Docket No. FDA–2014–D–1584]

Same Surgical Procedure Exception Questions and Answers Regarding the Scope of the Exception; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Request for comment on draft guidance.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft document entitled "Same Surgical Procedure Exception Questions and Answers Regarding the Scope of the Exception" dated October 2014. The draft guidance document is intended for tissue establishments and healthcare

professionals and discusses one of the exceptions for establishments from certain regulatory requirements.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by December 22, 2014

ADDRESSES: Submit written requests for single copies of the draft guidance to the Office of Communication, Outreach, and Development, Center for Biologics Evaluation and Research (CBER), 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 the office in processing your requests. The draft guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–7800. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance to *http://www.regulations.gov*. Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Lori J. Churchyard, 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

FDA is announcing the availability of a draft document entitled "Same Surgical Procedure Exception under 21 CFR 1271.15(b): Questions and Answers Regarding the Scope of the Exception" dated October 2014. The draft guidance document is intended for use by tissue establishments and healthcare professionals. When finalized, the guidance document will provide our current thinking with respect to the exception set forth in Title 21 of the Code of Federal Regulations 1271.15(b) (21 CFR 1271.15(b)). The draft guidance is presented in question and answer format and includes examples based on inquiries received by the Agency since the final rule, "Human Cells, Tissues, and Cellular and Tissue Based Products; Establishment Registration and Listing" published in the **Federal Register** of January 19, 2001 (66 FR 5447).

The draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent FDA's current thinking on this topic. 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 requirement of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

The draft 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 1271 have been approved under OMB control number 0910–0543.

III. Comments

The draft guidance is being distributed for comment purposes only and is not intended for implementation at this time. Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov*.

IV. Electronic Access

Persons with access to the Internet may obtain the draft guidance at either *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov*.

Dated: *October 17, 2014.*

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–25217 Filed 10–22–14; 8:45 am]

BILLING CODE 4164–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2012–0542; FRL–9917–76–Region 9]

Revisions to the California State Implementation Plan; Imperial County; Ozone Precursor Emissions Inventories

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Imperial County portion of the California State Implementation Plan (SIP). This revision concerns Clean Air Act (CAA) requirements for volatile organic compounds and oxides of nitrogen emissions inventories in areas designated nonattainment for the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS). We are proposing to approve the 2002 volatile organic compound and oxides of nitrogen emissions inventories as submitted by Imperial County and California.

DATES: Any comments on this proposal must arrive by November 24, 2014.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2012–0542, by one of the following methods:

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

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

technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: Generally, documents in the docket for this action are available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901. While all documents in the docket are listed at *www.regulations.gov,* some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

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

SUPPLEMENTARY INFORMATION: This proposal concerns the volatile organic compound (VOC) and oxides of nitrogen (NO_X) 2002 emissions inventories submitted by California on December 21, 2010 in the document "Final 2009 1997 8-hour Ozone Modified Air Quality Management Plan" for Imperial County. California submitted these emissions inventories to meet CAA requirements under the 1997 8-hour ozone NAAQS. In the Rules and Regulations section of this **Federal Register**, we are approving these VOC and NO_X emissions inventories provided by California in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if we receive adverse comment on a portion of the state's submittal and if that provision may be severed from the remainder of the submittal, we may adopt as final those provisions of the submittal that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: September 24, 2014.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2014–24752 Filed 10–22–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2014–0547; FRL–9918–39–Region 9]

Partial Approval and Partial Disapproval of Air Quality State Implementation Plans; California; Infrastructure Requirements for Ozone, Fine Particulate Matter ($PM_{2.5}$), Lead (Pb), Nitrogen Dioxide (NO_2), and Sulfur Dioxide (SO_2)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to partially approve and partially disapprove several State Implementation Plan (SIP) revisions submitted by the State of California pursuant to the requirements of the Clean Air Act (CAA or the Act) for the implementation, maintenance, and enforcement of national ambient air quality standards (NAAQS) for ozone, fine particulate patter ($PM_{2.5}$), lead (Pb), nitrogen dioxide (NO_2), and sulfur dioxide (SO_2). We refer to such SIP revisions as "infrastructure" SIPs because they are intended to address basic structural SIP requirements for new or revised NAAQS including, but not limited to, legal authority, regulatory structure, resources, permit programs, and monitoring necessary to assure attainment and maintenance of the standards. In addition, we are proposing to reclassify certain regions of the state for emergency episode planning purposes with respect to ozone, NO_2, SO_2, and particulate matter (PM). Finally, we are proposing to approve into the SIP several state provisions addressing CAA conflict of interest requirements into the California SIP and an emergency episode planning rule for Great Basin Unified Air Pollution Control District (APCD) for PM. We are taking comments on this proposal and, after considering any comments submitted, plan to take final action.

DATES: Written comments must be received on or before November 24, 2014.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R09–OAR–2014–0547, by one of the following methods:

1. *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: mays.rory@epa.gov.*
3. *Mail or deliver:* Rory Mays (AIR–2), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901. Deliveries are only accepted during the Regional Office's normal hours of operation.

Instructions: All comments 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 Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *http://www.regulations.gov* or email. *http://www.regulations.gov* is an anonymous access system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Docket: Generally, documents in the docket for this action are available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed at *www.regulations.gov,* some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Rory Mays, Air Planning Office (AIR–2), U.S. Environmental Protection Agency, Region IX, (415) 972–3227, *mays.rory@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, the terms "we," "us," and "our" refer to EPA.

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I. EPA's Approach to the Review of Infrastructure SIP Submittals

EPA is acting upon several SIP submittals from California that address the infrastructure requirements of CAA sections 110(a)(1) and 110(a)(2) for the 1997 ozone, 2008 ozone, 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, 2012 $PM_{2.5}$, 2008 Pb, 2010 NO_2, and 2010 SO_2 NAAQS. The requirement for states to make a SIP submittal of this type arises out of CAA section 110(a)(1). Pursuant to section 110(a)(1), states must make SIP submittals "within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof)," and these SIP submittals are to provide for the "implementation, maintenance, and enforcement" of such NAAQS. The statute directly imposes on states the duty to make these SIP submittals, and the requirement to make the submittals is not conditioned upon EPA's taking any action other than promulgating a new or revised NAAQS. Section 110(a)(2) includes a list of specific elements that "[e]ach such plan" submittal must address.

EPA has historically referred to these SIP submittals made for the purpose of satisfying the requirements of CAA sections 110(a)(1) and 110(a)(2) as "infrastructure SIP" submittals. Although the term "infrastructure SIP" does not appear in the CAA, EPA uses the term to distinguish this particular type of SIP submittal from submittals that are intended to satisfy other SIP requirements under the CAA, such as "nonattainment SIP" or "attainment SIP" submittals to address the nonattainment planning requirements of part D of title I of the CAA, "regional haze SIP" submittals required by EPA rule to address the visibility protection requirements of CAA section 169A, and nonattainment new source review (NSR) permit program submittals to address the permit requirements of CAA, title I, part D.

Section 110(a)(1) addresses the timing and general requirements for infrastructure SIP submittals, and section 110(a)(2) provides more details concerning the required contents of these submittals. The list of required elements provided in section 110(a)(2) contains a wide variety of disparate provisions, some of which pertain to required legal authority, some of which pertain to required substantive program provisions, and some of which pertain to requirements for both authority and substantive program provisions.[1] EPA therefore believes that while the timing requirement in section 110(a)(1) is unambiguous, some of the other statutory provisions are ambiguous. In particular, EPA believes that the list of required elements for infrastructure SIP submittals provided in section 110(a)(2) contains ambiguities concerning what is required for inclusion in an infrastructure SIP submittal.

The following examples of ambiguities illustrate the need for EPA to interpret some section 110(a)(1) and section 110(a)(2) requirements with respect to infrastructure SIP submittals for a given new or revised NAAQS. One example of ambiguity is that section 110(a)(2) requires that "each" SIP submittal must meet the list of requirements therein, while EPA has long noted that this literal reading of the statute is internally inconsistent and would create a conflict with the nonattainment provisions in part D of title I of the Act, which specifically address nonattainment SIP requirements.[2] Section 110(a)(2)(I) pertains to nonattainment SIP requirements and part D addresses when attainment plan SIP submittals to address nonattainment area requirements are due. For example, section 172(b) requires EPA to establish a schedule for submittal of such plans for certain pollutants when the Administrator promulgates the designation of an area as nonattainment, and section 107(d)(1)(B) allows up to two years, or in some cases three years, for such designations to be promulgated.[3] This ambiguity illustrates that rather than apply all the stated requirements of section 110(a)(2) in a strict literal sense, EPA must determine which provisions of section 110(a)(2) are applicable for a particular infrastructure SIP submittal.

Another example of ambiguity within sections 110(a)(1) and 110(a)(2) with respect to infrastructure SIPs pertains to whether states must meet all of the infrastructure SIP requirements in a single SIP submittal, and whether EPA must act upon such SIP submittal in a single action. Although section 110(a)(1) directs states to submit "a plan" to meet these requirements, EPA interprets the CAA to allow states to make multiple SIP submittals separately addressing infrastructure SIP elements for the same NAAQS. If states elect to make such multiple SIP submittals to meet the infrastructure SIP requirements, EPA can elect to act on such submittals either individually or in a larger combined action.[4] Similarly, EPA interprets the CAA to allow it to take action on the individual parts of one larger, comprehensive infrastructure SIP submittal for a given NAAQS without concurrent action on the entire submittal. For example, EPA has sometimes elected to act at different times on various elements and sub-elements of the same infrastructure SIP submittal.[5]

Ambiguities within sections 110(a)(1) and 110(a)(2) may also arise with respect to infrastructure SIP submittal

[1] For example: Section 110(a)(2)(E)(i) provides that states must provide assurances that they have adequate legal authority under state and local law to carry out the SIP; section 110(a)(2)(C) provides that states must have a SIP-approved program to address certain sources as required by part C of title I of the CAA; and section 110(a)(2)(G) provides that states must have legal authority to address emergencies as well as contingency plans that are triggered in the event of such emergencies.

[2] *See*, e.g., "Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Revisions to Acid Rain Program; Revisions to the NO_X SIP Call; Final Rule," 70 FR 25162, at 25163–25165, May 12, 2005 (explaining relationship between timing requirement of section 110(a)(2)(D) versus section 110(a)(2)(I)).

[3] EPA notes that this ambiguity within section 110(a)(2) is heightened by the fact that various subparts of part D set specific dates for submittal of certain types of SIP submittals in designated nonattainment areas for various pollutants. Note, e.g., that section 182(a)(1) provides specific dates for submittal of emissions inventories for the ozone NAAQS. Some of these specific dates are necessarily later than three years after promulgation of the new or revised NAAQS.

[4] *See*, e.g., "Approval and Promulgation of Implementation Plans; New Mexico; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) Permitting," 78 FR 4339, January 22, 2013 (EPA's final action approving the structural PSD elements of the New Mexico SIP submitted by the State separately to meet the requirements of EPA's 2008 $PM_{2.5}$ NSR rule), and "Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Infrastructure and Interstate Transport Requirements for the 2006 $PM_{2.5}$ NAAQS," 78 FR 4337, January 22, 2013 (EPA's final action on the infrastructure SIP for the 2006 $PM_{2.5}$ NAAQS).

[5] On December 14, 2007, the State of Tennessee, through the Tennessee Department of Environment and Conservation, made a SIP revision to EPA demonstrating that the State meets the requirements of sections 110(a)(1) and (2). EPA proposed action for infrastructure SIP elements (C) and (J) on January 23, 2012 (77 FR 3213) and took final action on March 14, 2012 (77 FR 14976). On April 16, 2012 (77 FR 22533) and July 23, 2012 (77 FR 42997), EPA took separate proposed and final actions on all other section 110(a)(2) infrastructure SIP elements of Tennessee's December 14, 2007 submittal.

requirements for different NAAQS. Thus, EPA notes that not every element of section 110(a)(2) would be relevant, or as relevant, or relevant in the same way, for each new or revised NAAQS. The states' attendant infrastructure SIP submittals for each NAAQS therefore could be different. For example, the monitoring requirements that a state might need to meet in its infrastructure SIP submittal for purposes of section 110(a)(2)(B) could be very different for different pollutants, for example because the content and scope of a state's infrastructure SIP submittal to meet this element might be very different for an entirely new NAAQS than for a minor revision to an existing NAAQS.[6]

EPA notes that interpretation of section 110(a)(2) is also necessary when EPA reviews other types of SIP submittals required under the CAA. Therefore, as with infrastructure SIP submittals, EPA also has to identify and interpret the relevant elements of section 110(a)(2) that logically apply to these other types of SIP submittals. For example, section 172(c)(7) requires that attainment plan SIP submittals required by part D have to meet the "applicable requirements" of section 110(a)(2). Thus, for example, attainment plan SIP submittals must meet the requirements of section 110(a)(2)(A) regarding enforceable emission limits and control measures and section 110(a)(2)(E)(i) regarding air agency resources and authority. By contrast, it is clear that attainment plan SIP submittals required by part D would not need to meet the portion of section 110(a)(2)(C) that pertains to the air quality prevention of significant deterioration (PSD) program required in part C of title I of the CAA, because PSD does not apply to a pollutant for which an area is designated nonattainment and thus subject to part D planning requirements. As this example illustrates, each type of SIP submittal may implicate some elements of section 110(a)(2) but not others.

Given the potential for ambiguity in some of the statutory language of section 110(a)(1) and section 110(a)(2), EPA believes that it is appropriate to interpret the ambiguous portions of section 110(a)(1) and section 110(a)(2) in the context of acting on a particular SIP submittal. In other words, EPA assumes that Congress could not have intended that each and every SIP submittal, regardless of the NAAQS in question or the history of SIP development for the relevant pollutant, would meet each of the requirements, or meet each of them in the same way. Therefore, EPA has adopted an approach under which it reviews infrastructure SIP submittals against the list of elements in section 110(a)(2), but only to the extent each element applies for that particular NAAQS.

Historically, EPA has elected to use guidance documents to make recommendations to states for infrastructure SIPs, in some cases conveying needed interpretations on newly arising issues and in some cases conveying interpretations that have already been developed and applied to individual SIP submittals for particular elements.[7] EPA most recently issued guidance for infrastructure SIPs on September 13, 2013 (2013 Infrastructure SIP Guidance).[8] EPA developed this document to provide states with up-to-date guidance for infrastructure SIPs for any new or revised NAAQS. Within this guidance, EPA describes the duty of states to make infrastructure SIP submittals to meet basic structural SIP requirements within three years of promulgation of a new or revised NAAQS. EPA also made recommendations about many specific subsections of section 110(a)(2) that are relevant in the context of infrastructure SIP submittals.[9] The guidance also discusses the substantively important issues that are germane to certain subsections of section 110(a)(2). Significantly, EPA interprets sections 110(a)(1) and 110(a)(2) such that infrastructure SIP submittals need to address certain issues and need not address others. Accordingly, EPA reviews each infrastructure SIP submittal for compliance with the applicable statutory provisions of section 110(a)(2), as appropriate.

As an example, section 110(a)(2)(E)(ii) is a required element of section 110(a)(2) for infrastructure SIP submittals. Under this element, a state must meet the substantive requirements of section 128, which pertain to state boards that approve permits or enforcement orders and heads of executive agencies with similar powers. Thus, EPA reviews infrastructure SIP submittals to ensure that the state's SIP appropriately addresses the requirements of section 110(a)(2)(E)(ii) and section 128. The 2013 Infrastructure SIP Guidance explains EPA's interpretation that there may be a variety of ways by which states can appropriately address these substantive statutory requirements, depending on the structure of an individual state's permitting or enforcement program (*e.g.*, whether permits and enforcement orders are approved by a multi-member board or by a head of an executive agency). However they are addressed by the state, the substantive requirements of section 128 are necessarily included in EPA's evaluation of infrastructure SIP submittals because section 110(a)(2)(E)(ii) explicitly requires that the state satisfy the provisions of section 128.

As another example, EPA's review of infrastructure SIP submittals with respect to the PSD program requirements in sections 110(a)(2)(C), (D)(i)(II), and (J) focuses upon the structural PSD program requirements contained in part C, title I of the Act and EPA's PSD regulations. Structural PSD program requirements include provisions necessary for the PSD program to address all regulated sources and regulated NSR pollutants, including greenhouse gases (GHGs). By contrast, structural PSD program requirements do not include provisions that are not required under EPA's regulations at 40 Code of Federal Regulations (CFR) 51.166 but are merely available as an option for the state, such as the option to provide grandfathering of complete permit applications with respect to the 2012 $PM_{2.5}$ NAAQS. Accordingly, the latter optional provisions are types of provisions EPA considers irrelevant in the context of an infrastructure SIP action.

For other section 110(a)(2) elements, however, EPA's review of a state's infrastructure SIP submittal focuses on assuring that the state's SIP meets basic structural requirements. For example, section 110(a)(2)(C) includes, *inter alia*, the requirement that states have a

[6] For example, implementation of the 1997 $PM_{2.5}$ NAAQS required the deployment of a system of new monitors to measure ambient levels of that new indicator species for the new NAAQS.

[7] EPA notes, however, that nothing in the CAA requires EPA to provide guidance or to promulgate regulations for infrastructure SIP submittals. The CAA directly applies to states and requires the submittal of infrastructure SIP submittals, regardless of whether or not EPA provides guidance or regulations pertaining to such submittals. EPA elects to issue such guidance in order to assist states, as appropriate.

[8] "Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)," Memorandum from Stephen D. Page, September 13, 2013.

[9] EPA's September 13, 2013, guidance did not make recommendations with respect to infrastructure SIP submittals to address section 110(a)(2)(D)(i)(I). EPA issued the guidance shortly after the U.S. Supreme Court agreed to review the D.C. Circuit decision in *EME Homer City*, 696 F.3d7 (D.C. Cir. 2012) which had interpreted the requirements of section 110(a)(2)(D)(i)(I). In light of the uncertainty created by ongoing litigation, EPA elected not to provide additional guidance on the requirements of section 110(a)(2)(D)(i)(I) at that time. As the guidance is neither binding nor required by statute, whether EPA elects to provide guidance on a particular section has no impact on a state's CAA obligations.

program to regulate minor new sources. Thus, EPA evaluates whether the state has a SIP-approved minor NSR program and whether the program addresses the pollutants relevant to that NAAQS. In the context of acting on an infrastructure SIP submittal, however, EPA does not think it is necessary to conduct a review of each and every provision of a state's existing minor source program (*i.e.*, already in the existing SIP) for compliance with the requirements of the CAA and EPA's regulations that pertain to such programs.

With respect to certain other issues, EPA does not believe that an action on a state's infrastructure SIP submittal is necessarily the appropriate type of action in which to address possible deficiencies in a state's existing SIP. These issues include: (i) Existing provisions related to excess emissions from sources during periods of startup, shutdown, or malfunction that may be contrary to the CAA and EPA's policies addressing such excess emissions ("SSM"); (ii) existing provisions related to "director's variance" or "director's discretion" that may be contrary to the CAA because they purport to allow revisions to SIP-approved emissions limits while limiting public process or not requiring further approval by EPA; and (iii) existing provisions for PSD programs that may be inconsistent with current requirements of EPA's "Final NSR Improvement Rule," 67 FR 80186, December 31, 2002, as amended by 72 FR 32526, June 13, 2007 ("NSR Reform"). Thus, EPA believes it may approve an infrastructure SIP submittal without scrutinizing the totality of the existing SIP for such potentially deficient provisions and may approve the submittal even if it is aware of such existing provisions.[10] It is important to note that EPA's approval of a state's infrastructure SIP submittal should not be construed as explicit or implicit re-approval of any existing potentially deficient provisions that relate to the three specific issues just described.

EPA's approach to review of infrastructure SIP submittals is to identify the CAA requirements that are logically applicable to that submittal. EPA believes that this approach to the review of a particular infrastructure SIP submittal is appropriate, because it would not be reasonable to read the general requirements of section 110(a)(1) and the list of elements in 110(a)(2) as requiring review of each and every provision of a state's existing SIP against all requirements in the CAA and EPA regulations merely for purposes of assuring that the state in question has the basic structural elements for a functioning SIP for a new or revised NAAQS. Because SIPs have grown by accretion over the decades as statutory and regulatory requirements under the CAA have evolved, they may include some outmoded provisions and historical artifacts. These provisions, while not fully up to date, nevertheless may not pose a significant problem for the purposes of "implementation, maintenance, and enforcement" of a new or revised NAAQS when EPA evaluates adequacy of the infrastructure SIP submittal. EPA believes that a better approach is for states and EPA to focus attention on those elements of section 110(a)(2) of the CAA most likely to warrant a specific SIP revision due to the promulgation of a new or revised NAAQS or other factors.

For example, EPA's 2013 Infrastructure SIP Guidance gives simpler recommendations with respect to carbon monoxide than other NAAQS pollutants to meet the visibility requirements of section 110(a)(2)(D)(i)(II), because carbon monoxide does not affect visibility. As a result, an infrastructure SIP submittal for any future new or revised NAAQS for carbon monoxide need only state this fact in order to address the visibility prong of section 110(a)(2)(D)(i)(II).

Finally, EPA believes that its approach with respect to infrastructure SIP requirements is based on a reasonable reading of sections 110(a)(1) and 110(a)(2) because the CAA provides other avenues and mechanisms to address specific substantive deficiencies in existing SIPs. These other statutory tools allow EPA to take appropriately tailored action, depending upon the nature and severity of the alleged SIP deficiency. Section 110(k)(5) authorizes EPA to issue a "SIP call" whenever the Agency determines that a state's SIP is substantially inadequate to attain or maintain the NAAQS, to mitigate interstate transport, or to otherwise comply with the CAA.[11] Section 110(k)(6) authorizes EPA to correct errors in past actions, such as past approvals of SIP submittals.[12] Significantly, EPA's determination that an action on a state's infrastructure SIP submittal is not the appropriate time and place to address all potential existing SIP deficiencies does not preclude EPA's subsequent reliance on provisions in section 110(a)(2) as part of the basis for action to correct those deficiencies at a later time. For example, although it may not be appropriate to require a state to eliminate all existing inappropriate director's discretion provisions in the course of acting on an infrastructure SIP submittal, EPA believes that section 110(a)(2)(A) may be among the statutory bases that EPA relies upon in the course of addressing such deficiency in a subsequent action.[13]

II. Background

A. Statutory Requirements

As discussed in section I of this proposed rule, CAA section 110(a)(1) requires each state to submit to EPA, within three years after the promulgation of a primary or secondary NAAQS or any revision thereof, an infrastructure SIP revision that provides for the implementation, maintenance, and enforcement of such NAAQS. Section 110(a)(2) sets the content requirements of such a plan, which generally relate to the information and authorities, compliance assurances, procedural requirements, and control measures that constitute the "infrastructure" of a state's air quality management program. These infrastructure SIP elements required by section 110(a)(2) are as follows:

- Section 110(a)(2)(A): Emission limits and other control measures.
- Section 110(a)(2)(B): Ambient air quality monitoring/data system.

[10] By contrast, EPA notes that if a state were to include a new provision in an infrastructure SIP submittal that contained a legal deficiency, such as a new exemption for excess emissions during SSM events, then EPA would need to evaluate that provision for compliance against the rubric of applicable CAA requirements in the context of the action on the infrastructure SIP.

[11] For example, EPA issued a SIP call to Utah to address specific existing SIP deficiencies related to the treatment of excess emissions during SSM events. See "Finding of Substantial Inadequacy of Implementation Plan; Call for Utah State Implementation Plan Revisions," 76 FR 21639, April 18, 2011.

[12] EPA has used this authority to correct errors in past actions on SIP submittals related to PSD programs. See "Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule," 75 FR 82536, December 30, 2010. EPA has previously used its authority under CAA section 110(k)(6) to remove numerous other SIP provisions that the Agency determined it had approved in error. See, e.g., 61 FR 38664, July 25, 1996 and 62 FR 34641, June 27, 1997 (corrections to American Samoa, Arizona, California, Hawaii, and Nevada SIPs); 69 FR 67062, November 16, 2004 (corrections to California SIP); and 74 FR 57051, November 3, 2009 (corrections to Arizona and Nevada SIPs).

[13] See, e.g., EPA's disapproval of a SIP submittal from Colorado on the grounds that it would have included a director's discretion provision inconsistent with CAA requirements, including section 110(a)(2)(A). See, e.g., 75 FR 42342 at 42344, July 21, 2010 (proposed disapproval of director's discretion provisions); 76 FR 4540, January 26, 2011 (final disapproval of such provisions).

- Section 110(a)(2)(C): Program for enforcement of control measures and regulation of new and modified stationary sources.
- Section 110(a)(2)(D)(i): Interstate pollution transport.
- Section 110(a)(2)(D)(ii): Interstate and international pollution abatement.
- Section 110(a)(2)(E): Adequate resources and authority, conflict of interest, and oversight of local and regional government agencies.
- Section 110(a)(2)(F): Stationary source monitoring and reporting.
- Section 110(a)(2)(G): Emergency episodes.
- Section 110(a)(2)(H): SIP revisions.
- Section 110(a)(2)(J): Consultation with government officials, public notification, PSD, and visibility protection.
- Section 110(a)(2)(K): Air quality modeling and submittal of modeling data.
- Section 110(a)(2)(L): Permitting fees.
- Section 110(a)(2)(M): Consultation/participation by affected local entities.

Two elements identified in section 110(a)(2) are not governed by the three-year submittal deadline of section 110(a)(1) and are therefore not addressed in this action. These two elements are: (i) Section 110(a)(2)(C) to the extent it refers to permit programs required under part D (nonattainment NSR), and (ii) section 110(a)(2)(I), pertaining to the nonattainment planning requirements of part D. As a result, this action does not address infrastructure for the nonattainment NSR portion of section 110(a)(2)(C) or the whole of section 110(a)(2)(I).

B. NAAQS Addressed by This Proposal

Between 1997 and 2012, EPA promulgate a series of new or revised NAAQS for ozone, $PM_{2.5}$, Pb, NO_2, and SO_2, each of which triggered the requirement for states to submit infrastructure SIPs. The NAAQS addressed by this infrastructure SIP proposal include the following:

- 1997 ozone NAAQS, which established 8-hour average primary and secondary ozone standards of 0.08 ppm, and revoked the 1979 1-hour ozone standard of 0.12 parts per million (ppm).[14]
- 2008 ozone NAAQS, which revised the 8-hour ozone standards to 0.075 ppm.[15]
- 1997 $PM_{2.5}$ NAAQS, which set 24-hour average primary and secondary $PM_{2.5}$ standards of 65 $\mu g/m^3$ and annual primary and secondary $PM_{2.5}$ standards of 15 $\mu g/m^3$.[16]
- 2006 $PM_{2.5}$ NAAQS, which revised the 1997 24-hour $PM_{2.5}$ standards to 35 $\mu g/m^3$, and retained the 1997 annual standards.[17]
- 2012 $PM_{2.5}$ NAAQS, which revised the 1997 and 2006 annual $PM_{2.5}$ standards to 12.0 $\mu g/m^3$, and retained the 2006 24-hour standards.[18]
- 2008 Pb NAAQS, which revised the 1978 Pb quarterly average standard of 1.5 $\mu g/m^3$ to a rolling 3-month average not to exceed 0.15 $\mu g/m^3$ as a rolling 3-month average, and revised the secondary standard to 0.15 $\mu g/m^3$, making it identical to the revised primary standard.[19]
- 2010 NO_2 NAAQS, which revised the primary 1971 NO_2 annual standard of 53 parts per billion (ppb) by supplementing it with a new 1-hour average NO_2 standard of 100 ppb, and retained the secondary annual standard of 53 ppb.[20]
- 2010 SO_2 NAAQS, which established a new 1-hour average SO_2 standard of 75 ppb, retained the secondary 3-hour average SO_2 standard of 500 ppb, and established a mechanism for revoking the primary 1971 annual and 24-hour SO_2 standards.[21]

C. EPA Guidance Documents

EPA has issued several guidance memos on infrastructure SIPs that have informed our evaluation, including the following:

- March 2, 1978 guidance on the conflict of interest requirements of section 128, pursuant to the requirement of section 110(a)(2)(E)(ii).[22]
- August 15, 2006 guidance on the interstate transport requirements of section 110(a)(2)(D)(i) with respect to the 1997 ozone and 1997 $PM_{2.5}$ NAAQS.[23]
- October 2, 2007 guidance on infrastructure SIP requirements for the 1997 ozone and 1997 $PM_{2.5}$ NAAQS.[24]
- September 25, 2009 guidance on infrastructure SIP requirements for the 2006 $PM_{2.5}$ NAAQS. ("2009 Infrastructure SIP Guidance")[25]
- October 14, 2011 guidance on infrastructure SIP requirements for the 2008 Pb NAAQS.[26]
- September 13, 2013 guidance on infrastructure SIP requirements for the 2008 ozone, 2010 NO_2, 2010 SO_2, 2012 $PM_{2.5}$, and future NAAQS. ("2013 Infrastructure SIP Guidance")[27]

D. Changes to the Application of PSD Permitting Requirements to GHG Emissions

With respect to CAA sections 110(a)(2)(C) and 110(a)(2)(J), EPA interprets the Clean Air Act to require each state to make an infrastructure SIP submittal for a new or revised NAAQS that demonstrates that the air agency has a complete PSD permitting program meeting the current requirements for all regulated NSR pollutants. The PSD-related requirement of section 110(a)(2)(D)(i)(II) may also be satisfied by demonstrating the air agency has a complete PSD permitting program correctly addressing all regulated NSR pollutants. California has shown that it currently has a PSD program in place for ten air districts (Eastern Kern, Imperial County, Mendocino County, Monterey Bay Unified, North Coast Unified, Northern Sonoma County, Placer County, Sacramento Metropolitan (Metro), San Joaquin Valley, and Yolo-Solano) that cover all regulated NSR pollutants, including GHGs, and one air district (South Coast AQMD) that covers GHGs.

On June 23, 2014, the United States Supreme Court issued a decision addressing the application of PSD permitting requirements to GHG

[14] 62 FR 38856, July 18, 1997.

[15] 73 FR 16436, March 27, 2008.

[16] 62 FR 38652, July 18, 1997.

[17] 71 FR 61144, October 17, 2006.

[18] 78 FR 3086, January 15, 2013.

[19] 73 FR 66964, November 12, 2008.

[20] 75 FR 6474, February 9, 2010. The annual NO_2 standard of 0.053 ppm is listed in ppb for ease of comparison with the new 1-hour standard.

[21] 75 FR 35520, June 22, 2010. The annual SO_2 standard of 0.5 ppm is listed in ppb for ease of comparison with the new 1-hour standard.

[22] Memorandum from David O. Bickart, Deputy General Counsel, Office of General Counsel (OGC), "Guidance to States for Meeting Conflict of Interest Requirements of Section 128," March 2, 1978.

[23] Memorandum from William T. Harnett, Director, Air Quality Policy Division, Office of Air Quality Planning and Standards (OAQPS), "Guidance for State Implementation Plan Submissions to Meet Current Outstanding Obligations Under Section 110(a)(2)(D)(i) for the 8-Hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards," August 15, 2006.

[24] Memorandum from William T. Harnett, Director, Air Quality Policy Division, OAQPS, "Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 1997 8-Hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards," October 2, 2007.

[25] Memorandum from William T. Harnett, Director, Air Quality Policy Division, OAQPS, "Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 2006 24-Hour Fine Particulate Matter National Ambient Air Quality Standards," September 25, 2009.

[26] Memorandum from Stephen D. Page, Director, OAQPS, "Guidance on State Implementation Plan Elements Required Under Sections 110(a)(1) and 110(a)(2) for the 2008 Lead (Pb) National Ambient Air Quality Standards," October 14, 2011.

[27] Memorandum from Stephen D. Page, Director, OAQPS, "Guidance on Infrastructure State Implementation Plan Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)," September 13, 2013.

emissions.[28] The Supreme Court said that EPA may not treat GHGs as an air pollutant for purposes of determining whether a source is a major source required to obtain a PSD permit. The Court also said that EPA could continue to require that PSD permits, otherwise required based on emissions of pollutants other than GHGs, contain limitations on GHG emissions based on the application of Best Available Control Technology (BACT). In order to act consistently with its understanding of the Court's decision pending further judicial action to effectuate the decision, EPA is not continuing to apply EPA regulations that would require that SIPs include permitting requirements that the Supreme Court found impermissible. Specifically, EPA is not applying the requirement that a state's SIP-approved PSD program require that sources obtain PSD permits when GHGs are the only pollutant (i) that the source emits or has the potential to emit above the major source thresholds, or (ii) for which there is a significant emissions increase and a significant net emissions increase from a modification (*e.g.*, 40 CFR 51.166(b)(48)(v)). EPA anticipates a need to revise federal PSD rules in light of the Supreme Court opinion. In addition, EPA anticipates that many states will revise their existing SIP-approved PSD programs in light of the Supreme Court's decision. The timing and content of subsequent EPA actions with respect to EPA regulations and state PSD program approvals are expected to be informed by additional legal process before the United States Court of Appeals for the District of Columbia Circuit. At this juncture, EPA is not expecting states to have revised their PSD programs for purposes of infrastructure SIP submittals and is only evaluating such submittals to assure that the state's program correctly addresses GHGs consistent with the Supreme Court's decision.

At present, EPA has determined that California's Infrastructure SIP Submittals are sufficient to satisfy CAA sections 110(a)(2)(C), (D)(i)(II), and (J) for the 11 districts noted in this section that have SIP-approved PSD programs with respect to GHGs because the PSD permitting program previously approved by EPA into the SIP continues to require that PSD permits (otherwise required based on emissions of pollutants other than GHGs) contain limitations on GHG emissions based on the application of BACT. Although the SIP-approved PSD permitting programs for these 11 air districts in California may currently contain provisions that are no longer necessary in light of the Supreme Court decision, this does not render California's Infrastructure SIP Submittals inadequate to satisfy sections 110(a)(2)(C), (D)(i)(II), and (J) for these air districts. The SIP contains the necessary PSD requirements at this time for these 11 districts, and the application of those requirements is not impeded by the presence of other previously-approved provisions regarding the permitting of sources of GHGs that EPA does not consider necessary at this time in light of the Supreme Court decision. Accordingly, the Supreme Court decision does not affect EPA's proposed partial approval of California's Infrastructure SIP Submittals as to the requirements of CAA sections 110(a)(2)(C), (D)(i)(II), and (2)(J).

III. California's Submittals

The California Air Resources Board (ARB) has submitted several infrastructure SIP revisions pursuant to EPA's promulgation of the NAAQS addressed by this proposed rule, including the following:

- November 16, 2007—"Proposed State Strategy for California's 2007 State Implementation Plan." Appendices B ("110(a)(2) Infrastructure SIP") and G ("Legal Authority and Other Requirements") contain California's infrastructure SIP revision for the 1997 ozone and 1997 $PM_{2.5}$ NAAQS. ("California's 2007 Submittal").[29] This submittal incorporates by reference California's section 110(a)(2) SIP submitted in response to the 1970 CAA and approved by EPA in 1979 in 40 CFR 52.220.
- October 6, 2011—"State Implementation Plan Revision for Federal Lead Standard Infrastructure Requirements," which addresses the 2008 Pb NAAQS. ("California's 2011 Submittal").
- December 12, 2012—"State Implementation Plan Revision for Federal Nitrogen Dioxide Standard Infrastructure Requirements," which addressed the 2010 NO_2 NAAQS. ("California's 2012 Submittal").
- March 6, 2014—"California Infrastructure SIP," which provided new submittals for the 2008 ozone, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS and supplemented and amended the state's prior infrastructure SIP submittals. ("California's 2014 Submittal").
- June 2, 2014—Great Basin Unified APCD Rule 701 ("Air Pollution Episode Plan"), which addresses CAA section 110(a)(2)(G) for the 1987 coarse particulate matter (PM_{10}) and 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2012 $PM_{2.5}$ NAAQS. ("Great Basin Rule 701").

We find that these submittals meet the procedural requirements for public participation under CAA section 110(a)(2) and 40 CFR 51.102. We are proposing to act on all of these submittals since they collectively address the infrastructure SIP requirements for the NAAQS addressed by this proposed rule. We refer to them collectively herein as "California's Infrastructure SIP Submittals." Importantly, however, California has not made a submittal for the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2006 $PM_{2.5}$, 2012 $PM_{2.5}$, 2008 ozone, and 2010 SO_2 NAAQS.[30] Thus we are not addressing the requirements of section 110(a)(2)(D)(i)(I) with respect to these four NAAQS in this proposed rule.

IV. EPA's Evaluation and Proposed Action

We have evaluated California's Infrastructure SIP Submittals and the existing provisions of the California SIP for compliance with the infrastructure SIP requirements (or "elements") of CAA section 110(a)(2) and applicable regulations in 40 CFR part 51 ("Requirements for Preparation, Adoption, and Submittal of State Implementation Plans"). In addition, our evaluation has been informed by EPA guidance memos cited in section II.C of this proposed rule. Given the large volume of information required to evaluate multiple SIP revisions for multiple NAAQS in a state with the largest number of local air districts in the country—35 APCDs and air quality management districts (AQMDs) in total—we have prepared five technical support documents that contain the details of our evaluation and are

[28] *Utility Air Regulatory Group v. Environmental Protection Agency*, 134 S. Ct. 2427.

[29] California's November 16, 2007 Submittal is often referred to as California's 2007 State Strategy. EPA previously acted on Appendix C ("Revised Interstate Transport State Implementation Plan") of California's 2007 State Strategy, as modified by Attachment A of the same submittal, which contained California's SIP revision to address the interstate transport requirements of CAA section 110(a)(2)(D)(i) for the 1997 ozone and 1997 $PM_{2.5}$ NAAQS. 76 FR 14616, March 17, 2011 (transport prongs 1 and 2); 76 FR 48002, August 8, 2011 (transport prong 3); and 76 FR 34608, June 14, 2011 and 76 FR 48006, August 8, 2011 (transport prong 4).

[30] California made an infrastructure SIP submittal for the 2006 24-hour $PM_{2.5}$ NAAQS on July 7, 2009 that was subsequently withdrawn on July 18, 2014. All infrastructure SIP requirements for the 2006 24-hour $PM_{2.5}$ NAAQS are addressed in California's 2014 Submittal with the exception of the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I). Therefore, there is no California submittal before EPA with respect to the interstate transport requirements of section 110(a)(2)(D)(i)(I) for the 2006 24-hour $PM_{2.5}$ NAAQS.

available in the public docket for this rulemaking. The TSDs include our Overarching TSD, which introduces our evaluation as a whole and addresses the majority of the requirements under section 110(a)(2), and four other TSDs that are specific to certain requirements and CAA programs, as follows:

- Permit Programs TSD—addressing CAA sections 110(a)(2)(C)/permit programs (only), (D)(i)(II)/interstate transport and PSD (only), (J)/PSD (only), and (L)/permit fees.
- Interstate Transport TSD—addressing CAA section 110(a)(2)(D).
- Conflict of Interest TSD—addressing CAA section 110(a)(2)(E)(ii).
- Emergency Episode Planning TSD—addressing CAA section 110(a)(2)(G).

A. Proposed Approvals and Partial Approvals

Based upon our evaluation as presented in our five TSDs, EPA proposes to approve California's Infrastructure SIP Submittals with respect to the 1997 ozone, 2008 ozone, 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, 2012 $PM_{2.5}$, 2008 Pb, 2010 NO_2, and 2010 SO_2 NAAQS for the following infrastructure SIP requirements. Proposed partial approvals are indicated by the parenthetical "(in part)."

- Section 110(a)(2)(A): Emission limits and other control measures.
- Section 110(a)(2)(B) (in part): Ambient air quality monitoring/data system.
- Section 110(a)(2)(C) (in part): Program for enforcement of control measures and regulation of new and modified stationary sources.
- Section 110(a)(2)(D)(i) (in part): Interstate pollution transport.[31]
- Section 110(a)(2)(D)(ii) (in part): Interstate pollution abatement and international air pollution.
- Section 110(a)(2)(E): Adequate resources and authority, conflict of interest, and oversight of local and regional government agencies.
- Section 110(a)(2)(F): Stationary source monitoring and reporting.
- Section 110(a)(2)(G) (in part): Emergency episodes.
- Section 110(a)(2)(H): SIP revisions.
- Section 110(a)(2)(J) (in part): Consultation with government officials, public notification, PSD, and visibility protection.
- Section 110(a)(2)(K): Air quality modeling and submittal of modeling data.
- Section 110(a)(2)(L): Permitting fees.
- Section 110(a)(2)(M): Consultation/participation by affected local entities.

i. Proposed Approval of State and Local Provisions Into the California SIP

As part of these proposed approvals, we are also proposing to approve several state statutes and regulations and one air district rule into the California SIP. Specifically, for all of the NAAQS addressed in this proposal, we propose to approve into the SIP five state provisions from the California Government Code (GC) statutes and California Code of Regulations (CCR), which were submitted in California's 2014 Submittal and which address the conflict of interest requirements of CAA sections 110(a)(2)(E)(ii) and 128. These provisions include 9 GC 82048, 9 GC 87103, 9 GC 87302, 2 CCR 18700, and 2 CCR 18701. For discussion of these conflict of interest provisions, please see our Conflict of Interest TSD.

We also propose to approve Great Basin Rule 701 into the California SIP with respect to the 1987 PM_{10}, 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2012 $PM_{2.5}$ NAAQS for the emergency episode planning requirements of CAA section 110(a)(2)(G) and 40 CFR part 51, subpart H. For our evaluation of this emergency episode rule, please refer to our Emergency Episode Planning TSD.

ii. Proposed Approval of Reclassification Requests for Emergency Episode Planning

California's 2012 and 2014 Submittals requested that EPA reclassify several AQCRs with respect to the emergency episode planning requirements of CAA section 110(a)(2)(G) and 40 CFR part 51, subpart H, as applicable to ozone, NO_2, and SO_2. The air quality tests for classifying AQCRs are prescribed in 40 CFR 51.150 and are pollutant-specific (e.g., ozone) rather than being specific to any given NAAQS (e.g., 1997 ozone NAAQS). Consistent with the provisions of 40 CFR 51.153, reclassification of AQCRs must rely on the most recent three years of air quality data. AQCRs that are classified Priority I, IA, or II are required to have SIP-approved emergency episode contingency plans, while those classified Priority III are not required to have such plans, pursuant to 40 CFR 51.151 and 51.152. We interpret 40 CFR 51.153 as establishing the means for states to review air quality data and request a higher or lower classification for any given region and as providing the regulatory basis for EPA to reclassify such regions, as appropriate, under the authorities of CAA sections 110(a)(2)(G) and 301(a)(1).

On the basis of California's ambient air quality data for 2011–2013, we are proposing to grant five of California's ten requests and deny the five remaining requests. Note, however, that our proposed denial of such a reclassification request does not necessarily lead to disapproval as most districts that are required to have emergency episode contingency plans for a given set of air pollutants continue to have SIP-approved emergency episode rules that apply to such pollutants. The exception to this scenario is the Mountain Counties AQCR for ozone, which we discuss in section IV.B.iii of this proposed rule. For further discussion of the emergency episode planning evaluation, please refer to our Emergency Episode Planning TSD.

While we propose to grant or deny such requests within this proposed rule, the authority to take final action to reclassify AQCRs is reserved by the EPA Administrator. We will draft a reclassification final rule for signature by the EPA Administrator that will be separate from the broader final rule on California's Infrastructure SIP Submittals for signature by the EPA Region 9 Regional Administrator.

Ozone

For ozone, an AQCR with a 1-hour ozone level greater than 0.10 ppm over the most recent three-year period must be classified Priority I, while all other areas are classified Priority III. Per California's requests, we propose to reclassify the Lake Tahoe and North Central Coast AQCRs to Priority III for ozone as neither recorded 1-hour ozone levels greater than 0.10 ppm in 2011–2013. We propose to deny California's reclassification requests for the Mountain Counties, Sacramento Valley, San Diego, and Southeast Desert AQCRs for ozone as each area has exceeded the ozone classification threshold in 2011–2013. As a result, California would have seven Priority I AQCRs for ozone, including five for which we are proposing to deny California's reclassification request and two others (Metropolitan Los Angeles and San Joaquin Valley AQCRs). Five of these AQCRs, including Metropolitan Los Angeles, San Diego, San Francisco Bay Area, San Joaquin Valley, and Southeast Desert, have adequate SIP-approved emergency episode rules applicable to

[31] As noted in section III of this proposed rule, California has not made a submittal for the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) for the 2006 $PM_{2.5}$, 2012 $PM_{2.5}$, 2008 ozone, and 2010 SO_2 NAAQS. Thus we are not proposing any action with respect to the requirements of section 110(a)(2)(D)(i)(I) with respect to these four NAAQS in this proposed rule.

ozone that cover the full geographic extent of the AQCRs.[32]

Two additional AQCRs in northern and central California comprise many air districts. Sacramento Valley AQCR includes all or portions of eight air districts, just one of which (Sacramento Metro AQMD) recorded a 1-hour ozone level above 0.10 ppm during 2011–2013. Sacramento Metro AQMD already has an adequate SIP-approved emergency episode rule applicable to ozone. Mountain Counties includes portions of seven air districts, just two of which (El Dorado County APCD and Placer County APCD) recorded a 1-hour ozone level above 0.10 ppm during 2011–2013. Unlike Sacramento Metro, these two air districts do not have SIP-approved emergency episode rules. Within these two AQCRs, the population and concentration of emission sources is greatest in the greater Sacramento metropolitan area and the air districts of El Dorado County, Placer County, and Sacramento Metro (i.e., Sacramento County) each share a county border with one another.

Because recent ambient air quality data do not indicate that ozone levels are likely to approach the first recommended 1-hour ozone alert level of 0.20 ppm, much less the 2-hour significant harm level of 0.6 ppm, we propose to find that to satisfy the requirements of 40 CFR 51.151 for contingency plans for these two AQCRs classified Priority I, California needs to provide emergency episode contingency plans for the three air districts that have recorded a 1-hour ozone level above 0.10 ppm. As noted, Sacramento Metro AQMD already has an adequate SIP-approved emergency episode rule applicable to ozone. Thus, we propose to approve California's 2007 and 2014 Submittals with respect to the 1997 ozone and 2008 ozone for the Sacramento Valley AQCR for the emergency episode planning requirements of CAA section 110(a)(2)(G). Since El Dorado County APCD and Placer County APCD do not have such SIP-approved rules, we propose to partially disapprove California's 2007 and 2014 Submittals with respect to the 1997 ozone and 2008 ozone NAAQS for the Mountain Counties AQCR, as discussed in section IV.B.iii of this proposed rule.

NO_2 and SO_2

For NO_2, an AQCR with an annual average NO_2 level greater than 0.06 ppm over the most recent three-year period must be classified Priority I. Per California's request, we propose to reclassify the Metropolitan Los Angeles AQCR to Priority III for NO_2 since no part of this region (comprised of all or portions of Santa Barbara County, South Coast, and Ventura County air districts) recorded an annual average NO_2 level greater than 0.06 ppm in 2011–2013. Finalization of this proposed reclassification would mean that the whole state would be classified Priority III for NO_2, and therefore no emergency episode contingency plan for NO_2 would be required for any of the state's 14 AQCRs. We therefore propose to approve California's 2012 and 2014 Submittals with respect to the 2010 NO_2 NAAQS for the emergency episode planning requirements of CAA section 110(a)(2)(G).

For SO_2, the classification thresholds for SO_2 are unique in that they are prescribed for three different averaging periods, including the following Priority II classification thresholds: 3-hour average greater than 0.5 ppm, 24-hour average between 0.10–0.17 ppm, and annual arithmetic mean between 0.02–0.04 ppm. Per California's request, we propose to reclassify the Metropolitan Los Angeles and San Francisco Bay Area AQCRs to Priority III for SO_2 as neither recorded SO_2 levels exceeding the 3-hour average threshold or the lower end of the 24-hour and annual classification threshold ranges in 2011–2013. Finalization of this proposed reclassification would mean that the whole state would be classified Priority III for SO_2, and therefore no emergency episode contingency plan for SO_2 would be required for any of the state's 14 AQCRs. We therefore propose to approve California's 2014 Submittal with respect to the 2010 SO_2 NAAQS for the emergency episode planning requirements of CAA section 110(a)(2)(G).

iii. Proposed Reclassifications for PM Emergency Episode Planning

California's 2014 Submittal requested that EPA treat all areas of the state as though they were classified Priority III for purposes of $PM_{2.5}$ with respect the emergency episode planning requirements of CAA section 110(a)(2)(G) and 40 CFR part 51, subpart H, with the exception of Great Basin Valley AQCR, for which ARB requested treatment as a Priority II area. However, the air quality test for classifying AQCRs for PM that are prescribed in 40 CFR 51.150 are not specific to either $PM_{2.5}$ or PM_{10}—they are simply for PM. Thus, we evaluated California's 2014 Submittal as follows.

As an initial screen, and given the provision of 40 CFR 51.153(a) to review the most recent three years of air quality data, we reviewed California's 24-hour $PM_{2.5}$ air quality data from 2011–2013 to identify areas where concentrations exceeded EPA's recommended 24-hour $PM_{2.5}$ threshold of 140.4 $\mu g/m^3$ for emergency episode planning.[33] There were two occasions where the concentrations exceeded this threshold: 208 $\mu g/m^3$ on December 1, 2011 at the Keeler-Cerro Gordo Road monitor in Great Basin Valley AQCR, and 167 $\mu g/m^3$ on May 5, 2013 at the Bakersfield-Planz monitor in San Joaquin Valley AQCR.

For these two areas, we also reviewed the 24-hour PM_{10} air quality data to determine the appropriate emergency episode classification under 40 CFR 51.150. We propose to classify such areas based on PM_{10} values, rather than $PM_{2.5}$ values alone, in order to ensure adequate protection from PM emergency episodes as a whole. Following classification, however, we also propose that such differences could be relevant in determining the adequacy of a PM emergency episode contingency plan. We discuss the rationale for these two proposal in our Emergency Episode Planning TSD.

For PM, an AQCR with a 24-hour PM maximum level between 150–325 $\mu g/m^3$ over the most recent three-year period must be classified Priority II and an AQCR with a 24-hour PM maximum level greater than 325 $\mu g/m^3$ must be classified Priority I. The monitors in Great Basin Valley AQCR recorded over 90 instances during 2011–2013 where 24-hour PM_{10} levels exceeded the Priority I threshold of 325 $\mu g/m^3$. As such, we propose to revise the PM emergency episode classification of Great Basin Valley AQCR from Priority III to Priority I in 40 CFR 52.221. The monitors in San Joaquin Valley AQCR recorded 15 instances during 2011–2013 where 24-hour PM_{10} levels were within the Priority II range of 150–325 $\mu g/m^3$, with no exceedances of the Priority I threshold of 325 $\mu g/m^3$ during that time. We therefore propose to revise the PM emergency episode classification of San Joaquin Valley AQCR from Priority I to Priority II in 40 CFR 52.221.

Based on these classifications, we have reviewed the adequacy of each area's PM emergency episode plans. As noted in section IV.A.i of this proposed rule, we propose to approve Great Basin Rule 701 for the emergency episode

[32] Note that Metropolitan Los Angeles and Southeast Desert AQCRs comprise multiple districts, each of which have SIP-approved emergency episode rules applicable to ozone.

[33] 2009 Infrastructure SIP Guidance, pp. 6–7 and Attachment B ("Recommended Interim Significant Harm Level, Priority Levels, and Action Levels for $PM_{2.5}$ Emergency Episode Plans (EEPs)").

planning requirements of CAA section 110(a)(2)(G) with respect to the $PM_{2.5}$ and PM_{10} NAAQS. However, for San Joaquin Valley AQCR, we proposed to partially disapprove California's 2007 and 2014 Submittals for section 110(a)(2)(G) with respect to the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2012 $PM_{2.5}$ NAAQS, which we discuss in section IV.B.iii of this proposed rule. For further discussion of the emergency episode planning evaluation as a whole, please refer to our Emergency Episode Planning TSD.

B. Proposed Partial Disapprovals

EPA proposes to partially disapprove California's Infrastructure SIP Submittals with respect to the NAAQS identified for each of the following infrastructure SIP requirements (details of the partial disapprovals are presented after this list):

- Section 110(a)(2)(B) (in part): Ambient air quality monitoring/data system (for the 1997 ozone and 2008 ozone NAAQS for the Bakersfield Metropolitan Statistical Area (MSA) in San Joaquin Valley APCD).
- Section 110(a)(2)(C) (in part): Program for enforcement of control measures and regulation of new and modified stationary sources (for all NAAQS addressed by this proposed rule due to PSD program and minor NSR deficiencies in certain air districts).
- Section 110(a)(2)(D)(i) (in part): Interstate pollution transport (for all NAAQS addressed by this proposed rule due to PSD program deficiencies in certain air districts).
- Section 110(a)(2)(D)(ii) (in part): Interstate pollution abatement and international air pollution (for all NAAQS addressed by this proposed rule due to PSD program deficiencies in certain air districts).
- Section 110(a)(2)(G) (in part): Emergency episodes (for the 1997 ozone and 2008 ozone NAAQS for the Mountain Counties AQCR, and for the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2012 $PM_{2.5}$ NAAQS for the San Joaquin Valley AQCR).
- Section 110(a)(2)(J) (in part): Consultation with government officials, public notification, PSD, and visibility protection (for all NAAQS addressed by this proposed rule due to PSD program deficiencies in certain air districts).

i. Ambient Air Monitoring Partial Disapproval

We propose to partially disapprove California's 2007 and 2014 Submittals for CAA section 110(a)(2)(B) with respect to the 1997 ozone and 2008 ozone NAAQS for the Bakersfield MSA portion of the California SIP because the ozone monitor located at the Arvin-Bear Mountain Road site, which had been the maximum ozone concentration monitor in the Bakersfield MSA, was closed without an approved replacement site. The requirement to have such a maximum ozone concentration monitor is found in 40 CFR part 51, Appendix D, 4.1(b) and the requirement that modifications to a monitoring network must be reviewed and approved by the relevant Regional Administrator is found in 40 CFR 58.14(b). For further discussion of this partial disapproval, please see our evaluation for CAA section 110(a)(2)(B) in our Overarching TSD.

ii. Permit Program-Related Partial Disapprovals

We propose to partially disapprove portions of California's Infrastructure SIP Submittals with respect to the PSD-related requirements of sections 110(a)(2)(C), (D)(i)(II), (D)(ii), and (J) for several air districts because the California SIP does not fully satisfy the statutory and regulatory requirements for PSD permit programs as to those air districts. In addition, we propose to partially disapprove portions of California's Infrastructure SIP Submittals with respect to the minor NSR-related requirements of section 110(a)(2)(C) for several air districts because the California SIP does not include minor NSR programs for five air districts. With respect to interstate transport requirement of CAA section 110(a)(2)(D)(i)(II), we also considered the status of the nonattainment NSR programs of the applicable California air districts and propose to approve California's Infrastructure SIP Submittals for this aspect of the interstate transport requirements. Lastly, regarding section 110(a)(2)(D)(ii) and compliance with the requirement of section 126(a) for proposed, major new or modified sources to notify all potentially affected, nearby states, as applicable, we propose to partially disapprove California's Infrastructure SIP Submittals for many air districts. We provide a summary of the basis of our proposed partial disapprovals in the following paragraphs. For further detail on the nature and extent of these proposed partial disapprovals, please refer to our Permit Programs TSD.

PSD Permit Programs

We reviewed the permit programs of California's 35 air districts for SIP-approved provisions to address PSD requirements that we consider "structural" for purposes of sections 110(a)(2)(C), (D)(i)(II), and (J), including the following requirements that were most recently added to the federal PSD regulations: Provisions identifying nitrogen oxides (NO_X) as ozone precursors; provisions to regulate $PM_{2.5}$, including condensable $PM_{2.5}$, $PM_{2.5}$ precursor emissions, and PSD increments for $PM_{2.5}$; and provisions to regulate GHGs. For the PSD requirements for GHGs, we conducted our evaluation consistent with the recent changes to the application of such requirements due to the U.S. Supreme Court decision of June 23, 2014, as discussed in section II.D of this proposed rule.

We propose to approve seven districts as meeting the structural PSD requirements, including Eastern Kern, Imperial County, Monterey Bay Unified, Placer County, Sacramento Metro, San Joaquin Valley, and Yolo-Solano air districts. With respect to Monterey Bay Unified APCD, our proposed approval for sections 110(a)(2)(C), (D)(i)(II), and (J) is contingent on finalizing our proposed rule on a PSD SIP revision for this district that meets such structural PSD requirements.[34] However, we note that the district's current SIP-approved PSD program does not include requirements for the regulation of $PM_{2.5}$, $PM_{2.5}$ precursors, condensable $PM_{2.5}$, or PSD increments for $PM_{2.5}$. Thus, in the event that we are not able to finalize our proposed action on such PSD SIP revision prior to finalizing action on California's Infrastructure SIP Submittals, we propose in the alternative to partially disapprove Monterey Bay Unified APCD for these specific PSD-related requirements for sections 110(a)(2)(C), (D)(i)(II), and (J).

An additional four air districts, including Mendocino County, North Coast Unified, Northern Sonoma County, and South Coast air districts, partially meet and partially do not meet the structural PSD requirements. South Coast AQMD has a SIP-approved PSD program for GHGs only, but it does not have a SIP-approved PSD program to address any other regulated NSR pollutants. Thus we propose to partially disapprove California's Infrastructure SIP Submittals as to this district for the PSD-related requirement of sections 110(a)(2)(C), (D)(i)(II), and (J).

North Coast Unified AQMD has a SIP-approved PSD program that, on the whole, addresses all regulated NSR pollutants. However, it does not explicitly regulate NO_X as an ozone precursor and does not include requirements for the regulation of $PM_{2.5}$,

[34] The pre-publication copy of our proposed rule on Monterey Bay Unified APCD's PSD SIP revision, signed on September 30, 2014, is included in the docket of our proposed rule.

$PM_{2.5}$ precursors, condensable $PM_{2.5}$, or PSD increments for $PM_{2.5}$. Therefore, we propose to partially disapprove California's Infrastructure SIP Submittals as to this district for these specific deficiencies for PSD-related requirements of section 110(a)(2)(C), (D)(i)(II), and (J). Mendocino County AQMD and Northern Sonoma County APCD each have SIP-approved PSD programs that generally address the structural PSD requirements, but do not include requirements for a baseline date for PSD increments for $PM_{2.5}$. Thus, we propose to partially disapprove California's Infrastructure SIP Submittals as to both of these districts for this specific deficiency in the PSD-related requirements of section 110(a)(2)(C), (D)(i)(II), and (J).

The remaining 24 air districts are subject to the existing PSD FIP in 40 CFR 52.21, including Amador County, Antelope Valley, Bay Area, Butte County, Calaveras County, Colusa County, El Dorado County, Feather River, Glenn County, Great Basin Unified, Lake County, Lassen County, Mariposa County, Modoc County, Mojave Desert, Northern Sierra, San Diego County, San Luis Obispo County, Santa Barbara County, Shasta County, Siskiyou County, Tehama County, Tuolumne County, and Ventura County air districts. Eight of these, including Bay Area, Butte County, Feather River, Great Basin Unified, San Diego County, San Luis Obispo County, Santa Barbara County, and Ventura County air districts, have made PSD SIP submittals for which EPA has not yet proposed or finalized action. Accordingly, we propose to partially disapprove California's Infrastructure SIP Submittals as to each of these 24 air districts with respect to the PSD-related requirements of section 110(a)(2)(C), (D)(i)(II), and (J). As discussed further in section IV.C of this proposed rule, the partial disapprovals as to these 24 districts would not result in new FIP obligations, because EPA has already promulgated a PSD FIP for each district.

Minor NSR Programs

Consistent with the requirement of section 110(a)(2)(C) that the SIP include a program for the regulation of minor sources, we also evaluated California's Infrastructure SIP Submittals and the California SIP with respect to minor NSR programs covering the NAAQS addressed by this proposed rule. Thirty of the 35 air districts have a SIP-approved minor NSR program that applies to all NAAQS, and therefore meet the minor NSR component of section 110(a)(2)(C). The remaining five air districts—Lake County, Mariposa County, Mojave Desert, Northern Sierra,[35] and Tuolumne County air districts—have minor NSR programs that establish similar requirements, but they have not been submitted and approved into the California SIP. Therefore, we propose to partially disapprove California's Infrastructure SIP Submittals with respect to the minor NSR requirement of CAA section 110(a)(2)(C) for these five air districts.

Nonattainment NSR Permit Programs

With respect to interstate transport requirement of CAA section 110(a)(2)(D)(i)(II), in addition to reviewing the air districts' PSD programs, we also considered the nonattainment NSR programs of the applicable California air districts as follows. CAA section 110(a)(2)(D)(i)(II) requires SIPs to prohibit emissions that will interfere with other state's measures to prevent significant deterioration of air quality. The PSD and nonattainment NSR permit programs require preconstruction permits to protect the air quality within each state and are designed to prohibit construction of new major sources and major modifications at existing major sources from contributing to nonattainment in surrounding areas, including nearby states. Specifically, a PSD permit may not be issued unless the new or modified source demonstrates that emissions from the construction or operation of the facility will not cause or contribute to air pollution in any area that exceeds any NAAQS or any maximum allowable increase (i.e., PSD increment).[36] A nonattainment NSR permit may not be issued unless the new or modified source shows it has obtained sufficient emissions reductions to offset increases in emissions of the pollutants for which an area is designated nonattainment, consistent with reasonable further progress toward attainment.[37] Because the PSD and nonattainment NSR permitting programs currently applicable in each area require a demonstration that new or modified sources will not cause or contribute to air pollution in excess of the NAAQS in neighboring states or that sources in nonattainment areas procure offsets, states may satisfy the PSD-related requirement of section 110(a)(2)(D)(i)(II) by submitting SIPs confirming that major sources and major modifications in the state are subject to PSD programs that implement current requirements and nonattainment NSR programs that address the NAAQS pollutants for which areas of the state that have been designated nonattainment.

Accordingly, we reviewed the nonattainment NSR programs of California's 22 air districts that are designated nonattainment for ozone, $PM_{2.5}$, or Pb, as applicable,[38] to determine whether these programs generally address the applicable nonattainment pollutants. We refer to this aspect of section 110(a)(2)(D)(i)(II) herein as the "nonattainment NSR element."

We propose to find that California meets the nonattainment NSR element of section 110(a)(2)(D)(i)(II) through a variety of mechanisms, as follows. Nine of the 22 air districts with nonattainment areas meet the nonattainment NSR element via SIP-approved programs, including the following air districts: Antelope Valley, Eastern Kern, Mojave Desert, Placer County, San Diego County, and Ventura County (for the 1997 ozone and 2008 ozone NAAQS); Sacramento Metro and Feather River (for the 1997 ozone, 2008 ozone, and 2006 $PM_{2.5}$ NAAQS); and San Joaquin Valley (for the 1997 ozone, 2008 ozone, 1997 $PM_{2.5}$, and 2006 $PM_{2.5}$ NAAQS).

An additional eight air districts have affirmed that they implement the interim nonattainment NSR program in 40 CFR part 51, Appendix S, which applies to new or modified major stationary sources pursuant to 40 CFR 52.24(k), until California submits (on behalf of a given district) and EPA approves SIP revisions addressing the applicable nonattainment NSR program requirements. This scenario applies to the following districts: Calaveras County, Mariposa County, and Northern Sierra (for the 1997 ozone and 2008 ozone NAAQS); and Bay Area, Butte County, El Dorado County, Imperial County, Yolo-Solano (for the 1997 ozone, 2008 ozone, and 2006 $PM_{2.5}$ NAAQS). We note that Bay Area, Butte County, Imperial County, and South Coast air districts have each submitted SIP revisions to address some or all of the outstanding nonattainment NSR requirements. We anticipate proposing or taking final action on some or all of these four SIP submittals over the coming months. To the extent that each submittal meets the applicable

[35] Note that Northern Sierra AQMD comprises three counties, one of which (Nevada County) has a SIP-approved minor NSR program while the other two (Plumas and Sierra counties) do not. Thus, our conclusion on the absence of a SIP-approved minor NSR program pertains only to these two counties within Northern Sierra AQMD.

[36] 42 U.S.C. § 7475(a)(3); 40 CFR 51.166(k).

[37] 42 U.S.C. § 7503(a)(1); 40 CFR 51.165(a)(3).

[38] No area of California has been designated nonattainment for the 2010 NO_2 or 2010 SO_2 NAAQS.

nonattainment NSR requirements, we propose that such actions would alter the basis of our proposed approval of California's Infrastructure SIP Submittals with respect to the nonattainment NSR element of section 110(a)(2)(D)(i)(II) (i.e., having SIP-approved nonattainment NSR provisions rather than relying on 40 CFR part 51, Appendix S) while maintaining the proposed approval itself.

South Coast AQMD implements its SIP-approved nonattainment NSR program for the portions of the air district that are designated nonattainment for the 1997 ozone, 2008 ozone, and 2008 Pb NAAQS, and implements the interim nonattainment NSR program in 40 CFR part 51, Appendix S with respect to the 1997 $PM_{2.5}$ and 2006 $PM_{2.5}$ NAAQS.

Two other districts, Amador County APCD and Tuolumne County APCD, are designated nonattainment only for the 1997 ozone NAAQS. EPA has proposed to revoke that NAAQS as part of the proposed implementation rule for the 2008 ozone NAAQS,[39] which for these two air districts would have the effect of revoking the requirement to submit a nonattainment NSR SIP revision.[40] We anticipate that EPA will finalize that proposed rule prior to finalization of this proposed rule on California's Infrastructure SIPs, so these two districts will be relieved of the requirement to submit nonattainment NSR SIP revisions.

Lastly, portions of San Luis Obispo County APCD and Tehama County APCD are designated nonattainment only for the 2008 ozone NAAQS. Stemming from EPA's proposed implementation rule for the 2008 ozone NAAQS,[41] required nonattainment NSR SIP revisions would not be due until July 20, 2015 and, thus, this requirement is not yet due for these two districts. Until such SIP revisions are submitted by these two districts and approved by EPA, the districts are required to implement 40 CFR part 51, Appendix S for any major source emitting an applicable nonattainment pollutant (i.e., NO_X or VOCs) that may propose to locate in the respective nonattainment areas.

[39] 78 FR 34178, June 6, 2013.

[40] This scenario also applies to the Sutter Buttes area within Feather River AQMD that is designated nonattainment for the 1997 ozone NAAQS. However, the southern portion of Feather River AQMD has been designated nonattainment for both the 1997 ozone and 2008 ozone NAAQS. Thus, the requirement for this air district to submit a nonattainment NSR SIP revision remains, though it will no longer apply to Sutter Buttes area.

[41] 78 FR 34178, June 6, 2013.

Accordingly, we propose to approve California's Infrastructure SIP Submittals for the 22 air districts designated nonattainment for ozone, $PM_{2.5}$, or Pb, as applicable, with respect to the nonattainment NSR element of the interstate transport requirement of section 110(a)(2)(D)(i)(II).

Interstate Pollution Abatement and International Air Pollution

With respect to the requirement in CAA section 110(a)(2)(D)(ii) regarding compliance with the applicable requirements of section 126 relating to interstate pollution abatement, we note that the requirements of section 126(b) and (c), which pertain to petitions by affected states to EPA regarding sources violating the "interstate transport" provisions of CAA section 110(a)(2)(D)(i), do not apply to our action because there are no such pending petitions relating to California. We thus evaluated California's 2014 Submittal (the only submittal of California's Infrastructure SIP Submittals to explicitly address this sub-section) only for purposes of compliance with section 126(a), which requires that each SIP require that proposed, major new or modified sources, which may significantly contribute to violations of the NAAQS in any air quality control region in other states, to notify all potentially affected, nearby states. For further discussion of these requirements, please refer to our Interstate Transport TSD.

Ten of California's 35 air districts have SIP-approved PSD permit programs that require notice to nearby states consistent with EPA's relevant requirements, including the following districts: Eastern Kern, Imperial County, Mendocino County, Monterey Bay Unified, North Coast Unified, Northern Sonoma County, Placer County, Sacramento Metro, San Joaquin Valley, and Yolo-Solano. The remaining 25 air districts are deficient with respect to the PSD requirements in part C, title I of the Act and with respect to the requirement in CAA section 126(a) regarding notification to affected, nearby states of major new or modified sources proposing to locate in these remaining air districts.

With respect to the requirement in CAA section 110(a)(2)(D)(ii) regarding compliance with the applicable requirements of section 115 relating to international air pollution, the EPA Administrator is authorized to require a state to revise its SIP when certain criteria are met and the Administrator has reason to believe that any air pollutant emitted in the United States causes or contributes to air pollution which may reasonably be anticipated to endanger public health or welfare in a foreign country. The Administrator may do so by giving formal notification to the Governor of the State in which the emissions originate. Because no such formal notification has been made with respect to emissions originating in California, EPA has no reason to approve or disapprove any existing state rules with regard to CAA section 115.

Thus, while the existing California SIP is sufficient to satisfy most of the requirement in CAA section 110(a)(2)(D)(ii) regarding compliance with the applicable requirements of section 115 for the whole state and section 126 for ten air districts, we propose to partially disapprove California's Infrastructure SIP Submittals for section 110(a)(2)(D)(ii) regarding compliance with the requirements of section 126(a) for the following 25 air districts: Amador County, Antelope Valley, Bay Area, Butte County, Calaveras County, Colusa County, El Dorado County, Feather River, Glenn County, Great Basin Unified, Lake County, Lassen County, Mariposa County, Modoc County, Mojave Desert, Northern Sierra, San Diego County, San Luis Obispo County, Santa Barbara County, Shasta County, Siskiyou County, South Coast, Tehama County, Tuolumne County, and Ventura County.

iii. Emergency Episode Planning Partial Disapprovals

We are proposing to partially disapprove California's 2007 and 2014 Submittals for CAA section 110(a)(2)(G) with respect to the 1997 ozone and 2008 ozone NAAQS for the Mountain Counties AQCR and with respect to the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2012 $PM_{2.5}$ NAAQS for the San Joaquin Valley AQCR. We provide a summary of the basis of our proposed partial disapproval in the following paragraphs. For further discussion of these partial disapprovals, please refer to our Emergency Episode Planning TSD.

Mountain Counties AQCR for Ozone

As described in section IV.A.ii of this proposed rule, we propose to deny California's request to reclassify the Mountain Counties AQCR to Priority III for ozone and have assessed the status of this region's ambient air quality and emergency episode rules. Of the seven air districts that comprise the Mountain Counties AQCR, only El Dorado County APCD and Placer County APCD recorded a 1-hour ozone level above the Priority I ozone threshold of 0.10 ppm during 2011–2013. Because recent ambient air quality data for the AQCR

as a whole do not indicate that ozone levels are likely to approach the Stage 1 one-hour ozone alert level of 0.20 ppm, much less the 2-hour significant harm level of 0.6 ppm, we propose to find that to satisfy the requirements of 40 CFR 51.151 for contingency plans for Mountain Counties AQCR, California needs to provide emergency episode contingency plans applicable to ozone for El Dorado County APCD and Placer County APCD. Since these two air districts do not have SIP-approved emergency episode rules, we propose to partially disapprove California's 2007 and 2014 Submittals for the Mountain Counties AQCR (for El Dorado County APCD and Placer County APCD only) with respect to the 1997 ozone and 2008 ozone NAAQS for the emergency episode planning requirements of CAA section 110(a)(2)(G).

San Joaquin Valley AQCR for $PM_{2.5}$

As discussed in section IV.A.iii of this proposed rule, we propose to revise the PM emergency episode classification of San Joaquin Valley AQCR from Priority I to Priority II. Accordingly, we reviewed San Joaquin Valley APCD's SIP-approved emergency episode plan, which comprises multiple rules under the district's Regulation 6 ("Air Pollution Emergency Episodes").[42] We did not find provisions specific to $PM_{2.5}$ within Regulation 6. As such, we propose to conclude that the California SIP does not have an adequate PM emergency episode contingency plan with respect to $PM_{2.5}$ for San Joaquin Valley AQCR and therefore propose to partially disapprove California's 2007 and 2014 Submittals for San Joaquin Valley AQCR with respect to the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2012 $PM_{2.5}$ NAAQS for the emergency episode planning requirements of CAA section 110(a)(2)(G).

iv. General Note on Disapprovals

EPA takes very seriously a proposal to disapprove a state plan, as we believe that it is preferable, and preferred in the provisions of the Clean Air Act, that these requirements be implemented through state plans. A state plan need not contain exactly the same provisions that EPA might require, but EPA must be able to find that the state plan is consistent with the requirements of the Act. Further, EPA's oversight role requires that it assure consistent implementation of Clean Air Act requirements by states across the country, even while acknowledging that individual decisions from source to source or state to state may not have identical outcomes. EPA believes these proposed disapprovals are the only path that is consistent with the Act at this time.

C. Consequences of Proposed Disapprovals

Under section 179(a) of the CAA, final disapproval of a submittal that addresses a requirement of part D, title I of the CAA (CAA sections 171–193) or is required in response to a finding of substantial inadequacy as described in CAA section 110(k)(5) (SIP Call) starts a sanctions clock. California's Infrastructure SIP Submittals were not submitted to meet either of these requirements. Therefore, any action we take to finalize the described partial disapprovals will not trigger mandatory sanctions under CAA section 179.

In addition, CAA section 110(c)(1) provides that EPA must promulgate a FIP within two years after finding that a state has failed to make a required submittal or disapproving a SIP submittal in whole or in part, unless EPA approves a SIP revision correcting the deficiencies within that two-year period. As discussed in section IV.B of this proposed rule and Overarching TSD, Permit Programs TSD, Interstate Transport TSD, and Emergency Episode Planning TSD, we are proposing several partial disapprovals. However, many of these partial disapprovals would not result in new FIP obligations, either because EPA has already promulgated a FIP to address the identified deficiency or because a FIP deadline has been triggered by EPA's disapproval of a prior SIP submittal based on the same identified deficiency. The provisions for which our proposed disapproval, if finalized, would not result in a new FIP obligation include:

- PSD-related requirements in sections 110(a)(2)(C), (D)(i)(II), (D)(ii), and (J) in the 24 air districts identified in section IV.B.ii of this proposed rule, which are subject to the PSD FIP in 40 CFR 52.21 for the NAAQS and GHGs (*see* 40 CFR 52.270).
- PSD-related requirements in sections 110(a)(2)(C), (D)(i)(II), (D)(ii), and (J) in South Coast AQMD, which is subject to the PSD FIP in 40 CFR 52.21 for the NAAQS only (*see* 40 CFR 52.270(b)(10)).
- PSD requirement in sections 110(a)(2)(C), (D)(i)(II), and (J) to regulate NO_X as an ozone precursor in North Coast Unified AQMD, which is subject to a narrow PSD FIP addressing this requirement (76 FR 48006, August 8, 2011, codified at 40 CFR 52.270(b)(2)(iv)).
- PSD requirement in sections 110(a)(2)(C), (D)(i)(II), and (J) to regulate PSD increments in North Coast Unified AQMD, for which EPA issued a finding of failure to submit that triggered an October 6, 2016 deadline for EPA to promulgate a FIP addressing this requirement (79 FR 51913, September 2, 2014).

For the remaining partial disapprovals, EPA has not previously promulgated a FIP to address the identified deficiency or triggered a FIP deadline by disapproving a prior SIP submittal or issuing a finding of failure based on the same deficiency. Thus, under CAA section 110(c)(1), these remaining partial disapprovals of California's Infrastructure SIP Submittals would, if finalized, require EPA to promulgate a FIP within two years after the effective date of our final rule, unless the State submits and EPA approves a SIP revision that corrects the identified deficiencies prior to the expiration of this two-year period. The provisions for which our proposed partial disapprovals, if finalized, would trigger a new FIP obligation include:

- Ambient air monitoring requirement in section 110(a)(2)(B) with respect to the 1997 ozone and 2008 ozone NAAQS in the Bakersfield MSA.
- PSD requirements in sections 110(a)(2)(C), (D)(i)(II), and (J) to regulate $PM_{2.5}$, $PM_{2.5}$ precursors, and condensable $PM_{2.5}$ in North Coast Unified AQMD.
- PSD requirement in sections 110(a)(2)(C), (D)(i)(II), and (J) for a baseline date for PSD increments for $PM_{2.5}$ in Mendocino County APCD and Northern Sonoma County APCD.
- Minor NSR requirements in section 110(a)(2)(C) with respect to the 1997 ozone, 2008 ozone, 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, 2012 $PM_{2.5}$, 2008 Pb, 2010 NO_2, and 2010 SO_2 NAAQS in Lake County APCD, Mariposa County APCD, Mojave Desert AQMD, Northern Sierra AQMD (for Plumas and Sierra counties only), and Tuolumne County APCD.
- Emergency episode planning requirement in section 110(a)(2)(G) with respect to the 1997 ozone and 2008 ozone NAAQS in the Mountain Counties AQCR (for El Dorado County APCD and Placer County APCD only).
- Emergency episode planning requirement in section 110(a)(2)(G) with respect to the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2012 $PM_{2.5}$ NAAQS in the San Joaquin Valley AQCR.

D. Request for Public Comments

We stand ready to work with ARB and the affected air districts to develop SIP revisions that would serve to adequately address the partial disapprovals of California's Infrastructure SIP

[42] 64 FR 13351, March 18, 1999.

Submittals where no FIP is currently in place.

EPA is soliciting public comments on the issues discussed in this document or on other relevant matters. We will accept comments from the public on this proposal for the next 30 days. We will consider these comments before taking final action.

V. Statutory and Executive Order Reviews

IV.A. Executive Order 12866, Regulatory Planning and Review

This action is not a "significant regulatory action" under the terms of Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under the E.O.

IV.B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq, because this proposed partial approval and partial disapproval of SIP revisions under CAA section 110 will not in-and-of itself create any new information collection burdens but simply proposes to approve certain State requirements, and to disapprove certain other State requirements, for inclusion into the SIP. Burden is defined at 5 CFR 1320.3(b).

IV.C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration's (SBA) regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's proposed rule, we certify that this proposed action will not have a significant impact on a substantial number of small entities. This proposed rule does not impose any requirements or create impacts on small entities. This proposed partial SIP approval and partial SIP disapproval under CAA section 110 will not in-and-of itself create any new requirements but simply proposes to approve certain State requirements, and to disapprove certain other State requirements, for inclusion into the SIP. Accordingly, it affords no opportunity for EPA to fashion for small entities less burdensome compliance or reporting requirements or timetables or exemptions from all or part of the rule. Therefore, this action will not have a significant economic impact on a substantial number of small entities.

We continue to be interested in the potential impacts of this proposed rule on small entities and welcome comments on issues related to such impacts.

IV.D. Unfunded Mandates Reform Act

This action contains no Federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538 for State, local, or tribal governments or the private sector. EPA has determined that the proposed partial approval and partial disapproval action does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This action proposes to approve certain pre-existing requirements, and to disapprove certain other pre-existing requirements, under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this proposed action.

IV.E. Executive Order 13132, Federalism

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that 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."

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely proposes to approve certain State requirements, and to disapprove certain other State requirements, for inclusion into the SIP and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, Executive Order 13132 does not apply to this action.

IV.F. Executive Order 13175, Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP on which EPA is proposing action would not apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law. Thus, Executive Order 13175 does not apply to this proposed action.

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

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This proposed action is not subject to Executive Order 13045 because it is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997). This proposed partial approval and partial disapproval under CAA section 110 will not in-and-of itself create any new regulations but simply proposes to approve certain State requirements, and to disapprove certain other State requirements, for inclusion into the SIP.

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

This proposed rule is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

IV.I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus

standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

The EPA believes that this proposed action is not subject to requirements of Section 12(d) of NTTAA because application of those requirements would be inconsistent with the Clean Air Act.

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

Executive Order 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA lacks the discretionary authority to address environmental justice in this proposed rulemaking.

List of Subjects in 40 CFR Part 52

Approval and promulgation of implementation plans, Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Pb, Reporting and recordkeeping requirements, and Sulfur dioxide.

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

Dated: September 30, 2014.

Jared Blumenfeld,

Regional Administrator, U.S. EPA, Region IX.

[FR Doc. 2014–25278 Filed 10–22–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 600

[CMS–2391–PN]

RIN 0938–ZB18

Basic Health Program; Federal Funding Methodology for Program Year 2016

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Proposed methodology.

SUMMARY: This document provides the methodology and data sources necessary to determine federal payment amounts made in program year 2016 to states that elect to establish a Basic Health Program under the Affordable Care Act to offer health benefits coverage to low-income individuals otherwise eligible to purchase coverage through Affordable Insurance Exchanges.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on November 24, 2014.

ADDRESSES: In commenting, refer to file code CMS–2391–PN. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov.* Follow the "Submit a comment" instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY:

Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–2391–PN, P.O. Box 8016, Baltimore, MD 21244–8016.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY:

Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–2391–PN, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* Alternatively, you may deliver (by hand or courier) your written ONLY to the following addresses:

a. For delivery in Washington, DC—

Centers for Medicare & Medicaid Services, Department of Health and Human Services, Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

(Because access to the interior of the Hubert H. Humphrey Building is not readily available to persons without Federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

b. For delivery in Baltimore, MD—

Centers for Medicare & Medicaid Services, Department of Health and Human Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, call telephone number (410) 786–7195 in advance to schedule your arrival with one of our staff members.

Comments erroneously mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

Submission of comments on paperwork requirements. You may submit comments on this document's paperwork requirements by following the instructions at the end of the "Collection of Information Requirements" section in this document.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Christopher Truffer, (410) 786–1264; Stephanie Kaminsky, (410) 786–4653.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received: *http://www.regulations.gov.* Follow the search instructions on that Web site to view public comments.

Comments received timely will also be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday

through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–800–743–3951.

Table of Contents

I. Background

The Patient Protection and Affordable Care Act (Pub. L. 111–148, enacted on March 23, 2010), together with the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152, enacted on March 30, 2010) (collectively referred as the Affordable Care Act) provides for the establishment of Affordable Insurance Exchanges (Exchanges, also called the Health Insurance Marketplace) that provide access to affordable health insurance coverage offered by qualified health plans (QHPs) for most individuals who are not eligible for health coverage under other federally supported health benefits programs or through affordable employer-sponsored insurance coverage, and who have incomes above 100 percent but no more than 400 percent of the federal poverty line (FPL), or whose income is below that level but are lawfully present non-citizens ineligible for Medicaid because of immigration status. Individuals enrolled through Exchanges in coverage offered by QHPs may qualify for the federal premium tax credit (PTC) or federally-funded cost-sharing reductions (CSRs) based on their household income, to make coverage affordable.

In the states that elect to operate a Basic Health Program (BHP), BHP will make affordable health benefits coverage available for individuals under age 65 with household incomes between 133 percent and 200 percent of the FPL who are not otherwise eligible for Medicaid, the Children's Health Insurance Program (CHIP), or affordable employer-sponsored coverage. (For those states that have expanded Medicaid coverage under section 1902(a)(10)(A)(i)(VIII) of the Act, the lower income threshold for BHP eligibility is effectively 138 percent due to the application of a required 5 percent income disregard in determining the upper limits of Medicaid income eligibility (section 1902(e)(14)(I) of the Social Security Act).) Federal funding will be available for BHP based on the amount of PTC and CSRs that BHP enrollees would have received had they been enrolled in QHPs through Exchanges.

In the March 12, 2014 **Federal Register** (79 FR 14112), we published a final rule entitled the "Basic Health Program: State Administration of Basic Health Programs; Eligibility and Enrollment in Standard Health Plans; Essential Health Benefits in Standard Health Plans; Performance Standards for Basic Health Programs; Premium and Cost Sharing for Basic Health Programs; Federal Funding Process; Trust Fund and Financial Integrity" (hereinafter referred to as the BHP final rule) implementing section 1331 of the Affordable Care Act), which directs the establishment of BHP. The BHP final rule establishes the standards for state and federal administration of BHP, including provisions regarding eligibility and enrollment, benefits, cost-sharing requirements and oversight activities. While the BHP final rule codifies the overall statutory requirements and basic procedural framework for the funding methodology, it does not contain the specific information necessary to determine federal payments. We anticipated that the methodology would be based on data and assumptions that would reflect ongoing operations and experience of BHP programs as well as the operation of the Exchanges. For this reason, the BHP final rule indicated that the development and publication of the funding methodology, including any data sources, would be addressed in a separate annual BHP Payment Notice.

In the BHP final rule, we specified that the BHP Payment Notice process would include the annual publication of both a proposed and final BHP Payment Notice. The proposed BHP Payment Notice would be published in the **Federal Register** each October, and would describe the proposed methodology for the upcoming BHP program year, including how the Secretary considered the factors specified in section 1331(d)(3) of the Affordable Care Act, along with the proposed data sources used to determine the federal BHP payment rates. The final BHP Payment Notice would be published in the **Federal Register** in February, and would include the final BHP funding methodology, as well as the federal BHP payment rates for the next BHP program year. For example, payment rates published in February 2015 would apply to BHP program year 2016, beginning in January 2016. As discussed in section II.C of this proposed methodology, state data needed to calculate the federal BHP payment rates for the final BHP Payment Notice must be submitted to CMS.

As described in the BHP final rule, once the final methodology has been published, we will only make modifications to the BHP funding methodology on a prospective basis with limited exceptions. The BHP final rule provided that retrospective adjustments to the state's BHP payment amount may occur to the extent that the prevailing BHP funding methodology for a given program year permits adjustments to a state's federal BHP payment amount due to insufficient data for prospective determination of the relevant factors specified in the payment notice. Additional adjustments could be made to the payment rates to correct errors in applying the methodology (such as mathematical errors).

Under section 1331(d)(3)(ii) of the Affordable Care Act, the funding methodology and payment rates are expressed as an amount per BHP enrollee for each month of enrollment. These payment rates may vary based on categories or classes of enrollees. Actual payment to a state would depend on the actual enrollment in coverage through the state BHP. A state that is approved to implement BHP must provide data showing quarterly enrollment in the various federal BHP payment rate cells. The data submission requirements associated with this will be published subsequent to the proposed methodology.

In the March 12, 2014 **Federal Register** (79 FR 13887), we published the final payment methodology entitled "Basic Health Program; Federal Funding Methodology for Program Year 2015" (hereinafter referred to as the 2015 payment methodology) that sets forth the methodology that will be used to calculate the federal BHP payments for the 2015 program year.

II. Provisions of the Proposed Methodology

A. Overview of the Funding Methodology and Calculation of the Payment Amount

Section 1331(d)(3) of the Affordable Care Act directs the Secretary to consider several factors when determining the federal BHP payment amount, which, as specified in the statute, must equal 95 percent of the value of the PTC and CSRs that BHP enrollees would have been provided had they enrolled in a QHP through an Exchange. Thus, the proposed BHP funding methodology is designed to calculate the PTC and CSRs as consistently as possible and in general alignment with the methodology used by Exchanges to calculate the advance payments of the PTC and CSRs, and by the Internal Revenue Service (IRS) to calculate final PTCs. In general, we propose to rely on values for factors in the payment methodology specified in statute or other regulations as available, and we propose to develop values for other factors not otherwise specified in statute, or previously calculated in other regulations, to simulate the values of the PTC and CSRs that BHP enrollees would have received if they had enrolled in QHPs offered through an Exchange. In accordance with section 1331(d)(3)(A)(iii) of the Affordable Care Act, the final funding methodology must be certified by the Chief Actuary of CMS, in consultation with the Office of Tax Analysis of the Department of the Treasury, as having met the requirements of section 1331(d)(3)(A)(ii) of the Affordable Care Act.

Section 1331(d)(3)(A)(ii) of the Affordable Care Act specifies that the payment determination "shall take into account all relevant factors necessary to determine the value of the premium tax credits and cost-sharing reductions that would have been provided to eligible individuals . . . including the age and income of the enrollee, whether the enrollment is for self-only or family coverage, geographic differences in average spending for health care across rating areas, the health status of the enrollee for purposes of determining risk adjustment payments and reinsurance payments that would have been made if the enrollee had enrolled in a qualified health plan through an Exchange, and whether any reconciliation of the credit or cost-sharing reductions would have occurred if the enrollee had been so enrolled." The proposed payment methodology takes each of these factors into account. We propose a methodology that is the same as the 2015 payment methodology, with updated values but no changes in methods.

We propose that the total federal BHP payment amount would be based on multiple "rate cells" in each state. Each "rate cell" would represent a unique combination of age range, geographic area, coverage category (for example, self-only or two-adult coverage through BHP), household size, and income range as a percentage of FPL. Thus, there would be distinct rate cells for individuals in each coverage category within a particular age range who reside in a specific geographic area and are in households of the same size and income range. We note that we would develop BHP payment rates that would be consistent with those states' rules on age rating. Thus, in the case of a state that does not use age as a rating factor on the Exchange, the BHP payment rates would not vary by age.

The proposed rate for each rate cell would be calculated in two parts. The first part (as described in Equation (1) below) would equal 95 percent of the estimated PTC that would have been paid if a BHP enrollee in that rate cell had instead enrolled in a QHP in the Exchange. The second part (as described in Equation (2) below) would equal 95 percent of the estimated CSR payment that would have been made if a BHP enrollee in that rate cell had instead enrolled in a QHP in the Exchange. These 2 parts would be added together and the total rate for that rate cell would be equal to the sum of the PTC and CSR rates.

We propose that Equation (1) below would be used to calculate the estimated PTC for individuals in each rate cell and Equation (2) below would be used to calculate the estimated CSR payments for individuals in each rate cell. By applying the equations separately to rate cells based on age, income and other factors, we would effectively take those factors into account in the calculation. In addition, the equations would reflect the estimated experience of individuals in each rate cell if enrolled in coverage through the Exchange, taking into account additional relevant variables. Each of the variables in the equations is defined below, and further detail is provided later in this section of the payment notice.

In addition, we describe how we propose to calculate the adjusted reference premium (described later in this section of the payment notice) that is used in Equations (1) and (2). This is defined below in Equation (3a) and Equation (3b).

1. Equation 1: Estimated PTC by Rate Cell

We propose that the estimated PTC, on a per enrollee basis, would be calculated for each rate cell for each state based on age range, geographic area, coverage category, household size, and income range. The PTC portion of the rate would be calculated in a manner consistent with the methodology used to calculate the PTC for persons enrolled in a QHP, with 3 adjustments. First, the PTC portion of the rate for each rate cell would represent the mean, or average, expected PTC that all persons in the rate cell would receive, rather than being calculated for each individual enrollee. Second, the reference premium used to calculate the PTC (described in more detail later in the section) would be adjusted for BHP population health status, and in the case of a state that elects to use 2015 premiums for the basis of the BHP federal payment, for the projected change in the premium from the 2015 to 2016, to which the rates announced in the final payment methodology would apply. These adjustments are described in Equation (3a) and Equation (3b) below. Third, the PTC would be adjusted prospectively to reflect the mean, or average, net expected impact of income reconciliation on the combination of all persons enrolled in BHP; this adjustment, as described in section II.D.5. of this proposed methodology, would account for the impact on the PTC that would have occurred had such reconciliation been performed. Finally, the rate is multiplied by 95 percent, consistent with section 1331(d)(3)(A)(i) of the Affordable Care Act. We note that in the situation where the average income contribution of an enrollee would exceed the adjusted reference premium, we would calculate the PTC to be equal to 0 and would not allow the value of the PTC to be negative.

We propose using Equation (1) to calculate the PTC rate, consistent with the methodology described above:

$$\textbf{Equation (1):}\ PTC_{a,g,c,h,i} = \left[ARP_{a,g,c} - \frac{\sum_j I_{h,i,j} \times PTCF_{h,i,j}}{n}\right] \times IRF \times 95\%$$

$PTC_{a,g,c,h,i}$ = Premium tax credit portion of BHP payment rate
a = Age range
g = Geographic area
c = Coverage status (self-only or applicable category of family coverage) obtained through BHP
h = Household size
i = Income range (as percentage of FPL)
$ARP_{a,g,c}$ = Adjusted reference premium
$I_{h,i,j}$ = Income (in dollars per month) at each 1 percentage-point increment of FPL
j = j^{th} percentage-point increment FPL
n = Number of income increments used to calculate the mean PTC
$PTCF_{h,i,j}$ = Premium Tax Credit Formula percentage
IRF = Income reconciliation factor

2. Equation 2: Estimated CSR Payment by Rate Cell

We propose that the CSR portion of the rate would be calculated for each rate cell for each state based on age range, geographic area, coverage category, household size, and income range defined as a percentage of FPL. The CSR portion of the rate would be calculated in a manner consistent with the methodology used to calculate the CSR advance payments for persons enrolled in a QHP, as described in the final rule we published in the **Federal Register** on March 11, 2014 entitled "HHS Notice of Benefit and Payment Parameters for 2015" final rule (79 FR 13744), with 3 principal adjustments. (We further propose a separate calculation that includes different adjustments for American Indian/Alaska Native BHP enrollees, as described in section II.D.1 of this proposed methodology.) For the first adjustment, the CSR rate, like the PTC rate, would represent the mean expected CSR subsidy that would be paid on behalf of all persons in the rate cell, rather than being calculated for each individual enrollee. Second, this calculation would be based on the adjusted reference premium, as described in section II.A.3. of this proposed methodology. Third, this equation uses an adjusted reference premium that reflects premiums charged to non-tobacco users, rather than the actual premium that is charged to tobacco users to calculate CSR advance payments for tobacco users enrolled in a QHP. Accordingly, we propose that the equation include a tobacco rating adjustment factor that would account for BHP enrollees' estimated tobacco-related health costs that are outside the premium charged to non-tobacco-users. Finally, the rate would be multiplied by 95 percent, as provided in section 1331(d)(3)(A)(i) of the Affordable Care Act.

We propose using Equation (2) to calculate the CSR rate, consistent with the methodology described above:

$$\textit{Equation (2):}\ CSR_{a,g,c,h,i} = \frac{ARP_{a,g,c} \times TRAF \times FRAC}{AV} \times IUF_{h,i} \times \Delta AV_{h,i} \times 95\%$$

$CSR_{a,g,c,h,i}$ = Cost-sharing reduction subsidy portion of BHP payment rate
a = Age range
g = Geographic area
c = Coverage status (self-only or applicable category of family coverage) obtained through BHP
h = Household size
i = Income range (as percentage of FPL)
$ARP_{a,g,c}$ = Adjusted reference premium
$TRAF$ = Tobacco rating adjustment factor
$FRAC$ = Factor removing administrative costs
AV = Actuarial value of plan (as percentage of allowed benefits covered by the applicable QHP without a cost-sharing reduction subsidy)
$IUF_{h,i}$ = Induced utilization factor
$\Delta AV_{h,i}$ = Change in actuarial value (as percentage of allowed benefits)

3. Equation 3a and Equation 3b: Adjusted Reference Premium Variable (Used in Equations 1 and 2)

As part of these calculations for both the PTC and CSR components, we propose to calculate the value of the adjusted reference premium as described below. Consistent with the approach last year, we are proposing to allow states to choose between using the actual 2016 QHP premiums or the 2015 QHP premiums multiplied by the premium trend factor (as described in section II.F). Therefore, we are proposing how we would calculate the adjusted reference premium under each option.

In the case of a state that elected to use the reference premium based on the 2016 premiums, we propose to calculate the value of the adjusted reference premium as specified in Equation (3a). The adjusted reference premium would be equal to the reference premium, which would be based on the second lowest cost silver plan premium in 2016, multiplied by the BHP population health factor (described in section II.D of this proposed methodology), which would reflect the projected impact that enrolling BHP-eligible individuals in QHPs on an Exchange would have had on the average QHP premium.

$$\textit{Equation (3a):}\ ARP_{a,g,c} = RP_{a,g,c} \times PHF$$

$ARP_{a,g,c}$ = Adjusted reference premium
a = Age range
g = Geographic area
c = Coverage status (self-only or applicable category of family coverage) obtained through BHP
$RP_{a,g,c}$ = Reference premium
PHF = Population health factor

In the case of a state that elected to use the reference premium based on the 2015 premiums (as described in section II.F of this proposed methodology), we propose to calculate the value of the adjusted reference premium as specified in Equation (3b). The adjusted reference premium would be equal to the reference premium, which would be based on the second lowest cost silver plan premium in 2015, multiplied by the BHP population health factor (described in section II.D of this proposed methodology), which would reflect the projected impact that enrolling BHP-eligible individuals in QHPs on an Exchange would have had on the average QHP premium, and by the premium trend factor, which would reflect the projected change in the premium level between 2015 and 2016 (including the estimated impact of changes resulting from the transitional reinsurance program established in section 1341 of the Affordable Care Act).

$$\textit{Equation (3b):}\ ARP_{a,g,c} = RP_{a,g,c} \times PHF \times PTF$$

$ARP_{a,g,c}$ = Adjusted reference premium
a = Age range
g = Geographic area
c = Coverage status (self-only or applicable category of family coverage) obtained through BHP
$RP_{a,g,c}$ = Reference premium
PHF = Population health factor
PTF = Premium trend factor

4. Equation 4: Determination of Total Monthly Payment for BHP Enrollees in Each Rate Cell

In general, the rate for each rate cell would be multiplied by the number of BHP enrollees in that cell (that is, the number of enrollees that meet the criteria for each rate cell) to calculate the total monthly BHP payment. This calculation is shown in Equation 4 below.

$$\textbf{Equation (4): } PMT = \sum \left[\left(PTC_{a,g,c,h,i} + CSR_{a,g,c,h,i} \right) \times E_{a,g,c,h,i} \right]$$

PMT = Total monthly BHP payment
$PTC_{a,g,c,h,i}$ = Premium tax credit portion of BHP payment rate
$CSR_{a,g,c,h,i}$ = Cost-sharing reduction subsidy portion of BHP payment rate
$E_{a,g,c,h,i}$ = Number of BHP enrollees
a = Age range
g = Geographic area
c = Coverage status (self-only or applicable category of family coverage) obtained through BHP
h = Household size
i = Income range (as percentage of FPL)

B. Federal BHP Payment Rate Cells

We propose that a state implementing BHP provide us an estimate of the number of BHP enrollees it projects will enroll in the upcoming BHP program year, by applicable rate cell, prior to the first quarter of program operations. Upon our approval of such estimates as reasonable, they would be used to calculate the prospective payment for the first and subsequent quarters of program operation until the state has provided us actual enrollment data. These data would be required to calculate the final BHP payment amount, and make any necessary reconciliation adjustments to the prior quarters' prospective payment amounts due to differences between projected and actual enrollment. Subsequent, quarterly deposits to the state's trust fund would be based on the most recent actual enrollment data submitted to us. Procedures will ensure that federal payments to a state reflect actual BHP enrollment during a year, within each applicable category, and prospectively determined federal payment rates for each category of BHP enrollment, with such categories defined in terms of age range, geographic area, coverage status, household size, and income range, as explained above.

We propose requiring the use of certain rate cells as part of the proposed methodology. For each state, we propose using rate cells that separate the BHP population into separate cells based on the five factors described below.

Factor 1—Age: We propose separating enrollees into rate cells by age, using the following age ranges that capture the widest variations in premiums under HHS's Default Age Curve: [1]

- Ages 0–20.
- Ages 21–34.
- Ages 35–44.
- Ages 45–54.
- Ages 55–64.

Factor 2—Geographic area: For each state, we propose separating enrollees into rate cells by geographic areas within which a single reference premium is charged by QHPs offered through the state's Exchange. Multiple, non-contiguous geographic areas would be incorporated within a single cell, so long as those areas share a common reference premium.[2]

Factor 3—Coverage status: We propose separating enrollees into rate cells by coverage status, reflecting whether an individual is enrolled in self-only coverage or persons are enrolled in family coverage through BHP, as provided in section 1331(d)(3)(A)(ii) of the Affordable Care Act. Among recipients of family coverage through BHP, separate rate cells, as explained below, would apply based on whether such coverage involves two adults alone or whether it involves children.

Factor 4—Household size: We propose separating enrollees into rate cells by household size that states use to determine BHP enrollees' income as a percentage of the FPL under proposed 42 CFR 600.320. We are proposing to require separate rate cells for several specific household sizes. For each additional member above the largest specified size, we propose to publish instructions for how we would develop additional rate cells and calculate an appropriate payment rate based on data for the rate cell with the closest specified household size. We propose to publish separate rate cells for household sizes of 1, 2, 3, 4, and 5, as unpublished analyses of American Community Survey data conducted by the Urban Institute, which take into account unaccepted offers of employer-sponsored insurance as well as income, Medicaid and CHIP eligibility, citizenship and immigration status, and current health coverage status, find that less than 1 percent of all BHP-eligible persons live in households of size 5 or greater.

Factor 5—Income: For households of each applicable size, we propose creating separate rate cells by income range, as a percentage of FPL. The PTC that a person would receive if enrolled in a QHP varies by income, both in level and as a ratio to the FPL, and the CSR varies by income as a percentage of FPL. Thus, we propose that separate rate cells would be used to calculate federal BHP payment rates to reflect different bands of income measured as a percentage of FPL. We propose using the following income ranges, measured as a ratio to the FPL:

- 0 to 50 percent of the FPL.
- 51 to 100 percent of the FPL.
- 101 to 138 percent of the FPL.[3]

[1] This curve is used to implement the Affordable Care Act's 3:1 limit on age-rating in states that do not create an alternative rate structure to comply with that limit. The curve applies to all individual market plans, both within and outside the Exchange. The age bands capture the principal allowed age-based variations in premiums as permitted by this curve. More information can be found at *http://www.cms.gov/CCIIO/Resources/Files/Downloads/market-reforms-guidance-2-25-2013.pdf*. Both children and adults under age 21 are charged the same premium. For adults age 21–64, the age bands in this methodology divide the total age-based premium variation into the three most equally-sized ranges (defining size by the ratio between the highest and lowest premiums within the band) that are consistent with the age-bands used for risk-adjustment purposes in the HHS-Developed Risk Adjustment Model. For such age bands, see Table 5, "Age-Sex Variables," in HHS-Developed Risk Adjustment Model Algorithm Software, June 2, 2014, *http://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/ra-tables-03-27-2014.xlsx*.

[2] For example, a cell within a particular state might refer to "County Group 1," "County Group 2," etc., and a table for the state would list all the counties included in each such group. These geographic areas are consistent with the geographic areas established under the 2014 Market Reform Rules. They also reflect the service area requirements applicable to qualified health plans, as described in 45 CFR 155.1055, except that service areas smaller than counties are addressed as explained below.

[3] The three lowest income ranges would be limited to lawfully present immigrants who are ineligible for Medicaid because of immigration status.

- 139 to 150 percent of the FPL.
- 151 to 175 percent of the FPL.
- 176 to 200 percent of the FPL.

These rate cells would only be used to calculate the federal BHP payment amount. A state implementing BHP would not be required to use these rate cells or any of the factors in these rate cells as part of the state payment to the standard health plans participating in BHP or to help define BHP enrollees' covered benefits, premium costs, or out-of-pocket cost-sharing levels.

We propose using averages to define federal payment rates, both for income ranges and age ranges, rather than varying such rates to correspond to each individual BHP enrollee's age and income level. We believe that the proposed approach will increase the administrative feasibility of making federal BHP payments and reduce the likelihood of inadvertently erroneous payments resulting from highly complex methodologies. We believe that this approach should not significantly change federal payment amounts, since within applicable ranges, the BHP-eligible population is distributed relatively evenly.

C. Sources and State Data Considerations

To the extent possible, we intend to use data submitted to the federal government by QHP issuers seeking to offer coverage through an Exchange to perform the calculations that determine federal BHP payment cell rates.

States operating a State Based Exchange in the individual market, however, must provide certain data, including premiums for second lowest cost silver plans, by geographic area, in order for CMS to calculate the federal BHP payment rates in those states. We propose that a State Based Exchange interested in obtaining the applicable federal BHP payment rates for its state must submit such data accurately, completely, and as specified by CMS, by no later than October 15, 2015, in order for CMS to calculate the applicable rates for 2016. If additional state data (that is, in addition to the second lowest cost silver plan premium data) are needed to determine the federal BHP payment rate, such data must be submitted in a timely manner, and in a format specified by CMS to support the development and timely release of annual BHP payment notices. The specifications for data collection to support the development of BHP payment rates for 2016 were published in CMS guidance and are available at *http://www.medicaid.gov/Federal-Policy-Guidance/Federal-Policy-Guidance.html.*

If a state operating a State Based Exchange provides the necessary data accurately, completely, and as specified by CMS, but after the date specified above, we anticipate publishing federal payment rates for such a state in a subsequent Payment Notice. As noted in the BHP final rule, a state may elect to implement its BHP after a program year has begun. In such an instance, we propose that the state, if operating a State Based Exchange, submit its data no later than 30 days after the Blueprint submission for CMS to calculate the applicable federal payment rates. We further propose that the BHP Blueprint itself must be submitted for Secretarial certification with an effective date of no sooner than 120 days after submission of the BHP Blueprint. In addition, the state must ensure that its Blueprint includes a detailed description of how the state will coordinate with other insurance affordability programs to transition and transfer BHP-eligible individuals out of their existing QHP coverage, consistent with the requirements set forth in 42 CFR 600.330 and 600.425. We believe that this 120-day period is necessary to establish the requisite administrative structures and ensure that all statutory and regulatory requirements are satisfied.

D. Discussion of Specific Variables Used in Payment Equations

1. Reference Premium (RP)

To calculate the estimated PTC that would be paid if individuals enrolled in QHPs through the Exchange, we must calculate a reference premium (RP) because the PTC is based, in part, on the premiums for the applicable second lowest cost silver plan as explained in section II.C.4 of this proposed methodology, regarding the Premium Tax Credit Formula (PTCF). Accordingly, for the purposes of calculating the BHP payment rates, the reference premium, in accordance with 26 U.S.C. 36B(b)(3)(C), is defined as the adjusted monthly premium for an applicable second lowest cost silver plan. The applicable second lowest cost silver plan is defined in 26 U.S.C. 36B(b)(3)(B) as the second lowest cost silver plan of the individual market in the rating area in which the taxpayer resides, which is offered through the same Exchange. We propose to use the adjusted monthly premium for an applicable second lowest cost silver plan in 2016 as the reference premium (except in the case of a state that elects to use the 2015 premium as the basis for the federal BHP payment, as described in section II.F of this proposed methodology).

The reference premium would be the premium applicable to non-tobacco users. This is consistent with the provision in 26 U.S.C. 36B(b)(3)(C) that bases the PTC on premiums that are adjusted for age alone, without regard to tobacco use, even for states that allow insurers to vary premiums based on tobacco use pursuant to 42 U.S.C. 300gg(a)(1)(A)(iv).

Consistent with the policy set forth in 26 CFR 1.36B–3(f)(6) to calculate the PTC for those enrolled in a QHP through an Exchange, we propose not to update the payment methodology, and subsequently the federal BHP payment rates, in the event that the second lowest cost silver plan used as the reference premium, or the lowest cost silver plan, changes (that is, terminates or closes enrollment during the year).

The applicable second lowest cost silver plan premium will be included in the BHP payment methodology by age range, geographic area, and self-only or applicable category of family coverage obtained through BHP.

American Indians and Alaska Natives in households with incomes below 300 percent of the FPL are eligible for a full cost sharing subsidy regardless of the plan they select (as described in sections 1402(d) and 2901(a) of the Affordable Care Act). We assume that American Indians and Alaska Natives would be more likely to enroll in bronze plans as a result; thus, for American Indian/Alaska Native BHP enrollees, we propose to use the lowest cost bronze plan as the basis for the reference premium for the purposes of calculating the CSR portion of the federal BHP payment as described further in section II.E of this proposed methodology.

We would note that the choice of the second lowest cost silver plan for calculating BHP payments would rely on several simplifying assumptions in its selection. For the purposes of determining the second lowest cost silver plan for calculating PTC for a person enrolled in a QHP through an Exchange, the applicable plan may differ for various reasons. For example, a different second lowest cost silver plan may apply to a family consisting of two adults, their child, and their niece than to a family with 2 adults and their children, because 1 or more QHPs in the family's geographic area might not offer family coverage that includes the niece. We believe that it would not be possible to replicate such variations for calculating the BHP payment and believe that in aggregate they would not result in a significant difference in the payment. Thus, we propose to use the

second lowest cost silver plan available to any enrollee for a given age, geographic area, and coverage category.

This choice of reference premium relies on 2 assumptions about enrollment in the Exchanges. First, we assume that all persons enrolled in BHP would have elected to enroll in a silver level plan if they had instead enrolled in a QHP through the Exchanges. It is possible that some persons would have chosen not to enroll at all or would have chosen to enroll in a different metal-level plan (in particular, a bronze level plan with a premium that is less than the PTC for which the person was eligible). We do not believe it is appropriate to adjust the payment for an assumption that some BHP enrollees would not have enrolled in QHPs for purposes of calculating the BHP payment rates, since Affordable Care Act section 1331(d)(3)(A)(ii) requires the calculation of such rates as "if the enrollee had enrolled in a qualified health plan through an Exchange."

Second, we assume that, among all available silver plans, all persons enrolled in BHP would have selected the second-lowest cost plan. Both this and the prior assumption allow an administratively feasible determination of federal payment levels. They also have some implications for the CSR portion of the rate. If persons were to enroll in a bronze level plan through the Exchange, they would not be eligible for CSRs, unless they were an eligible American Indian or Alaska Native; thus, assuming that all persons enroll in a silver level plan, rather than a plan with a different metal level, would increase the BHP payment. Assuming that all persons enroll in the second lowest cost silver plan for the purposes of calculating the CSR portion of the rate may result in a different level of CSR payments than would have been paid if the persons were enrolled in different silver level plans on the Exchanges (with either lower or higher premiums). We believe it would not be reasonable at this point to estimate how BHP enrollees would have enrolled in different silver level QHPs, and thus propose to use the second lowest cost silver plan as the basis for the reference premium and calculating the CSR portion of the rate. For American Indian/Alaska Native BHP enrollees, we propose to use the lowest cost bronze plan as the basis for the reference premium as described further in section II.E. of this proposed methodology.

The applicable age bracket will be one dimension of each rate cell. We propose to assume a uniform distribution of ages and estimate the average premium amount within each rate cell. We believe that assuming a uniform distribution of ages within these ranges is a reasonable approach and would produce a reliable determination of the PTC and CSR components. We also believe this approach would avoid potential inaccuracies that could otherwise occur in relatively small payment cells if age distribution were measured by the number of persons eligible or enrolled.

We propose to use geographic areas based on the rating areas used in the Exchanges. We propose to define each geographic area so that the reference premium is the same throughout the geographic area. When the reference premium varies within a rating area, we propose defining geographic areas as aggregations of counties with the same reference premium. Although plans are allowed to serve geographic areas smaller than counties after obtaining our approval, we propose that no geographic area, for purposes of defining BHP payment rate cells, will be smaller than a county. We do not believe that this assumption will have a significant impact on federal payment levels and it would likely simplify both the calculation of BHP payment rates and the operation of BHP.

Finally, in terms of the coverage category, we propose that federal payment rates only recognize self-only and two-adult coverage, with exceptions that account for children who are potentially eligible for BHP. First, in states that set the upper income threshold for children's Medicaid and CHIP eligibility below 200 percent of FPL (based on modified adjusted gross income), children in households with incomes between that threshold and 200 percent of FPL would be potentially eligible for BHP. Currently, the only states in this category are Arizona, Idaho, and North Dakota.[4] Second, BHP would include lawfully present immigrant children with incomes at or below 200 percent of FPL in states that have not exercised the option under the sections 1903(v)(4)(A)(ii) and 2107(e)(1)(E) of the Social Security Act (the Act) to qualify all otherwise eligible, lawfully present immigrant children for Medicaid and CHIP. States that fall within these exceptions would be identified based on their Medicaid and CHIP State Plans, and the rate cells would include appropriate categories of BHP family coverage for children. For example, Idaho's Medicaid and CHIP eligibility is limited to families with MAGI at or below 185 percent FPL. If Idaho implemented BHP, Idaho children with incomes between 185 and 200 percent could qualify. In other states, BHP eligibility will generally be restricted to adults, since children who are citizens or lawfully present immigrants and who live in households with incomes at or below 200 percent of FPL will qualify for Medicaid or CHIP and thus be ineligible for BHP under section 1331(e)(1)(C) of the Affordable Care Act, which limits BHP to individuals who are ineligible for minimum essential coverage (as defined in section 5000A(f) of the Internal Revenue Code of 1986).

[4] CMCS. "State Medicaid and CHIP Income Eligibility Standards Effective January 1, 2014."

2. Population Health Factor (PHF)

We propose that the population health factor be included in the methodology to account for the potential differences in the average health status between BHP enrollees and persons enrolled in the marketplace. To the extent that BHP enrollees would have been enrolled in the marketplace in the absence of BHP in a state, the inclusion of those BHP enrollees in the marketplace may affect the average health status of the overall population and the expected QHP premiums.

We currently do not believe that there is evidence that the BHP population would have better or poorer health status than the marketplace population. At this time, there is a lack of experience available in the marketplace that limits the ability to analyze the health differences between these groups of enrollees. In addition, differences in population health may vary across states. Thus, at this time, we believe that it is not feasible to develop a methodology to make a prospective adjustment to the population health factor that is reliably accurate.

Given these analytic challenges and the limited data about Exchange coverage and the characteristics of BHP-eligible consumers that will be available by the time we establish federal payment rates for 2016, we believe that the most appropriate adjustment for 2016 would be 1.00. In the 2015 payment methodology, we included an option for states to include a retrospective population health status adjustment. Similarly, we propose for the 2016 payment methodology to provide states with the same option, as described further in section II.G of this proposed methodology, to include a retrospective population health status adjustment in the certified methodology, which is subject to CMS review and approval. Regardless of whether a state elects to include a retrospective population health status adjustment, we anticipate that, in future

years, when additional data become available about Exchange coverage and the characteristics of BHP enrollees, we may estimate this factor differently.

While the statute requires consideration of risk adjustment payments and reinsurance payments insofar as they would have affected the PTC and CSRs that would have been provided to BHP-eligible individuals had they enrolled in QHPs, we are not proposing to require that a BHP program's standard health plans receive such payments. As explained in the BHP final rule, BHP standard health plans are not included in the risk adjustment program operated by HHS on behalf of states. Further, standard health plans do not qualify for payments from the transitional reinsurance program established under section 1341 of the Affordable Care Act.[5] To the extent that a state operating a BHP determines that, because of the distinctive risk profile of BHP-eligible consumers, BHP standard health plans should be included in mechanisms that share risk with other plans in the state's individual market, the state would need to use other methods for achieving this goal.

3. Income (I)

Household income is a significant determinant of the amount of the PTC and CSRs that are provided for persons enrolled in a QHP through the Exchange. Accordingly, the proposed BHP payment methodology incorporates income into the calculations of the payment rates through the use of income-based rate cells. We propose defining income in accordance with the definition of modified adjusted gross income in 26 U.S.C. 36B(d)(2)(B) and consistent with the definition in 45 CFR 155.300. Income would be measured relative to the FPL, which is updated periodically in the Federal Register by the Secretary under the authority of 42 U.S.C. 9902(2), based on annual changes in the consumer price index for all urban consumers (CPI–U). In our proposed methodology, household size and income as a percentage of FPL would be used as factors in developing the rate cells. We propose using the following income ranges measured as a percentage of FPL:[6]

- 0–50 percent.
- 51–100 percent.
- 101–138 percent.
- 139–150 percent.
- 151–175 percent.
- 176–200 percent.

We further propose to assume a uniform income distribution for each federal BHP payment cell. We believe that assuming a uniform income distribution for the income ranges proposed would be reasonably accurate for the purposes of calculating the PTC and CSR components of the BHP payment and would avoid potential errors that could result if other sources of data were used to estimate the specific income distribution of persons who are eligible for or enrolled in BHP within rate cells that may be relatively small. Thus, when calculating the mean, or average, PTC for a rate cell, we propose to calculate the value of the PTC at each one percentage point interval of the income range for each federal BHP payment cell and then calculate the average of the PTC across all intervals. This calculation would rely on the PTC formula described below in section II.4 of this proposed methodology.

As the PTC for persons enrolled in QHPs would be calculated based on their income during the open enrollment period, and that income would be measured against the FPL at that time, we propose to adjust the FPL by multiplying the FPL by a projected increase in the CPI–U between the time that the BHP payment rates are published and the QHP open enrollment period, if the FPL is expected to be updated during that time. We propose that the projected increase in the CPI–U would be based on the intermediate inflation forecasts from the most recent OASDI and Medicare Trustees Reports.[7]

4. Premium Tax Credit Formula (PTCF)

In Equation 1 described in section II.A.1 of this proposed methodology, we propose to use the formula described in 26 U.S.C. 36B(b) to calculate the estimated PTC that would be paid on behalf of a person enrolled in a QHP on an Exchange as part of the BHP payment methodology. This formula is used to determine the contribution amount (the amount of premium that an individual or household theoretically would be required to pay for coverage in a QHP on an Exchange), which is based on (A) the household income; (B) the household income as a percentage of FPL for the family size; and (C) the schedule specified in 26 U.S.C. 36B(b)(3)(A) and shown below. The difference between the contribution amount and the adjusted monthly premium for the applicable second lowest cost silver plan is the estimated amount of the PTC that would be provided for the enrollee.

The PTC amount provided for a person enrolled in a QHP through an Exchange is calculated in accordance with the methodology described in 26 U.S.C. 36B(b)(2). The amount is equal to the lesser of the premium for the plan in which the person or household enrolls, or the adjusted premium for the applicable second lowest cost silver plan minus the contribution amount.

The applicable percentage is defined in 26 U.S.C. 36B(b)(3)(A) and 26 CFR 1.36B–3(g) as the percentage that applies to a taxpayer's household income that is within an income tier specified in the table, increasing on a sliding scale in a linear manner from an initial premium percentage to a final premium percentage specified in the table (see Table 1):

[5] See 45 CFR 153.400(a)(2)(iv) (BHP standard health plans are not required to submit reinsurance contributions), 153.20 (definition of "Reinsurance-eligible plan" as not including "health insurance coverage not required to submit reinsurance contributions"), 153.230(a) (reinsurance payments under the national reinsurance parameters are available only for "Reinsurance-eligible plans").

[6] These income ranges and this analysis of income apply to the calculation of the PTC. Many fewer income ranges and a much simpler analysis apply in determining the value of CSRs, as specified below.

[7] See Table IV A1 from the 2013 reports in *http://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/ReportsTrustFunds/Downloads/TR2014.pdf.*

TABLE 1—HOUSEHOLD INCOME

[Expressed as a percent of poverty line]

In the case of household income (expressed as a percent of poverty line) within the following income tier:	The initial premium percentage is— (percent)	The final premium percentage is— (percent)
Up to 133%	2.01	2.01
133% but less than 150%	3.02	4.02
150% but less than 200%	4.02	6.34
200% but less than 250%	6.34	8.10
250% but less than 300%	8.10	9.56
300% but not more than 400%	9.56	9.56

These are the applicable percentages for CY 2015. The applicable percentages will be updated in future years in accordance with 26 U.S.C. 36B(b)(3)(A)(ii).

5. Income Reconciliation Factor (IRF)

For persons enrolled in a QHP through an Exchange who receive an advance payment of the premium tax credit (APTC), there will be an annual reconciliation following the end of the year to compare the advance payments to the correct amount of PTC based on household circumstances shown on the federal income tax return. Any difference between the latter amounts and the advance payments made during the year would either be paid to the taxpayer (if too little APTC was paid) or charged to the taxpayer as additional tax (if too much APTC was made, subject to any limitations in statute or regulation), as provided in 26 U.S.C. 36B(f).

Section 1331(e)(2) of the Affordable Care Act specifies that an individual enrolled in BHP may not be treated as a qualified individual under section 1312 eligible for enrollment in a QHP offered through an Exchange. Therefore, BHP enrollees are not eligible to receive APTC to assist with purchasing coverage in the Exchange. Because they do not receive APTC assistance, BHP enrollees are not subject to the same income reconciliation as Exchange consumers. Nonetheless, there may still be differences between a BHP enrollee's household income reported at the beginning of the year and the actual income over the year. These may include small changes (reflecting changes in hourly wage rates, hours worked per week, and other fluctuations in income during the year) and large changes (reflecting significant changes in employment status, hourly wage rates, or substantial fluctuations in income). There may also be changes in household composition. Thus, we believe that using unadjusted income as reported prior to the BHP program year may result in calculations of estimated PTC that are inconsistent with the actual incomes of BHP enrollees during the year. Even if the BHP program adjusts household income determinations and corresponding claims of federal payment amounts based on household reports during the year or data from third-party sources, such adjustments may not fully capture the effects of tax reconciliation that BHP enrollees would have experienced had they been enrolled in a QHP through an Exchange and received APTC assistance.

Therefore, we propose including in Equation 1 an income adjustment factor that would account for the difference between calculating estimated PTC using: (a) Income relative to FPL as determined at initial application and potentially revised mid-year, under proposed 600.320, for purposes of determining BHP eligibility and claiming federal BHP payments; and (b) actual income relative to FPL received during the plan year, as it would be reflected on individual federal income tax returns. This adjustment would seek prospectively to capture the average effect of income reconciliation aggregated across the BHP population had those BHP enrollees been subject to tax reconciliation after receiving APTC assistance for coverage provided through QHPs. For 2016, we propose estimating reconciliation effects based on tax data for 2 years, reflecting income and tax unit composition changes over time among BHP-eligible individuals.

The Office of Tax Analysis in the U.S. Department of Treasury (OTA) maintains a model that combines detailed tax and other data, including Exchange enrollment and PTC claimed, to project Exchange premiums, enrollment, and tax credits. For each enrollee, this model compares the APTC based on household income and family size estimated at the point of enrollment with the PTC based on household income and family size reported at the end of the tax year. The former reflects the determination using enrollee information furnished by the applicant and tax data furnished by the IRS. The latter would reflect the PTC eligibility based on information on the tax return, which would have been determined if the individual had not enrolled in BHP. We propose that the ratio of the reconciled PTC to the initial estimation of PTC would be used as the income reconciliation factor in Equation (1) for estimating the PTC portion of the BHP payment rate.

For 2015, OTA estimated that the income reconciliation factor for states that have implemented the Medicaid eligibility expansion to cover adults up to 133 percent of the FPL will be 94.52 percent, and for states that have not implemented the Medicaid eligibility expansion and do not cover adults up to 133 percent of the FPL will be 95.32 percent. In the 2015 payment methodology, the IRF was set equal to the average of these two factors (94.92 percent). We propose updating this analysis and the IRF for 2016.

6. Tobacco Rating Adjustment Factor (TRAF)

As described above, the reference premium is estimated, for purposes of determining both the PTC and related federal BHP payments, based on premiums charged for non-tobacco users, including in states that allow premium variations based on tobacco use, as provided in 42 U.S.C. 300gg (a)(1)(A)(iv). In contrast, as described in 45 CFR 156.430, the CSR advance payments are based on the total premium for a policy, including any adjustment for tobacco use. Accordingly, we propose to incorporate a tobacco rating adjustment factor into Equation 2 that reflects the average percentage increase in health care costs that results from tobacco use among the BHP-eligible population and that would not be reflected in the premium charged to non-users. This factor will also take into account the estimated proportion of tobacco users among BHP-eligible consumers.

To estimate the average effect of tobacco use on health care costs (not reflected in the premium charged to non-users), we propose to calculate the ratio between premiums that silver level QHPs charge for tobacco users to the premiums they charge for non-tobacco users at selected ages. To calculate estimated proportions of tobacco users, we propose to use data from the Centers for Disease Control and Prevention to estimate tobacco utilization rates by state and relevant population characteristic.[8] For each state, we propose to calculate the tobacco usage rate based on the percentage of persons by age who use cigarettes and the percentage of persons by age that use smokeless tobacco, and calculate the utilization rate by adding the two rates together. The data is available for 3 age intervals: 18–24; 25–44; and 45–64. For the BHP payment rate cell for persons ages 21–34, we would calculate the factor as (4/14 * the utilization rate of 18–24 year olds) plus (10/14 * the utilization rate of 25–44 year olds), which would be the weighted average of tobacco usage for persons 21–34 assuming a uniform distribution of ages; for all other age ranges used for the rate cells, we would use the age range in the CDC data in which the BHP payment rate cell age range is contained.

We propose to provide tobacco rating factors that may vary by age and by geographic area within each state. To the extent that the second lowest cost silver plans have a different ratio of tobacco user rates to non-tobacco user rates in different geographic areas, the tobacco rating adjustment factor may differ across geographic areas within a state. In addition, to the extent that the second lowest cost silver plan has a different ratio of tobacco user rates to non-tobacco user rates by age, or that there is a different prevalence of tobacco use by age, the tobacco rating adjustment factor may differ by age.

7. Factor for Removing Administrative Costs (FRAC)

The Factor for Removing Administrative Costs represents the average proportion of the total premium that covers allowed health benefits, and we propose including this factor in our calculation of estimated CSRs in Equation 2. The product of the reference premium and the Factor for Removing Administrative Costs would approximate the estimated amount of Essential Health Benefit (EHB) claims that would be expected to be paid by the plan. This step is needed because the premium also covers such costs as taxes, fees, and QHP administrative expenses. We are proposing to set this factor equal to 0.80, which is the same percentage for the factor to remove administrative costs for calculating CSR advance payments for established in the 2015 HHS Notice of Benefit and Payment Parameters.

8. Actuarial Value (AV)

The actuarial value is defined as the percentage paid by a health plan of the total allowed costs of benefits, as defined under 45 CFR 156.20. (For example, if the average health care costs for enrollees in a health insurance plan were $1,000 and that plan has an actuarial value of 70 percent, the plan would be expected to pay on average $700 ($1,000 × 0.70) for health care costs per enrollee, on average.) By dividing such estimated costs by the actuarial value in the proposed methodology, we would calculate the estimated amount of total EHB-allowed claims, including both the portion of such claims paid by the plan and the portion paid by the consumer for in-network care. (To continue with that same example, we would divide the plan's expected $700 payment of the person's EHB-allowed claims by the plan's 70 percent actuarial value to ascertain that the total amount of EHB-allowed claims, including amounts paid by the consumer, is $1,000.)

For the purposes of calculating the CSR rate in Equation 2, we propose to use the standard actuarial value of the silver level plans in the individual market, which is equal to 70 percent.

9. Induced Utilization Factor (IUF)

The induced utilization factor is proposed as a factor in calculating estimated CSRs in Equation 2 to account for the increase in health care service utilization associated with a reduction in the level of cost sharing a QHP enrollee would have to pay, based on the cost-sharing reduction subsidies provided to enrollees.

The 2015 HHS Notice of Benefit and Payment Parameters provided induced utilization factors for the purposes of calculating cost-sharing reduction advance payments for 2015. In that rule, the induced utilization factors for silver plan variations ranged from 1.00 to 1.12, depending on income. Using those utilization factors, the induced utilization factor for all persons who would qualify for BHP based on their household income as a percentage of FPL is 1.12; this would include persons with household income between 100 percent and 200 percent of FPL, lawfully present non-citizens below 100 percent of FPL who are ineligible for Medicaid because of immigration status, and persons with household income under 300 percent of FPL, not subject to any cost-sharing. Thus, consistent with last year, we propose to set the induced utilization factor equal to 1.12 for the BHP payment methodology.

We note that for CSRs for QHPs, there will be a final reconciliation at the end of the year and the actual level of induced utilization could differ from the factor proposed in the rule. Our proposed methodology for BHP funding would not include any reconciliation for utilization and thus may understate or overstate the impact of the effect of the subsidies on health care utilization.

10. Change in Actuarial Value (ΔAV)

The increase in actuarial value would account for the impact of the cost-sharing reduction subsidies on the relative amount of EHB claims that would be covered for or paid by eligible persons, and we propose including it as a factor in calculating estimated CSRs in Equation 2.

The actuarial values of QHPs for persons eligible for cost-sharing reduction subsidies are defined in 45 CFR 156.420(a), and eligibility for such subsidies is defined in 45 CFR 155.305(g)(2)(i) through (iii). For QHP enrollees with household incomes between 100 percent and 150 percent of FPL, and those below 100 percent of FPL who are ineligible for Medicaid because of their immigration status, CSRs increase the actuarial value of a QHP silver plan from 70 percent to 94 percent. For QHP enrollees with household incomes between 150 percent and 200 percent of FPL, CSRs increase the actuarial value of a QHP silver plan from 70 percent to 87 percent.

We propose to apply this factor by subtracting the standard AV from the higher AV allowed by the applicable cost-sharing reduction. For BHP enrollees with household incomes at or below 150 percent of FPL, this factor would be 0.24 (94 percent minus 70 percent); for BHP enrollees with household incomes more than 150 percent but not more than 200 percent of FPL, this factor would be 0.17 (87 percent minus 70 percent).

E. Adjustments for American Indians and Alaska Natives

There are several exceptions made for American Indians and Alaska Natives enrolled in QHPs through an Exchange to calculate the PTC and CSRs. Thus, we propose adjustments to the payment

[8] Centers for Disease Control and Prevention, *Tobacco Control State Highlights 2012: http://www.cdc.gov/tobacco/data_statistics/state_data/state_highlights/2012/index.htm.*

methodology described above to be consistent with the Exchange rules.

We propose the following adjustments:

1. We propose that the adjusted reference premium for use in the CSR portion of the rate would use the lowest cost bronze plan instead of the second lowest cost silver plan, with the same adjustment for the population health factor (and in the case of a state that elects to use the 2015 premiums as the basis of the federal BHP payment, the same adjustment for the premium trend factor). American Indians and Alaska Natives are eligible for CSRs with any metal level plan, and thus we believe that eligible persons would be more likely to select a bronze level plan instead of a silver level plan. (It is important to note that this would not change the PTC, as that is the maximum possible PTC payment, which is always based on the applicable second lowest cost silver plan.)

2. We propose that the actuarial value for use in the CSR portion of the rate would be 0.60 instead of 0.70, which is consistent with the actuarial value of a bronze level plan.

3. We propose that the induced utilization factor for use in the CSR portion of the rate would be 1.15, which is consistent with the 2015 HHS Notice of Benefit and Payment Parameters induced utilization factor for calculating advance CSR payments for persons enrolled in bronze level plans and eligible for CSRs up to 100 percent of actuarial value.

4. We propose that the change in the actuarial value for use in the CSR portion of the rate would be 0.40. This reflects the increase from 60 percent actuarial value of the bronze plan to 100 percent actuarial value, as American Indians and Alaska Natives are eligible to receive CSRs up to 100 percent of actuarial value.

F. State Option To Use 2015 QHP Premiums for BHP Payments

In the interest of allowing states greater certainty in the total BHP federal payments for 2016, we propose providing states the option to have their final 2016 federal BHP payment rates calculated using the projected 2016 adjusted reference premium (that is, using 2015 premium data multiplied by the premium trend factor defined below), as described in Equation (3b).

For a state that would elect to use the 2015 premium as the basis for the 2016 BHP federal payment, we propose requiring that the state inform us no later than May 15, 2015.

For Equation (3b), we propose to define the premium trend factor as follows:

Premium Trend Factor (PTF): In Equation (3b), we propose to calculate an adjusted reference premium (ARP) based on the application of certain relevant variables to the reference premium (RP), including a premium trend factor (PTF). In the case of a state that would elect to use the 2015 premiums as the basis for determining the BHP payment, it would be appropriate to apply a factor that would account for the change in health care costs between the year of the premium data and the BHP plan year. We are proposing to define this as the premium trend factor in the BHP payment methodology. This factor would approximate the change in health care costs per enrollee, which would include, but not be limited to, changes in the price of health care services and changes in the utilization of health care services. This would provide an estimate of the adjusted monthly premium for the applicable second lowest cost silver plan that would be more accurate and reflective of health care costs in the BHP program year, which would be the year following issuance of the final federal payment notice. In addition, we believe that it would be appropriate to adjust the trend factor for the estimated impact of changes to the transitional reinsurance program on the average QHP premium.

For the trend factor we propose to use the annual growth rate in private health insurance expenditures per enrollee from the National Health Expenditure projections, developed by the Office of the Actuary in CMS (citation, *http://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/NationalHealthExpendData/Downloads/Proj2012.pdf*).

We propose to also include an adjustment for changes in the transitional reinsurance program. We propose that this adjustment would be developed from analysis by CMS' Center for Consumer Information and Insurance Oversight (CCIIO).

States may want to consider that the increase in premiums for QHPs from 2015 to 2016 may differ from the premium trend factor developed for the BHP funding methodology for several reasons. In particular, states may want to consider that the second lowest cost silver plan for 2015 may not be the same as the second lowest cost silver plan in 2016. This may lead to the premium trend factor being greater than or less than the actual change in the premium of the second lowest cost silver plan in 2015 compared to the premium of the second lowest cost silver plan in 2016.

G. State Option To Include Retrospective State-Specific Health Risk Adjustment in Certified Methodology

To determine whether the potential difference in health status between BHP enrollees and consumers in the Exchange would affect the PTC, CSRs, risk adjustment and reinsurance payments that would have otherwise been made had BHP enrollees been enrolled in coverage on the Exchange, we propose to provide states implementing the BHP the option to propose and to implement, as part of the certified methodology, a retrospective adjustment to the federal BHP payments to reflect the actual value that would be assigned to the population health factor (or risk adjustment) based on data accumulated during program year 2016 for each rate cell.

We acknowledge that there is uncertainty with respect to this factor due to the lack of experience of QHPs on the Exchange and other payments related to the Exchange, which is why, absent a state election, we propose to use a value for the population health factor to determine a prospective payment rate which assumes no difference in the health status of BHP enrollees and QHP enrollees. There is considerable uncertainty regarding whether the BHP enrollees will pose a greater risk or a lesser risk compared to the QHP enrollees, how to best measure such risk, and the potential effect such risk would have had on PTC, CSRs, risk adjustment and reinsurance payments that would have otherwise been made had BHP enrollees been enrolled in coverage on the Exchange. To the extent, however, that a state would develop an approved protocol to collect data and effectively measure the relative risk and the effect on federal payments, we propose to permit a retrospective adjustment that would measure the actual difference in risk between the two populations to be incorporated into the certified BHP payment methodology and used to adjust payments in the previous year.

For a state electing the option to implement a retrospective population health status adjustment, we propose requiring the state to submit a proposed protocol to CMS, which would be subject to approval by CMS and would be required to be certified by the Chief Actuary of CMS, in consultation with the Office of Tax Analysis, as part of the BHP payment methodology. CMS described the protocol for the population health status adjustment in guidance in *Considerations for Health*

Risk Adjustment in the Basic Health Program in Program Year 2015 (http://www.medicaid.gov/Basic-Health-Program/Downloads/Risk-Adjustment-and-BHP-White-Paper.pdf). We propose requiring a state to submit its proposed protocol by August 1, 2015 for CMS approval. This submission would also include descriptions of how the state would collect the necessary data to determine the adjustment, including any contracting contingences that may be in place with participating standard health plan issuers. We would provide technical assistance to states as they develop their protocols. In order to implement the population health status, we propose that CMS must approve the state's protocol no later than December 31, 2015. Finally, we propose that the state be required to complete the population health status adjustment at the end of 2016 based on the approved protocol. After the end of the 2016 program year, and once data is made available, we propose that CMS would review the state's findings, consistent with the approved protocol, and make any necessary adjustments to the state's federal BHP payment amount. If we determine that the federal BHP payments were less than they would have been using the final adjustment factor, we would apply the difference to the state's quarterly BHP trust fund deposit. If we determine that the federal BHP payments were more than they would have been using the final reconciled factor, we would subtract the difference from the next quarterly BHP payment to the state.

H. Example Application of the BHP Funding Methodology

In the 2015 proposed payment methodology, we included an example of how the BHP funding methodology would be applied (Proposed Basic Health Program 2015 Funding Methodology, (78 FR 77399), published in the **Federal Register** on December 23, 2013). For those interested in this example, we would refer to the 2015 proposed payment methodology and note the following changes since that time.

In the final BHP payment methodology, we provided the option for states to elect to use the 2015 premiums to calculate the BHP payment rates instead of the 2014 premiums multiplied by the premium trend factor. The example in the previous proposed payment methodology used the 2014 premiums multiplied by the premium trend factor only.

In addition, we provided the option for the state to develop a risk adjustment protocol to revise the population health factor in the final payment methodology. The example in the previous proposed payment methodology did not assume any adjustment to the population health factor.

Furthermore, we modified the age ranges used to develop the rate cells after the proposed payment methodology was published. The age range for persons ages 21–44 was divided into age ranges of 21–34 and 35–44.

Lastly, as we noted in the responses to comments in the final payment methodology, there was an error in the example in the previous proposed payment methodology. The maximum percentage of income that a household would be required to pay for QHP premiums for households with incomes between 133 percent and 150 percent of the federal poverty level (FPL) was incorrect in the example; the correct percentages range from 3.00 to 4.00 percent, not from 2.00 to 3.00 percent as shown in Table 2.

III. Collection of Information Requirements [If Applicable]

This proposed methodology is unchanged from the 2015 final methodology that published on March 12, 2014 (79 FR 13887). The 2016 proposed methodology would not impose any new or revised reporting, recordkeeping, or third-party disclosure requirements and, therefore, does not require additional OMB review under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The methodology's information collection requirements and burden estimates are approved by OMB under control number 0938–1218 (CMS–10510).

Consistent with the Basic Health Program's proposed and final rules (78 FR 59122 and 79 FR 14112, respectively) we continue to estimate less than 10 annual respondents for completing the Blueprint. Consequently, the Blueprint is exempt from formal OMB review and approval under 5 CFR 1320.3(c).

Finally, this action would not impose any additional reporting, recordkeeping, or third-party disclosure requirements on qualified health plans or on states operating State Based Exchanges.

IV. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

V. Regulatory Impact Statement

A. Overall Impact

We have examined the impacts of this rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Act, section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, March 22, 1995) (UMRA), Executive Order 13132 on Federalism (August 4, 1999) and the Congressional Review Act (5 U.S.C. 804(2)).

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). Section 3(f) of Executive Order 12866 defines a "significant regulatory action" as an action that is likely to result in a rule: (1) Having an annual effect on the economy of $100 million or more in any 1 year, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local or tribal governments or communities (also referred to as "economically significant"); (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). As noted in the BHP final rule, BHP provides states the flexibility to establish an alternative coverage program for low-income individuals who would otherwise be eligible to purchase coverage through the Exchange. We are uncertain as to whether the effects of the final rulemaking, and subsequently, this methodology, will be "economically

significant" as measured by the $100 million threshold, and hence not a major rule under the Congressional Review Act. The impact may depend on several factors, including the number of and which particular states choose to implement or continue BHP in 2016, the level of QHP premiums in 2015 and 2016, the number of enrollees in BHP, and the other coverage options for persons who would be eligible for BHP. In particular, while we generally expect that many enrollees would have otherwise been enrolled in a QHP through the Exchange, some persons may have been eligible for Medicaid under a waiver or a state health coverage program. For those who would have enrolled in a QHP and thus would have received PTCs or CSRs, the federal expenditures for BHP would be expected to be more than offset by a reduction in federal expenditures for PTCs and CSRs. For those who would have been enrolled in Medicaid, there would likely be a smaller offset in federal expenditures (to account for the federal share of Medicaid expenditures), and for those who would have been covered in non-federal programs or would have been uninsured, there likely would be an increase in federal expenditures. In accordance with the provisions of Executive Order 12866, this methodology was reviewed by the Office of Management and Budget.

1. Need for the Methodology

Section 1331 of the Affordable Care Act (codified at 42 U.S.C. 18051) requires the Secretary to establish a BHP, and section (d)(1) specifically provides that if the Secretary finds that a state "meets the requirements of the program established under section (a) [of section 1331 of the Affordable Care Act], the Secretary shall transfer to the State" federal BHP payments described in section (d)(3). This proposed methodology provides for the funding methodology to determine the federal BHP payment amounts required to implement these provisions in program year 2016.

2. Alternative Approaches

Many of the factors proposed in this methodology are specified in statute; therefore, we are limited in the alternative approaches we could consider. One area in which we had a choice was in selecting the data sources used to determine the factors included in the proposed methodology. Except for state-specific reference premiums and enrollment data, we propose using national rather than state-specific data. This is due to the lack of currently available state-specific data needed to develop the majority of the factors included in the proposed methodology. We believe the national data will produce sufficiently accurate determinations of payment rates. In addition, we believe that this approach will be less burdensome on states. To reference premiums and enrollment data, we propose using state-specific data rather than national data as we believe state-specific data will produce more accurate determinations than national averages.

In addition, we considered whether or not to provide states the option to develop a protocol for a retrospective adjustment to the population health factor in 2016 as we did in the 2015 payment methodology. We believe that providing this option again in 2016 is appropriate and likely to improve the accuracy of the final payments.

We also considered whether or not to require the use of 2015 or 2016 QHP premiums to develop the 2016 federal BHP payment rates. We believe that the payment rates can still be developed accurately using either the 2015 or 2016 QHP premiums and that it is appropriate to provide the states the option, given the interests and specific considerations each state may have in operating the BHP.

3. Transfers

The provisions of this methodology are designed to determine the amount of funds that will be transferred to states offering coverage through a BHP rather than to individuals eligible for premium and cost-sharing reductions for coverage purchased on the Exchange. We are uncertain what the total federal BHP payment amounts to states will be as these amounts will vary from state to state due to the varying nature of state composition. For example, total federal BHP payment amounts may be greater in more populous states simply by virtue of the fact that they have a larger BHP-eligible population and total payment amounts are based on actual enrollment. Alternatively, total federal BHP payment amounts may be lower in states with a younger BHP-eligible population as the reference premium used to calculate the federal BHP payment will be lower relative to older BHP enrollees. While state composition will cause total federal BHP payment amounts to vary from state to state, we believe that the proposed methodology accounts for these variations to ensure accurate BHP payment transfers are made to each state.

B. Unfunded Mandates Reform Act

Section 202 of the UMRA requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation, by state, local, or tribal governments, in the aggregate, or by the private sector. In 2014, that threshold is approximately $141 million. States have the option, but are not required, to establish a BHP. Further, the proposed methodology would establish federal payment rates without requiring states to provide the Secretary with any data not already required by other provisions of the Affordable Care Act or its implementing regulations. Thus, this proposed payment notice does not mandate expenditures by state governments, local governments, or tribal governments.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA) requires agencies to prepare an initial regulatory flexibility analysis to describe the impact of the proposed rule on small entities, unless the head of the agency can certify that the rule will not have a significant economic impact on a substantial number of small entities. The Act generally defines a "small entity" as (1) a proprietary firm meeting the size standards of the Small Business Administration (SBA); (2) a not-for-profit organization that is not dominant in its field; or (3) a small government jurisdiction with a population of less than 50,000. Individuals and states are not included in the definition of a small entity. Few of the entities that meet the definition of a small entity as that term is used in the RFA would be impacted directly by this proposed methodology.

Because this proposed methodology is focused on the proposed funding methodology that will be used to determine federal BHP payment rates, it does not contain provisions that would have a significant direct impact on hospitals, and other health care providers that are designated as small entities under the RFA. We cannot determine whether this proposed methodology would have a significant economic impact on a substantial number of small entities, and we request public comment on this issue.

Section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a proposed methodology may have a significant economic impact on the operations of a substantial number of small rural hospitals. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a metropolitan statistical area and has fewer than 100 beds. As indicated in the preceding

discussion, there may be indirect positive effects from reductions in uncompensated care. Again, we cannot determine whether this proposed methodology would have a significant economic impact on a substantial number of small rural hospitals, and we request public comment on this issue.

D. Federalism

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct effects on states, preempts state law, or otherwise has federalism implications. The BHP is entirely optional for states, and if implemented in a state, provides access to a pool of funding that would not otherwise be available to the state.

Dated: September 19, 2014.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

Approved: October 19, 2014.

Sylvia Burwell,

Secretary, Department of Health and Human Services.

[FR Doc. 2014–25257 Filed 10–21–14; 4:15 pm]

BILLING CODE 4120–01–P

Notices

Federal Register
Vol. 79, No. 205
Thursday, October 23, 2014

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. # AMS–14–0073; TM–14–03]

Transportation and Marketing Program: Notice of Guidance Regarding the Specialty Crop Block Grant Program, Multi-State Project Competition

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of availability of guidance with, request for comments.

SUMMARY: The Agricultural Marketing Service (AMS) is announcing the availability of a guidance document intended for use by State departments of agriculture in the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands. The guidance document is entitled: Specialty Crop Block Grant Program, Multi-State Project Competition. This guidance document is intended to inform the public of the Transportation Marketing Program's (TM) current thinking on this topic and will be used to develop a Request for Applications (RFA). Comments are requested on the guidance.

DATES: To ensure that TM considers your comment on this guidance before it begins work on a RFA, submit written comments on the guidance by November 24, 2014.

ADDRESSES: Interested persons may submit comments on these guidance documents using the following procedures:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Comments may be submitted by mail to: Arthur L. Neal, Jr., Deputy Administrator, Transportation and Marketing Program, USDA–AMS–TM, 1400 Independence Ave. SW., Room 4543 So., Ag Stop 0264, Washington, DC 20250–0264.

Written comments responding to this request should be identified with the document number AMS–14–0073; TM–14–03. You should clearly indicate your position and the reasons for your position. If you are suggesting changes to the guidance document, you should include recommended language changes, as appropriate, along with any relevant supporting documentation.

USDA intends to make available all comments, including names and addresses when provided, regardless of submission procedure used, on *www.regulations.gov* and at USDA, AMS, TM, Room 4543-South building, 1400 Independence Ave. SW., Washington, DC, from 9 a.m. to noon and from 1 to 4 p.m., Monday through Friday (except official Federal holidays). Persons wanting to visit the USDA South Building to view comments from the public to this notice are requested to make an appointment by calling (202) 690–1300.

FOR FURTHER INFORMATION CONTACT: Arthur L. Neal, Jr., Deputy Administrator, Director, Transportation and Marketing Program, USDA–AMS–TM, 1400 Independence Ave. SW., Room 4543 So., Ag Stop 0264, Washington, DC 20250–0264; Telephone: (202) 690–1300; Fax: (202) 205–0338.

SUPPLEMENTARY INFORMATION:

I. Background

The Agricultural Act of 2014 (Farm Bill) proposes a new multi-state project set-aside for projects that solely enhance the competitiveness of specialty crops under the amended Specialty Crops Competitiveness Act of 2004 (7 U.S.C 1621 note) USDA may use no-year funding of $1 million in 2014, increasing $1 million per fiscal year to $5 million in 2018 to support multi-state projects. Under subsection (j) of section 101 of the Specialty Crops Competitiveness Act of 2004 (the Act), USDA has been instructed to provide guidance on how grants will be made to multistate projects involving (1) food safety; (2) plant pests and disease; (3) research; (4) crop-specific projects addressing common issues; and (5) any other area that furthers the purposes of the section, as determined by the Secretary.

This guidance describes the Transportation and Marketing Program's (TM) current thinking on the administration of the Specialty Crop Block Grant Program, Multi-State Project Competition (SCBG–MSPC), specifically, the framework for implementing the competitive grant program. The guidance describes parameters of the program including objectives and eligibility criteria for projects and applicants. AMS will use the guidance and comments received to develop a Request for Applications that meets the requirements of section 10010 of the Agricultural Act of 2014 (Farm Bill), which amends Section 101 of the Specialty Crops Competiveness Act of 2004 to add grants for multistate projects (7 U.S.C. 1621 note; Pub. L. 108–465).

This guidance provides information to all State departments of agriculture in the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands. This guidance also informs organizations that desire to partner with States on multi-state specialty crop projects. It shares the definition of a multi-state project, the priority areas, indicators of successful applications, material regarding proposal development, award information, grant period duration, award size, eligibility information, and application review information. The guidance is available from AMS on its Specialty Crop Block Grant Program Web site at *http://www.ams.usda.gov/AMSv1.0/scbgp.*

II. Significance of Guidance

This guidance document is being issued in accordance with the Office of Management and Budget (OMB) Bulletin on Agency Good Guidance Practices (GGPs) (January 25, 2007, 72 FR 3432–3440).

The purpose of GGPs is to ensure that program guidance documents are developed with adequate public participation, are readily available to the public, and are not applied as binding requirements. This guidance represents TM's current thinking on the topic. It does not create or confer any rights for, or on, any person and does not operate to bind the TM or the public. Guidance documents are intended to provide a uniform method for operations to

comply that can reduce the burden of developing their own methods and simplify audits and inspections. Alternative approaches that can demonstrate compliance with the Specialty Crops Competitiveness Act, as amended, (7 U.S.C. 1621 note) will be considered. As with any alternative approach, TM strongly encourages States and industry to discuss alternative approaches with TM before implementing them to avoid unnecessary or wasteful expenditures of resources and to ensure the proposed alternative approach complies with the Act.

III. Electronic Access

Persons with access to Internet may obtain the guidance at either AMS' Specialty Crop Block Grant Web site at *http://www.ams.usda.gov/AMSv1.0/scbgp* or *http://www.regulations.gov*. Requests for hard copies of the guidance documents can be obtained by submitting a written request to the person listed in the **ADDRESSES** section of this Notice.

Authority: 7 U.S.C. 1621 note.

Dated: October 20, 2014.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2014–25270 Filed 10–22–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. # AMS–FV–13–0018]

United States Standards for Grades of Creole Onions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final notice.

SUMMARY: This Notice revises the U.S. Standards for Grades of Creole Onions, which are issued under the Agricultural Marketing Act of 1946. The Agricultural Marketing Service (AMS) is amending the similar varietal characteristic requirement to allow mixed colors of onions, when designated as a mixed or specialty pack, to be certified to a U.S. grade. In addition, AMS will correct language and remove the "Unclassified" category from the standards. These revisions will align the standards with today's marketing practices and provide the industry with greater flexibility.

DATES: *Effective Date:* November 24, 2014.

FOR FURTHER INFORMATION CONTACT: Dave Horner, Standardization Branch, Specialty Crops Inspection (SCI) Division, (540) 361–1128 or 1150. The current U.S. Standards for Grades of Creole Onions are available on the SCI Division Web site at *http://www.ams.usda.gov/scihome.*

SUPPLEMENTARY INFORMATION: Section 203(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), as amended, directs and authorizes the Secretary of Agriculture "to develop and improve standards of quality, condition, quantity, grade and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices." AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. The U.S. standards for grades of fruits and vegetables that are not connected with marketing orders or U.S. import requirements no longer appear in the Code of Federal Regulations, but are maintained by USDA, AMS, Fruit and Vegetable Program, and are available on the Internet at *www.ams.usda.gov/scihome.*

AMS is revising the voluntary U.S. Standards for Grades of Creole Onions using the procedures that appear in Part 36, Title 7 of the Code of Federal Regulations (7 CFR part 36).

Background and Comments

The industry, particularly in Idaho, Oregon, Texas, and Washington, are packing mixed colors of onions. Currently, the Creole onion standards do not permit certifying a U.S. grade to a pack that comingles colors, such as white onions with yellow to brownish red onions.

On August 22, 2013, AMS published a notice in the **Federal Register** (78 FR 52131) proposing to revise the U.S. Standards for Grades of Creole Onions to allow mixed color packs of onions to be certified to a U.S. grade. We apprised the onion industry of this notice to foster widespread participation in the Part 36 process. The comment period closed on October 21, 2013. No comments were received. Based on the information gathered, AMS will amend the similar varietal characteristic requirement in the U.S. No. 1 and U.S. No. 2 sections of the standards by adding "except color when designated as a specialty or mixed pack." The U.S. Combination grade section also will be amended to reflect this change.

In addition, AMS will eliminate the "Unclassified" section. AMS is removing this section from standards for all commodities as they are revised. This category, which is not a grade and only serves to show that no grade has been applied to the lot, is no longer necessary.

Furthermore, AMS will replace the capital "S" with a small "s" on the word "Seedstems" in the U.S. No. 1 and U.S. No. 2 sections of the standards to correct a formatting error.

These revisions will facilitate onion marketing in the competitive U.S. market.

The official grade of a lot of Creole onions covered by these standards will be determined by the procedures set forth in the Regulations Governing Inspection, Certification, and Standards of Fresh Fruits, Vegetables and Other Products (Sec. 51.1 to 51.61).

The U.S. Standards for Grades of Creole Onions will be effective 30 days after publication of this notice in the **Federal Register**.

Authority: 7 U.S.C. 1621–1627.

Dated: October 17, 2014.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2014–25195 Filed 10–22–14; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Forest Service

Black Hills National Forest Advisory Board

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Black Hills National Forest Advisory Board (Board) will meet in Rapid City, South Dakota. The Board is established consistent with the Federal Advisory Committee Act of 1972 (5 U.S.C. App. II), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et. seq.), the National Forest Management Act of 1976 (16 U.S.C. sec. 1612), and the Federal Public Lands Recreation Enhancement Act (Pub. L. 108–447). Additional information concerning the Board, including the meeting summary/minutes, can be found by visiting the Board's Web site at: *http://www.fs.usda.gov/main/blackhills/workingtogether/advisorycommittees.*

DATES: The meeting will be held Wednesday, November 19, 2014 at 1 p.m.

All meetings are subject to cancellation. For updated status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: The meeting will be held at the Mystic Ranger District, 8221 South Highway 16, Rapid City, South Dakota. Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses, when provided, are placed in the record and available for public inspection and copying. The public may inspect comments received at the Black Hills National Forest Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Scott Jacobson, Committee Coordinator, by phone at 605–673–9216, or by email at *sjjacobson@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to provide:

(1) Orientation to Forest Service funding, appropriations and trends;

(2) Wildfire Risk Assessment and Prioritization Process (WRAPP) and use of prescribed fire;

(3) Update on Northern Long Eared Bat (NLEB) listing;

(4) Forest Health and Pine Beetle Response (PBR) monitoring report;

(5) Update from the Recreational Facility working group.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should submit a request in writing by November 10, 2014 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the Board may file written statements with the Board's staff before or after the meeting. Written comments and time requests for oral comments must be sent to Scott Jacobson, Black Hills National Forest Supervisor's Office, 1019 North Fifth Street, Custer, South Dakota 57730; by email to *sjjacobson@fs.fed.us,* or via facsimile to 605–673–9208.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT.** All reasonable accommodation requests are managed on a case by case basis.

Dated: October 9, 2014.

Rhonda O'Byrne,

Acting Deputy Forest Supervisor.

[FR Doc. 2014–25220 Filed 10–22–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Relating to Borna Faizy, Touraj Ghavidel, and Signal Micro Systems, Inc.

In the Matter of:

Borna Faizya/k/a Brad Faizy, 4405 Newcastle Drive, Frisco, TX 75034

Touraj Ghavidel, a/k/a Brent Dell, 6617 Tamarron Lane, Plano, TX 75024

Signal Micro Systems, Inc., d/b/a Techonweb, 16837 Addison Road, Addison, TX 75001;

Respondents

The Bureau of Industry and Security, U.S. Department of Commerce ("BIS"), has notified Borna Faizy a/k/a Brad Faizy, Touraj Ghavidel a/k/a Brent Dell, and Signal Micro Systems, Inc. d/b/a Techonweb (collectively, the "Respondents") of its intention to initiate an administrative proceeding against Respondents pursuant to Section 766.3 of the Export Administration Regulations (the "Regulations"),[1] and Section 13(c) of the Export Administration Act of 1979, as amended (the "Act"),[2] through the issuance of a Proposed Charging Letter to Respondents that alleges that each Respondent committed one violation of the Regulations. Specifically, the charge is:

Charge 1 15 CFR § 764.2(d)—Conspiracy

Beginning at least in 2008, and continuing through in or about January 2012, Faizy, Ghavidel and Techonweb conspired and acted in concert with others, known and unknown, to bring about an act that constitutes a violation of the Regulations. The purpose of the conspiracy was to bring about the export of computers, items classified as 5A992 on the Commerce Control List and valued at $1,015,757, by Techonweb from the United States through the United Arab Emirates ("UAE") to Iran, without the required U.S. Government authorization.[3] Items classified as 5A992 are subject to control for Anti-Terrorism reasons, and, pursuant to Section 742.8 and 746.7(a) of the Regulations, a license was required to export these items to Iran at all times pertinent hereto. The items were also subject to the Iranian Transaction Regulations ("ITR")[4] administered by the Department of the Treasury's Office of Foreign Assets Control ("OFAC"). The Regulations also prohibited the export or reexport to Iran, whether directly or transshipped through a third country, of any item subject to both the Regulations and the ITR, if the transaction was not authorized by OFAC.[5] In order to avoid duplication, exporters and reexporters were not required under the Regulations to seek authorization from both BIS and OFAC for exports or reexports subject to both the EAR and the ITR, and accordingly an authorization granted by OFAC was considered authorization for purposes of the EAR as well. However, Faizy, Ghavidel, and Techonweb did not seek or obtain authorization from BIS, or from OFAC, in connection with any of the activities or transactions alleged herein.

Specifically, in furtherance of the conspiracy, Faizy, Ghavidel and Techonweb, which was owned by Faizy and Ghavidel and for which Faizy served as President and Director and Ghavidel served as Chief Financial Officer and Director, participated in a scheme to export computers to Iran without the required licenses. In or about 2008, Faizy and Ghavidel attended a computer trade show in Dubai, UAE, to recruit and obtain contact information from potential customers in Iran. After forming the conspiracy, Faizy and Ghavidel then communicated with their co-conspirators through electronic mail, instant messaging and other forms of electronic communication, using fictitious names and coded language to obscure the true identities and locations of the ultimate consignees. Faizy and Ghavidel, through Techonweb, obtained computers from various suppliers in the United States for the purposes of selling and exporting the computers to Iran. Additionally, in furtherance of the conspiracy, from December 2009 through March 2011, Faizy and Ghavidel, through Techonweb, exported 1,038 computers,

[1] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR Parts 730–774 (2014). The charged violation occurred between 2005 and 2012. The Regulations governing the violation at issue are found in the 2005–2012 versions of the Code of Federal Regulations (15 CFR Parts 730–774). The 2014 Regulations set forth the procedures that apply to this matter.

[2] 50 U.S.C. app. §§ 2401–2420 (2000). Since August 21, 2001, the Act 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 Fed. Reg. 46959 (Aug. 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).

[3] Pursuant to Section 734.2(b)(6) of the Regulations, the export of an item from the United States to a second country intended for transshipment to a third country is deemed to be an export to that third country.

[4] 31 CFR Part 560 (2008–2012). Subsequent to the violation charged herein, OFAC changed the heading of 31 CFR Part 560 from the Iranian Transactions Regulations to the Iranian Transactions and Sanctions Regulations ("ITSR"), amended the renamed ITSR in part, and reissued them in their entirety. See 77 Fed. Reg. 64,664 (Oct. 22, 2012). 31 CFR Part 560 remains the same in pertinent part.

[5] Pursuant to Section 560.204 of the ITR, an export to a third country intended for transshipment to Iran was a transaction that required OFAC authorization at all times pertinent hereto. See also notes 3 and 4, *supra.*

valued at $1,015,757, from the United States through the UAE to Iran. Faizy and Ghavidel, through Techonweb, filed or caused to be filed Electronic Export Information falsely stating that the computers were destined for ultimate consignees in Dubai, UAE. As alleged above, Faizy, Ghavidel, and Techonweb did not seek or obtain the required U.S. Government authorization in connection with any of the activities or transactions alleged herein.

Whereas, BIS and Respondents have entered into a Settlement Agreement pursuant to Section 766.18(a) of the Regulations, whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein;

Whereas, I have approved of the terms of such Settlement Agreement; and

Whereas, in doing so, I have taken into consideration the plea agreement that Faizy and Ghavidel have entered into with the U.S. Attorney's Office for the Northern District of Texas;

It is therefore ordered: FIRST, that for a period of ten (10) years from the date of this Order, Borna Faizy a/k/a Brad Faizy, with a last known address of 4405 Newcastle Drive, Frisco, TX 75034, and when acting on his behalf, his successors, assigns, employees, agents or representatives, Touraj Ghavidel a/k/a Brent Dell, with a last known address of 6617 Tamarron Lane, Plano, TX 75024, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives, and Signal Micro Systems, Inc. d/b/a Techonweb, with a last known address of 16837 Addison Road, Addison, TX 75001, and when acting for or on its behalf, its successors, assigns, directors, officers, employees, agents or representatives (each a "Denied Person" and collectively the "Denied Persons"), 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, or in any other activity 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, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of any of the Denied Persons any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by any of the Denied Persons 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 any of the Denied Persons 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 any of the Denied Persons of any item subject to the Regulations that has been exported from the United States;

D. Obtain from any of the Denied Persons 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 any of the Denied Persons, or service any item, of whatever origin, that is owned, possessed or controlled by any of the Denied Persons 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, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to any of the Denied Persons by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of the Order.

FOURTH, Respondents shall not take any action or make or permit to be made any public statement, directly or indirectly, denying the allegations in the Proposed Charging Letter or the Order. The foregoing does not affect Respondents' testimonial obligations in any proceeding, nor does it affect their right to take legal or factual positions in civil litigation or other civil proceedings in which the U.S. Department of Commerce is not a party.

FIFTH, that the Proposed Charging Letter, the Settlement Agreement, and this Order shall be made available to the public.

SIXTH, that this Order shall be served on Respondents and shall be published in the **Federal Register.**

This Order, which constitutes the final agency action in this matter, is effective immediately.

Issued this 16th day of October, 2014.

David W. Mills,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 2014–25221 Filed 10–22–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Materials Technical Advisory Committee; Notice of Partially Closed Meeting

The Materials Technical Advisory Committee will meet on November 13, 2014, 10:00 a.m., Herbert C. Hoover Building, Room 3884, 14th Street between Constitution & Pennsylvania Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to materials and related technology.

Agenda

Open Session

1. Opening Remarks and Introductions.
2. Remarks from Bureau of Industry and Security senior management.
3. Report from Composite Working Group and other working groups.
4. Report on regime-based activities.
5. Public Comments and New Business.

Closed Session

6. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov,* no later than November 6, 2014.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent time permits,

members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the materials should be forwarded prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 11, 2014, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § 10(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and the U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 § § 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Dated: October 20, 2014.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2014–25236 Filed 10–22–14; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Transportation and Related Equipment Technical Advisory Committee; Notice of Partially Closed Meeting

The Transportation and Related Equipment Technical Advisory Committee will meet on November 12, 2014, 9:30 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Constitution & Pennsylvania Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to transportation and related equipment or technology.

Agenda

Public Session

1. Welcome and Introductions.
2. Status reports by working group chairs.
3. Public comments and Proposals.

Closed Session

4. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov* no later than November 5, 2014.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on October 10, 2014, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § (10)(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482-2813.

Dated: October 20, 2014.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2014–25234 Filed 10–22–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–831]

Fresh Garlic From the People's Republic of China: Initiation of Changed Circumstances Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) received information sufficient to warrant initiation of a changed circumstances review of the antidumping duty order on fresh garlic from the People's Republic of China (PRC). Based upon a request filed by Lanling Qingshui Vegetable Foods Co., Ltd. (Lanling Qingshui), the Department intends to determine in this review whether Lanling Qingshui is the successor-in-interest of Cangshan Qingshui Vegetable Foods Co., Ltd. (Cangshan Qingshui), a producer/exporter examined in prior administrative reviews of the order.[1]

DATES: *Effective Date:* October 23, 2014.

FOR FURTHER INFORMATION CONTACT: Myrna Lobo at (202) 482–2371 or Jacky Arrowsmith at (202) 482–5255, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On November 16, 1994, the Department published notice of the *Order* in the **Federal Register.**[2] On September 5, 2014, Lanling Qingshui requested that the Department conduct a changed circumstances review pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), 19 CFR 351.216 and 19 CFR 351.221(c)(3), to determine that it is the successor-in-interest to Cangshan Qingshui for purposes of the *Order*. In its request, Lanling Qingshui provided its business licenses before and after the name change, a government document indicating the county name change which led to the company's name change, and information on its ownership and customers. We received no comments from other interested parties.

Scope of the Order

The products covered by the order are all grades of garlic, whole or separated into constituent cloves, whether or not peeled, fresh, chilled, frozen, water or other neutral substance, but not prepared or preserved by the addition of other ingredients or heat processing. The differences between grades are based on color, size, sheathing, and level of decay. The scope of the order does not include the following: (a) Garlic that has been mechanically harvested and that is primarily, but not exclusively, destined for non-fresh use; or (b) garlic that has been specially prepared and cultivated prior to planting and then harvested and otherwise prepared for use as seed. The subject merchandise is used principally as a food product and for seasoning. The subject garlic is currently classifiable under subheadings: 0703.20.0000, 0703.20.0010, 0703.20.0015, 0703.20.0020, 0703.20.0090,

[1] *See Antidumping Duty Order: Fresh Gorlic From the People's Republic of Chino,* 59 FR 59209 (November 16, 1994) (*Order*).

[2] *See id.*

0710.80.7060, 0710.80.9750, 0711.90.6000, 0711.90.6500, 2005.90.9500, 2005.90.9700, 2005.99.9700, and of the Harmonized Tariff Schedule of the United States (HTSUS).

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive. In order to be excluded from the order, garlic entered under the HTSUS subheadings listed above that is (1) mechanically harvested and primarily, but not exclusively, destined for non-fresh use or (2) specially prepared and cultivated prior to planting and then harvested and otherwise prepared for use as seed must be accompanied by declarations to U.S. Customs and Border Protection to that effect.

Initiation of Changed Circumstances Review

Pursuant to section 751(b)(1) of the Act, the Department will conduct a changed circumstances review upon receipt of information concerning, or a request from, an interested party for a review of an antidumping duty order which shows changed circumstances sufficient to warrant a review of the order. In accordance with 19 CFR 351.216(d), the Department determines that the information submitted by Lanling Qingshui constitutes sufficient evidence to conduct a changed circumstances review of the *Order*.

In a changed circumstances review involving a successor-in-interest determination, the Department typically examines several factors including, but not limited to, changes in: (1) Management; (2) production facilities; (3) supplier relationships; and (4) customer base.[3] While no single factor or combination of factors will necessarily be dispositive, the Department generally will consider the new company to be the successor to the predecessor if the resulting operations are essentially the same as those of the predecessor company.[4] Thus, if the record demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the predecessor company, the Department may assign the new company the cash deposit rate of its predecessor.[5]

Based on the information provided in its submission, Lanling Qingshui provided sufficient evidence to warrant a review to determine if it is the successor-in-interest to Cangshan Qingshui. Therefore, pursuant to section 751(b)(1) of the Act and 19 CFR 351.216(d), we are initiating a changed circumstances review. However, the Department finds it is necessary to issue a questionnaire requesting additional information for this review, as provided for by 19 CFR 351.221(b)(2). For that reason, the Department is not conducting this review on an expedited basis by publishing preliminary results in conjunction with this notice of initiation. The Department will publish in the **Federal Register** a notice of the preliminary results of the changed circumstances review in accordance with 19 CFR 351.221(b)(4) and 19 CFR 351.221(c)(3)(i). That notice will set forth the factual and legal conclusions upon which our preliminary results are based and a description of any action proposed.

Pursuant to 19 CFR 351.221(b)(4)(ii), interested parties will have an opportunity to comment on the preliminary results of review. In accordance with 19 CFR 351.216(e), the Department intends to issue the final results of its antidumping duty changed circumstances review not later than 270 days after the date on which the review is initiated, or not later than 45 days if all parties to the proceeding agree to the outcome of the review.

During the course of this changed circumstances review, we will not change the cash deposit requirements for the merchandise subject to review. The cash deposit will only be altered, if warranted, pursuant to the final results of this review.

This notice is published in accordance with sections 751(b)(l) and 777(i)(l) of the Act and 19 CFR 351.216(b) and 351.221(b)(1).

Dated: October 16, 2014.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2014–25259 Filed 10–22–14; 8:45 am]

BILLING CODE 3510–DS–P

[3] *See, e.g., Certain Activated Carbon From the People's Republic of China: Notice of Initiation of Changed Circumstances Review*, 74 FR 19934, 19935 (April 30, 2009).

[4] *See, e.g., Notice of Initiation of Antidumping Duty Changed Circumstances Review: Certain Forged Stainless Steel Flanges from India*, 71 FR 327 (January 4, 2006).

[5] *See, e.g., Fresh and Chilled Atlantic Salmon From Norway; Final Results of Changed Circumstances Antidumping Duty Administrative Review*, 64 FR 9979, 9980 (March 1, 1999).

DEPARTMENT OF COMMERCE

International Trade Administration

The Research Corporation of the University of Hawaii, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscope

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 3720, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket Number: 14–014. Applicant: The Research Corporation of the University of Hawaii, Honolulu, HI 96822. Instrument: Electron Microscope. Manufacturer: FEI Company, Czech Republic. Intended Use: See notice at 79 FR 54680, September 12, 2014.

Docket Number: 14–017. Applicant: Chehalis School District, Chehalis, WA 98532. Instrument: Electron Microscope. Manufacturer: Tescan, S.R.O., Czech Republic. Intended Use: See notice at 79 FR 48123, August 15, 2014.

Docket Number: 14–018. Applicant: University of Chicago, Chicago, IL 60637. Instrument: Electron Microscope. Manufacturer: Brno, Czech Republic. Intended Use: See notice at 79 FR 48123, August 15, 2014.

Docket Number: 14–020. Applicant: Louisiana State University, Shreveport, LA 71115. Instrument: Electron Microscope. Manufacturer: Delong Instruments A.s., Czech Republic. Intended Use: See notice at 79 FR 54680, September 12, 2014.

Docket Number: 14–022. Applicant: University of Nebraska-Lincoln, Lincoln, NE 68588–0645. Instrument: Electron Microscope. Manufacturer: FEI Company, the Netherlands. Intended Use: See notice at 79 FR 54680–81, September 12, 2014.

Docket Number: 14–025. Applicant: Michigan State University, Grand Rapids, MI 49503. Instrument: Electron Microscope. Manufacturer: JEOL Ltd., Japan. Intended Use: See notice at 79 FR 54680–81, September 12, 2014.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States at the time the instrument was ordered. Reasons: Each foreign instrument is an electron microscope and is intended for

research or scientific educational uses requiring an electron microscope. We know of no electron microscope, or any other instrument suited to these purposes, which was being manufactured in the United States at the time of order of each instrument.

Dated: October 16, 2014.

Gregory W. Campbell,

Director, Subsidies Enforcement Office, Enforcement and Compliance.

[FR Doc. 2014–25256 Filed 10–22–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Proposed Information Collection; Comment Request; NIST Three-Year Generic Request for Customer Service-Related Data Collections

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before December 22, 2014.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Darla Yonder, Management Analyst, NIST, 301–975–4064 or via email to *darla.yonder@nist.gov*

SUPPLEMENTARY INFORMATION:

I. Abstract

In accordance with Executive Order 12862, the National Institute of Standards and Technology (NIST), a non-regulatory agency of the Department of Commerce, proposes to conduct a number of surveys, both quantitative and qualitative. The surveys will be designed to determine the type and quality of the products, services, and information our key customers want and expect, as well as their satisfaction with and awareness of existing products, services, and information. In addition, NIST proposes other customer service satisfaction data collections that include, but may not be limited to focus groups, reply cards that accompany product distributions, and Web-based surveys and dialog boxes that offer customers the opportunity to express their level of satisfaction with NIST products, services, and information and for ongoing dialogue with NIST. NIST will limit its inquiries to data collections that solicit strictly voluntary options and will not collect information that is required or regulated. No assurances of confidentiality will be given. However, it will be completely optional for survey participants to provide their name or affiliation information if they wish to provide comments for which they elect to receive a response.

II. Method of Collection

NIST will collect this information by electronic means, as well as by mail, fax, telephone, and person-to-person interaction.

III. Data

OMB Control Number: 0693–0031.

Form Number(s): None.

Type of Review: Extension of a current information collection.

Affected Public: Business or other for-profit organizations, individuals, not-for-profit institutions.

Estimated Number of Respondents: 6,000.

Estimated Time per Response: Less than 2 minutes for a response card, 2 hours for focus group participation. The average estimated response time is expected to be less than 30 minutes.

Estimated Total Annual Burden Hours: 3,500.

Estimated Total Annual Cost to Public: None.

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: October 17, 2014.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–25160 Filed 10–22–14; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD575

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Ecosystem Advisory Subpanel (EAS) will hold a webinar, which is open to the public.

DATES: The EAS will hold the webinar on Tuesday, November 4, from 1:30 p.m. to 5 p.m. Pacific Time, or when business for the day is complete.

ADDRESSES: To attend the webinar, visit *http://www.joinwebinar.com.* Enter the webinar ID, which is 670–584–383, and your name and email address (required). Once you have joined the webinar, choose either your computer's audio or select "Use Telephone." If you do not select "Use Telephone" you will be connected to audio using your computer's microphone and speakers (VoIP). It is recommended that you use a computer headset, as GoToMeeting allows you to listen to the meeting using your computer headset and speakers. If you do not have a headset and speakers, you may use your telephone for the audio portion of the meeting by dialing this TOLL number 1–646–307–1720 (not a toll-free number); phone audio access code 455–563–736; audio phone pin shown after joining the webinar. System Requirements for PC-based attendees: Required: Windows® 7, Vista, or XP; for Mac®-based attendees: Required: Mac OS® X 10.5 or newer; and for mobile attendees: iPhone®, iPad®, Android™ phone or Android tablet (See the GoToMeeting Webinar Apps). You may send an email to Mr. Kris Kleinschmidt or contact him at 503–820–2280,

extension 425 for technical assistance. A listening station will also be provided at the Pacific Council office.

Council address: Pacific Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Burner, Pacific Council; telephone: (503) 820–2414.

SUPPLEMENTARY INFORMATION: The EAS will discuss items on the Pacific Council's November 2014 meeting agenda. Major topics include: Report on the Atlantis Model Review, Marine Planning Update, and Legislative Matters. The EAS will also discuss plans for the March 2015 review of Fishery Ecosystem Plan initiatives and one or more of the Pacific Council's scheduled Administrative Matters. Public comments during the webinar will be received from attendees at the discretion of the EAS Chair.

Although nonemergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2425 at least 5 days prior to the meeting date.

Dated: October 20, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–25247 Filed 10–22–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD574

Pacific Fishery Management Council; Public Meeting (Webinar)

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

ACTION: Notice of public meeting (webinar).

SUMMARY: The Pacific Fishery Management Council (Pacific Council) will convene a webinar meeting of its Coastal Pelagic Species Management Team (CPSMT). Information on how to participate will be posted to the Pacific Council's Web site (*www.pcouncil.org*) in advance of the webinar.

DATES: The webinar meeting will be held Friday, November 7, from 2 p.m.–3 p.m. Pacific Time, or until business for the day is concluded.

ADDRESSES: A listening station will be available at the Pacific Council office: 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT: Kerry Griffin, Staff Officer; telephone: (503) 820–2409.

SUPPLEMENTARY INFORMATION: The primary purpose of the meeting is to develop supplemental reports, if needed, relevant to the November Council meeting in Costa Mesa, California. Topics may include the draft Pacific sardine harvest fraction Environmental Assessment, proposals for CPS methodology review topics, or requests for exempted fishing permits.

Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the CPSMT's intent to take final action to address the emergency.

Special Accommodations

This listening station is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt, (503) 820–2280, at least 5 days prior to the meeting date.

Dated: October 20, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–25246 Filed 10–22–14; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Renew Collection 3038–0055, Privacy of Consumer Financial Information

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission ("Commission" or "CFTC") is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act ("PRA"), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment. This notice solicits comments on requirements for entities that are subject to the Commission's jurisdiction to provide certain privacy protections for consumer financial information.

DATES: Comments must be submitted on or before December 22, 2014.

ADDRESSES: You may submit comments, identified by "Privacy of Consumer Financial Information" by any of the following methods:

- The Agency's Web site, at *http://comments.cftc.gov.* Follow the instructions for submitting comments through the Web site.
- Mail: Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.
- Hand Delivery/Courier: Same as Mail, above.
- Federal eRulemaking Portal: *http://www.regulations.gov/search/index.jsp.* Follow the instructions for submitting comments through the Portal.

Please submit your comments using only one method.

FOR FURTHER INFORMATION CONTACT: Kathy Harman-Stokes, Chief Privacy Officer, Office of the Executive Director, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581. Telephone: (202) 418–6629 or email: *kharman-stokes@cftc.gov,* and refer to OMB Control No. 3038–0055.

SUPPLEMENTARY INFORMATION: Under the PRA, 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 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, the CFTC is publishing notice of the proposed collection of information listed below.

Title: Privacy of Consumer Financial Information (OMB Control No. 3038–0055). This is a request for extension of a currently approved information collection.

Abstract: The passage of the Dodd-Frank Wall Street Reform and Consumer Protection Act ("Dodd-Frank Act"), Public Law 111–203, 124 Stat. 1376 (2010), broadened the Commission's regulatory authority under the Gramm-Leach-Bliley Act ("GLB Act") to cover two new entities: Swap Dealers and Major Swap Participants, in addition to Futures Commission Merchants, Commodity Trading Advisors, Commodity Pool Operators, and Introducing Brokers.

Specifically, amendments to the GLB Act found in section 1093 of the Dodd-Frank Act, reaffirmed the Commission's authority to promulgate regulations to require entities that are subject to the Commission's jurisdiction to provide certain privacy protections for consumer financial information. These regulations were later extended to Retail Foreign Exchange Dealers.

With respect to the collection of information, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology; *e.g.,* permitting electronic submission of responses.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *http://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the Information Collection Request will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Burden Statement: The respondent burden for this collection is estimated to be 0.24 hours per response.

Respondents/Affected Entities: Futures Commission Merchants, Retail Foreign Exchange Dealers, Commodity Trading Advisors, Commodity Pool Operators, Introducing Brokers, Major Swap Participants and Swap Dealers.

Estimated number of respondents: 110.

Estimated total annual burden on respondents: 528 hours.

Frequency of collection: Annual.

Dated: October 20, 2014.

Christopher J. Kirkpatrick,

Secretary of the Commission.

[FR Doc. 2014–25228 Filed 10–22–14; 8:45 am]

BILLING CODE 6351–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Information Collection; Submission for OMB Review, Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) entitled Commission Support Grant Grantee Progress Report (GPR) for review and approval in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, (44 U.S.C. Chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Carla Ganiel at 202–606–6773 or email to *cganiel@cns.gov.* Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service, by any of the following two methods within 30 days from the date of publication in the **Federal Register:**

(1) By fax to: 202–395–6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; or

(2) By email to: *smar@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments

A 60-day Notice requesting public comment was published in the **Federal Register** on August 4, 2014. This comment period ended October 3, 2014. No public comments were received from this Notice.

Description: All State Commissions receiving Commission Support Grants complete a mid-year GPR and a GPR, which provide information for CNCS staff to monitor grantee progress and to respond to requests from Congress and

[1] 17 CFR 145.9.

other stakeholders. The information is collected electronically through the eGrants system.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: Commission Support Grant Grantee Progress Report.

OMB Number: 3045–0099.

Agency Number: None.

Affected Public: Commission Support Grant grantees.

Total Respondents: 53.

Frequency: Semi-annual.

Average Time per Response: 6.5 hours per submission.

Estimated Total Burden Hours: 689.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Dated: October 17, 2014.

William Basl,

Director, AmeriCorps State and National.

[FR Doc. 2014–25186 Filed 10–22–14; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Supplemental Environmental Impact Statement To Support the Decision Document for Channel Widening Found in the Original Project Report and Environmental Impact Statement for the Expansion of Shipping Channels and Approaches to the Baltimore Harbor in Chesapeake Bay Maryland and Virginia

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

ACTION: Notice of Intent.

SUMMARY: In accordance with the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers, Baltimore District (USACE) and the non-Federal sponsor, the Maryland Port Administration (MPA), are intending to prepare a decision document and supporting Supplemental Environmental Impact Statement (SEIS) to execute Phase II of the Baltimore Harbor and Channels 50-Foot project to complete the construction of the project channels to their authorized widths and consider reformulation of the plan to develop new alternatives.

Because of the lapse in time since the authorization of the original project report and EIS in 1981 and the completion of Phase I in 1990, the intention of the new decision document and SEIS is to consider whether widening the existing project channels to the authorized widths for Phase II is still in the federal Interest and to allow for reformulation of the plan for Phase II, as appropriate, to develop new alternatives.

FOR FURTHER INFORMATION CONTACT: For questions, comments, further information or to be placed on the project information distribution list, please contact: Ms. Robin Armetta, U.S. Army Corps of Engineers, Baltimore District, 10 S. Howard Street, Planning Division, Baltimore, MD 21201, (410) 962–6100, *Robin.E.Armetta@usace.army.mil* or *baltimoreharborproject@usace.army.mil.* Please contact Ms. Armetta if you wish to speak at the meetings or should you have special needs (sign language interpreters, access needs) at the above address.

SUPPLEMENTARY INFORMATION: The Baltimore Harbor and Channels 50-Foot project is a single purpose deep draft navigation project located in the Maryland and Virginia waters of the Chesapeake Bay and Patapsco River. The project was originally authorized by Section 101 of the River and Harbor Act of 1970 (Pub. L. 91–611), on December 31, 1970 as amended by Section 909 of the Water Resources Development Act (WRDA) of 1986, and recommended for phased construction in 1985 via a supplement to a 1981 General Design Memorandum (GDM). The 1985 Supplement recommended a phased implementation to "hasten commencement" of the project, with the second phase being implemented "at a future date to be determined."

Phase I of project implementation provided a 50-foot deep main shipping channel from the Virginia Capes to Fort McHenry in Baltimore Harbor. In addition, the project includes the Curtis Bay Channel, the East Channel, and the West Channel, which are dredged to depths of 50 feet, 49 feet, and 40 feet, respectively, with all three channels authorized to a width of 600 feet. Due to financial and dredged material placement capacity constraints at the time, several channel components of the 50-foot project were not constructed to the authorized widths during Phase I. Two of the three 1000-foot wide Virginia channels were only constructed to a width of 800 feet, the 800-foot wide Maryland channels were only constructed to 700 feet, and the 600-foot wide Curtis Bay Channel was only constructed to a width of 400 feet.

Need for Action: Since completion of Phase I in 1990, the maritime industry has continued to utilize increasingly larger vessels to make port calls in Baltimore Harbor. The current channels were designed for dry bulk and tanker ships of up to 150,000 Deadweight Tonnes (DWT), which corresponds to beam widths of about 145 feet and draft depths up to 50 feet. While ships may have a draft of up to 50 feet, the channels are designed to accommodate 5 feet under keel clearance; therefore vessels generally draft less than 50 feet. The current channel dimensions are generally adequate for today's vessel traffic, but the vessel pilots and shipping companies are concerned that the narrow channel widths are beginning to negatively impact shipping efficiency. Currently, deeper and wider vessels sometimes experience conditions that have the potential for safety issues when passing other ships in the narrow channels, which results in time delays and increased shipping costs. Furthermore, in 2016 when the Panama Canal improvements are scheduled to be completed, large ships requiring 50-foot channels and with beam widths of 160 feet will experience similar shipping delays when making calls in the Port of Baltimore if the channels remain at the current dimensions. Currently, Baltimore is one of two East Coast ports that can accommodate this ship size.

Scoping: The Corps is requesting written comments from federal, state, and local governments, industry, non-governmental organizations, and the general public on the need for action, the range of alternatives considered, and the potential impacts of the alternatives. Scoping comments will be accepted for 45 days from the date of this notice. Public scoping meetings are scheduled in Virginia and Maryland at two locations on the following dates: November 24, 2014, 7 p.m. at the Hampton Public (Main) Library, 4207 Victoria Blvd., Hampton, VA 23669 and November 19, 2014, 7 p.m. at the Riviera Beach Community Library—Anne Arundel County Public Library, 1130 Duvall Highway, Pasadena, MD 21122. For both the Virginia and Maryland meetings, a poster session will begin at 5 p.m., two hours prior to each meeting, where staff will be available to answer questions. All interested parties are invited to speak at the public meetings.

Estimated date of the Draft SEIS and Planning Report: Spring 2016.

Daniel M. Bierly,

Chief, Civil Project Development Branch, U.S. Army Corps of Engineers, Baltimore District.

[FR Doc. 2014–25290 Filed 10–22–14; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement/ Environmental Impact Report (DEIS/ EIR) for the Arroyo Seco Ecosystem Restoration Study, Los Angeles County, CA

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, as amended, the U.S. Army Corps of Engineers, Los Angeles District (Corps) in coordination with the non-Federal sponsor, Los Angeles County Department of Public Works (LACDPW), intends to prepare an Integrated Feasibility Study and Environmental Impact Statement/Environmental Impact Report for the Arroyo Seco Environmental Restoration Study. The purpose of the study is to evaluate opportunities for the restoration of a natural channel, aquatic and riparian habitat as well as associated upland habitat creek dynamics, restoration of sustainable aquatic habitat, and revitalization of riverine and associated upland habitat and constituent species, while maintaining the cultural and aesthetic quality of the Arroyo Seco.

The Arroyo Seco ("dry wash") heads in the San Gabriel Mountains north of downtown Los Angeles and flows south through the cities of Pasadena, South Pasadena, and Los Angeles before reaching its confluence with the Los Angeles River. The study area is an approximately eleven (11) -mile reach of the Arroyo Seco channel in Los Angeles County, CA. The flood control channel is maintained by the Los Angeles County Department of Public Works. The study area extends from the Angeles National Forest border through the unincorporated area of Altadena, and cities of La Cañada-Flintridge, Pasadena, South Pasadena, and Los Angeles to approximately 0.5 miles from the confluence with the Los Angeles River.

DATES: Provide comments by November 24, 2014.

ADDRESSES: Submit comments to: Deborah Lamb, Ecosystem Planning Section, U.S. Army Corps of Engineers, Los Angeles District, 915 Wilshire Blvd., Los Angeles, CA 90017–3401.

FOR FURTHER INFORMATION CONTACT: For additional information on dates, times and locations for scoping meetings, please contact Deborah Lamb (see **ADDRESSES**), or at (213) 452–3798 or email at: *Deborah.L.Lamb@usace.army.mil.*

SUPPLEMENTARY INFORMATION:

1. Authority. The proposed study is authorized by Senate Resolution approved on June 25, 1969, which reads as follows:

Resolved by the Committee on Public Works of the United States Senate, that the Board of Engineers for Rivers and Harbors, created under Section 3 of the River and Harbor Act, approved June 13, 1902, be, and is hereby requested to review the report of the Chief of Engineers on the Los Angeles and San Gabriel Rivers and Ballona Creek, California, published as House Document Numbered 838, Seventy-sixth Congress, and other pertinent reports, with a view to determining whether any modifications contained herein are advisable at the present time, in the resources in the Los Angeles County Drainage Area.

2. Background Information. The Arroyo Seco watershed has historically played a significant role in the ecology of the Los Angeles Basin because of its diverse habitat features and as a major tributary to the Los Angeles River. The Arroyo Seco once provided a corridor for wildlife to pass from the lower watershed to the upper watershed in the San Gabriel Mountains. During the last 150 years the lower and middle watershed have been extensively developed and urbanized. The Arroyo Seco is crossed and bounded by multiple-lane freeways including the Arroyo Seco Parkway (historic Route 66). Despite urbanization, the watershed still reflects the rich history of the Arts and Crafts movement that was an integral part of the Arroyo Seco watershed. From the Angeles National Forest at the top of the watershed down to the Lummis Home and Heritage Square in the lower Arroyo Seco, the natural beauty of the Arroyo Seco was both inspiration and part of an international arts movement.

3. Alternatives. The EIS will address the No Action Alternative and an array of alternatives that meet the purpose and need of the project. Alternatives may include measures that remove channel invert concrete, replace existing channel walls, restore vegetation, create stream sinuosity through relocation, creation of fish habitat, and recreation features.

4. Issues To Be Addressed. The Integrated Feasibility Study/Draft EIS/EIR will address environmental issues concerning the alternatives proposed. Issues will be identified based on public input during the scoping process and during the preparation of the Integrated Feasibility Study/Draft EIS/EIR. Issues initially identified as potentially significant without implementation of mitigation measures include, but are not limited to; water quality, air quality, socioeconomics and environmental justice, land use, recreation, visual and aesthetic resources, traffic and transportation, historical and cultural resources, vegetation and wildlife, and special status species impacts during project construction.

5. Public Involvement.

a. A public scoping meeting will be held on the 29th of October 2014 at the Los Angeles County Department of Public Works located at 900 S. Fremont Ave., Alhambra, CA 91803 from 6:00 p.m. to 8:30 p.m. The purpose of the public scoping meeting will be to present information to the public regarding the array of alternatives proposed that may be evaluated in the draft EIS/EIR, receive public comments, and solicit input regarding environmental issues of concern to the public. The public scoping meeting place, date, and time will be advertised in advance in local newspapers and meeting announcement letters will be sent to interested parties. In addition, the Corps will coordinate with applicable regulatory and resource agencies including but not limited to: the State Historic Preservation Officer, US Fish and Wildlife Service, Regional Water Quality Review Board, US Environmental Protection Agency, the Los Angeles County Department of Public Works, the City of Pasadena, the City of South Pasadena, City of La Canada-Flintridge, the City of Altadena, the City of Los Angeles, and other local agencies.

b. Participation of affected Federal, state and local resource agencies, Native American groups and concerned interest groups/individuals is encouraged in the scoping process. Public participation will be especially important in defining the scope of analysis in the Integrated Feasibility Study/Draft EIS/EIR, identifying significant environmental issues and providing useful information from published and unpublished data, personal knowledge of relevant issues, and recommending mitigation measures associated with the proposed action.

c. Those interested in providing information or data relevant to the environmental or social impacts that should be included or considered in the environmental analysis can furnish this information by writing to the points of contact indicated above or by attending the public scoping meeting. A mailing list will also be established so pertinent data may be distributed to interested parties.

d. Questions or comments regarding the Integrated Arroyo Seco

Environmental Feasibility Study and Environmental Impact Statement/ Environmental Impact Report (EIS/EIR), including requests to be placed on the mailing list, may be submitted by mail to Ms. Deborah Lamb, U.S. Army Corps of Engineers, Los Angeles District, CESPL–PD–RL, 915 Wilshire Blvd., Los Angeles, CA 90017–3401; or by email to *Deborah.L.Lamb@usace.army.mil.*

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2014–25288 Filed 10–22–14; 8:45 am]

BILLING CODE 3710–58–P

DEPARTMENT OF EDUCATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Extension of Deadline; Preschool Development Grants—Development Grants and Preschool Development Grants—Expansion Grants

AGENCIES: Department of Education and Department of Health and Human Services.

ACTION: Notice extending deadline date for the FY 2014 grant competitions.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.419A and 84.419B.

SUMMARY: On August 18, 2014, the Departments of Education and Health and Human Services published in the **Federal Register** (79 FR 48854 and 79 FR 48874) notices inviting applications for new awards for fiscal year 2014 for the Preschool Development Grants—Development and Preschool Development Grants—Expansion Grants programs. The notices established October 14, 2014, as the deadline date for eligible applicants to apply for funding under the programs. On October 9, 2014, the Departments published in the **Federal Register** (79 FR 61065) a notice extending the deadline for submission to October 15, 2014, after learning that the Grants.gov Web site would be unavailable to applicants on October 11–12, 2014. It appears that some applicants may have encountered technical difficulties in the submission of their applications on October 15, 2014. Therefore, we are extending, to October 24, 2014, the deadline for transmittal of applications.

DATES: *Deadline for Transmittal of Applications:* October 24, 2014.

FOR FURTHER INFORMATION CONTACT: Rebecca Marek, U.S. Department of Education, 400 Maryland Ave. SW., Room 3E344, Washington, DC 20202–6200. Telephone: 202–260–0968 or by email: *PreschoolDevelopmentGrants@ed.gov.*

If you use a telecommunications device for the deaf or a text telephone, call, toll free: 1–877–576–7734.

SUPPLEMENTARY INFORMATION: All other information in the August 18, 2014, notices inviting applications for these competitions remains the same, including the application submission instructions.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT.**

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register.** Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register,** in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at this site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Program Authority: Sections 14005 and 14006 of the ARRA, as amended by section 1832(b) of division B of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Pub. L. 112–10), the Department of Education Appropriations Act, 2012 (title III of division F of Pub. L. 112–74, the Consolidated Appropriations Act, 2012), and the Department of Education Appropriations Act, 2014 (title III of division H of Pub. L. 113–76, the Consolidated Appropriations Act, 2014).

Dated: October 20, 2014.

Deborah S. Delisle,

Assistant Secretary for Elementary and Secondary Education, U.S. Department of Education.

Mark H. Greenberg,

Acting Assistant Secretary for Children and Families, U.S. Department of Health and Human Services.

[FR Doc. 2014–25304 Filed 10–21–14; 4:15 pm]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Trespassing on DOE Property: Portsmouth Area Site, Ohio

AGENCY: Portsmouth/Paducah Project Office, Office of Environmental Management, U.S. Department of Energy (DOE).

ACTION: Notice.

SUMMARY: DOE hereby amends and deletes specific facilities from previously published site descriptions of various DOE and contractor occupied facilities as off-limit areas. The facilities to be deleted are described in this notice. In accordance with 10 CFR part 860, it is a Federal crime under section 229 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2278a), for unauthorized persons to enter into or upon the facilities of the Portsmouth Area Site, Ohio of the United States Department of Energy, Office of Environmental Management, Portsmouth/Paducah Project Office operating area. If unauthorized entry into or upon the remaining off-limits areas is into an area enclosed by a fence, wall, floor, roof or other such structural barrier, conviction for such unauthorized entry may result in a fine not to exceed $100,000 or imprisonment for not more than one year, or both. If unauthorized entry into or upon the properties is into an area not enclosed by a fence, wall, floor, roof, or other such structural barrier, conviction for such unauthorized entry may result in a fine of not more than $5,000.[1]

DATES: This action is effective October 23, 2014.

FOR FURTHER INFORMATION CONTACT: Robert Edwards, III, Portsmouth/Paducah Project Office Deputy Manager, 1017 Majestic Drive, Suite 200, Lexington, KY 40513, Telephone: (859) 219–4000, Facsimile: (859) 219–4099.

Bert Gawthorp, Portsmouth/Paducah Project Office Lead Counsel, 1017 Majestic Drive, Suite 200, Lexington, KY 40513, Telephone: (859) 219–4000, Facsimile: (859) 219–4099.

SUPPLEMENTARY INFORMATION: The DOE, successor agency to the Atomic Energy Commission (AEC), is authorized, pursuant to section 229 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2278a), and section 104 of the Energy Reorganization Act of 1974 (42 U.S.C. 5814), as implemented by a final

[1] By operation of law, the Criminal Fine Improvements Act of 1987, Pub. L. 100–185, 101 Stat. 1279 (1987), increased the fine amounts from $1000/$5000 to $5000/$100,000. See, e.g., *U.S.* v. *Lentsch,* 369 F.3d 948, 950 (6th Cir. 2004) (quoting 58 FR 47984 (Sept. 14, 1993)); see also 10 CFR 860.5.

rule amending 10 CFR part 860, published in the **Federal Register** on September 14, 1993 (58 FR 47984–47985) and section 301 of the Department of Energy Organization Act (42 U.S.C. 7151), to prohibit unauthorized entry and the unauthorized introduction of weapons or dangerous materials into or upon any DOE facility, installation, or real property.

By notice, published in the **Federal Register**, July 22, 1985 (50 FR 29733–29736), DOE prohibited unauthorized entry into or upon the Portsmouth Area Site, Ohio. This present notice amends the July 22, 1985 notice by deleting the following three facilities from that notice:

(1) The Portsmouth Area Water Treatment Plant (X–611) located in the township of Scioto, Pike County, Ohio, east of State Route 23. The location of the Portsmouth Area Water Treatment Plant (X–611) is more specifically identified in the above referenced notice (50 FR 29735).

(2) The Portsmouth Area Water Pumphouse (X–608) located in the township of Seal, Pike County, Ohio, approximately 0.18 mile west of the Village of Piketon, Ohio. The location of the Portsmouth Area Water Pumphouse (X–608) is more specifically identified in the above referenced notice (50 FR 29736).

(3) The Portsmouth Area Booster Pumphouse (X–605) located in the township of Scioto, Pike County, Ohio, east of State Route 23 approximately 4 miles southeast of the Village of Piketon, Ohio. The location of the Portsmouth Area Booster Pumphouse (X–605) is more specifically identified in the above referenced notice (50 FR 29736).

Accordingly, with these three deletions from the notice of July 22, 1985, DOE amends the site description that prohibits the unauthorized entry and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 860.3 and 860.4 into and upon the DOE Portsmouth Area Site, Ohio.

This revised boundary replaces the property description contained in the **Federal Register** notice published July 22, 1985. Deletion of the three property areas cited above does not terminate the prior Portsmouth Area Site, Ohio section 229 listing. Notices stating the pertinent prohibitions of 10 CFR 860.3 and 860.4 and the penalties of 10 CFR 860.5 are posted at all entrances of the Portsmouth Area Site, Ohio and at intervals along their perimeters, as provided in 10 CFR 860.6.

Issued in Lexington, Kentucky, this 29th day of August 2014.

William E. Murphie,

Manager, Portsmouth/Paducah Project Office.

[FR Doc. 2014–25233 Filed 10–22–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Agency Information Collection

AGENCY: Office of Energy Efficiency and Renewable Energy (EERE), Department of Energy (DOE).

ACTION: Notice and Request for Comments.

SUMMARY: The Department of Energy (DOE) today gives notice of a request for public comment, pursuant to the Paperwork Reduction Act of 1995, on the continued collection of information entitled: *Budget Justification,* which DOE has developed for submission to and approval by the Office of Management and Budget (OMB). Comments are invited on: (a) Whether the continued collection of such budget justification 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, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this continued information collection must be received on or before December 27, 2014. If you anticipate difficulty in submitting comments within that period, contact the person listed in **ADDRESSES** as soon as possible.

ADDRESSES: U.S. Department of Energy, Golden Field Office, 15013 Denver West Parkway, Golden, CO 80401–3111, Attn: James Cash.

FOR FURTHER INFORMATION CONTACT: Questions may be directed to James Cash at (720) 356–1456 or by email at *james.cash@ee.doe.gov.* The information collection instrument, entitled Budget Justification, may also be viewed at *http://www1.eere.energy.gov/financing/resources.html.*

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) OMB No. 1910–5162, Budget Justification;

(2) Information Collection Request Title: Budget Justification;

(3) Type of Request: Renewal;

(4) Purpose: This collection of information is necessary in order for DOE to identify allowable, allocable, and reasonable recipient project costs eligible for Grants and Cooperative Agreements under EERE programs;

(5) Annual Estimated Number of Respondents: 400;

(6) Annual Estimated Number of Total Responses: 400;

(7) Annual Estimated Number of Burden Hours: 24 hours, per response;

(8) Annual Estimated Reporting and Recordkeeping Cost Burden: $899.04 per one time response.

Authority: 10 CFR 600.112.

Issued in Golden, CO on October 17, 2014.

James Cash,

Contracting Officer.

[FR Doc. 2014–25238 Filed 10–22–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC15–11–000.

Applicants: American Transmission Company LLC.

Description: Application for Authority to Acquire Transmission Facilities under Section 203 of the Federal Power Act, Request for Expedited Treatment and Shortened Notice Period of American Transmission Company LLC.

Filed Date: 10/15/14.

Accession Number: 20141015–5165.

Comments Due: 5 p.m. ET 11/5/14.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG15–6–000.

Applicants: Heritage Stoney Corners Wind Farm I, LLC.

Description: Self-Certification of Exempt Wholesale Generator Status of Heritage Stoney Corners Wind Farm I, LLC.

Filed Date: 10/16/14.

Accession Number: 20141016–5086.

Comments Due: 5 p.m. ET 11/6/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1901–010.

Applicants: Upper Peninsula Power Company.
Description: Notice of Non-Material Change in Status of Upper Peninsula Power Company.
Filed Date: 10/16/14.
Accession Number: 20141016–5051.
Comments Due: 5 p.m. ET 11/6/14.
Docket Numbers: ER14–623–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment per 35.17(b): Compliance Filing per 2/20/2014 Order in Docket No. ER14–623–000 to be effective 11/4/2014.
Filed Date: 10/16/14.
Accession Number: 20141016–5068.
Comments Due: 5 p.m. ET 11/6/14.
Docket Numbers: ER14–2236–001.
Applicants: New York Independent System Operator, Inc., PJM Interconnection, L.L.C.
Description: Compliance filing per 35: NYISO/PJM joint compliance filing to set effective date for NYISO/PJM JOA re CTS to be effective 11/4/2014.
Filed Date: 10/16/14.
Accession Number: 20141016–5067.
Comments Due: 5 p.m. ET 11/6/14.
Docket Numbers: ER14–2740–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment per 35.17(b): Compliance Filing in Docket No. ER14–2740–000 to be effective 11/4/2014.
Filed Date: 10/16/14.
Accession Number: 20141016–5070.
Comments Due: 5 p.m. ET 11/6/14.
Docket Numbers: ER14–2802–001.
Applicants: CP Energy Marketing (US) Inc.
Description: Tariff Amendment per 35.17(b): Supplement to Request for Category 1 Status to be effective 9/9/2014.
Filed Date: 10/15/14.
Accession Number: 20141015–5144.
Comments Due: 5 p.m. ET 11/5/14.
Docket Numbers: ER14–2803–001.
Applicants: CPI USA North Carolina LLC.
Description: Tariff Amendment per 35.17(b): Supplement to Request for Category 1 Status to be effective 9/9/2014.
Filed Date: 10/15/14.
Accession Number: 20141015–5145.
Comments Due: 5 p.m. ET 11/5/14.
Docket Numbers: ER15–111–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2014–10–16_TSGT–TSA 110 Agrmt-332–NOC-Filing to be effective 10/1/2014.
Filed Date: 10/16/14.
Accession Number: 20141016–5042.
Comments Due: 5 p.m. ET 11/6/14.
Docket Numbers: ER15–112–000.
Applicants: ISO New England Inc.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015 Revised Tariff Sheets for Administrative Costs and Capital Budget to be effective 1/1/2015.
Filed Date: 10/16/14.
Accession Number: 20141016–5061.
Comments Due: 5 p.m. ET 11/6/14.
Docket Numbers: ER15–113–000.
Applicants: ISO New England Inc.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Rev. Tariff Sheet for Recovery of Costs 2015 NESCOE to be effective 1/1/2015.
Filed Date: 10/16/14.
Accession Number: 20141016–5063.
Comments Due: 5 p.m. ET 11/6/14.
Docket Numbers: ER15–114–000.
Applicants: Alterna Springerville LLC.
Description: Initial rate filing per 35.12 Baseline MBR Tariff to be effective 1/1/2015.
Filed Date: 10/16/14.
Accession Number: 20141016–5066.
Comments Due: 5 p.m. ET 11/6/14.
Docket Numbers: ER15–115–000.
Applicants: ISO New England Inc.
Description: ISO New England Inc.'s 3Q Capital Budget Report.
Filed Date: 10/16/14.
Accession Number: 20141016–5096.
Comments Due: 5 p.m. ET 11/6/14.
Docket Numbers: ER15–116–000.
Applicants: Consumers Energy Company.
Description: Notice of Cancellation of Consumers Energy Company Service Agreement No. 59—Tariff No. 6.
Filed Date: 10/16/14.
Accession Number: 20141016–5097.
Comments Due: 5 p.m. ET 11/6/14.

Take notice that the Commission received the following land acquisition reports:

Docket Numbers: LA14–3–000.
Applicants: Wolverine Power Supply Cooperative, Inc.
Description: Quarterly Land Acquisition Report of Wolverine Power Supply Cooperative, Inc.
Filed Date: 10/16/14.
Accession Number: 20141016–5094.
Comments Due: 5 p.m. ET 11/6/14.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH15–2–000.
Applicants: Consolidated Edison, Inc.
Description: Consolidated Edison, Inc. submits FERC 65–B Material Change in Facts of Waiver Notification.
Filed Date: 10/15/14.
Accession Number: 20141015–5181.
Comments Due: 5 p.m. ET 11/5/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 16, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–25253 Filed 10–22–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–4363–003.
Applicants: Osage Wind, LLC.
Description: Notice of Non-Material Change in Status of Osage Wind, LLC.
Filed Date: 10/16/14.
Accession Number: 20141016–5121.
Comments Due: 5 p.m. ET 11/6/14.
Docket Numbers: ER14–552–002.
Applicants: New York Independent System Operator, Inc.
Description: Compliance filing per 35: Compliance—Notify of activation of CTS with PJM and designate CTS Proxy Buses to be effective 11/4/2014.
Filed Date: 10/16/14.
Accession Number: 20141016–5111.
Comments Due: 5 p.m. ET 11/6/14.
Docket Numbers: ER15–117–000.
Applicants: ISO New England Inc.
Description: Compliance filing per 35: Compliance Filing on EL14–99 to be effective 10/17/2014.
Filed Date: 10/16/14.
Accession Number: 20141016–5130.
Comments Due: 5 p.m. ET 11/6/14.
Docket Numbers: ER15–118–000.
Applicants: Morris Cogeneration, LLC.

Description: Compliance filing per 35: Amendment to be effective 10/17/2014.
Filed Date: 10/16/14.
Accession Number: 20141016–5131.
Comments Due: 5 p.m. ET 11/6/14.
Docket Numbers: ER15–119–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2014–10–16_SA 2219 ATC–METC Transmission Interconnection Agreement to be effective 7/1/2010.
Filed Date: 10/16/14.
Accession Number: 20141016–5133.
Comments Due: 5 p.m. ET 11/6/14.
Docket Numbers: ER15–120–000.
Applicants: Alabama Power Company.
Description: Tariff Withdrawal per 35.15: GTC NITSA Termination Filing to be effective 1/1/2015.
Filed Date: 10/16/14.
Accession Number: 20141016–5135.
Comments Due: 5 p.m. ET 11/6/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 16, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–25254 Filed 10–22–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–97–000]

Carolina Gas Transmission Corporation; Notice of Availability of the Environmental Assessment for the Proposed Edgemoor Compressor Station Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Edgemoor Compressor Station Project (Project) proposed by Carolina Gas Transmission Corporation (Carolina Gas) in the above-referenced docket. Carolina Gas states that the Project would provide about 45,000 dekatherms of natural gas per day to two local distribution customers from Transcontinental Pipe Line Corporation's system.

The EA assesses the potential environmental effects of construction and operation of the Edgemoor Compressor Station Project in accordance with the requirements of the National Environmental Policy Act. The FERC staff concludes that approval of the proposed Project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The proposed Edgemoor Compressor Station Project consists of the following facilities all in Chester County, South Carolina:

- Construction of one new compressor station consisting of four natural gas fired compressor units totaling 9,500 horsepower;
- construction of the Cone Mills Lateral Extension which consists of about 1,300 feet of 8-inch-diameter pipeline; and
- construction and modification of various ancillary facilities.

The FERC staff mailed copies of the EA to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; newspapers and libraries in the Project area; and parties to this proceeding. In addition, the EA is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Any person wishing to comment on the EA may do so. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before November 15, 2014.

For your convenience, there are three methods you can use to file your comments with the Commission. In all instances please reference the project docket number (CP14–97–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at 202–502–8258 or *efiling@ferc.gov.*

(1) You can file your comments electronically using the eComment feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." You must select the type of filing you are making. If you are filing a comment on a particular project, please select "Comment on a Filing"; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[1] Only intervenors have the right to seek rehearing of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on "General Search," and enter the docket number excluding the last three digits in the Docket Number field (i.e., CP14–97).

[1] See the previous discussion on the methods for filing comments.

Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: October 16, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–25222 Filed 10–22–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 2618–020–ME; 2660–024–ME]

Woodland Pulp LLC; Notice of Availability of Draft Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the applications for new licenses for the West Branch Project (FERC Project No. 2618) and the Forest City Project (FERC Project No. 2660). The West Branch Project is located on the West Branch of the St. Croix River in Penobscot, Washington, and Hancock Counties, Maine. The Forest City Project is located on the East Branch of the St. Croix River in Washington and Aroostook Counties, Maine.

Staff prepared a multi-project draft environmental assessment (EA), which analyzes the potential environmental effects of licensing the projects, and concludes that licensing the projects, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the draft EA is on file with the Commission and is available for public inspection. The draft EA may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number, excluding the last three digits, in the docket number field, to access documents. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to these or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 45 days from the date of this notice. Comments may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/eComment.asp.* You must include your name and contact information at the end of your comments.

For assistance, please contact FERC Online Support. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail comments to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, Washington, DC 20426. Please affix "West Branch Project No. 2618–020" and/or "Forest City Project No. 2660–024" to all comments.

For further information, contact Amy Chang at (202) 502–8250 or *amy.chang@ferc.gov.*

Dated: October 16, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–25224 Filed 10–22–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–103–000]

Invenergy Nelson LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Invenergy Nelson LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is November 5, 2014.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 16, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–25223 Filed 10–22–14; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

Notice of Issuance of Statement of Federal Financial Accounting Standards 46

AGENCY: Federal Accounting Standards Advisory Board.

ACTION: Notice.

Board Action: Pursuant to 31 U.S.C. 3511(d), the Federal Advisory Committee Act (Pub. L. 92–463), as amended, and the FASAB Rules of Procedure, as amended in October, 2010, notice is hereby given that the Federal Accounting Standards Advisory Board (FASAB) has issued Statement of Federal Financial Accounting Standard 46, *Deferral of the Transition to Basic Information for Long-Term Projections.*

The Standard is available at *http://www.fasab.gov/accounting-standards/authoritative-source-of-gaap/accounting-standards/fasab-handbook/*

For assistance in accessing the document contact FASAB at (202) 512–7350.

FOR FURTHER INFORMATION CONTACT: Wendy M. Payne, Executive Director, 441 G St. NW., Mail Stop 6H19, Washington, DC 20548 or call 202–512–7350.

Authority: Federal Advisory Committee Act, Pub. L. 92–463.

Dated: October 20, 2014.

Charles Jackson,

Federal Register Liaison Officer.

[FR Doc. 2014–25172 Filed 10–22–14; 8:45 am]

BILLING CODE 1610–02–P

FEDERAL COMMUNICATIONS COMMISSION

[3060–0812]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before December 22, 2014. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION: OMB Control Number: 3060–0812.

Title: Exemption from Payment of Regulatory Fees When Claiming Non-Profit Status.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Not-for-profit organizations and business or other for-profit organizations.

Number of Respondents and Responses: 19,169 respondents; 19,269 responses.

Estimated Time per Response: 30 minutes (0.5 hours).

Frequency of Response: Annual, on occasion and one-time reporting requirements and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection (IC) is contained in 47 U.S.C. 159.

Total Annual Burden: 9,635 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: Licensees or regulatees concerned about disclosure of sensitive information in any submissions to the Commission may request confidential treatment pursuant to 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Federal Communications Commission (FCC), in accordance with the Communications Act of 1934, as amended, is required to assess and collect regulatory fees from its licensees and regulatees in order to recover its costs incurred in conducting enforcement, policy and rulemaking, international and user information services.

The purposes for the requirements are to facilitate: (1) the statutory provision that non-profit entities be exempt from payment of regulatory fees; and (2) the FCC's ability to audit regulatory fee payment compliance.

In order to develop a *Schedule of Regulatory Fees*, the FCC must, as accurately as possible, estimate the number of fee payment entities and distribute the costs. These estimates must be adjusted to account for any licensees or regulatees that are exempt from payment of regulatory fees. The FCC, therefore, requires all licensees and regulatees that claim exemption as non-profit entities to provide one-time only documentation sufficient to establish their non-profit status. Further, the FCC is requesting that it be similarly notified if for any reason that status changes. The documentation necessary to provide to the Commission will likely take the form of an Internal Revenue Service (IRS) Determination Letter, a state charter indicating non-profit status, proof of church affiliation indicating tax exempt status, etc.

The FCC is requiring licensees or regulatees to maintain and to make available, upon request, for inspection such records they would normally keep in the course of doing business. This will enable the FCC to conduct any audits deemed appropriate to determine whether fee payments were made correctly, and will help ensure compliance with the FCC fee exemption policies.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of the Managing Director.

[FR Doc. 2014–25232 Filed 10–22–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0573]

Information Collections Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before December 22, 2014. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0573.

Title: Application for Franchise Authority Consent to Assignment or Transfer of Control of Cable Television Franchise, FCC Form 394.

Form Number: FCC Form 394.

Type of Review: Extension of a currently approved collection.

Respondents: Business of other for-profit entities; State, Local or Tribal Government.

Number of Respondents and Responses: 2,000 respondents; 1,000 responses.

Estimated Time per Response: 1–5 hours.

Frequency of Response: Third Party Disclosure Requirements.

Total Annual Burden: 7,000 hours.

Total Annual Costs: $750,000.

Privacy Impact Assessment(s): No impact(s).

Needs and Uses: FCC Form 394 is a standardized form that is completed by cable operators in connection with the assignment and transfer of control of cable television systems. On July 23, 1993, the Commission released a Report and Order and Further Notice of Proposed Rulemaking in MM Docket No. 92–264, FCC 93–332, Implementation of Sections 11 and 13 of the Cable Television Consumer Protection and Competition Act of 1992, Horizontal and Vertical Ownership Limits, Cross-Ownership Limitations and Anti-Trafficking Provisions. Among other things, this Report and Order established procedures for use of the FCC Form 394.

OMB Control Number: 3060–0938.

Title: Application for a Low Power FM Broadcast Station License, FCC Form 319.

Form Number: FCC Form 319.

Type of Review: Extension of a currently approved collection.

Respondents: Not-for-profit institutions, State, local or Tribal Government.

Number of Respondents and Responses: 200 respondents and 200 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 200 hours.

Total Annual Costs: $27,500.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i), 303 and 308 of the Communications Act of 1934, as amended.

Privacy Impact Assessment(s): No impacts.

Needs and Uses: On January 20, 2000, the Commission adopted a Report and Order (R&O) in MM Docket No. 99–25, In the Matter of Creation of Low Power Radio Service. With the adoption of this R&O, the Commission authorized the licensing of two new classes of FM radio stations, generally referred to as low power FM stations (LPFM): A LP100 class for stations operating at 50–100 watts effective radiated power (ERP) at an antenna height above average terrain (HAAT) of 30 meters; and a LP10 class for stations operating at 1–10 watts ERP and an antenna height of 30 meters HAAT. These stations will be operated on a noncommercial educational basis by entities that do not hold attributable interests in any other broadcast station or other media subject to the Commission's ownership rules. The LPFM service authorized in this Report and Order provides significant opportunities for new radio services. The LPFM service creates a class of radio stations designed to serve very localized communities or underrepresented groups within communities.

In connection with this new service, the Commission developed a new FCC Form 319, Application for a Low Power FM Broadcast Station License. FCC Form 319 is required to apply for a license for a new or modified Low Power FM (LPFM) station.

OMB Control Number: 3060–1045.

Title: Section 76.1610, Change of Operational Information; FCC Form 324, Operator, Mail Address, and Operational Status Changes Operator, Mail Address, and Operational Information Changes, FCC Form 324.

Form Number: FCC Form 324.

Type of Review: Extension of a currently approved collection.

Respondents: Business and other for-profit entities; not-for-profit institutions.

Number of Respondents and Responses: 5,000 respondents; 5,000 responses.

Estimated Time per Response: 0.5 hours.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 2,500 hours.

Total Annual Costs: None.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in 154(i), 303, 308, 309 and 621 of the Communications Act of 1934, as amended.

Privacy Impact Assessment(s): No impact(s).

Needs and Uses: Under 47 CFR 76.1610, cable operators must notify the Commission of changes in ownership information or operating status within 30 days of such change. FCC Form 324 is used to update information filed with

the Commission concerning the Cable Community Registration. The information is the basic operational information on operator name, mailing address, community served, and system identification. FCC Form 324 will cover a variety of changes related to cable operators, replacing the requirement of a letter containing approximately the same information. Every Form 324 filing will require information about the system—the additional information required depending largely upon the nature of the change.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of the Managing Director.

[FR Doc. 2014–25231 Filed 10–22–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before December 22, 2014. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1155.

Title: Sections 15.713, 15.714, 15.715 15.717, TV White Space Broadcast Bands.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 2,000 respondents; 2,000 responses.

Estimated Time Per Response: 2 hours.

Frequency of Response: On occasion reporting requirement, recordkeeping requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 154(i), 302, 303(c), 303(f), and 307 of the Communications Act of 1934, as amended.

Total Annual Burden: 4,000 hours.

Total Annual Cost: 100,000.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission is not requesting respondents to submit confidential information to the Commission. Respondents may request confidential treatment of such information under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission is submitting this information collection to the Office of Management and Budget (OMB) after this 60 day comment period in order to obtain the full three year clearance.

On November 14, 2008, the Federal Communications Commission ("Commission") adopted a Second Report and Order and Memorandum Opinion and Order, FCC 08–260, ET Docket No. 04–186 that established rules to allow new and unlicensed wireless devices to operate in the broadcast television spectrum at locations where that spectrum is not being used by licensed services (this unused TV spectrum is often termed television "white spaces"). The rules will allow for the use of unlicensed TV band devices in the unused spectrum to provide broadband data and other services for consumers and businesses.

Subsequently on September 23, 2010, the Commission adopted a Second Memorandum Opinion and Order finalizing the rules to make the unused spectrum in the TV bands available for unlicensed broadband wireless devices. This action resolved on reconsideration certain legal and technical issues in order to provide certainty concerning the rules for operation of unlicensed transmitting devices in the television broadcast frequency bands (unlicensed TV bands devices or "TVBDs"). Resolution of these issues will now allow manufacturers to begin marketing unlicensed communications devices and systems that operate on frequencies in the TV bands in areas where they are not used by licensed services ("TV white spaces").

In the Second Report and Order the Commission decided to designate one or more database administrator from the private sector to create and operate TV band databases which will be a privately owned and operated service. The database administrators will be responsible for coordination of the overall functioning of a database and provide services to TVBDs.

The TV bands database will serve the following functions:

Determine and provide to a TVBD, upon request, the available TV channels at the TVBD's location. Available channels are determined based on the interference protection requirements in § 15.712. A database must provide fixed and Mode II personal portable TVBDs with channel availability information that includes scheduled changes in channel availability over the course of the 48 hour period beginning at the time the TVBDs make a re-check contact. In making lists of available channels available to a TVBD, the TV bands database shall ensure that all communications and interactions between the TV bands database and the TVBD include adequate security measures such that unauthorized parties cannot access or alter the TV bands database or the list of available channels sent to TVBDs or otherwise affect the database system or TVBDs in performing their intended functions or in providing adequate interference protections to authorized services operating in the TV bands. In addition, a TV bands database must also verify that the FCC identifier (FCC ID) of a

device seeking access to its services is valid; under this requirement the TV bands database must also verify that the FCC ID of a Mode I device provided by a fixed or Mode II device is valid. A list of devices with valid FCC IDs and the FCC IDs of those devices is to be obtained from the Commission's Equipment Authorization System. There are also questions about prefill applications and the number of available channels.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2014–25230 Filed 10–22–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0686]

Information Collections Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before December 22, 2014. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0686.

Title: International Section 214 Authorization Process and Tariff Requirements—47 CFR 63.10, 63.11, 63.13, 63.18, 63.19, 63.21, 63.24, 63.25 and 1.1311.

Form Number: International Section 214—New Authorization; International Section 214 Authorization—Transfer of Control/Assignment; International Section 214—Special Temporary Authority and International Section 214—Foreign Carrier Affiliation Notification.

Type of Review: Revision of a currently approved collection.

Respondents: Business and other for-profit.

Number of Respondents and Responses: 495 respondents; 748 responses.

Estimated Time per Response: 0.50 hour to 15 hours.

Frequency of Response: On occasion reporting requirement, Quarterly reporting requirement, Recordkeeping requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in sections 1, 4(i), 4(j), 11, 201–205, 208, 211, 214, 219, 220, 303(r), 309, 310 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 161, 201–205, 208, 211, 214, 219, 220, 303(r), 309, 310 and 403.

Total Annual Burden: 3,286 hours.

Total Annual Cost: $755,400.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: In general, there is no need for confidentiality with this collection of information.

Needs and Uses: The Federal Communications Commission (Commission) is requesting that the Office of Management and Budget (OMB) approve a revision of OMB Control No. 3060–0686. The purpose of this revision is to obtain OMB approval of rules adopted in the Commission's Report and Order in IB Docket No. 12–299, FCC 14–48, adopted and released on August 22, 2014 (Report and Order). In the Report and Order, the Commission eliminated the effective competitive opportunities (ECO) test from sections 63.11(g)(2) and 63.18(k) of the Commission's rules, 47 CFR 63.11(g)(2), 63.18(k), which apply to applications filed under section 63.18, 47 CFR 63.18, for authority to provide U.S.-international telecommunications service pursuant to section 214 of the Communications Act of 1934, as amended (Communications Act), 47 U.S.C. 214, and to foreign carrier affiliation notifications filed under section 63.11 of the Commission's rules, 47 CFR 63.11. The Commission is also making adjustments to the hour and cost burdens associated with other rules and requirements covered by this information collection.

The information will be used by the Commission staff in carrying out its duties under the Communications Act. The information collections are necessary largely to determine the qualifications of applicants to provide common carrier international telecommunications service, including applicants that are, or are affiliated with, foreign carriers, and to determine whether and under what conditions the authorizations are in the public interest, convenience, and necessity. The information collections are also necessary to maintain effective oversight of U.S. international carriers generally.

If the collections are not conducted or are conducted less frequently, applicants will not obtain the authorizations necessary to provide telecommunications services, and the Commission will be unable to carry out its mandate under the Communications Act. In addition, without the information collections, the United States would jeopardize its ability to fulfill the U.S. obligations as negotiated under the WTO Basic Telecom Agreement because these collections are imperative to detecting and deterring anticompetitive conduct. They are also necessary to preserve the Executive Branch agencies' and the Commission's ability to review foreign investments for national security, law enforcement, foreign policy, and trade concerns.

OMB Control Number: 3060–0944.

Title: Cable Landing License Act—47 CFR 1.767; 1.768; Executive Order 10530.

Form Number: Submarine Cable Landing License Application.

Type of Review: Revision of a currently approved collection.

Respondents: Business and other for-profit.

Number of Respondents and Responses: 38 respondents; 94 responses.

Estimated Time per Response: 0.50 hour to 17 hours.

Frequency of Response: On occasion reporting requirement, Quarterly reporting requirement, Recordkeeping requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in the Submarine Cable Landing License Act of 1921, 47 U.S.C. 34–39, Executive Order 10530, section 5(a), and the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i)-(j), 155, 303(r), 309, 403.

Total Annual Burden: 421 hours.

Total Annual Cost: $88,505.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: In general, there is no need for confidentiality with this collection of information.

Needs and Uses: The Federal Communications Commission (Commission) is requesting that the Office of Management and Budget (OMB) approve a revision of OMB Control No. 3060–0944. The purpose of this revision is to obtain OMB approval of rules adopted in the Commission's Report and Order in IB Docket No. 12–299, FCC 14–48, adopted and released on August 22, 2014 (Report and Order). In the Report and Order, the Commission eliminated the effective competitive opportunities (ECO) test from sections 1.767(a)(8) and 1.768(g)(2) of the Commission's rules, 47 CFR 1.767(a)(8), 1.768(g)(2), which apply to cable landing license applications filed under the Submarine Cable Landing License Act of 1921, 47 U.S.C. 34–39, and section 1.767 of the Commission's rules, 47 CFR 1.767, and to foreign carrier affiliation notifications filed under section 1.768 of the Commission's rules, 47 CFR 1.768. The Commission is also making adjustments to the hour and cost burdens associated with other rules and requirements covered by this information collection.

The information will be used by the Commission staff in carrying out its duties under the Submarine Cable Landing License Act of 1921, 47 U.S.C. 34–39, Executive Order 10530, section 5(a), and the Communications Act of 1934, as amended. The information collections are necessary largely to determine whether and under what conditions the Commission should grant a license for proposed submarine cables landing in the United States, including applicants that are, or are affiliated with, foreign carriers in the destination market of the proposed submarine cable. Pursuant to Executive Order No. 10530, the Commission has been delegated the President's authority under the Cable Landing License Act to grant cable landing licenses, provided that the Commission must obtain the approval of the State Department and seek advice from other government agencies as appropriate. If the collection is not conducted or is conducted less frequently, applicants will not obtain the authorizations necessary to provide telecommunications services and facilities, and the Commission will be unable to carry out its mandate under the Cable Landing License Act and Executive Order 10530. In addition, without the collection, the United States would jeopardize its ability to fulfill the U.S. obligations as negotiated under the World Trade Organization (WTO) Basic Telecom Agreement because certain of these information collection requirements are imperative to detecting and deterring anticompetitive conduct. They are also necessary to preserve the Executive Branch agencies' and the Commission's ability to review foreign investments for national security, law enforcement, foreign policy, and trade concerns.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of the Managing Director.

[FR Doc. 2014–25229 Filed 10–22–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:06 a.m. on Tuesday, October 21, 2014, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters related to the Corporation's supervision, corporate, and resolution activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Thomas M. Hoenig, seconded by Director Jeremiah O. Norton (Appointive), concurred in by Director Thomas J. Curry (Comptroller of the Currency), Director Richard Cordray (Director, Consumer Financial Protection Bureau), and Chairman Martin J. Gruenberg, that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. §§ 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street NW., Washington, D.C.

Dated: October 21, 2014.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–25339 Filed 10–21–14; 4:15 pm]

BILLING CODE P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors met in open session at 10:00 a.m. on Tuesday, October 21, 2014, to consider the following matters:

Summary Agenda

Disposition of minutes of previous Board of Directors' Meetings.

Memorandum and resolution re: Proposed Rule to Revise 12 CFR Part 340, "Restrictions on Sales of Assets by the Federal Deposit Insurance Corporation".

Memorandum and resolution re: Joint Notice of Proposed Rulemaking for the Purpose of Implementing the Escrow Requirements of the Homeowner Flood Insurance Affordability Act.

Memorandum and resolution re: Notice of Proposed Rulemaking Regarding the Retention of Records of a Covered Financial Company and of the FDIC as Receiver pursuant to the Dodd-Frank Act.

Memorandum and resolution re: Designated Reserve Ratio for 2015.

Memorandum and resolution re: Final Rule regarding Part 390 Subpart U and Part 335—Securities of State Nonmember Banks and State Savings Associations.

Summary reports, status reports, reports of the Office of Inspector General, and reports of actions taken pursuant to authority delegated by the Board of Directors.

Discussion Agenda

Memorandum and resolution re: Final Rule: Credit Risk Retention.

Briefing re: Update of Projected Deposit Insurance Fund Losses, Income, and Reserve Ratios for the Restoration Plan.

In calling the meeting, the Board determined, on motion of Vice Chairman Thomas M. Hoenig, seconded by Director Richard Cordray (Director, Consumer Financial Protection Bureau), concurred in by Director Thomas J. Curry (Comptroller of the Currency), Director Jeremiah O. Norton (Appointive), and Chairman Martin J. Gruenberg, that Corporation business required its consideration of the matters on less than seven days' notice to the public; and that no earlier notice of the meeting than that previously provided on October 16, 2014, was practicable.

The meeting was held in the Board Room temporarily located on the fourth floor of the FDIC Building located at 550 17th Street NW., Washington, DC.

Dated: October 21, 2014.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–25340 Filed 10–21–14; 4:15 pm]

BILLING CODE 6714–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Notice: Cancellation of Meeting Notice

October 20, 2014.

The following Commission meeting has been cancelled. No earlier announcement of the cancellation was possible.

TIME AND DATE: 2:00 p.m., Wednesday, October 22, 2014.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (entry from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Secretary of Labor* v. *DQ Fire and Explosion Consultants,* Docket Nos. WEVA 2011–952–R, et al. (Issues include whether the Administrative Law Judge erred in ruling that the violation of the order in question was the result of high negligence.).

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

CONTACT PERSON FOR MORE INFORMATION: Emogene Johnson (202) 434–9935/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Emogene Johnson,

Administrative Assistant.

[FR Doc. 2014–25379 Filed 10–21–14; 4:15 pm]

BILLING CODE 6735–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Medicare Program; Appellant Forum Regarding the Administrative Law Judge Hearing Program for Medicare Claim Appeals

AGENCY: Office of Medicare Hearings and Appeals (OMHA), HHS.

ACTION: Notice of Meeting.

SUMMARY: This notice announces the second Office of Medicare Hearings and Appeals (OMHA) Medicare Appellant Forum. The purpose of this event is to provide updates to OMHA appellants on the status of OMHA operations and to relay information on a number of OMHA and CMS initiatives designed to reduce the backlog in the processing of Medicare appeals at the OMHA level and lower levels of the administrative appeals process.

DATES:

Meeting Date: The OMHA Medicare Appellant Forum announced in this notice will be held on Wednesday, October 29, 2014.

The OMHA Medicare Appellant Forum will begin at 10:00 a.m. Eastern Standard Time (EST) and check-in will begin at 9:00 a.m. EST. It is anticipated the Forum will last until 3:00 p.m. EST.

Deadline for Registration of Attendees and Requests for Special Accommodation: The deadline to register to attend the OMHA Medicare Appellant Forum and request a special accommodation, as provided for in the American's with Disabilities Act, is 5:00 p.m. EST, Friday, October 24, 2014.

ADDRESSES: *Meeting Location:* The OMHA Medicare Appellant Forum will be held in the Cohen Auditorium of the Wilbur J. Cohen building located at 330 Independence Ave. SW., Washington, DC 20024.

A toll-free phone line and/or webcasting will be provided. Information on these options will be posted at a later date on the OMHA Web site; *http://www.hhs.gov/omha/index.html.*

Registration and Special Accommodations: Individuals wishing to attend the OMHA Medicare Appellant Forum must register by following the on-line registration instructions located in section III of this notice or by contacting staff listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Individuals who need special accommodations should contact staff listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

FOR FURTHER INFORMATION CONTACT: Renée Johnson, (703) 235–8269, *renee.johnson@hhs.gov.* Alternatively, you may forward your requests via email to *OSOMHAAppellantForum@hhs.gov;* please indicate "Request for information" or "Request for special accommodation" in the subject line.

SUPPLEMENTARY INFORMATION:

I. Background

The Office of Medicare Hearings and Appeals (OMHA), a staff division within the Office of the Secretary of the U.S. Department of Health and Human Services (HHS), administers the nationwide Administrative Law Judge hearing program for Medicare claim, organization and coverage determination, and entitlement appeals under sections 1869, 1155, 1876(c)(5)(B), 1852(g)(5), and 1860D–4(h) of the Social Security Act. OMHA ensures that Medicare beneficiaries and the providers and suppliers that furnish items or services to Medicare beneficiaries, as well as Medicare Advantage Organizations (MAOs) and Medicaid State Agencies, have a fair and impartial forum to address disagreements with Medicare coverage and payment determinations made by Medicare contractors, MAOs, or Part D Plan Sponsors (PDPSs), and determinations related to Medicare eligibility and entitlement, and income-related premium surcharges made by the Social Security Administration (SSA).

The Medicare claim appeal process consists of four levels of administrative review within HHS, and a fifth level of review with the Federal courts after administrative remedies within HHS have been exhausted. The first two levels of review are administered by the Centers for Medicare & Medicaid Services (CMS) and conducted by Medicare contractors for Part A and Part B claim appeals, by MAOs and an independent review entity for Part C organization determination appeals, or

by PDPSs and an independent review entity Part D coverage determination appeals. The third level of review is administered by OMHA and conducted by Administrative Law Judges. The fourth level of review is administered by the HHS Departmental Appeals Board (DAB) and conducted by the Medicare Appeals Council. In addition, OMHA and the DAB administer the second and third levels of appeal, respectively, for Medicare eligibility, entitlement and premium surcharge reconsiderations made by SSA; a fourth level of review with the Federal courts is available after administrative remedies within HHS have been exhausted.

The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (Pub. L. 106–554), which added section 1869(d)(1)(A) of the Social Security Act, provides for an Administrative Law Judge to conduct a hearing and render a decision within 90 days of a timely filed request for hearing. Section 1869(d)(3) of the Social Security Act states that, if an ALJ does not render a decision by the end of the specified timeframe, the appellant may request review by the Departmental Appeals Board. Likewise, if the Departmental Appeals Board does not render a decision by the end of the specified timeframe, the appellant may seek judicial review. OMHA was established in July 2005 pursuant to section 931 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Pub. L. 108–173), which required the transfer of responsibility for the Administrative Law Judge hearing level of the Medicare claim and entitlement appeals process from SSA to HHS. OMHA was expected to improve service to appellants and reduce the average 368-day waiting time for a hearing decision that appellants experienced with SSA.

OMHA serves a broad sector of the public, including Medicare providers, suppliers, and MAOs, and Medicare beneficiaries, who are often elderly or disabled and among the nation's most vulnerable populations. OMHA currently administers its program in five field offices, including the Southern Field Office in Miami, Florida; the Midwestern Field Office in Cleveland, Ohio; the Western Field Office in Irvine, California; the Mid-Atlantic Field Office in Arlington, Virginia; and the recently established field office in Kansas City, Missouri. OMHA uses video-teleconferencing (VTC), telephone conferencing, and in-person formats to provide appellants with hearings.

At the time OMHA was established, it was envisioned that OMHA would receive the claim and entitlement appeals workload from the Medicare Part A and Part B programs, and organization determination appeals from the Medicare Advantage (Part C) program, as well as coverage determination appeals from the Medicare Prescription Drug (Part D) program and appeals of Income Related Monthly Adjustment Amount (IRMAA) premium surcharges assessed by SSA. With this mix of work at the expected levels, OMHA was able to meet the 90-day adjudication time frame.

However, in recent years, OMHA has experienced a significant and sustained increase in appeals workload that has compromised its ability to meet the 90-day adjudication time frame. In addition to the expanding Medicare beneficiary population and increased utilization of services across that population, the increase in appeals workload has resulted from a number of changes in the Medicare claim review and appeals processes in recent years, including:

- Medicaid State Agency (MSA) appeals of Medicare coverage denials for beneficiaries dually enrolled in both Medicare and Medicaid. These appeals were previously addressed through a demonstration project that employed an alternative dispute resolution process to determine whether the Medicare or Medicaid program would pay for care furnished to the dually enrolled beneficiaries. The demonstration project ended in 2010, and the MSA appeals entered the standard administrative appeals process, increasing appeals workloads throughout the Medicare claim appeal process, including at OMHA.
- The Fee-for-Service Recovery Audit (RA) program (also known as the Recovery Audit Contractor (RAC) program), which was made permanent by section 302 of the Tax Relief and Health Care Act of 2006 (Pub. L. 109–432). Appeals from the RA program began to enter the administrative appeals process at the CMS contractor levels in fiscal year 2011. In fiscal year 2012, OMHA began receiving hearing requests arising from the RA program that exceeded projections.
- CMS has implemented a number of changes to enhance its monitoring of payment accuracy in the Medicare Part A and Part B programs, which have increased denial rates and likely contributed to increased appeals. For example, based on recommendations from the HHS Office of Inspector General (OIG), in 2009, CMS tightened its methodologies related to how it calculates the Medicare payment error rate, with a view towards improving provider claims documentation and compliance with Medicare's billing, coverage, and medical necessity requirements. In addition, Medicare Administrative Contractors (MACs) initiated a series of focused medical review initiatives, which increased the overall number of denied claims. CMS also initiated efforts to eliminate payment error and fraud based on Executive Order 13520 and the Improper Payments Elimination and Recovery Act of 2010 (Pub. L. 111–204), resulting in additional denied claims and the identification of overpayments.

With the increase in overall claim denials, the administrative appeals process has experienced an overall increase in appeal requests. At OMHA, the greater than anticipated workload increase resulted in a backlog of appeals (that is, appeals that cannot be heard and decided within the adjudication time frame) starting in fiscal year 2012, with a 42% increase from fiscal year 2011 in the number of claims appealed to OMHA. In fiscal year 2013, the number of claims appealed to OMHA more than doubled from fiscal year 2012, with a 123% increase, further contributing to the backlog of cases and resulting in a substantial increase in the adjudication time frame. The increase in appealed claims from the RA program was particularly high in fiscal year 2013, with a 506% increase in appealed RA program claims over fiscal year 2012, versus a 77% increase in appealed claims not related to the RA program during that same period of time.

In 2013, CMS issued an Administrator Ruling (published on March 18, 2013, 78 FR 16614) and finalized new rules (published on August 19, 2013, 78 FR 50495) designed to clarify criteria for new (fiscal year 2014) Medicare Part A inpatient hospital admissions, which comprised the disputed issues in a majority of RA program appeals, and to clarify policies at issue in appeals of inpatient claim denials under the existing rules. In addition, CMS expanded the scope of alternative Part B services that could be billed if a Part A inpatient admission was denied and, as part of the ruling, for a limited time allowed hospitals to submit Part B claims for those services beyond the one-year claim filing deadline. Separately, CMS also suspended most RA program audits of Part A inpatient hospital admissions under the new inpatient admission criteria (commonly referred to as the two-midnight rule), which was effective for inpatient claims with admission dates on and after October 1, 2013, in order to offer providers time to become educated on the two-midnight rule. The suspension of audits for new admissions was extended for claims with dates of

admission through March 31, 2015, pursuant to section 111 of the Protecting Access to Medicare Act of 2014 (Pub. L. 113–93). CMS is also making improvements to the RA program that are designed to increase the accuracy of Recovery Audit determinations and to reduce the burden on providers as well as the number of payment denials that providers and suppliers appeal.

OMHA also took measures to mitigate the effects of the workload increase at the Administrative Law Judge level. One of the immediate measures taken was to ensure that the comparatively small numbers of beneficiary-initiated appeals were prioritized. For the remaining cases, OMHA has deferred assignments of new requests for hearing until an adjudicator becomes available, which allows appeals to be assigned more efficiently on a first in/first out basis as an Administrative Law Judge's case docket is able to accommodate additional workload. Nevertheless, OMHA Administrative Law Judges continue to conduct hearings on their pending workloads and have nearly doubled their productivity from Fiscal Year 2009 to Fiscal Year 2013.

On February 12, 2014, OMHA hosted a Medicare Appellant Forum (see OMHA's Notice of Meeting, published on January 3, 2014, 79 FR 393). The Medicare Appellant Forum was conducted to provide the appellant community with an update on the status of OMHA operations; relay information on a number of OMHA initiatives designed to mitigate the backlog in the processing of Medicare appeals at the Administrative Law Judge level; and provide information on measures that appellants could take to make the administrative appeals process work more efficiently at the Administrative Law Judge level. In addition, CMS and the DAB participated in the forum and shared information on operations at their respective appeals levels. As conveyed at the Medicare Appellant Forum, HHS is committed to addressing the challenges facing the Medicare claim and entitlement appeals process, and is continuing to explore potential initiatives to address the workload increase and reduce the backlog of appeals.

Since the Medicare Appellant Forum, OMHA has implemented two pilot programs to provide appellants with meaningful options to address claims pending at the Administrative Law Judge level of appeal, in addition to the existing right to escalate a request for hearing when the adjudication time frame is not met. OMHA is providing appellants with an option to use statistical sampling during the Administrative Law Judge hearing process, which enables appellants to obtain a decision on large numbers of appealed claims based on a sampling of those claims. OMHA is also providing appellants with an option for settlement conference facilitation, which provides appellants with an independent OMHA facilitator to discuss potential settlement of claims with authorized settlement officials through an alternate dispute resolution process. Additional information on these two pilots can be found on OMHA's Web site, *http://www.hhs.gov/omha.*

OMHA also continues to pursue new case processing efficiencies and an electronic case adjudication processing environment (ECAPE) to bring further efficiencies to the appeals process.

In addition to these initiatives, on August 29, 2014, CMS announced that for claims denied based on inappropriate inpatient status for dates of admission prior to October 1, 2013, CMS is offering an administrative agreement to acute care hospitals and critical access hospitals willing to withdraw pending appeals in exchange for partial payment (68 percent) of the denied inpatient claim (for details regarding the option, see *http://go.cms.gov/InpatientHospitalReview*). In the CMS Ruling 1455–R (published March 18, 2013) and the Fiscal Year 2014 Hospital Inpatient Prospective Payment System Final Rule (published August 22, 2013), CMS clarified the inpatient admission policy for Medicare Part A payment and permitted hospitals to rebill an expanded scope of medically necessary Part B services under Part B. For appeals involving a date of admission prior to October 1, 2013, the hospitals are permitted to rebill under Part B after they have ended or exhausted their Part A inpatient appeals. However, only a limited number of hospitals have participated in the rebilling option. This new CMS administrative agreement option is an alternative to that rebilling process, and, for those hospitals that elect this option, alleviates the administrative burden of current appeals on both the provider and Medicare.

The first OMHA Medicare Appellant Forum, held in February 2014, focused on informing the appellant community of the extent of the current workload challenges and potential initiatives to address those challenges. This second OMHA Medicare Appellant Forum will address new initiatives, OMHA processes and procedures to achieve meaningful backlog reduction strategies and process efficiencies, and current workload status.

II. Medicare Claim Appeal Appellant Forum and Conference Calling/Webinar Information

A. Format of the OMHA Medicare Appellant Forum

As noted in section I of this notice, OMHA is conducting this outreach to appellants in the Medicare claim appeals process to provide updates on initiatives to mitigate a backlog in processing Medicare appeals at the OMHA level. Information regarding the OMHA Medicare Appellant Forum can be found on the OMHA Web site at: *http://www.hhs.gov/omha/index.html.*

The majority of the forum will be reserved for presentations about OMHA and CMS initiatives, a presentation from the HHS Departmental Appeals Board, and processes and policy presentations. The time for each presentation will be approximately 30 to 60 minutes and will be based on the material being addressed in the presentation.

Questions and comments from in-person attendees will be solicited at the end of each planned session specific to the presentation, and during a separate question and answer session as time permits. In addition, questions related to the OMHA level of the Medicare claim appeals process will also be accepted on an attendee's registration for potential response during the appropriate presentation.

B. Conference Call, Live Streaming, and Webinar Information

For participants who cannot attend the OMHA Medicare Appellant Forum in person, there will be the option to attend via teleconference and there may be an option to view the conference via webcasting. Information on the availability of these capabilities will be posted on the OMHA Web site at: *http://www.hhs.gov/omha/index.html.* Please continue to check the Web site for updates on this upcoming event.

Disclaimer: We cannot guarantee reliability of webcasting.

III. Registration Instructions

The OMHA Headquarters Office is coordinating attendee registration for the OMHA Medicare Appellant Forum. While there is no registration fee, individuals planning to attend the forum must register to attend. In-person participation is limited to two (2) representatives from each organization. Additional individuals may participate by telephone conference or, if available, by webcasting. Information on participation by telephone conference or webcasting will be posted on the OMHA Web site at: *http://www.hhs.gov/omha/index.html.* Registration may be

completed online at the following web address: *http://www.hhs.gov/omha/index.html*. Seating capacity for in-person attendees is limited to the first 400 registrants.

After completing the registration, online registrants will receive a confirmation email which they should bring with them to the meeting. If unable to register online, please register by sending an email to *OSOMHAAppellantForum@hhs.gov*. Please include first and last name, title, organization, address, office telephone number, and email address. If seating capacity has been reached, a notification will be sent that the meeting has reached capacity.

IV. Security, Building, and Parking Guidelines

Because the OMHA Medicare Appellant Forum will be conducted on Federal property, for security reasons, any persons wishing to attend these meetings must register by the date specified in the **DATES** section of this notice. Please allow sufficient time to go through the security checkpoints. It is suggested that you arrive at the Wilbur J. Cohen building, located at 330 Independence Ave. SW., Washington, DC 20024, no later than 9:30 a.m. EST if you are attending the forum in person.

Security measures include the following:

- Present of photographic identification to the Federal Protective Service or Guard Service personnel.
- Passing through a metal detector and inspection of items brought into the building. We note that all items brought to the Cohen Building, whether personal or for the purpose of demonstration or to support a demonstration, are subject to inspection. We cannot assume responsibility for coordinating the receipt, transfer, transport, storage, set-up, safety, or timely arrival of any personal belongings or items used for demonstration or to support a demonstration.

Note: Individuals who are not registered in advance will not be permitted to enter the building and will be unable to attend the forum in person.

Attendees must enter the Cohen Building thru the C Street entrance and proceed to the registration desk. All visitors must be escorted in areas other than the auditorium area and access to the restrooms on the same level in the building. Seating capacity is limited to the first 400 registrants.

Parking in Federal buildings is not available for this event. In addition, street side and commercial parking is extremely limited in the downtown area. Attendees are advised to use Metro-rail to either the Federal Center SW station (Blue/Orange line) or the L'Enfant Plaza station (Yellow/Green or Blue/Orange lines). The Wilbur J. Cohen building is approximately 1½ blocks from each of these Metro-rail stops.

(Catalog of Federal Domestic Assistance Program No. 93.770, Medicare—Prescription Drug Coverage; Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: October 9, 2014.

Nancy J. Griswold,

Chief Administrative Law Judge, Office of Medicare Hearings and Appeals.

[FR Doc. 2014–24637 Filed 10–22–14; 8:45 am]

BILLING CODE 4150–46–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Renewal of Charters for Certain Federal Advisory Committees

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, as amended (5 U.S.C. App), the U.S. Department of Health and Human Services (HHS) is hereby announcing that the charters have been renewed for the following federal advisory committees for which the Office of the Assistant Secretary for Health provides management support: Chronic Fatigue Syndrome Advisory Committee (CFSAC); President's Council on Fitness, Sports, and Nutrition (PCFSN); Secretary's Advisory Committee on Human Research Protections (SACHRP); and Advisory Committee on Blood and Tissue Safety and Availability (ACBTSA). Functioning as federal advisory committees, these committees are governed by the provisions of the Federal Advisory Committee Act (FACA). Under FACA, it is stipulated that the charter for a federal advisory committee must be renewed every two years in order for the committee to continue to operate.

FOR FURTHER INFORMATION CONTACT: Olga B. Nelson, Committee Management Officer, Office of the Assistant Secretary for Health; U.S. Department of Health and Human Services; 200 Independence Avenue SW., Room 714B; Washington, DC 20201; (202) 690–5205.

SUPPLEMENTARY INFORMATION: CFSAC was established on September 5, 2002 as a discretionary federal advisory committee. The Committee provides science-based advice and recommendations to the Secretary of Health and Human Services, through the Assistant Secretary for Health, on abroad range of issues and topics pertaining to myalgic encephalomyelitis/chronic fatigue syndrome (ME/CFS), including (1) the current state of knowledge and research and the relevant gaps in knowledge and research about the epidemiology, etiologies, biomarkers, and risk factors relating to ME/CFS, and identifying potential opportunities in these areas; (2) impact and implications of current and proposed diagnosis and treatment methods for ME/CFS; (3) development and implementation of programs to inform the public, health care professionals, and the biomedical, academic, and research communities about ME/CFS advances; and (4) partnering to improve the quality of life of ME/CFS patients.

There was one amendment proposed and approved for the new charter. The charter has been amended to change all references to chronic fatigue syndrome (CFS) to include the myalgic encephalomyelitis (ME). This amendment to the charter was proposed to satisfy a recommendation previously made by CFSAC. During the October 2010 meeting, the Committee had recommended that the Department should "adopt [use of] the term ME/CFS across all HHS programs. After the recommendation was made, the Committee elected to use ME/CFS when discussing this health condition. Amending the charter to reflect the use of ME/CFS demonstrates that the Department supports the Committee's recommendation.

On September 5, 2014, the Secretary of Health and Human Services approved for the CFSAC charter with the proposed amendment to be renewed. The new charter has been made effective; the charter was filed with the appropriate Congressional committees and the Library of Congress on September 5, 2014. Renewal of the CFSAC charter provides authorization for the Committee to continue to operate until September 5, 2016. A copy of the Committee charter is available on the CFSAC Web site at *http://www.hhs.gov/advcomcfs*.

The PCFSN is a non-discretionary federal advisory committee. The PCFSN was established under Executive Order 13545, dated June 22, 2010. This authorizing directive was issued to amend the purpose, function, and name of the Council, which formerly operated as the President's Council on Physical Fitness and Sports (PCPFS). The scope

of the Council was changed to include nutrition to bring attention to the importance of good nutritional habits with regular physical activity for maintaining a healthy lifestyle. The PCFSN is the only federal advisory committee that is focused solely on the promotion of physical activity, fitness, sports, and nutrition. Since the PCFSN was established by Presidential directive, appropriate action had to be taken by the President or agency head to authorize continuation of the PCFSN. The President issued Executive Order 13652, dated September 30, 2013, to give authorization for the PCFSN to continue to operate until September 30, 2015.

No amendments were recommended for the PCFSN charter. The charter was approved by the Secretary of Health and Human Services and filed with the appropriate Congressional committees and the Library of Congress on September 10, 2014. A copy of the Council charter is available on the PCFSN Web site at *http://fitness.gov.*

SACHRP is a discretionary federal advisory committee. SACHRP provides advice to the Secretary, through the Assistant Secretary for Health, on matters pertaining to the continuance and improvement of functions within the authority of the Department of Health and Human Services concerning protections for human subjects in research.

No amendments were recommended for the SACHRP charter. On October 1, 2014, the Secretary of Health and Human Services approved for the SACHRP charter to be renewed. The new charter also was filed with the appropriate Congressional committees and the Library of Congress on October 1, 2014. SACHRP is authorized to continue to operate until October 1, 2016. A copy of the charter is available on the Committee Web site at *http://www.hhs.gov/ohrp/sachrp/.*

The ACBTSA is a discretionary federal advisory committee. The Committee provides advice to the Secretary, through the Assistant Secretary for Health, on a range of policy issues related to the safety of blood, blood products, organs, and tissues. For organs and blood stem cells, the Committee's work is limited to policy issues related to donor derived infectious disease complications of transplantation.

The following amendments were proposed and approved for the ACBTSA charter: (1) Under *Objectives and Scope of Activities,* the term "human" has been removed. Xenotransplantation is the transplantation of living cells, tissues, and organs from one species to another. Such cells, tissues or organs are called xenografts. Due to the unavailability of certain human organs, animal (pig) tissues are used in transplantation. All aspects of transplantation need to be covered as the shorter life span and diseases of animals are different from that of humans; (2) Under *Designated Federal Officer (DFO),* the text has been amended to include information about the Alternate DFO assuming the responsibilities associated with the position in the absence of the DFO; (3) Under *Membership and Designation,* the reference to an organ procurement organization as one of the official industry representatives was changed to reflect the Association of Organ Procurement Organizations (AOPO) because this is the only organ procurement organization from which a qualified representative can be selected. Also under this section, the information about the number of non-voting *ex-officio* members was changed from nine to eight. As the charter was previously worded, it appeared that the National Institutes of Health (NIH) was authorized to have two representative positions—one each for intra- and extramural research. Authorization had been given for NIH to have only one representative member on the ACBTSA. The charter has been changed to reflect that there are eight non-voting *ex-officio* members, and the description of the representation to be provided for the NIH has been removed.

On October 8, 2014, the new charter was approved by the Secretary of Health and Human Services and filed with the appropriate Congressional committees and the Library of Congress. ACBTSA is authorized to operate until October 9, 2016. A copy of the charter can be obtained on the ACBTSA Web site at *http://www.hhs.gov/ash/bloodsafety.*

Copies of the charters for the designated committees also can be obtained by accessing the FACA database that is maintained by the Committee Management Secretariat under the General Services Administration. The Web site address for the FACA database is *http://facadatabase.gov/.*

Dated: October 15, 2014.

Wanda K. Jones,

Acting Assistant Secretary for Health.

[FR Doc. 2014–25155 Filed 10–22–14; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–15–0985]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. To request more information on the below proposed project or to obtain a copy of the information collection plan and instruments, call 404–639–7570 or send comments to Leroy A. Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Written comments should

be received within 60 days of this notice.

Proposed Project

Returning Our Veterans to Employment and Reintegration (OMB No. 0920–0985, expires 09/30/2015)—Revision—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The mission of the National Institute for Occupational Safety and Health (NIOSH) is to promote safety and health at work for all people through research and prevention. The Occupational Safety and Health Act, Public Law 91–596 (section 20[a][1]), authorizes NIOSH to conduct research to advance the health and safety of workers. NIOSH is requesting a three-year approval to account for the proposed changes to 0920–0985 in order to improve the response rates for one of the two surveys included in the information collection, the Veterans Survey. No changes have been made to the Assistance Dog Provider Survey.

Veterans with chronic posttraumatic stress disorder (PTSD) face barriers that prevent many of them from successfully reintegrating into society and returning to the work force. Various reports claim that higher unemployment rates and increased healthcare costs and utilization are associated with PTSD. Symptoms associated with PTSD include diminished interest or participation in significant activities, feelings of detachment or estrangement from others, difficulty falling or staying asleep, hyper vigilance, exaggerated startle response, difficulty with concentration or attention, and a restricted range of affect. Amelioration of PTSD symptoms is necessary to facilitate reintegration of veterans into society and the workforce; these benefits may also contribute positively to veterans' overall physical and psychological health.

An approach for helping veterans with PTSD and other psychiatric impairments is that of using service dogs for assistance and support. A quick Internet search will find dozens of Web sites by providers of service dogs for veterans, with assistance in transition to daily life (not necessarily employment) being the primary goal. The present research study will focus on the following questions with two surveys.

The Assistance Dog Provider Survey will target service dog providers to address the following questions:

1. Among assistance dog providers sampled in the U.S., how many provide services to veterans?
2. Among assistance dog providers that provide services to veterans, what are the specific strategies used or services offered to address issues related to veterans and, specifically, return to work?
3. From the perspective of assistance dog providers, have the services or the requests for services to assist veterans return to work increased, decreased, or remained the same during the past five years.

The Veteran Survey will target veterans to address the following questions:

1. Is a veteran's history or current experience with pet ownership/bonding associated with physical, psychological, and emotional health?
2. Is a veteran's history with pet ownership/bonding associated with their ability to cope with post-deployment or post-service stressors?
3. Is a veteran's current experience with pet ownership/bonding associated with their ability to cope with post-deployment or post-service stressors?
4. Do the facilitators and barriers associated with reemployment differ by veterans' physical, psychological, and emotional health?
5. What factors mediate or moderate the impact of pet ownership/bonding among veterans' with physical and/or psychological disabilities and with regard to the facilitators and barriers associated with reemployment?

The purpose of both surveys is to increase available information about services provided to veterans by assistance dog training organizations, and to increase available information on veteran's attitudes and perceptions about physical, psychological, physiological, and functional barriers that prevent veterans with PTSD and other physical or psychiatric disorders from returning to work, and to provide information about the potential benefits of animals and animal-assisted interventions.

The information and the Internet link to the web-based Assistance Dog Provider Survey will be sent by email to approximately 1,000 service dog providers. It is estimated that 700 individuals will read the initial email or take the follow up phone call only. Depending on the level of involvement of each agency, activities associated with reading the email and responding to the email is estimated to take each respondent approximately five minutes and taking the follow up phone call is estimated to take an additional five minutes.

The information and the Internet link to the web-based veteran survey will be sent by email to approximately 300 veteran agencies. The activities associated with reading the email, taking the follow up phone call, and distributing the flyer (and postcards, if requested) or forwarding the survey announcement to additional individuals is estimated to take up to five minutes each. These agencies will then distribute the email and flyer to the veterans associated with the agency at their discretion. Based on the results of similar studies, we anticipate a response rate of approximately 6,000 veterans.

Results of this survey will lead to recommendations and guidance for assistance dog providers, healthcare professionals, researchers, and policymakers pertaining to animal-assisted interventions to help facilitate the reintegration and reemployment of Veterans. These surveys are part of a larger project that will identify priorities and new opportunities for research, as well as address policy implications associated with public access rights afforded to service dogs by the Americans with Disabilities Act. There are no costs to the respondents other than their time. The total estimated annual burden hours are 6,586.

We are requesting four changes to the Veteran Survey: (1) The inclusion of an incentive (the chance to win a $50 VISA gift card after completing all or portions of the survey), (2) revised, simplified survey announcements (emails and flyers), (3) an additional announcement in the form of postcards to be provided (only if requested) to veterans agencies to assist their dissemination of the survey announcement, and (4) the addition of a collaborating investigator. Changes 1–3 are attempts to increase the response rate. To date, only 66 veterans have completed the survey; the target number of respondents is 6,000. The average burden associated with Change 3 is expected to increase up to 60 minutes for some veteran's agency personnel. No change in burden is expected for veterans.

No changes to any aspect of the Assistance Dog Provider Survey are being requested in this revision. Data collection is ongoing, but a sufficient number of service dog providers have completed the survey that changes to the recruitment methods are not necessary.

ESTIMATED ANNUALIZED BURDEN HOUR

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Assistance Dog Providers (who read the initial email).	Assistance Dog Provider Recruitment Email.	700	1	5/60	58
Assistance Dog Providers (who take follow up phone call).	Assistance Dog Provider Survey Reminder Follow-up Telephone Script.	700	1	5/60	58
Assistance Dog Providers choosing to complete survey.	Assistance Dog Provider Survey	300	1	30/60	150
Veterans Agency Contacts (who read the initial email).	Veterans Survey Announcement Email.	100	1	5/60	8
Veterans Agency Contacts (who take follow up phone call).	Veterans Survey Follow-up Telephone Script.	100	1	5/60	8
Veterans Agency Contacts (who opt to receive and distribute the postcards).	Veterans Survey Announcement Postcard.	100	1	1	100
U.S. Veterans	Veteran Survey	6,000	1	1	6,000
U.S. Veterans	Raffle Form	6,000	1	2/60	200
U.S. Veterans (who are selected as winners in raffle and are contacted by phone).	Raffle Winner Telephone Script	25	1	5/60	2
U.S. Veterans (who are selected as winners in raffle and contacted by email).	Raffle Winner Contact Email	25	1	5/60	2
Total	.....	.....	.....	.....	6,586

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–25251 Filed 10–22–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–15–0773]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov*. Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

National Surveillance for Severe Adverse Events Associated with Treatment of Latent Tuberculosis Infection (OMB No. 0920–0773, expires 11/30/2014)—Extension—Division of Tuberculosis Elimination (DTBE), National Center for HIV, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

As part of the national tuberculosis (TB) elimination strategy, the American Thoracic Society and CDC have published recommendations for targeted testing for TB and treatment for latent TB infection (LTBI) (Morbidity and Mortality Weekly Report (MMWR) 2000;49[RR06];1–54). However, between October 2000 and September 2004, the CDC received reports of 50 patients with severe adverse events (SAEs) associated with the use of the two or three-month regimen of rifampin and pyrazinamide (RZ) for the treatment of LTBI; 12 (24%) patients died (MMWR 2003;52[31]:735–9).

In 2004, CDC began collecting reports of SAEs associated with any treatment regimen for LTBI. For surveillance purposes, an SAE was defined as any drug-associated reaction resulting in a patient's hospitalization or death after at least one treatment dose for LTBI. During 2004–2008, CDC received 17 reports of SAEs in 15 adults and two children; all patients had received isoniazid (INH) and had experienced severe liver injury (MMWR 2010; 59:224–9).

Reports of SAEs related to RZ and INH have prompted a need for this

project (a national surveillance system of such events). The objective of the project is to determine the annual number and temporal trends of SAEs associated with any treatment for LTBI in the United States. Surveillance of such events will provide data to support periodic evaluation or potential revision of guidelines for treatment of persons with LTBI.

On December 9, 2011, CDC published the *Recommendations for Use of an Isoniazid-Rifapentine Regimen with Direct Observation to Treat Latent Mycobacterium tuberculosis Infection* in MMWR 2011;60(48);1650–1653. Isoniazid-Rifapentin (3HP) is a new biweekly 3-month treatment regimen for LTBI. Since 2011, there have been 28 reports of SAE; 26 of these were associated with 3HP.

The CDC requests approval for a 3-year extension of the previously approved National Surveillance for Severe Adverse Events Associated with Treatment of Latent Tuberculosis Infection. This project will continue the passive reporting system for SAEs associated with therapy for LTBI. The system will rely on medical chart review and/or onsite investigations by TB control staff.

Potential respondents are any of the 60 reporting areas for the national TB surveillance system (the 50 states, the District of Columbia, New York City, Puerto Rico, and 7 jurisdictions in the Pacific and Caribbean).

Data will be collected using the data collection form for SAEs associated with LTBI treatment. Based on previous reporting, CDC anticipates receiving an average of 10 responses per year from the 60 reporting areas. The data collection form is completed by healthcare providers and health departments for each reported hospitalization or death related to treatment of LTBI and contains demographic, clinical, and laboratory information.

CDC will analyze and periodically publish reports summarizing national LTBI treatment adverse events statistics and also will conduct special analyses for publication in peer-reviewed scientific journals to further describe and interpret these data.

The Food and Drug Administration (FDA) collects data on adverse events related to drugs through the MedWatch: The FDA Medical Products Reporting Program (OMB#0910–0291, exp. 6/30/2015). CDC is encouraging health departments and healthcare providers to report SAEs to FDA. Reporting will be conducted through telephone, email, or during CDC site visits.

CDC is requesting approval for approximately 60 burden hours annually. The only cost to respondents is time to gather medical records and time to complete the reporting form. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Physician	NSSAE	10	1	1
Nurse	NSSAE	10	1	4
Medical Clerk	NSSAE	10	1	1

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–25250 Filed 10–22–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Intent To Award Ebola Response Outbreak Funding to African Field Epidemiology Network (AFENET)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice provides public announcement of CDC's intent to award Ebola appropriations to AFENET for response to the Ebola outbreak funding. This award was proposed in Fiscal Year (FY) 2015 under funding opportunity announcement GH10–1006 Strengthening the Development of Applied Epidemiology and Sustainable Public Health Capacity through Collaboration, Program Development and Implementation, Communication and Information Sharing."

Catalogue of Federal Domestic Assistance Number (CFDA): 93.283

Authority: Public Health Service Act 42 U.S.C. 287b 31 U.S.C. 6305 42 CFR 63a.

Single award may be awarded totaling $1,800,000 for Ebola response outbreak.

Funding is appropriated under the Continuing Appropriations Resolution, 2015, Public Law 113–164, 128 Stat. 1867 (2014).

DATES: Anticipated award date 10/30/2014 through 09/14/2015

Application Due Date: 10/23/2014 Project Number is CDC–RFA–GH10–1006

ADDRESSES: CDC has waived the Grants.gov electronic submission process for this requirement. Recipients are hereby authorized to submit a paper copy application for (CDC–RFA–GH10–1006) via Express Mail (i.e. FedEx, UPS, or DHL) and send the application via email. Mailed applications must be address to Arthur C. Lusby, Centers for Disease Control and Prevention, 2920 Brandywine Road, Atlanta, GA 30341, telephone (770) 488–2865, or email him at *ALusby@cdc.gov.* The application must include a detailed line-item budget and justification to support the Ebola activities from October 31, 2014 to September 29, 2015. Please download the following to complete the application package: *http://apply07.grants.gov/apply/forms/sample/SF424_2_1-V2.1.pdf*—Application Package; *http://www.cdc.gov/od/pgo/funding/docs/CertificationsForm.pdf*—Certifications; *http://www.cdc.gov/od/pgo/funding/grants/Budget_Preparation_Guidelines_8-2-12.docx*—CDC–PGO Budget Guidelines; *http://apply07.grants.gov/apply/forms/sample/SF424A-V1.0.pdf*—SF–424A Budget Information.

All applications must be submitted to and received by the Grants Management Officer (GMO) no later than 11:59 p.m. EST on October 23, 2014 and please provide the GMO a PDF version of the application by email to the following email address: *pgoebolaresponse@cdc.gov* subject line: CDC–RFA–GH10–1006.

Applicants will be provided with the Funding Opportunity Announcement (FOA) and additional application submission guidance via email notification. Applicants may contact the POCs listed with questions regarding the application process.

FOR FURTHER INFORMATION CONTACT:

For Programmatic or Technical Assistance

Kenneth Johnson, Project Officer, Department of Health and Human Services, Centers for Disease Control and Prevention, 1600 Clifton Rd MS E–93, Atlanta, GA 30333, Telephone: 404 639–4203, *KAJO@cdc.gov.*

For financial, awards management, or budget assistance: Arthur C. Lusby, Grants Management Officer, Centers for Disease Control and Prevention, 2920 Brandywine Road, Atlanta, GA 30341, Telephone (770) 488–2865, Email: *ALusby@cdc.gov.*

SUPPLEMENTARY INFORMATION: The purpose of this notice is to solicit an application from AFENET to assist in addressing the spread of the Ebola virus in West Africa and contain the disease as quickly as possible. The funding will support the impacted Ebola-affected countries and the surrounding countries to combat this health crisis. This funding will target the following countries: Liberia, Sierra Leone, Guinea, Burkina Faso, Niger, Mauritania, Mali, Senegal, Guinea Bissau, Ghana, Gambia, Cote d'Ivoire, Togo, Benin, and Nigeria to support the response to the outbreak of Ebola virus in West Africa. This funding will enable the U.S. to provide unified mobilization to address a crisis of this magnitude. CDC will continue to build partnerships and strengthen existing projects to respond to Ebola. CDC and its partners will help to address the need for surveillance, detection, coordination, response, and increase eligible governments' capacity to respond to the Ebola outbreak.

Award Information

Type of Award: Expansion Supplement.

Approximate Total Current Fiscal Year ACA Funding: $1,800,000.

Anticipated Number of Awards: single.

Fiscal Year Funds: 2015.

Anticipated Award Date: October 30, 2014.

Application Selection Process: Funding will be awarded to applicant based on results from the technical review recommendation.

Dated: October 20, 2014.

Ron A. Otten,

Acting Deputy Associate Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–25248 Filed 10–20–14; 4:15 pm]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Office of the Director; The Advisory Committee to the Director, CDC; Meeting

Notice of Cancellation: This notice was published in the **Federal Register** on September 29, 2014, Volume 79, Number 189, page 58353. The meeting previously scheduled to convene on October 23, 2014 has been cancelled.

Contact Person for More Information: Gayle Hickman, Committee Management Specialist, Office of the Chief of Staff, 1600 Clifton Road, Mail Stop D–14, Atlanta, GA 30303; telephone 404/639–7158, fax 404/639–7212; Email: *ghickman@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Claudette Grant,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–25258 Filed 10–22–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, Office of Public Health Preparedness and Response, Board of Scientific Counselors (BSC, OPHPR); Notice of Meeting Cancellation

Cancellation: This notice was published in the **Federal Register** on September 23, 2014, Volume 79, Number 184, page 56806. The meeting previously scheduled to convene on October 27–28, 2014, has been cancelled.

Contact Person for More Information: Christye Brown, BSC Coordinator, Office of Science and Public Health Practice, Centers for Disease Control and Prevention, 1600 Clifton Road NE., Mailstop D–44, Atlanta, Georgia 30333, Telephone: (404) 639–7957; Facsimile: (404) 639–7977; Email: *OPHPR.BSC.Questions@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Claudette Grant,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–25163 Filed 10–22–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Child Support Enforcement Program; Report to Congress

AGENCY: Administration for Children and Families, Department of Health and Human Services (HHS).

ACTION: Notice of request for information.

SUMMARY: The Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement requests public comments to inform its upcoming Report to Congress. The Report to Congress ("Report") is required to be submitted no later than June 30, 2015 under Title III, Section 305 of H.R. 4980 (Pub. L. 113–183), Preventing Sex Trafficking and Strengthening Families Act of 2014. The legislation was signed into law on September 29, 2014. This Request for Information offers the opportunity for interested individuals and organizations to provide input on specific Report requirements or other information that would be valuable to the Report development.

DATES: Comments must be received by 11:59 p.m. on December 22, 2014, to be considered.

ADDRESSES: Respondents are encouraged to submit their comments through the following methods; although email is the preferred method of submission.

Email: Email comments concerning this notice to *OCSEreport@acf.hhs.gov.* Email submissions will receive an electronic confirmation acknowledging

receipt of your response, but will not receive individualized feedback on any suggestions.

Postal Mail: ACF/Office of Child Support Enforcement, Attn: OCSE Report—Sheila Drake, 370 L'Enfant Promenade SW., 4th Floor East, Washington, DC 20447. Submissions by postal mail must be received by the deadline, and should allow sufficient time for security processing.

SUPPLEMENTARY INFORMATION: This Request for Information offers the opportunity for interested individuals and organizations to provide input on specific Report requirements or other information that would be valuable to the Report development.

Background

H.R. 4980 (Pub. L. 113–183), Preventing Sex Trafficking and Strengthening Families Act (Act) of 2014 was passed by both the House and Senate and then signed by the President on September 29, 2014. Under the Act's Title III—Improving International Child Support Recovery, Section 305—Report to Congress, the Secretary, in conjunction with the strategic plan, is directed to review and provide recommendations for cost-effective improvements to the child support enforcement program funded under title IV–D of the Social Security Act and ensure that the plan addresses the effectiveness and performance of the program, analyzes program practices, identifies possible new collection tools and approaches, and identifies strategies for holding parents accountable for supporting their children and for building the capacity of parents to pay child support, with specific attention given to matters including front-end services, ongoing case management, collections, tribal-state partnerships, interstate and intergovernmental interactions, program performance, data analytics, and information technology. This shall be done in consultation with stakeholders including state, tribal, and county child support directors; judges who preside over family courts and organizations that represent the judges; custodial and noncustodial parents and the organizations that represent them; and fiduciaries such as financial institutions and employers. The Secretary shall submit a report to Congress not later than June 30, 2015, which will include:

- An analysis of the effectiveness of state child support programs;
- Recommendations for methods to enhance the effectiveness of child support programs and collection practices;
- A review of state best practices in regards to establishing and operating state and multistate lien registries;
- A compilation of state recovery and distribution policies;
- Options, with analysis, for methods to engage noncustodial parents in the lives of their children through consideration of parental time and visitation with children;
- An analysis of the role of alternative dispute resolution in making child support determinations;
- Identification of best practices for determining which services and support programs available to custodial and noncustodial parents are non-duplicative, evidence-based, produce quality outcomes, and connect parents to those services and support programs. Identification of best practices for providing employment support, job training, and job placement for custodial and noncustodial parents. Identification of best practices for establishing services and supports and child support tracking with options for preventing and resolving uncollectible arrears;
- Options, with analysis, for methods for states to use to collect child support payments from individuals who owe excessive arrearages;
- A review of state practices used to determine which individuals are excluded from the requirement to be reported to the Passport Denial program, including the extent to which individuals are able to successfully contest or appeal decisions; and
- Options, with analysis, for such legislative and administrative actions as are determined to be appropriate for improvement in child support enforcement.

Additional Instructions Regarding Comments To Be Submitted

In your comments, please reference the specific paragraph of the legislation or issue area. Please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. Information obtained as a result of this notice may be used by the Federal Government for Report development. Please be aware that your comments may be posted online or cited in the Report.

Authority: Sec. 305, Pub. L. 113–183, 128 Stat. 1919.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2014–25024 Filed 10–22–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0001]

Anti-Infective Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Anti-Infective Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on December 4, 2014, from 8:30 a.m. to 5 p.m.

Location: The Marriott Inn and Conference Center, University of Maryland University College (UMUC), The Ballroom, 3501 University Blvd. East, Hyattsville, MD 20783. The conference center's telephone number is 301–985–7300.

Contact Person: Jennifer Shepherd, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, FAX: 301–847–8533, email: *AIDAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: The committee will discuss issues related to clinical development programs and clinical trial designs for antibacterial products for the treatment of patients with serious bacterial infections for which there are limited or no therapeutic options.

FDA intends to make background material available to the public no later than 2 business days before the meeting.

If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm*. Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before November 19, 2014. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before November 10, 2014. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by November 12, 2014.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Jennifer Shepherd at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: October 17, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–25218 Filed 10–22–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects (Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995), the Health Resources and Services Administration (HRSA) announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this Information Collection Request must be received no later than December 22, 2014.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 10–29, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Partnerships for Care (P4C). Supplemental Funding Progress Reports

OMB No.: 0915–xxxx—New.

Abstract: Partnerships for Care (P4C): Health Departments and Health Centers Collaborating to Improve HIV Health Outcomes is a 3-year cross-HHS project funded through the Secretary's Minority AIDS Initiative (MAI) Fund and the Affordable Care Act (ACA). The goals of the P4C project are to build sustainable partnerships among CDC-funded state health departments (including Massachusetts, New York, Maryland, and Florida) and HRSA-funded health centers to support expanded HIV service delivery in communities highly impacted by HIV, especially among racial/ethnic minorities. State health departments and health centers will work together to increase the identification of undiagnosed HIV infection, establish new access points for HIV care and treatment, and improve HIV outcomes along the continuum of care for people living with HIV (PLWH) (see P4C fact sheet at *http://www.cdc.gov/hiv/prevention/demonstration/p4c/index.html* and HHS press release at *http://www.hhs.gov/news/press/2014pres/07/20140715a.html*). Each eligible health center (22 across four funded states) will receive up to $500,000 annually in HRSA supplemental funding (totaling $33M across the 3-year project period) to integrate high-quality, comprehensive HIV services into their primary care programs; and to work in collaboration with their state health department to (1) identify people with undiagnosed HIV infection, (2) link newly diagnosed individuals to care, and (3) retain patients living with HIV in care. Health centers must implement activities in five focus areas including workforce development, infrastructure development, HIV service delivery, partnership development, and quality improvement and evaluation. Health centers must demonstrate progress toward implementing all required P4C activities and improving health care outcomes across the HIV care continuum (see *http://aids.gov/federal-resources/policies/care-continuum/*).

Need and Proposed Use of the Information: HRSA/Bureau of Primary Health Care (BPHC) proposes standardized data collection and reporting by the 22 health centers participating in the P4C project to achieve the following purposes:

1. Ensure appropriate stewardship of federal funds.
2. Support HHS efforts to streamline HIV data collection and reporting.
3. Assess health center progress in implementing approved work plans and meeting other P4C goals and objectives.
4. Assess health center progress in improving HIV outcomes across the HIV care continuum.
5. Support health center use of patient data to improve quality of HIV care.
6. Identify training and technical assistance needs among participating health centers.
7. Support identification and dissemination of effective models and

promising practices for the integration of HIV services into primary care.

Proposed data collection closely aligns with (1) core HIV indicators established by HHS (see *http://blog.aids.gov/2012/08/secretary-sebelius-approves-indicators-for-monitoring-hhs-funded-hiv-services.html*), (2) measures endorsed by the National Quality Forum (NQF) (see *http://www.qualityforum.org/News_And_Resources/Press_Releases/2013/NQF_Endorses_Infectious_Disease_Measures.aspx*), (3) performance measures used by the Ryan White HIV/AIDS Program (*http://hab.hrsa.gov/deliverhivaidscare/habperformmeasures.html*), and (4) the Health Center Program's Uniform Data System (UDS) (see *http://bphc.hrsa.gov/healthcenterdatastatistics/index.html#whatisuds*). Specifically, HRSA/BPHC proposes submission of bi-annual progress reports (five total) by participating health centers to include aggregate, HIV-related, patient data (quantitative), and other information regarding implementation of approved work plans (narrative).

Likely Respondents: Health Center Program grantees receiving supplemental awards under the P4C project (22 total).

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this Information Collection Request are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
P4C Progress Report	22	2	44	28	1232
Total	22	2	44	28	1232

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Dated: October 15, 2014.

Jackie Painter,

Acting Director, Division of Policy and Information Coordination.

[FR Doc. 2014–25198 Filed 10–22–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

CDC/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following virtual committee meeting.

Name: Centers for Disease Control and Prevention (CDC)/Health Resources and Services Administration (HRSA) Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment.

Date and Time: 10:00 a.m.–4:30 p.m., November 19, 2014; 10:00 a.m.–12:30 p.m., November 20, 2014.

Place: This meeting is accessible via audio conference call and Adobe Connect Pro.

Status: This meeting is open to the public. The available lines will accommodate approximately 120 people.

Purpose: This Committee is charged with advising the Director, CDC, and the Administrator, HRSA, regarding activities related to prevention and control of HIV/AIDS, Viral Hepatitis and other STDs, the support of health care services to persons living with HIV/AIDS, and education of health professionals and the public about HIV/AIDS, Viral Hepatitis and other STDs.

Agenda: Agenda items include: (1) CDC and HRSA Program Updates; (2) Youth and HIV; (3) HIV Community Health Workforce for Engagement in Care; and (4) CHAC Workgroup Updates. Agenda items are subject to change as priorities dictate.

Join the meeting by:

1. (Audio Portion) Calling the Toll free Phone Number 1–888–942–8515 and providing the Participant Pass Code 2015, and

2. (Visual Portion) Connecting to the Advisory Committee Adobe Connect Pro Meeting using the following URL: *https://hrsa.connectsolutions.com/cdchrsa_advcmt/* (copy and paste the link into your browser if it does not work directly). Participants should call and connect 15 minutes prior to the meeting in order for logistics to be set up.

Call (301) 443–9684 or send an email to *sgordon@hrsa.gov* if you have any questions, or send an email to *JSalaveria@hrsa.gov* if you are having trouble connecting to the meeting site.

Public Comment: Persons who desire to make an oral statement, may request it at the time of the public comment period. Public participation and ability to comment will be limited to space and time as it permits.

FOR FURTHER INFORMATION CONTACT: Shelley B. Gordon, Health Resources and Services Administration, HIV/AIDS Bureau, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–9684.

Dated: October 15, 2014.

Jackie Painter,

Acting Director, Division of Policy and Information Coordination.

[FR Doc. 2014–25199 Filed 10–22–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Advisory Council on Nurse Education and Practice; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following meeting:

Name: National Advisory Council on Nurse Education and Practice (NACNEP).

Dates and Times: November 5–6, 2014, 9:30 a.m.–4:00 p.m. EST.

Place: U.S. Department of Health and Human Services, Health Resources and Services Administration, Parklawn Building, Conference Room #5W–07, 5600 Fishers Lane, Rockville, Maryland 20857, In-Person with Webinar Format Added.

Status: This advisory council meeting will be open to the public.

Purpose: The purpose of this meeting is to discuss the future of nursing practice in the context of interprofessional collaborative practice while identifying the strengths, challenges, achievable solutions, and replicable models required and/or available to move from discussion to providing high quality team-based care. This meeting will form the basis for NACNEP's mandated Thirteenth Annual Report to the Secretary of the U.S. Department of Health and Human Services and Congress. The meeting will include presentations and discussion focused around the purpose and objectives of this meeting.

Agenda: A tentative agenda will be available on the NACNEP Web site 10 days in advance of the meeting with a final agenda posted 1 day prior to the meeting. Agenda items are subject to change as priorities dictate.

SUPPLEMENTARY INFORMATION: Further information regarding NACNEP including the roster of members, Reports to Congress, and minutes from previous meetings is available at the following Web site: *http://www.hrsa.gov/advisorycommittees/bhpradvisory/nacnep/index.html.*

Members of the public and interested parties may request to participate in the meeting by contacting our Staff Assistant, Jeanne Brown to obtain access information. Access will be granted on a first come, first served basis. Space is limited. Public participants may submit written statements in advance of the scheduled meeting. If you would like to provide oral public comment during the meeting please register with the designated federal official (DFO), CDR Serina Hunter-Thomas. Public comment will be limited to 3 minutes per speaker. Statements and comments can be addressed to the DFO, CDR Hunter-Thomas by emailing her at *shunter-thomas@hrsa.gov.*

In addition, please be advised that committee members are given copies of all written statements submitted from the public. Any further public participation will be solely at the discretion of the Chair, with approval of the DFO. Registration through the designated contact for the public comment session is required. Any member of the public who wishes to have printed materials distributed to the Advisory Group for this scheduled meeting should submit material to the designed point of contact no later than 12:00 p.m. EST November 1, 2014.

FOR FURTHER INFORMATION CONTACT: Jeanne Brown, Staff Assistant, National Advisory Council on Nurse Education and Practice, Parklawn Building, Room 9–89, 5600 Fishers Lane, Rockville, Maryland 20857; email *reachDN@hrsa.gov;* telephone (301) 443–5688.

Dated: October 15, 2014.

Jackie Painter,

Acting Director, Division of Policy and Information Coordination.

[FR Doc. 2014–25200 Filed 10–22–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the Program), as required by Section 2112(b)(2) of the Public Health Service (PHS) Act, as amended. While the Secretary of Health and Human Services is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program in general, contact the Clerk, United States Court of Federal Claims, 717 Madison Place NW., Washington, DC 20005, (202) 357–6400. For information on HRSA's role in the Program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 11C–26, Rockville, MD 20857; (301) 443–6593.

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.,* provides that those seeking compensation are to file a petition with the U.S. Court of Federal Claims and to serve a copy of the petition on the Secretary of Health and Human Services, who is named as the respondent in each proceeding. The Secretary has delegated this responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at Section 2114 of the PHS Act or as set forth at 42 CFR 100.3, as applicable. This Table lists for each covered childhood vaccine the conditions which may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that "[w]ithin 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the **Federal Register**." Set forth below is a list of petitions received by HRSA on September 1, 2014, through September 30, 2014. This list provides the name of petitioner, city and state of vaccination (if unknown then city and state of person or attorney filing claim), and case number. In cases where the Court has redacted the name of a petitioner

and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master "shall afford all interested persons an opportunity to submit relevant, written information" relating to the following:

1. The existence of evidence "that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition," and

2. Any allegation in a petition that the petitioner either:

(a) "Sustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table but which was caused by" one of the vaccines referred to in the Table, or

(b) "Sustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine" referred to in the Table.

In accordance with Section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the U.S. Court of Federal Claims at the address listed above (under the heading **FOR FURTHER INFORMATION CONTACT**), with a copy to HRSA addressed to Director, Division of Injury Compensation Programs, Healthcare Systems Bureau, 5600 Fishers Lane, Room 11C–26, Rockville, MD 20857. The Court's caption (Petitioner's Name v. Secretary of Health and Human Services) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

Dated: October 15, 2014.

Mary K. Wakefield,

Administrator.

List of Petitions Filed

1. Andrew Kozel, Pleasanton, California, Court of Federal Claims No: 14–0797V
2. Shannon Churchwell on behalf of R. C. B., Springfield, Oregon, Court of Federal Claims No: 14–0798V
3. Kaye Ann Tufts, Alpena, Michigan, Court of Federal Claims No: 14–0799V
4. Ramona Mary Mestas, Roswell, New Mexico, Court of Federal Claims No: 14–0800V
5. Nicole Muller on behalf of A. M., Mount Laurel, New Jersey, Court of Federal Claims No: 14–0801V
6. Laura Haley, Miami, Florida, Court of Federal Claims No: 14–0802V
7. Thomas Watlington, Forrest City, Arkansas, Court of Federal Claims No: 14–0803V
8. Lobelia Sharp-Rountree, Vancouver, Washington, Court of Federal Claims No: 14–0804V
9. Richard Cass, Washingtonville, New York, Court of Federal Claims No: 14–0805V
10. Kavita Desai, New York City, New York, Court of Federal Claims No: 14–0811V
11. Curt Wilcox, Caribou, Maine, Court of Federal Claims No: 14–0813V
12. Jihyun Park, Greenville, South Carolina, Court of Federal Claims No: 14–0815V
13. Parra O'Siochain, Bolinas, California, Court of Federal Claims No: 14–0816V
14. Lisa Tilley on behalf of Olivia Tilley, Roseville, California, Court of Federal Claims No: 14–0818V
15. Denise Benton, Dallas, Texas, Court of Federal Claims No: 14–0819V
16. Michael Mager on behalf of Victoria Mager, Deceased, Baraboo, Wisconsin, Court of Federal Claims No: 14–0820V
17. Linda Hurley, Ormond Beach, Florida, Court of Federal Claims No: 14–0823V
18. Afton J. Montgomery on behalf of Caden J. Benoit, Opelousas, Louisiana, Court of Federal Claims No: 14–0824V
19. Joshua Kupka, Coral Springs, Florida, Court of Federal Claims No: 14–0826V
20. Lucas Hinojosa, Boston, Massachusetts, Court of Federal Claims No: 14–0827V
21. Gary Fazenbaker, Morgantown, West Virginia, Court of Federal Claims No: 14–0828V
22. Theodore Anglace, Dover, New Hampshire, Court of Federal Claims No: 14–0829V
23. Tissa Abeyratne, Flushing, New York, Court of Federal Claims No: 14–0830V
24. Patricia Jacobs, Conover, North Carolina, Court of Federal Claims No: 14–0833V
25. Patricia Beltran, Alexandria, Virginia, Court of Federal Claims No: 14–0834V
26. Pamela Lawrence, Toledo, Ohio, Court of Federal Claims No: 14–0835V
27. Daniela Crumpton on behalf of Laylah Crumpton, Lawton, Oklahoma, Court of Federal Claims No: 14–0837V
28. Chelsea Burton on behalf of J. B., Lakewood, California, Court of Federal Claims No: 14–0839V
29. Michael Schiffgens, Salem, Massachusetts, Court of Federal Claims No: 14–0840V
30. Nicole Previti, Trenton, Michigan, Court of Federal Claims No: 14–0843V
31. Virginia Bilthuis, Kentwood, Michigan, Court of Federal Claims No: 14–0844V
32. McKenna Wojick, St. Louis Park, Minnesota, Court of Federal Claims No: 14–0845V
33. Kory Brimmer, Albuquerque, New Mexico, Court of Federal Claims No: 14–0846V
34. Sheryl Cox, Maynardville, Tennessee, Court of Federal Claims No: 14–0847V
35. Katie Smith, Pensacola, Florida, Court of Federal Claims No: 14–0848V
36. Mary H. Dahl, Vestavia, Alabama, Court of Federal Claims No: 14–0849V
37. Lawrence Brown, Pottstown, Pennsylvania, Court of Federal Claims No: 14–0850V
38. James Stepp, Williamson, West Virginia, Court of Federal Claims No: 14–0851V
39. Thomas Luch, Pontiac, Michigan, Court of Federal Claims No: 14–0852V
40. Norma Monge-Landry, Boston, Massachusetts, Court of Federal Claims No: 14–0853V
41. Angela M. Smith, Waianae, Hawaii, Court of Federal Claims No: 14–0856V
42. Dennis Parker, Madisonville, Kentucky, Court of Federal Claims No: 14–0857V
43. Karen C. Bonner, Powhatan, Virginia, Court of Federal Claims No: 14–0858V
44. Doris Griffith, Cleveland, Tennessee, Court of Federal Claims No: 14–0859V
45. Antonio DeFelice, Greenfield, Indiana, Court of Federal Claims No: 14–0860V
46. Rosie M. Taylor, Federal Way, Washington, Court of Federal Claims No: 14–0861V
47. Russell Baker, Tarpon Springs, Florida, Court of Federal Claims No: 14–0862V
48. John Diaz and Jordia Nunez on behalf of Josiah John Diaz,

Deceased, Bronx, New York, Court of Federal Claims No: 14–0863V
49. Carmen Ramirez on behalf of Luis Arroyo-Ramirez, Monrovia, California, Court of Federal Claims No: 14–0866V
50. Carmel McDowell, Shallotte, North Carolina, Court of Federal Claims No: 14–0867V
51. Howard Alexander and Sharyn Alexander on behalf of W. A., Baraboo, Wisconsin, Court of Federal Claims No: 14–0868V
52. Diane Solak, Rochester, Michigan, Court of Federal Claims No: 14–0869V
53. Jack Backes, San Diego, California, Court of Federal Claims No: 14–0871V
54. Carmen Carreon, Santa Barbara, California, Court of Federal Claims No: 14–0873V
55. Joan Horowitz, Cleveland, Ohio, Court of Federal Claims No: 14–0874V
56. Jenny Howard on behalf of H. C., Phoenix, Arizona, Court of Federal Claims No: 14–0878V
57. Donna Anderson, Manchester, Connecticut, Court of Federal Claims No: 14–0879V
58. Kenneth Bible, Talihina, Oklahoma, Court of Federal Claims No: 14–0880V
59. Jeffrey Pierce, Henderson, Nevada, Court of Federal Claims No: 14–0881V
60. Kirstin Poma, Portland, Maine, Court of Federal Claims No: 14–0882V
61. Matthew McLaughlin, Rochester, New York, Court of Federal Claims No: 14–0883V
62. Vicky Hermreck, Riverbank, California, Court of Federal Claims No: 14–0884V
63. Joseph Lee Duran, Albuquerque, New Mexico, Court of Federal Claims No: 14–0885V
64. Theresa Rosa, Thermal, California, Court of Federal Claims No: 14–0886V
65. Gloria Holmes, Atlanta, Georgia, Court of Federal Claims No: 14–0887V
66. Steve Baldwin, Encinitas, California, Court of Federal Claims No: 14–0888V
67. Mary Ellen Potter, Andover, Massachusetts, Court of Federal Claims No: 14–0889V
68. Margaret Randle on behalf of K. R., Moreno Valley, California, Court of Federal Claims No: 14–0890V
69. Richard Baldwin, Pottsville, Pennsylvania, Court of Federal Claims No: 14–0891V
70. William Gable, Seattle, Washington, Court of Federal Claims No: 14–0892V
71. Eva M. Kinkaid, Rockford, Illinois, Court of Federal Claims No: 14–0893V
72. Anup Parikh, M.D., Charlotte, North Carolina, Court of Federal Claims No: 14–0894V
73. Paula F. Holland, Cicero, New York, Court of Federal Claims No: 14–0895V
74. Scott Woodring, Cadillac, Michigan, Court of Federal Claims No: 14–0896V
75. Buntly Willard and Kristin Willard on behalf of NW., San Antonio, Texas, Court of Federal Claims No: 14–0897V
76. Theodore A. Bryan, Middletown, Pennsylvania, Court of Federal Claims No: 14–0898V
77. Jennifer Nash, Chicago, Illinois, Court of Federal Claims No: 14–0900V
78. Diana Darken, Joliet, Illinois, Court of Federal Claims No: 14–0901V
79. Michael Antros, Chicago, Illinois, Court of Federal Claims No: 14–0902V
80. Jaime Brown on behalf of Damien Ballard, Tampa, Florida, Court of Federal Claims No: 14–0903V
81. Susan Elizabeth Reichard, Seattle, Washington, Court of Federal Claims No: 14–0904V
82. Anne Abbott on behalf of R. A., Phoenix, Arizona, Court of Federal Claims No: 14–0907V
83. Anthony Mirra on behalf of Nancy Toner, Deceased, Staten Island, New York, Court of Federal Claims No: 14–0908V
84. Pamela Boshart Lynch, Buffalo, New York, Court of Federal Claims No: 14–0909V
85. Philip Altieri, Branchburg, New Jersey, Court of Federal Claims No: 14–0910V
86. Janette Cole, Del City, Oklahoma, Court of Federal Claims No: 14–0911V
87. Caren Shanley, Port St. Lucie, Florida, Court of Federal Claims No: 14–0912V
88. Michael Angell and Anna Angell on behalf of D. A., Las Vegas, Nevada, Court of Federal Claims No: 14–0914V
89. Michael Robinson on behalf of D. R., Boston, Massachusetts, Court of Federal Claims No: 14–0915V
90. Margaret Haworth, Boston, Massachusetts, Court of Federal Claims No: 14–0916V
91. Chris Powers, Boston, Massachusetts, Court of Federal Claims No: 14–0917V
92. Steven Brass, Boston, Massachusetts, Court of Federal Claims No: 14–0918V
93. Margaret McSorley, Boston, Massachusetts, Court of Federal Claims No: 14–0919V
94. Lynnetta Zuzow, Boston, Massachusetts, Court of Federal Claims No: 14–0920V
95. Harvey Walker, Boston, Massachusetts, Court of Federal Claims No: 14–0921V
96. Mary Van Kooten, Bloomington, Indiana, Court of Federal Claims No: 14–0923V
97. Kristen McEvoy, Dallas, Texas, Court of Federal Claims No: 14–0928V
98. Darren Starr on behalf of Joshua Starr, Orinda, California, Court of Federal Claims No: 14–0929V

[FR Doc. 2014–25210 Filed 10–22–14; 8:45 am]
BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Statement of Organization, Functions and Delegations of Authority

This notice amends Part R of the Statement of Organization, Functions and Delegations of Authority of the Department of Health and Human Services (HHS), Health Resources and Services Administration (HRSA) (60 FR 56605, as amended November 6, 1995; as last amended at 79 FR 52734–52735 dated September 4, 2014).

This notice reflects organizational changes in the Health Resources and Services Administration (HRSA). Specifically, this notice: (1) Abolishes the Office of Administrative Management, Office of National Assistance and Special Populations, Central Southeast Division, North Central Division, Northeast Division, and Southwest Division; (2) establishes the Office of Strategic Business Operations (RCA), Office of Northern Health Services (RCB), the Office of Southern Health Services (RCD) and the Division of Administrative Operations (RC2); (3) renames the Office of Quality and Data to the Office of Quality Improvement (RCK) and updates the functional statement; and (4) updates the functional statement for the Office of the Associate Administrator (RC) and the Office of Policy and Program Development (RCH).

Chapter RC—Bureau of Primary Health Care

Section RC–10, Organization

Delete the organization for the Bureau of Primary Health Care in its entirety and replace with the following:

The Bureau of Primary Health Care (RC) is headed by the Associate Administrator, who reports directly to the Administrator, Health Resources and Services Administration. The Bureau of Primary Health Care includes the following components:

(1) Office of the Associate Administrator (RC);

(2) Division of Administrative Operations (RC2);

(3) Office of Strategic Business Operations (RCA);

(4) Office of Northern Health Services (RCB);

(5) Office of Southern Health Services (RCD);

(6) Office of Policy and Program Development (RCH); and

(7) Office of Quality Improvement (RCK).

Section RC–20, Functions

(1) Delete the functional statement for the Bureau of Primary Health Care (RC) and replace in its entirety.

Office of the Associate Administrator (RC)

The Office of the Associate Administrator provides overall leadership, direction, coordination, and planning in support of BPHC programs. Specifically: (1) Establishes program goals, objectives and priorities, and provides oversight to their execution; (2) plans, directs, coordinates, supports, and evaluates Bureau wide management activities; and (3) maintains effective relationships within HRSA and with other Department of Health and Human Services (HHS) organizations, other federal agencies, state and local governments, and other public and private organizations concerned with primary health care, eliminating health disparities, and improving the health status of the nation's underserved and vulnerable populations.

Division of Administrative Operations (RC2)

The Division of Administrative Operations plans, directs and coordinates Bureau wide administrative management activities. Specifically: (1) Serves as BPHC's principal source for administrative and management advice, analysis, and assistance; (2) provides strategic guidance and coordinates personnel activities for BPHC, including the allocation of personnel resources; (3) develops policies and procedures for internal operations, interpreting and implementing management policies, procedures and systems; (4) develops and coordinates BPHC program and administrative delegations of authority activities; (5) provides guidance to BPHC on financial management activities; (6) provides Bureau-wide support services such as continuity of operations and emergency planning, procurement planning and coordination, supply management, equipment utilization, printing, property management, space management, and management reports; and (7) coordinates BPHC administrative management activities with other components within HRSA and HHS, and with other federal agencies, state and local governments, and other public and private organizations, as appropriate.

Office of Strategic Business Operations (RCA)

The Office of Strategic Business Operations serves as the organizational focus for the development of BPHC external affairs, organizational development, and management information systems. Specifically: (1) Serves as BPHC's focal point for communication and program information dissemination; (2) serves as BPHC Executive Secretariat and BPHC focal point for records management policies and guidance; (3) leads strategic initiatives for the organizational development of the Bureau; (4) plans and coordinates internal training and staff development activities; (5) serves as BPHC focal point for the design and implementation of management information systems to assist and improve program performance and internal operations; and (6) consults and coordinates BPHC external affairs, organizational development and management information systems with other components within HRSA and HHS, and with other federal agencies, state and local governments, and other public and private organizations.

Office of Northern Health Services (RCB)

The Office of Northern Health Services manages BPHC primary health care service delivery programs, including those focused on special populations, and associated activities within HHS Regions I, II, III, V, VIII, X. Specifically: (1) Oversees BPHC primary health care service delivery programs for compliance with program requirements; (2) provides assistance on program-related statutory/regulatory policy, and program requirements; (3) monitors the performance of BPHC primary health care service delivery programs, making programmatic recommendations and providing assistance to improve performance, where appropriate; (4) reviews findings and recommendations of periodic and episodic grantee assessments, coordinating actions needed to assure continuity of services to underserved and vulnerable populations and appropriate use of federal resources; (5) coordinates and supports emergency preparedness and response for BPHC programs; and (6) provides consultation to and coordinates activities within HRSA and HHS, and with other federal agencies, state and local governments, and other public and private organizations involved in the implementation of BPHC primary health care service delivery programs.

Office of Southern Health Services (RCD)

The Office of Southern Health Services manages BPHC primary health care service delivery programs, including those focused on special populations, and associated activities within HHS Regions IV, VI, VII and IX. Specifically: (1) Oversees BPHC primary health care service delivery programs for compliance with program requirements; (2) provides assistance on program-related statutory/regulatory policy and program requirements; (3) monitors the performance of BPHC primary health care service delivery programs, making programmatic recommendations and providing assistance to improve performance, where appropriate; (4) reviews findings and recommendations of periodic and episodic grantee assessments, coordinating actions needed to assure continuity of services to underserved and vulnerable populations and appropriate use of federal resources; (5) coordinates and supports emergency preparedness and response for BPHC programs; and (6) provides consultation to and coordinates activities within HRSA and HHS, and with other federal agencies, state and local governments, and other public and private organizations involved in the implementation of BPHC primary health care service delivery programs.

Office of Policy and Program Development (RCH)

The Office of Policy and Program Development serves as the organizational focus for the development of BPHC programs and policies. Specifically: (1) Leads and monitors the strategic development of primary care programs, including health

centers, special population programs, and other health systems; (2) provides assistance to communities, community-based organizations, and BPHC programs related to the development, and expansion of primary care; (3) manages BPHC capital and loan guarantee programs; (4) leads and coordinates the analysis, development and drafting of budget and policy impacting BPHC programs; (5) provides support to the National Advisory Council on Migrant Health; (6) performs environmental scanning on issues that affect BPHC programs; (7) monitors BPHC activities in relation to HRSA and HHS Strategic Plan; and (8) consults and coordinates with other components within HRSA and HHS, and with other federal agencies, state and local governments, and other public and private organizations on issues affecting BPHC programs and policies.

Office of Quality Improvement (RCK)

The Office of Quality Improvement serves as the organizational focus for program performance including, clinical and operational quality improvement, patient safety and risk management, data reporting, and program evaluation. Specifically: (1) Provides leadership for implementing BPHC clinical quality and performance improvement strategies/initiatives, including health information technology; (2) oversees BPHC Federal Tort Claims Act (FTCA) medical malpractice liability programs, reviewing, risk management and patient safety activities to improve policies and programs for primary health care services, including clinical information systems; (3) leads and coordinates BPHC national and state technical assistance/programs and activities, including those focused on special populations; (4) identifies and provides assistance to BPHC programs around quality improvement and performance reporting activities; (5) oversees BPHC programs related to health information technology and quality improvement; (6) serves as BPHC focal point for the design and implementation of program evaluations; and (7) coordinates BPHC/quality improvement and performance reporting activities within HRSA and HHS, and with other federal agencies, state and local governments, and other public and private organizations concerned with primary health care, eliminating health disparities, and improving the health status of the Nation's underserved and vulnerable populations.

Section RC–30, Delegations of Authority

All delegations of authority and re-delegations of authority made to HRSA officials that were in effect immediately prior to this reorganization, and that are consistent with this reorganization, shall continue in effect pending further re-delegation.

This reorganization is effective October 20, 2014.

Dated: September 23, 2014.

Mary K. Wakefield,

Administrator.

[FR Doc. 2014–25205 Filed 10–22–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke Amended; Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Neurological Disorders and Stroke Special Emphasis Panel, October 31, 2014, 12:00 p.m. to October 31, 2014, 3:00 p.m., National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 which was published in the **Federal Register** on October 15, 2014, 79FRN61884.

The meeting date and time has been changed to November 11, 2014 from 11:00 a.m. to 4:00 p.m. The location remains the same. The meeting is closed to the public.

Dated: October 17, 2014.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25181 Filed 10–22–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke; Special Emphasis Panel, NINDS T32 Training program.

Date: December 1–2, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle, One Washington Circle NW., Washington, DC 20037.

Contact Person: Natalia Strunnikova, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS/Neuroscience Center, 6001 Executive Boulevard, Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–402–0288, *natalia.strunnikova@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: October 17, 2014.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25177 Filed 10–22–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel, Understanding SES Disparities in Cognitive Development.

Date: November 18, 2014.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Marita R. Hopmann, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Child Health and Human Development, 6100 Building, Room 5B01, Bethesda, MD 20892, (301) 435–6911, *hopmannm@mail.nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: December 10, 2014.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Sathasiva B. Kandasamy, Ph.D., Scientific Review Administrator, Scientific Review Branch, National Institute of Child Health and Human Development, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892–9304, (301) 435–6680, *skandasa@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: October 17, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25175 Filed 10–22–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel Enhancing Diversity of Undergraduate Research in Environmental Health Sciences and Training.

Date: November 13, 2014.

Time: 1:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T.W. Alexander Drive, Research Triangle Park, NC 27709.

Contact Person: Leroy Worth, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30/Room 3171, Research Triangle Park, NC 27709, (919) 541–0670, *worth@niehs.nih.gov.*

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel, Transitional to Independence on Environmental Health Sciences.

Date: November 14, 2014.

Time: 8:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T.W. Alexander Drive, Research Triangle Park, NC 27709.

Contact Person: Leroy Worth, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30/Room 3171, Research Triangle Park, NC 27709, (919) 541–0670, *worth@niehs.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS).

Dated: October 17, 2014.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25176 Filed 10–22–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; 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.

Proposed Project: Networking Suicide Prevention Hotlines—Evaluation of the Lifeline Policies for Helping Callers at Imminent Risk (OMB No. 0930–0333)—Revision

The Substance Abuse and Mental Health Services Administration's (SAMHSA), Center for Mental Health Services (CMHS) funds a National Suicide Prevention Lifeline Network ("Lifeline"), consisting of a toll–free telephone number that routes calls from anywhere in the United States to a network of local crisis centers. In turn, the local centers link callers to local emergency, mental health, and social service resources. This project is a revision of the Evaluation of Lifeline Policies for Helping Callers at Risk and builds on previously approved data collection activities [Evaluation of Networking Suicide Prevention Hotlines Follow-Up Assessment (OMB No. 0930–0274) and Call Monitoring of National Suicide Prevention Lifeline Form (OMB No. 0930–0275)]. The extension and revision data collection is an effort to advance the understanding of crisis hotline utilization and its impact.

The overarching purpose of the proposed Evaluation of the Lifeline Policies for Helping Callers at Imminent Risk is to implement data collection to evaluate hotline counselors' management of imminent risk callers and third party callers concerned about persons at imminent risk, and counselor adherence to *Lifeline Policies and Guidelines for Helping Callers at Imminent Risk of Suicide.* Specifically, the Evaluation of the Lifeline Policies for Helping Callers at Imminent Risk will collect data, using a revised imminent risk form, to inform the network's knowledge of the extent to

which counselors are aware of and being guided by the Lifeline's imminent risk guidelines; counselors' definitions of imminent risk; the rates of active rescue of imminent risk callers; types of rescue (voluntary or involuntary); barriers to intervention; circumstances in which active rescue is initiated, including the caller's agreement to receive the intervention, profile of imminent risk callers; and the types of interventions counselors used with them.

Clearance is being requested for one activity to assess the knowledge, actions, and practices of counselors to aid callers who are determined to be at imminent risk for suicide and who may require active rescue. This evaluation will allow researchers to examine and understand the actions taken by counselors to aid imminent risk callers, the need for active rescue, the types of interventions used, and, ultimately, improve the delivery of crisis hotline services to imminent risk callers. A total of eight new centers will participate in this evaluation. Thus, SAMHSA is requesting OMB review and approval of the National Suicide Prevention Lifeline—Imminent Risk Form-Revised.

Crisis counselors at eight new participating centers will record information discussed with imminent risk callers on the Imminent Risk Form-Revised, which does not require direct data collection from callers. As with previously approved evaluations, callers will maintain anonymity. Counselors will be asked to complete the form for 100% of imminent risk callers to the eight centers participating in the evaluation. This form requests information in 15 content areas, each with multiple sub-items and response options. Response options include open-ended, yes/no, Likert-type ratings, and multiple choice/check all that apply. The form also requests demographic information on the caller, the identification of the center and counselor submitting the form, and the date of the call. Specifically, the form is divided into the following sections: (1) Counselor information, (2) center information, (3) call characteristics (e.g., line called, language spoken, participation of third party), (4) suicidal desire, (5) suicidal intent, (6) suicidal capability, (7) buffers to suicide, (8) interventions agreed to by caller or implemented by counselor without caller's consent, (9) whether imminent risk was reduced enough such that active rescue was not needed, (10) interventions for third party callers calling about a person at imminent risk, (11) whether supervisory consultation occurred during or after the call, (12) barriers to getting needed help to the person at imminent risk, (13) steps taken to confirm whether emergency contact was made with person at risk, (14) outcome of attempts to rescue person at risk, and (15) outcome of attempts to follow-up on the case. The revised form reduces and streamlines responses options for intervention questions. It also adds information about the center, the call (e.g., language and military service), interventions (e.g., supervisor contact, rescue initiation), and follow-up/outcome. The form will take approximately 15 minutes to complete and may be completed by the counselor during or after the call. It is expected that a total of 750 forms will be completed by 132 counselors over the three-year data collection period.

The estimated response burden to collect this information is annualized over the requested three-year clearance period and is presented below:

TOTAL AND ANNUALIZED BURDEN: RESPONDENTS, RESPONSES AND HOURS

Instrument	Number of respondents	Responses/ respondent	Total responses	Hours per response	Total hour burden
National Suicide Prevention Lifeline—Imminent Risk Form-Revised	132	1.9	250	.26	65

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 2–1057, One Choke Cherry Road, Rockville, MD 20857 or email her a copy at *summer.king@samhsa.hhs.gov*. Written comments should be received by December 22, 2014.

Summer King,

Statistician.

[FR Doc. 2014–25214 Filed 10–22–14; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Issuance of Final Determination Concerning Various Elliptical Exercise Machines and Option Package Kits

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of final determination.

SUMMARY: This document provides notice that U.S. Customs and Border Protection ("CBP") has issued a final determination concerning the country of origin of various elliptical exercise machines manufactured and distributed by Octane Fitness, and their option package kits that add from three products to the elliptical exercise machines. Based upon the facts presented, CBP has concluded that Taiwan is the country of origin of the elliptical exercise machines and two of the option package kits, and China for one option package kit, for purposes of U.S. Government procurement.

DATES: The final determination was issued on October 16, 2014. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination within November 24, 2014.

FOR FURTHER INFORMATION CONTACT: Antonio J. Rivera, Valuation and Special Programs Branch, Regulations and Rulings, Office of International Trade, (202) 325–0226.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on October 16, 2014 pursuant to subpart B of Part 177, U.S. Customs and Border Protection Regulations (19 CFR part 177, subpart B), CBP has issued a final determination concerning the country of origin of various elliptical exercise machines, and their option package kits, manufactured and distributed by Octane Fitness, which may be offered to the U.S. Government under an undesignated government procurement contract. This final determination, HQ H248696, was issued under procedures set forth at 19 CFR Part 177, subpart B, which implements Title III of the Trade Agreement Act of 1979, as amended (19 U.S.C. 2511–18). In the final determination, CBP concluded that, based upon the facts presented, the assembly operations for the elliptical exercise machines performed in Taiwan, using a majority of Taiwanese components, substantially transformed

the components into the various elliptical exercise machines. Therefore, the country of origin of the elliptical exercise machines is Taiwan for purposes of U.S. Government procurement. Furthermore, CBP concluded that the three option package kits for the elliptical exercise machines retained their respective countries of origin because the three kits were already in their final form before being packaged into the option kit. Therefore, for U.S. Government procurement purposes, the country of origin is Taiwan for two option package kits, and China for the other option package kit.

Section 177.29, CBP Regulations (19 CFR 177.29), provides that a notice of final determination shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Dated: October 16, 2014.

Glen E. Vereb,

Acting Executive Director, Regulations and Rulings, Office of International Trade.

HQ H248696

October 16, 2014

OT:RR:CTF:VS H248696 AJR

CATEGORY: Country of Origin

Mr. Peter Joseph Hammond
Director of Operations
Octane Fitness
7601 Northland Drive
North Suite 100
Brooklyn Park, MN 55428

RE: U.S. Government Procurement; Title III, Trade Agreements Act of 1979 (19 U.S.C. § 2511); Subpart B, Part 177, CBP Regulations; Country of Origin; 23 Variations of Elliptical Exercise Machines and Option Package Kits

Dear Mr. Hammond:

This is in response to your letter dated September 30, 2013, forwarded to us from the National Commodity Specialist Division in New York, requesting a final determination on behalf of Octane Fitness ("Octane") pursuant to subpart B of part 177, Customs and Border Protection ("CBP") Regulations (19 C.F.R. § 177.21 *et seq.*). Under the pertinent regulations, which implement Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purpose of granting waivers of certain "Buy American" restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

This final determination concerns the country of origin of 23 variations of elliptical exercise machines ("Elliptical(s)") and option package kits. We note that Octane is a party-at-interest within the meaning of 19 C.F.R. § 177.22(d)(1) and is entitled to request this final determination.

FACTS:

You describe the pertinent facts as follows. The items at issue consist of 23 Ellipticals produced in Taiwan by Octane. Three option package kits ("Option(s)") can be added onto certain Ellipticals. You advise that each of the Ellipticals, without the Options, consist of two main assemblies: a base assembly and a console assembly. A significant majority of the components comprising the base and the console are stated to originate from Taiwan. The submitted bill of materials, stated to reflect an accurate proportion of materials used to produce the Ellipticals, lists 461 component items for the base assembly and 33 component items for the console assembly. This bill of materials shows that the base is comprised of 450 Taiwanese components, 10 Chinese components, and 1 U.S. component, while the console is comprised of 31 Taiwanese components and 2 Chinese components. You state that the base and the console are produced in Taiwanese factories through an extensive assembly process. Once the assembly process is complete, the bases and consoles are brought together and tested in Taiwan, then packaged separately in Taiwan to facilitate shipment, before being imported from Taiwan to Octane's U.S. warehouses.

Along with the submitted bill of materials reflecting the country of origin of the components, you submitted a list describing the Ellipticals and photos illustrating the step-by-step assembly process in Taiwan.

A. The 23 Variations of Ellipticals

The Ellipticals are presented in charts titled "GSA Elliptical Cross Trainer Model (and Description)." The Ellipticals are further "grouped into like categories": ten "Standing" Ellipticals, nine "Seated" Ellipticals, and four "Lateral" Ellipticals.

The ten Standing Ellipticals include two commercial grade Ellipticals (PRO310 and PRO370) and eight heavy commercial grade Ellipticals (PRO3700 and PRO4700). The PRO3700 and the PRO4700 come in four different models: (1) the Touch Integrated 15″ LCD TV embedded with Netpulse package; (2) the Attached Flat Screen TV package; (2) the 900 MHz Keypad package; and (4) the basic package, which is without the LCD TV, flat screen TV, or keypad.

The nine Seated Ellipticals, known under their trade name "xRide," include eight heavy commercial grade Ellipticals (xR5000 and xR6000) and one commercial grade Elliptical (xR650), which has total body seating and moving arms. The xR5000 has only lower body seating, while the xR6000 has total body seating and moving arms. The xR5000 and the xR6000 come in four different models: (1) the Touch Integrated 15″ LCD TV embedded with Netpulse package; (2) the Attached Flat Screen TV package; (3) the 900 MHz Keypad package; and (4) the basic package, which is without the LCD TV, flat screen TV, or keypad.

The four Lateral Ellipticals, known under their trade name "LateralX," are all heavy commercial grade Ellipticals under the LX8000 series, which is a total body Elliptical that is laterally adjustable. The LX8000 comes in four different models: (1) the Touch Integrated 15″ LCD TV embedded with Netpulse package; (2) the Attached Flat Screen TV package; (3) the 900 MHz Keypad package; and (4) the basic package, which is without the LCD TV, flat screen TV, or keypad.

These Ellipticals are described to have a similar base and console assembly process, which takes about eight weeks to manufacture in factories located in Taiwan with over 100 workers assembling the mostly Taiwanese components, one-by-one, until the product is completed.

B. The Base Assembly Process

The base assembly process takes place in Taiwan and is described as follows:

1. Obtaining over 80 feet of steel tubes and sheet metal;
2. Cutting the steel tubes with an automated sawing machine into about 20 pieces;
3. Cutting holes in some of the steel tubes using automated equipment in machining workshop;
4. Bending some of the steel tubes into precise shapes using automated tube bending machines;
5. Attaching the separate steel and metal pieces into subassemblies in a welding workshop using automated welding machines;
6. Powder coating process to clean, heat, paint, and dry the parts;
7. Cleaning and heating through a variety of chemical baths and preparing the parts for painting;
8. Painting and drying; and
9. Assembling the final base product.

C. The Console Assembly Process

The console assembly process takes place in Taiwan. The Taiwanese components consist of a circuitboard assembly, plastic components, cable assemblies, and a keypad. The Chinese components consist of a power supply and power cord. The process is described as follows:

1. Wave soldering electronic components to a circuit board using surface mount technology;
2. Molding the plastic components by injecting Taiwanese material into a mold machine;
3. Assembling Taiwanese wires and connectors for the cable assemblies; and
4. Assembling the keypad.

Once complete, the consoles provide the Ellipticals with automated control by adjusting the motion of the hand and foot pedals; fluctuating resistance to the pedals to vary workouts; and tracking the time exercised, calories burned, and heart rate of the Elliptical's user.

Lastly, the final assembly brings together the base assembly and console assembly. The bases and consoles are then packaged separately and imported from Taiwan to Octane's U.S. warehouses.

D. The Assembly Process for the Options

You advise that three Options are available: stationary side steps; a "Cross

Circuit Pro kit," consisting of adjustable dumbbells and stationary side steps; and an upper body lockout kit. Minor variations of the Options are available depending on the model of Elliptical machine they serve.

The stationary side steps Option is available for the PRO3700 and PRO4700 Ellipticals. It allows users to step onto platforms on each side of the machine. The stationary side steps undergo an assembly process similar to the base assembly process, where a Taiwanese factory takes steel and sheet metal through automated machines and conveyer systems to cut, bend, weld, clean, heat, paint, and then dry the final stationary side steps product. Under this Option, the stationary side steps product is shipped by itself from Taiwan to Octane's U.S. warehouses.

The Cross Circuit Pro kit Option provides the stationary side steps and the adjustable dumbbells in a package for the PRO3700, PRO4700, and LX8000 Ellipticals. Unlike the stationary side steps assembly process, the adjustable dumbbells are first made in China before being brought to Taiwan. In Taiwan, the adjustable dumbbells are packaged together with the stationary side steps as the Cross Circuit Pro kit. This kit is imported as one unit from Taiwan to Octane's U.S. warehouses.

The upper body lockout kit Option is available for the PRO370, PRO3700, and PRO4700 Ellipticals. It allows users to isolate lower body exercises by preventing upper body movements. The upper body lockout kit undergoes a similar assembly to the base and the stationary side steps assemblies. Here, a Taiwanese steel tube is processed through a Taiwanese supplier that also uses automated machines and conveyer systems to cut, bend, weld, clean, heat, paint, and then dry the final upper body lockout kit. This kit is imported from Taiwan as a unit to Octane's U.S. warehouses.

ISSUE:

What is the country of origin of the Ellipticals and the Options for the purpose of U.S. Government procurement?

LAW AND ANALYSIS:

Pursuant to subpart B of part 177, 19 C.F.R. § 177.21 *et seq.*, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain "Buy American" restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

Under the rule of origin set forth under 19 U.S.C. § 2518(4)(B):

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

See also, 19 C.F.R. § 177.22(a).

In rendering advisory rulings and final determinations for purposes of U.S. Government procurement, CBP applies the provisions of subpart B of part 177 consistent with the Federal Acquisition Regulations. *See* 19 C.F.R. § 177.21. In this regard, CBP recognizes that the Federal Acquisition Regulations restrict the U.S. Government's purchase of products to U.S.-made or designated country end products for acquisitions subject to the TAA. *See* 48 C.F.R. § 25.403(c)(1). The Federal Acquisition Regulations defines "designated country end product" through the following relevant defintions:

Designated country end product means a WTO GPA country end product, an FTA country end product, a least develop country end product, or a Caribbean Basin country end product.

World Trade Organization Government Procurement Agreement (WTO GPA) country means any of the following countries: Armenia, Aruba, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hong Kong, Hungary, Iceland, Ireland, Israel, Italy, Japan, Korea (Republic of), Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Singapore, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Taiwan, or United Kingdom.

WTO GPA country end product means an article that—

(1) Is wholly the growth, product, or manufacture of a WTO GPA country; or

(2) In the case of an article that consists in whole or in part of materials from another country, has been substantially transformed in a WTO GPA country into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed. The term refers to a product offered for purchase under a supply contract, but for purposes of calculating the value of the end product includes services (except transportation services) incidental to the article, provided that the value of those incidental services does not exceed that of the article itself.

48 C.F.R. § 25.003.

In determining whether the combining of parts or materials constitutes a substantial transformation, the determinative issue is the extent of operations performed and whether the parts lose their identity and become an integral part of the new article. *Belcrest Linens v. United States,* 573 F. Supp. 1149 (Ct. Int'l Trade 1983), *aff'd,* 741 F.2d 1368 (Fed. Cir. 1984). Assembly operations that are minimal or simple, as opposed to complex or meaningful, will generally not result in a substantial transformation. Factors which may be relevant in this evaluation may include the nature of the operation (including the number of components assembled), the number of different operations involved, and whether a significant period of time, skill, detail, and quality control are necessary for the assembly operation. *See* C.S.D. 80–111, C.S.D. 85–25, C.S.D. 89–110, C.S.D. 89–118, C.S.D. 90–51, and C.S.D. 90–97. If the manufacturing or combining process is a minor one which leaves the identity of the article intact, a substantial transformation has not occurred. *Uniroyal, Inc. v. United States,* 3 CIT 220, 542 F. Supp. 1026 (1982), *aff'd* 702 F. 2d 1022 (Fed. Cir. 1983). In a number of rulings (*e.g.* Headquarters Ruling Letter ("HQ") 732498, dated October 3, 1989, and HQ 732897, dated June 6, 1990), CBP stated, "merely packaging parts of a kit together does not constitute a substantial transformation."

In order to determine whether a substantial transformation occurs when components of various origins are assembled into completed products, CBP considers the totality of the circumstances and makes such determinations on a case-by-case basis. The country of origin of the item's components, extent of the processing that occurs within a country, and whether such processing renders a product with a new name, character, and use are primary considerations in such cases. Additionally, factors such as the resources expended on product design and development, extent and nature of post-assembly inspection and testing procedures, and the degree of skill required during the actual manufacturing process may be relevant when determining whether a substantial transformation has occurred. No one factor is determinative.

In HQ 735608, dated April 27, 1995 and HQ 559089, dated August 24, 1995, CBP has stated: "in our experience these inquiries are highly fact and product specific; generalizations are troublesome and potentially misleading."

In HQ 735368, dated June 30, 1994, CBP held that the country of origin of a bicycle assembled in Taiwan with components made in several countries was Taiwan. CBP stated that because the bicycle was assembled in Taiwan and one of the bicycle's most significant components, the frame, was made in Taiwan, the country of origin of the bicycle was Taiwan. Although the other components came from several different countries, when they were assembled together in Taiwan, they each lost their separate identity and became an integral part of a new article of commerce, a bicycle.

In the instant case, the assembly of the Ellipticals is comprised of two major assemblies, the base assembly and the console assembly. The base and console for each of the Ellipticals are produced through separate, extensive assembly processes that occur entirely in Taiwan. With regard to the generalized base assembly, approximately 461 components, from which 450 originate from Taiwan, are transformed into the final base product by cutting, bending, welding, painting, and further assembling these components into bases for the Ellipticals. With regard to the generalized console assembly, approximately 33 components, from which 31 originate from Taiwan, are transformed into the final console product by wave soldering, molding, and further assembling these components into consoles for the Ellipticals. Though the base and console are shipped separately to Octane's U.S. warehouses, the base and console are first brought together in Taiwan for a complete machine test that ensures the machine is working properly. We find that

under the described assembly process, the components from China and the U.S. lose their individual identities and become an integral part of the articles, the Ellipticals, possessing a new name, character and use. The assembly process that occurs in Taiwan is complex and meaningful, requiring the assembly of various components into a base and a console, which are then further assembled into the final Elliptical product for testing before shipment from Taiwan. Additionally, aside from the significant number of components that originate from Taiwan, the Elliptical's most significant components, the base and the console, were made from start to finish in Taiwan, which was an important consideration in HQ 735368. Moreover, the base and the console are combined for testing as the full Elliptical product in Taiwan. Thus, even though the base and the console are shipped separately from Taiwan to the U.S., the identity of the product as an Elliptical is already intact in Taiwan during testing, and before shipment to the U.S. where any later combination in the U.S. should be seen as a minimal assembly process that does not result in a substantial transformation.

Similarly, the assembly of two of the Options, the stationary side steps and the upper body lockout kit, are entirely produced in Taiwan from starting components to finished products. Conversely, the adjustable dumbbells are made into their final form in China before reaching Taiwan. We find that under the described assembly processes, the side stationary steps and the upper body lockout kit are products originating from Taiwan because their components, Taiwanese metals, and manufacturing processes wholly originate and take place in Taiwan. However, we find that the adjustable dumbbells originate from China since packaging the adjustable dumbbells with the stationary side steps in the Cross Circuit Pro kit in Taiwan does not substantially transform the adjustable dumbbells into a new article of commerce having a new name, character or use. As noted in HQ 732498 and HQ 732897, the repackaging of the adjustable dumbbells and the stationary side steps is not a substantial transformation because the separate items are already in their finished forms, not modified or affixed to each other, or combined in a permanent matter. Accordingly, the individual products which make up these Options retain their individual countries of origin, such that the adjustable dumbbells in the Cross Circuit Pro kit are not considered products of Taiwan, but rather products of China.

Therefore, based upon the information before us, we find that the country of origin of the Ellipticals, the stationary side steps, and the upper body lockout kit is Taiwan for U.S. Government procurement purposes. However, the packaging of the Cross Circuit Pro kit is not sufficient to change the country of origin for the adjustable dumbbells from China to Taiwan, and the adjustable dumbbells remain a product of China.

HOLDING:

The components that are used to manufacture the Ellipticals are substantially transformed as a result of the assembly operations performed in the Taiwan. Therefore, the country of origin of the Ellipticals for U.S. Government procurement purposes is Taiwan. The Options for the Ellipticals retain their respective country of Origin because repackaging these products into Option kits for the Ellipticals does not substantially transform these products from their already final product form. Therefore, the countries of origin for U.S. Government procurement purposes of the stationary side steps, adjustable dumbbells, and upper body lockout kits are Taiwan, China, and Taiwan, respectively.

Notice of this final determination will be given in the **Federal Register**, as required by 19 C.F.R. § 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 C.F.R. § 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 C.F.R. § 177.30, any party-at-interest may, within 30 days after publication of the **Federal Register** notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,

Glen E. Vereb,

Acting Executive Director, Regulations and Rulings, Office of International Trade.

[FR Doc. 2014–25237 Filed 10–22–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5824–FA–01]

Announcement of Funding Awards for the HUD-Veterans Affairs Supportive Housing (HUD–VASH) Program for Fiscal Years (FY) 2012 and 2013

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Announcement of Funding Awards.

SUMMARY: In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department for the FY 2012 and 2013 HUD–VASH program. This announcement contains the consolidated names and addresses of those award recipients selected for funding under the Consolidated and Further Continuing Appropriations Act, 2012 ("2012 Appropriations Act") and the Consolidated and Further Continuing Appropriations Act, 2013 ("2013 Appropriations Act").

FOR FURTHER INFORMATION CONTACT: Michael S. Dennis, Director, Housing Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4228, Washington, DC 20410, telephone number 202–402–4059. For the hearing or speech impaired, this number may be accessed via TTY (text telephone) by calling the Federal Relay Service at telephone number 800–877–8339. (Other than the "800" TTY number, these telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The 2012 and 2013 Appropriations Acts made $75 million available each year for HUD–VASH, an initiative that combines HUD Housing Choice Voucher (HCV) rental assistance for homeless veterans with case management and clinical services provided by the Department of Veterans Affairs (VA) at its medical centers and in the community. The HCV program is authorized under section 8(o)(19) of the United States Housing Act of 1937. The 2012 and 2013 Appropriations Acts require HUD to distribute assistance without competition, to public housing agencies (PHAs) that partner with eligible Veterans Affairs Medical Centers (VAMCs) or other entities as designated by the VA. As required by statute, selection was based on geographical need for such assistance, PHA performance, and other factors as specified by HUD in consultation with the VA. Geographic need was identified by using HUD's point-in-time data submitted by Continuums of Care (CoCs), as well as VAMC data on the number of contacts with homeless Veterans. After determining which areas of the country had the highest number of homeless Veterans, the VA Central Office identified VA facilities in the corresponding communities and HUD then invited PHAs near the identified VA facilities to apply for the vouchers, taking into consideration the PHAs' administrative performance.

On May 6, 2008 (73 FR 25026), HUD published in the **Federal Register** a notice that set forth the policies and procedures for the administration of tenant-based Section 8 HCV rental assistance under the HUD–VASH program administered by local PHAs that have partnered with local VA medical centers. On May 19, 2008 (73 FR 28863), HUD corrected the May 6, 2008 notice. On March 23, 2012, HUD published a revised implementation notice in the **Federal Register**.

In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545), today's **Federal Register** publication lists the names of the PHAs awarded FY 2012 (Appendix A) and 2013 HUD–VASH vouchers (Appendix B), the partnering VAMC, the number of

vouchers awarded and the funding amounts.

Dated: October 20, 2014.

Jemine A. Bryon,

Acting Assistant Secretary for Public and Indian Housing.

Appendix A

FISCAL YEAR 2012 FUNDING ANNOUNCEMENTS FOR THE HUD–VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) PROGRAM

Recipient	Partnering VA medical facility	Address	City	State	Zip code	Number of vouchers awarded	1 year budget authority for vouchers awarded
Alaska Housing Finance Corporation.	Alaska VA HCS	PO Box 101020	Anchorage	AK	99510	25	$164,926
Alaska Housing Finance Corporation.	Alaska VA HCS	PO Box 101020	Anchorage	AK	99510	25	$164,926
Housing Authority of the Birmingham District.	Birmingham VAMC	1826 3rd Avenue S.	Birmingham	AL	35233	50	$260,756
Housing Authority of the City of Montgomery.	Central AL HCS	525 S Lawrence St	Montgomery	AL	36104	25	$135,481
HA Tuscaloosa	Tuscaloosa VAMC	PO Box 2281	Tuscaloosa	AL	35403	25	$86,825
North Little Rock Housing Authority.	Eugene J. Towbin VAMC	PO Box 516	North Little Rock	AR	72115	25	$95,930
Fayetteville Housing Authority	VA HCS of the Ozarks	#1 North School Avenue.	Fayetteville	AR	72701	25	$85,820
City of Phoenix Housing Department.	Phoenix VA VA HCS	251 W Washington Street.	Phoenix	AZ	85003	100	$616,491
Housing and Community Development Tucson.	Southern AZ HCS	PO Box 27210	Tucson	AZ	85726	75	$403,977
City of Mesa HA	Phoenix VA VA HCS/Mesa CBOC.	PO Box 1466	Mesa	AZ	85211	25	$148,054
Housing Authority of Cochise County.	Southern AZ HCS/Sierra Vista CBOC.	PO Box 167	Bisbee	AZ	85603	25	$137,098
Housing Authority of the City of Yuma.	Southern AZ HCS/Yuma CBOC.	420 S. Madison Avenue.	Yuma	AZ	85364	25	$161,403
Mohave County Housing Authority.	Northern Arizona HCS	PO Box 7000	Kingman	AZ	86402	25	$136,099
Housing Authority of the City & County of San Francisco.	San Francisco VAMC/Downtown CBOC.	440 Turk Street	San Francisco	CA	94102	200	$2,728,301
Housing Authority of the County of Los Angeles.	VA Greater Los Angeles HCS	2 S Coral Circle	Monterey Park	CA	91755	200	$1,750,826
Oakland Housing Authority	VA Northern CA HCS/Oakland BHC.	1619 Harrison Street.	Oakland	CA	94612	50	$500,366
Housing Authority of the City of Los Angeles.	VA Greater Los Angeles HCS	2600 Wilshire Blvd	Los Angeles	CA	90057	600	$5,413,328
Housing Authority City of Fresno.	VA Central CA HCS	PO Box 11985	Fresno	CA	93776	50	$275,518
County of Sacramento Housing Authority.	Sacramento VAMC	801 12th Street	Sacramento	CA	95814	75	$493,838
Housing Authority of the County of Kern.	Greater LA HCS/Bakersfield CBOC.	601—24th Street	Bakersfield	CA	93301	25	$125,832
Housing Authority of the County of San Bernardino.	Loma Linda HCS	715 E. Brier Dr	San Bernardino	CA	92408	50	$319,597
Housing Authority of the County of Santa Barbara.	VA Greater LA HCS/Santa Barbara CBOC.	PO Box 397	Lompoc	CA	93438	25	$250,719
County of Merced Housing Authority.	VA Central CA HCS/Merced CBOC.	405 U Street	Merced	CA	95341	25	$169,485
County of San Joaquin Housing Auth.	Palo Alto HCS/Stockton CBOC.	PO Box 447	Stockton	CA	95201	25	$139,930
County of Stanislaus Housing Auth.	Palo Alto HCS/Modesto CBOC.	PO Box 581918	Modesto	CA	95358	25	$162,286
Housing Authority of the County of Riverside.	Loma Linda HCS	5555 Arlington Avenue.	Riverside	CA	92504	125	$990,051
County of Monterey Hsg Auth	Palo Alto HCS/Seaside CBOC	123 Rico Street	Salinas	CA	93907	25	$190,775
Housing Authority of the City of San Buenaventura.	VA Greater Los Angeles HCS/Oxnard CBOC.	995 Riverside Street.	Ventura	CA	93001	25	$271,148
County of Butte Hsg Auth	VA Northern CA HCS/Chico CBOC.	2039 Forest Ave Suite #10.	Chico	CA	95928	25	$137,162
Housing Authority of the County Santa Clara.	Palo Alto HCS Menlo Park Division.	505 W Julian Street.	San Jose	CA	95110	100	$1,193,421
City of Pittsburg Hsg Auth	VA Northern CA HCS/Martinez OPC.	916 Cumberland Street.	Pittsburg	CA	94565	50	$501,317
San Diego Housing Commission.	San Diego VAMC	1122 Broadway Suite 300.	San Diego	CA	92101	75	$635,558
Housing Authority of the City of San Luis Obispo.	VA Greater LA HCS/San Luis Obispo CBOC.	PO Box 1289	San Luis Obispo	CA	93406	50	$391,745
City of Long Beach Housing Authority.	Long Beach HCS	521 East 4th Street.	Long Beach	CA	90802	50	$432,262
Santa Cruz County Hsg Auth	Palo Alto HCS/San Jose CBOC.	2931 Mission Street.	Santa Cruz	CA	95060	50	$585,103
Housing Authority of the City of Pasadena.	Greater LA HCS/Pasadena CBOC.	649 N. Fair Oaks Ave.	Pasadena	CA	91103	25	$213,546

FISCAL YEAR 2012 FUNDING ANNOUNCEMENTS FOR THE HUD–VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) PROGRAM—Continued

Recipient	Partnering VA medical facility	Address	City	State	Zip code	Number of vouchers awarded	1 year budget authority for vouchers awarded
Mendocino County HA	San Francisco VAMC/Ukiah CBOC.	1076 N State Street.	Ukiah	CA	95482	25	$108,210
City of Santa Rosa	San Francisco VAMC/Santa Rosa CBOC.	PO Box 1806	Santa Rosa	CA	95402	50	$445,331
Orange County Housing Authority.	Long Beach HCS/Santa Ana-Bristol Medical Center.	1770 North Broadway.	Santa Ana	CA	92706	75	$884,560
Housing Authority of the County of San Diego.	San Diego VAMC	3989 Ruffin Road	San Diego	CA	92123	75	$600,635
Placer County Housing Authority.	Sierra Nevada HCS/Sierra Foothills CBOC.	PO Box 5346	Auburn	CA	95604	10	$89,144
County of Humboldt Hsg Auth	San Francisco VAMC/Eureka CBOC.	735 West Everding Street.	Eureka	CA	95503	25	$145,837
Alameda County Hsg Auth	Palo Alto VAMC/Fremont CBOC.	22941 Atherton Street.	Hayward	CA	94541	25	$279,249
Housing Authority of the City and County of Denver.	VA Eastern CO HCS	Box 40305, Mile High Station.	Denver	CO	80204	35	$218,253
Fort Collins Housing Authority	Cheyenne VAMC/Fort Collins CBOC.	1715 W. Mountain Ave.	Ft. Collins	CO	80521	15	$98,768
Grand Junction Housing Authority.	Grand Junction VAMC	1011 North Tenth Street.	Grand Junction	CO	81501	40	$188,902
Aurora Housing Authority	VA Eastern CO HCS	10745 E Kentucky Avenue.	Aurora	CO	80012	25	$147,415
Adams County Housing Authority.	VA Eastern CO HCS	7190 Colorado Boulevard.	Commerce City	CO	80022	25	$207,380
Boulder County Housing Authority.	VA Eastern CO HCS	PO Box 471	Boulder	CO	80304	25	$229,620
Colorado Department of Local Affairs.	VA Eastern CO HCS/Colorado Springs CBOC.	1313 Sherman St Room 323.	Denver	CO	80203	25	$148,626
Colorado Department of Local Affairs.	VA Eastern CO HCS/Pueblo CBOC.	1313 Sherman St Room 323.	Denver	CO	80203	40	$237,802
Colorado Division of Housing	VA Eastern CO HCS	1313 Sherman Street.	Denver	CO	80203	40	$270,703
Hartford Housing Authority	VA CT HCS/Newington VAMC	180 Overlook Terrace.	Hartford	CT	06106	50	$397,939
Hsg Authority of the City of New Haven.	VA CT HCS/West Haven VAMC.	PO Box 1912	New Haven	CT	06511	50	$554,148
Waterbury Housing Authority	West Haven VAMC/Waterbury CBOC.	2 Lakewood Road	Waterbury	CT	06704	40	$257,629
West Haven Housing Authority	VA CT HCS/West Haven VAMC.	15 Glade Street	West Haven	CT	06516	15	$137,064
Connecticut Department of Social Services.	VA CT HCS/West Haven VAMC.	25 Sigourney Street.	Hartford	CT	06106	10	$108,384
D.C. Housing Authority	Washington DC VAMC	1133 N Capitol Street NE.	Washington	DC	20002	150	$1,548,748
Wilmington Housing Authority	Wilmington VAMC	400 Walnut Street	Wilmington	DE	19801	25	$168,331
Jacksonville Housing Authority	North FL/South GA HCS—Jacksonville OPC.	1300 Broad Street	Jacksonville	FL	32202	100	$500,890
Tampa Housing Authority	James A Haley VAMC	1529 W Main Street.	Tampa	FL	33607	75	$481,405
Orlando Housing Authority	Orlando VAMC	390 North Bumby Avenue.	Orlando	FL	32803	75	$518,201
Miami Dade Public Housing and Community Dev.	Bruce W. Carter VAMC	701 NW 1st Court	Miami	FL	33136	75	$795,467
Housing Authority of City of Daytona Beach.	Orlando VAMC/Daytona Beach CBOC.	211 N. Ridgewood Ave.	Daytona Beach	FL	32114	50	$262,150
West Palm Beach Housing Authority.	West Palm Beach VAMC	1715 Division Avenue.	West Palm Beach	FL	33407	60	$426,795
Housing Authority of the City of Fort Lauderdale.	Bruce A Carter VAMC/ Broward Co. VA Clinic.	437 SW 4th Avenue.	Fort Lauderdale	FL	33315	50	$445,045
Panama City Housing Authority.	Gulf Coast HCS/Panama City OPC.	804 E 15th Street	Panama City	FL	32405	15	$68,724
Housing Authority of the City of Titusville.	Orlando VAMC/Viera CBOC	524 S Hopkins Avenue.	Titusville	FL	32796	25	$121,971
Ocala Housing Authority	Malcolm Randall VAMC/Ocala CBOC.	Post Office Box 2468.	Ocala	FL	34478	25	$124,997
Crestview Housing Authority	Gulf Coast HCS/Joint Ambulatory Care Center.	371 W Hickory Avenue.	Crestview	FL	32536	15	$82,637
Housing Authority of the City of Fort Myers.	Bay Pines VAMC/Ft. Myers CBOC.	4224 Renaissance Preserve Way.	Fort Myers	FL	33916	25	$165,548
Pinellas County Housing Authority.	Bay Pines VAMC/St. Petersburg CBOC.	11479 Ulmerton Road.	Largo	FL	33778	100	$734,978
Gainesville Housing Authority	Malcolm Randall VAMC	Post Office Box 1468.	Gainesville	FL	32602	100	$556,602
Pasco County Housing Authority.	James A Haley VAMC/New Port Richey CBOC.	14517 7th Street	Dade City	FL	33523	25	$193,683
Walton County Housing Authority.	Gulf Coast HCS/Joint Ambulatory Care Center.	Post Office Box 1258.	Defuniak Springs	FL	32435	10	$55,490

FISCAL YEAR 2012 FUNDING ANNOUNCEMENTS FOR THE HUD–VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) PROGRAM—Continued

Recipient	Partnering VA medical facility	Address	City	State	Zip code	Number of vouchers awarded	1 year budget authority for vouchers awarded
Housing Authority of the City of Augusta.	Charlie Norwood VAMC	PO Box 3246	Augusta	GA	30914	25	$109,544
Housing Authority of Savannah.	Ralph H Johnson VAMC	PO Box 1179	Savannah	GA	31402	15	$88,538
Housing Authority of the City of Atlanta.	Atlanta VAMC	230 John Wesley Dobbs N.E.	Atlanta	GA	30303	25	$255,095
Housing Authority of the City of Marietta.	Atlanta VAMC	PO Box K	Marietta	GA	30061	50	$342,033
Housing Authority of the City of Decatur.	Atlanta VAMC	750 Commerce Drive.	Decatur	GA	30030	25	$179,652
Housing Authority of the City of College Park.	Atlanta VAMC	2000 W. Princeton Avenue.	College Park	GA	30337	50	$355,437
Housing Authority of the County of Dekalb.	Atlanta VAMC	750 Commerce Drive, Suite 201.	Decatur	GA	30030	25	$145,627
Housing Authority of the County of Dekalb.	Atlanta VAMC/East Point CBOC.	750 Commerce Drive, Suite 201.	Decatur	GA	30030	50	$291,254
Hawaii Public Housing Authority.	Spark M. Matsunaga VAMC	PO Box 17907	Honolulu	HI	96817	25	$212,002
Hawaii Public Housing Authority.	Spark M. Matsunaga VAMC	PO Box 17907	Honolulu	HI	96817	50	$424,004
Davenport Housing Commission.	Iowa City VAMC/Davenport VA Clinic.	501 W 3rd Street	Davenport	IA	52801	15	$83,870
Boise City Housing Authority	Boise VAMC	1276 River Street	Boise	ID	83702	25	$110,698
Idaho Housing and Finance Association.	Spokane VAMC/Coeur d'Alene CBOC.	PO Box 7899	Boise	ID	83707	25	$106,331
Chicago Housing Authority	Jesse Brown VAMC	60 E. Van Buren St.	Chicago	IL	60605	100	$769,557
Housing Authority of the County of Cook.	Edward Hines Jr. VAMC	175 W. Jackson	Chicago	IL	60604	100	$760,872
McHenry County Housing Authority.	Lovell Federal Health Care Center/McHenry CBOC.	PO Box 1109	Woodstock	IL	60098	15	$115,777
Chicago Housing Authority	Jesse Brown VAMC Chicago	60 E. Van Buren St.	Chicago	IL	60605	35	$269,345
Fort Wayne Housing Authority	VA Northern IN HCS/Fort Wayne Campus.	PO Box 13489	Fort Wayne	IN	46869	15	$68,375
Housing Authority of the City of Muncie.	VA Northern IN HCS/Muncie CBOC.	409 E 1st Street	Muncie	IN	47302	15	$83,276
Kokomo Housing Authority	VA Northern IN HCS/Peru CBOC.	PO Box 1207	Kokomo	IN	46903	15	$78,471
Housing Authority of the City of Gary.	Jesse Brown VAMC/Adam Benjamin, Jr. OPC.	578 Broadway	Gary	IN	46402	15	$111,862
Housing Authority of the City of Evansville.	Marion VAMC/Evansville OPC	500 Court Street	Evansville	IN	47708	15	$76,310
Indianapolis Housing Agency	Richard L Roudebush VAMC	1919 North Meridian Street.	Indianapolis	IN	46202	50	$240,884
Housing Authority of the City of Bloomington.	Richard L Roudebush VAMC/ Bloomington CBOC.	1007 N. Summit Street.	Bloomington	IN	47404	25	$132,445
Housing Authority of the City of Marion.	Marion VAMC	601 S Adams Street.	Marion	IN	46953	15	$45,876
Indiana Housing and Community Development Authority.	VA Northern IN HCS/South Bend VA OPC.	30 South Meridian	Indianapolis	IN	46204	15	$78,939
Topeka Housing Authority	Colmery-O'Neil VAMC	2010 SE California Avenue.	Topeka	KS	66607	25	$93,101
Wichita Housing Authority	Robert J. Dole VAMC	332 Riverview Street.	Wichita	KS	67203	25	$124,035
Louisville Metro Housing Authority.	Robley Rex VAMC	420 S 8th Street	Louisville	KY	40203	50	$237,419
Housing Authority of Lexington	Lexington VAMC	300 West New Circle Road.	Lexington	KY	40505	50	$243,040
Boone County Fiscal Court	Cincinnati VAMC/Florence CBOC.	PO Box 536	Burlington	KY	41005	20	$114,063
Covington CDA	Cincinnati VAMC/Bellevue CBOC.	638 Madison Avenue, 5th Floor.	Covington	KY	41014	25	$83,588
Housing Authority of New Orleans.	Southeast LA HCS	4100 Touro Street	New Orleans	LA	70122	25	$180,830
Housing Authority of East Baton Rouge.	Southeast LA HCS/Baton Rouge CBOC.	4731 North Blvd	Baton Rouge	LA	70806	25	$193,817
Housing Authority of the City of Lafayette.	Alexandria VAMC/LaFayette CBOC.	115 Katie Drive	Lafayette	LA	70501	25	$94,818
Bossier Parish Section 8	Overton Brooks VAMC Shreveport.	3022 Old Minden Road.	Bossier City	LA	71112	25	$100,187
Housing Authority of New Orleans.	SE Louisiana HCS	4100 Touro Street	New Orleans	LA	70122	25	$180,830
Boston Housing Authority	Boston VAMC	52 Chauncy Street	Boston	MA	02111	75	$771,250
Cambridge Housing Authority	Boston VAMC	675 Massachusetts Avenue.	Cambridge	MA	02139	40	$456,945
New Bedford Housing Authority.	Providence VAMC/New Bedford CBOC.	134 South Second Street.	New Bedford	MA	02741	25	$150,868

Fiscal Year 2012 Funding Announcements for the HUD–Veterans Affairs Supportive Housing (VASH) Program—Continued

Recipient	Partnering VA medical facility	Address	City	State	Zip code	Number of vouchers awarded	1 year budget authority for vouchers awarded
Northampton Housing Authority.	Northampton VAMC	49 Old South Street—Suite 1.	Northampton	MA	01060	50	$265,816
Chelmsford Housing Authority	Edith Nourse Rogers Memorial VAMC/Lowell CBOC.	10 Wilson Street	Chelmsford	MA	01824	50	$419,309
Department of Housing & Community Development.	Northampton VAMC/Worcester CBOC.	100 Cambridge Street, Suite 300.	Boston	MA	02114	25	$234,648
Department of Housing & Community Development.	Boston VAMC/Brockton Campus.	100 Cambridge Street, Suite 300.	Boston	MA	02114	15	$140,789
Department of Housing & Community Development.	Edith Nourse Rogers Memorial VAMC/Haverhill CBOC.	100 Cambridge Street, Suite 300.	Boston	MA	02114	25	$234,648
Department of Housing & Community Development.	Boston VAMC/Quincy OPC	100 Cambridge Street, Suite 300.	Boston	MA	02114	40	$375,436
Housing Authority of Baltimore City.	Baltimore VAMC	417 E Fayette Street.	Baltimore	MD	21202	75	$684,687
Housing Opprty Com of Montgomery Co.	Washington DC VAMC	10400 Detrick Avenue.	Kensington	MD	20895	15	$169,502
Housing Authority of Prince Georges County.	Washington DC VAMC	9400 Peppercorn Place.	Largo	MD	20774	25	$282,944
Cecil County Housing Agency	Perry Point VAMC	200 Chesapeake Blvd.	Elkton	MD	21921	25	$157,694
Baltimore County Housing Authority.	Baltimore VAMC	Drum Castle Government Center.	Baltimore	MD	21212	25	$201,335
MD Dept. of Housing and Community Development.	VA MD HCS/Pokomoke City OPC.	100 Community Place.	Crownsville	MD	21032	15	$118,669
Maine State Housing Authority	VA Maine HCS	353 Water Street	Augusta	ME	04330	15	$79,308
Flint Housing Commission	Ann Arbor HCS/Flint OPC	3820 Richfield Road.	Flint	MI	48506	25	$143,085
Battle Creek Housing Commission.	Battle Creek VAMC	250 Champion Street.	Battle Creek	MI	49017	25	$91,475
Lansing Housing Commission	Battle Creek VAMC/Lansing CBOC.	310 Seymour Avenue.	Lansing	MI	48933	25	$122,860
Ann Arbor Housing Commission.	Ann Arbor HCS	727 Miller Avenue	Ann Arbor	MI	48103	25	$130,643
Muskegon Housing Commission.	Battle Creek VAMC/Muskegon OPC.	1080 Terrace	Muskegon	MI	49442	15	$73,429
Kent County Housing Commission.	Battle Creek VAMC/Grand Rapids OPC.	82 Ionia Avenue, NW.	Grand Rapids	MI	49503	50	$308,209
Michigan State Housing Development Authority.	John Dingell VAMC	735 E. Michigan Avenue.	Lansing	MI	48912	75	$472,343
Public Housing Agency of the City of St. Paul.	Minneapolis VAMC	555 N. Wabasha Street.	Saint Paul	MN	55102	40	$236,711
HRA of Duluth	Minneapolis VAMC/Hibbing CBOC.	222 East Second Street PO Box 16900.	Duluth	MN	55816	5	$23,183
HRA of St. Cloud	St. Cloud VAMC	1225 W. Saint Germain.	Saint Cloud	MN	56301	15	$66,205
Mankato EDA	Minneapolis VAMC	PO Box 3368	Mankato	MN	56002	5	$27,165
Metropolitan Council	Minneapolis VAMC	390 North Robert Street.	St. Paul	MN	55101	50	$403,079
Olmsted County HRA	Minneapolis VAMC (Rochester).	2122 Campus Drive SE.	Rochester	MN	55904	10	$62,168
Housing Authority of Kansas City.	Kansas City VAMC	920 Main Street, Suite 701.	Kansas City	MO	64106	50	$290,042
St. Francois County Public Housing Agency.	John J. Pershing VAMC	Box N	Park Hills	MO	63601	25	$84,855
St. Louis Housing Authority	St. Louis VAMC	3520 Page Boulevard.	Saint Louis	MO	63106	25	$153,675
The Housing Authority of the City of Biloxi.	Gulf Coast HCS	PO Box 447	Biloxi	MS	39533	25	$178,078
The Housing Authority of the City of Jackson.	G.V. Sonny Montgomery VAMC.	PO Box 11327	Jackson	MS	39283	50	$239,288
Montana Department of Commerce.	Montana HCS/Great Falls CBOC.	PO Box 200545	Helena	MT	59620	25	$119,416
Montana Department of Commerce.	Montana HCS Fort Harrison	PO Box 200545	Helena	MT	59620	25	$119,416
Housing Authority of the City of Charlotte.	WG Hefner VAMC Salisbury/ Charlotte CBOC.	PO Box 36795	Charlotte	NC	28236	50	$322,258
Housing Authority of the City of Asheville.	Asheville VAMC	PO Box 1898	Asheville	NC	28802	25	$138,295
Fayetteville Metropolitan Housing Authority.	Fayetteville VAMC	PO Box 2349	Fayetteville	NC	28302	25	$153,632
Housing Authority of the City of Greensboro.	WG Hefner VAMC Salisbury/ Winston-Salem CBOC.	PO Box 21287	Greensboro	NC	27420	25	$124,407
Housing Authority of the City of Winston-Salem.	WG Hefner VAMC Salisbury/ Winston-Salem CBOC.	500 West Fourth Street, Suite 300.	Winston-Salem	NC	27101	25	$104,270
The Housing Authority of the City of Durham.	Durham VAMC	PO Box 1726	Durham	NC	27702	25	$171,775

Fiscal Year 2012 Funding Announcements for the HUD–Veterans Affairs Supportive Housing (VASH) Program—Continued

Recipient	Partnering VA medical facility	Address	City	State	Zip code	Number of vouchers awarded	1 year budget authority for vouchers awarded
Housing Authority of the County of Wake.	Durham VAMC	PO Box 399	Zebulon	NC	27597	25	$146,617
Isothermal Planning & Development Commission.	Asheville VAMC	PO Box 841	Rutherfordton	NC	28139	10	$48,067
Burleigh County Housing Authority.	Fargo VAMC/Bismarck CBOC	410 S 2nd Street	Bismarck	ND	58504	15	$64,122
Lincoln Housing Authority	VA Nebraska-W. Iowa HCS/Lincoln CBOC.	5700 R St	Lincoln	NE	68505	10	$32,153
Douglas County Housing Authority.	VA Nebraska-W. Iowa HCS/Omaha VAMC.	5404 N 107th Plaza.	Omaha	NE	68134	40	$249,417
New Hampshire Housing Finance Agency.	Manchester VAMC	PO Box 5087	Manchester	NH	03108	15	$126,279
State of NJ Dept. of Comm. Affairs.	Wilmington VAMC/Northfield VA Health Clinic.	101 South Broad Street.	Trenton	NJ	08625	10	$88,362
State of NJ Dept. of Comm. Affairs.	NJ HCS—Lyons Campus/Jersey City CBOC.	101 South Broad Street.	Trenton	NJ	08625	25	$220,904
State of NJ Dept. of Comm. Affairs.	NJ HCS—E. Orange Campus/Piscataway CBOC.	101 South Broad Street.	Trenton	NJ	08625	25	$220,904
State of NJ Dept. of Comm. Affairs.	NJ HCS—E. Orange Campus/Newark CBOC.	101 South Broad Street.	Trenton	NJ	08625	15	$132,542
State of NJ Dept. of Comm. Affairs.	NJ HCS—Lyons Campus/Paterson CBOC.	101 South Broad Street.	Trenton	NJ	08625	25	$220,904
State of NJ Dept. of Comm. Affairs.	VA New Jersey HCS—Lyons Campus.	101 South Broad Street.	Trenton	NJ	08625	25	$220,904
State of NJ Dept. of Comm. Affairs.	NJ HCS—E. Orange Campus/Tinton Falls CBOC.	101 South Broad Street.	Trenton	NJ	08625	25	$220,904
State of NJ Dept. of Comm. Affairs.	NJ HCS—E. Orange Campus/Hamilton CBOC.	101 South Broad Street.	Trenton	NJ	08625	50	$441,808
Housing Authority of the City of Camden.	Philadelphia VAMC	2021 Watson Street.	Camden	NJ	08105	50	$312,094
Bernalillo County Housing Department.	Raymond G. Murphy VAMC	1900 Bridge Boulevard SW.	Albuquerque	NM	87105	25	$163,547
City of Reno Housing Authority.	Sierra Nevada HCS	1525 E 9th Street	Reno	NV	89512	50	$348,330
Southern Nevada Regional Housing Authority.	Southern Nevada HCS	PO Box 1897	Las Vegas	NV	89125	100	$667,525
Syracuse Housing Authority	Syracuse VAMC	516 Burt St	Syracuse	NY	13202	35	$170,158
New York City Housing Authority.	James J. Peters VAMC	250 Broadway	New York	NY	10007	200	$2,286,996
New York City Housing Authority.	New York Harbor HCS	250 Broadway	New York	NY	10007	100	$1,143,498
New York City Housing Authority.	New York Harbor HCS	250 Broadway	New York	NY	10007	100	$1,143,498
Albany Housing Authority	Samuel S. Stratton VAMC	200 South Pearl St	Albany	NY	12202	25	$118,600
Binghamton Housing Authority	Syracuse VAMC/Binghamton VA OPC.	35 Exchange St	Binghamton	NY	13902	10	$52,439
Town of Amherst Housing Authority.	VA Western NY HCS	1195 Main St	Buffalo	NY	14209	15	$72,338
NYS Housing Trust Fund Corporation.	Northport VAMC/Islip CBOC	c/o Vincent Lacapra.	New York	NY	10004	50	$474,874
NYS Housing Trust Fund Corporation.	Northport VAMC	c/o Vincent Lacapra.	New York	NY	10004	25	$237,437
NYS Housing Trust Fund Corporation.	VA Hudson Valley HCS—Franklin Delano Roosevelt Campus.	c/o Vincent Lacapra.	New York	NY	10004	25	$237,437
Columbus Metropolitan Housing Authority.	Chalmers P. Wylie VAMC	880 East 11th Ave	Columbus	OH	43211	50	$270,938
Dayton Metropolitan Housing Authority.	Dayton VAMC	400 Wayne Ave	Dayton	OH	45401	25	$109,946
Lucas Metropolitan Housing Authority.	Ann Arbor HCS/Toledo VA OPC.	PO Box 477	Toledo	OH	43697	25	$100,826
Lorain Metropolitan Housing Authority.	Louis Stokes VAMC/Lorain CBOC.	1600 Kansas Avenue.	Lorain	OH	44052	25	$152,755
Mansfield Metropolitan Housing Authority.	Louis Stokes VAMC/Mansfield CBOC.	PO Box 1029	Mansfield	OH	44901	25	$113,740
Clermont Metropolitan Housing Authority.	Cincinnati VAMC/Hamilton VA Health Care Associates.	65 S Market Street	Batavia	OH	45103	15	$79,677
Fairfield Metropolitan Housing Authority.	Chillicothe VAMC/Lancaster CBOC.	315 N. Columbus Street.	Lancaster	OH	43130	15	$74,916
Cuyahoga Metropolitan Housing Authority.	Louis Stokes VAMC	1441 W 25th Street.	Cleveland	OH	44113	25	$131,417
Housing Authority of the City of Oklahoma City.	Oklahoma City VAMC	1700 NE 4th Street.	Oklahoma City	OK	73117	40	$142,857
Housing Authority of the City of Muskogee.	Jack C. Montgomery VAMC/Muskogee VAMC.	220 North 40th Street.	Muskogee	OK	74401	25	$92,282
Oklahoma Housing Finance Agency.	Jack C. Montgomery VAMC/Ernest Childers VA OPC.	Oklahoma Housing Finance Agency.	Oklahoma City	OK	73126	25	$146,172

FISCAL YEAR 2012 FUNDING ANNOUNCEMENTS FOR THE HUD–VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) PROGRAM—Continued

Recipient	Partnering VA medical facility	Address	City	State	Zip code	Number of vouchers awarded	1 year budget authority for vouchers awarded
Housing Authority of Clackamas County.	Portland VAMC/East Portland CBOC/West Linn CBOC.	PO Box 1510	Oregon City	OR	97045	25	$178,708
Housing Authority of Portland	Portland VAMC	135 SW Ash Street.	Portland	OR	97204	60	$373,592
Housing Authority & Comm Svcs of Lane Co.	Roseburg VAMC/Eugene CBOC.	177 Day Island Road.	Eugene	OR	97401	50	$200,178
Housing Authority of Jackson County.	S Oregon Rehab Center and Clinic.	2231 Table Rock Road.	Medford	OR	97501	40	$178,437
Central Oregon Regional Housing Authority.	Portland VAMC/Bend CBOC	405 SW 6th Street	Redmond	OR	97756	10	$68,257
Allentown Housing Authority	Wilkes-Barre VAMC/Allentown OPC.	1339 W Allen Street.	Allentown	PA	18102	15	$114,642
Allegheny County Housing Authority.	Pittsburgh VAMC	625 Stanwix Street	Pittsburgh	PA	15222	50	$217,376
Harrisburg Housing Authority	Lebanon VAMC/Camp Hill CBOC.	351 Chestnut St	Harrisburg	PA	17101	25	$136,160
Housing Authority of the County of Butler.	Butler VAMC	114 Woody Drive	Butler	PA	16001	15	$76,522
Housing Authority of the City of Erie.	Erie VAMC	606 Holland Street	Erie	PA	16501	15	$57,781
Housing Authority of the County of Chester.	Coatesville VAMC	30 W 30 Barnard St Street.	West Chester	PA	19382	50	$332,100
Housing Authority of Indiana County.	Pittsburgh VAMC	104 Philadelphia Street.	Indiana	PA	15701	25	$103,978
Bucks County Housing Authority.	Philadelphia VAMC	PO Box 1329	Doylestown	PA	18901	10	$72,065
Housing Authority of the County of Blair.	James E. Van Zandt VAMC	PO Box 167	Hollidaysburg	PA	16648	15	$61,873
Philadelphia Housing Authority	Philadelphia VAMC	12 S 12 S 23rd Street.	Philadelphia	PA	19103	75	$544,757
Puerto Rico Dept of Housing	VA Caribbean HCS	PO Box 21365	San Juan	PR	00928	15	$81,477
Housing Authority Providence	Providence VAMC	100 Broad Street	Providence	RI	02903	25	$171,494
Housing Authority of the City of Charleston.	Ralph H Johnson VAMC	550 Meeting Street	Charleston	SC	29403	60	$326,112
Housing Authority of the City of Columbia.	Wm Jennings Bryan Dorn VAMC.	1917 Harden Street.	Columbia	SC	29204	100	$465,678
Housing Authority of Greenville.	Wm Jennings Bryan Dorn VAMC/Greenville CBOC.	PO Box 10047	Greenville	SC	29603	25	$123,265
Housing Authority of Myrtle Beach.	Ralph H Johnson VAMC/Myrtle Beach CBOC.	PO Box 2468	Myrtle Beach	SC	29578	15	$75,165
Sioux Falls Housing and Redevelopment Commission.	Royal C. Johnson VAMC	630 S Minnesota Avenue.	Sioux Falls	SD	57104	25	$152,975
Memphis Housing Authority	Memphis VAMC	PO Box 3664	Memphis	TN	38103	50	$252,887
Johnson City Housing Authority.	James H. Quillen VAMC	PO Box 59	Johnson City	TN	37605	25	$88,253
Knoxville's Community Development Corp.	James H. Quillen VAMC/ Knoxville CBOC.	PO Box 3550	Knoxville	TN	37927	25	$110,467
Chattanooga Housing Authority.	VA TN Valley HCS/Chattanooga CBOC.	PO Box 1486	Chattanooga	TN	37401	15	$56,706
Metropolitan Development & Housing Agency.	VA TN Valley HCS/Nashville Campus.	701 6th St	Nashville	TN	37202	75	$433,474
Jackson Housing Authority	Memphis VAMC/Jackson CBOC.	PO Box 3188	Jackson	TN	38303	10	$44,570
Murfreesboro Housing Authority.	Alvin C. York VAMC	415 North Maple Street.	Murfreesboro	TN	37130	10	$52,621
Dickson Housing Authority	VA TN Valley HCS/Clarksville CBOC.	333 Martin Luther King Jr Boulevard.	Dickson	TN	37055	15	$79,538
Austin Housing Authority	VA Central Texas HCS/Austin OPC.	PO Box 6159	Austin	TX	78762	100	$703,285
Housing Authority of the City of El Paso.	VA El Paso HCS	5300 E. Paisano Dr.	El Paso	TX	79905	25	$99,498
Housing Authority of Fort Worth.	VA North Texas HCS/Fort Worth OPC.	1201 13th St	Fort Worth	TX	76101	50	$298,264
Houston Housing Authority	Michael E. DeBakey VAMC	2640 Fountain View.	Houston	TX	77057	150	$899,952
San Antonio Housing Authority	Audie L. Murphey VAMC	PO Drawer 1300	San Antonio	TX	78295	20	$99,145
Corpus Christi Housing Authority.	VA Texas Valley Coastal Bend HCS/Corpus Christi OPC.	3701 Ayers Street	Corpus Christi	TX	78415	25	$157,548
Housing Authority of the City of Dallas.	Dallas VAMC Campus	3939 N. Hampton Road.	Dallas	TX	75212	100	$629,950
Housing Authority of Lubbock	Thomas E. Creek VAMC	PO Box 2568	Lubbock	TX	79408	25	$143,669
Housing Authority of the City of Abilene.	West Texas VAMC	534 Cypress Street, Suite #200.	Abilene	TX	79601	50	$161,208
Harris County Housing Authority.	Michael E. DeBakey VAMC	8933 Interchange	Houston	TX	77054	50	$301,252

Fiscal Year 2012 Funding Announcements for the HUD–Veterans Affairs Supportive Housing (VASH) Program—Continued

Recipient	Partnering VA medical facility	Address	City	State	Zip code	Number of vouchers awarded	1 year budget authority for vouchers awarded
Bexar County Housing Authority.	Audie L. Murphey VAMC	1017 N. Main Avenue.	San Antonio	TX	78212	20	$126,592
City of Amarillo Housing Authority.	Thomas E. Creek VAMC	PO Box 1971	Amarillo	TX	79101	25	$146,066
Central Texas Council of Governments.	Central Texas Veterans Health Care System.	PO Box 729	Belton	TX	76513	50	$253,898
Housing Authority of the County of Salt Lake.	George E. Wahlen VAMC	3595 S Main Street.	Salt Lake City	UT	84115	50	$304,701
Housing Authority of Salt Lake City.	George E. Wahlen VAMC	1776 S West Temple.	Salt Lake City	UT	84115	25	$148,958
St. George Housing Authority	George E. Wahlen VAMC/St. George CBOC.	975 N 1725 W	St George	UT	84770	10	$46,815
Norfolk Redevelopment & Housing Authority.	Hampton VAMC/VA Beach CBOC.	PO Box 968	Norfolk	VA	23501	25	$187,566
Roanoke Redevelopment & Housing Authority.	Salem VAMC	PO Box 6359	Roanoke	VA	24017	10	$32,701
Hampton Redevelopment & Housing Authority.	Hampton VAMC	PO Box 280	Hampton	VA	23669	100	$558,149
Fairfax County Redevelopment & Hsg Authority.	Washington D.C. VAMC/Alexandria CBOC.	3700 Pender Drive	Fairfax	VA	22030	10	$107,679
Prince William County Office of HCD.	Washington D.C. VAMC/Alexandria CBOC.	15941 Donald Curtis Drive, Suite 112.	Woodbridge	VA	22191	10	$128,138
Virginia Housing Development Authority.	Hunter Holmes McGuire VAMC.	PO Box 4545	Richmond	VA	23220	25	$187,365
Vermont State Housing Authority.	White River Junction	1 Prospect Street	Montpelier	VT	05602	25	$153,036
Seattle Housing Authority	Seattle VAMC	120 Sixth Avenue North.	Seattle	WA	98109	58	$409,544
HA of King County	Seattle VAMC	600 Andover Park West.	Seattle	WA	98188	57	$476,832
Peninsula Housing Authority	VA Puget Sound HCS/Port Angeles CBOC.	2603 S Francis Street.	Port Angeles	WA	98362	25	$139,385
HA City of Tacoma	American Lake VAMC	902 S L Street	Tacoma	WA	98405	25	$150,356
Housing Authority of Snohomish County.	Seattle VAMC	12625 4th Avenue W.	Everett	WA	98204	75	$585,873
HA City of Yakima	Jonathan M. Wainwright Memorial VAMC/Yakima CBOC.	810 N 6th Avenue	Yakima	WA	98902	10	$40,298
HA of Pierce County	American Lake VAMC	PO Box 45410	Tacoma	WA	98445	25	$174,451
HA City of Spokane	Spokane VAMC	55 W Mission Avenue.	Spokane	WA	99201	25	$102,647
Housing Authority of Skagit County.	VA Puget Sound HCS/Mt. Vernon CBOC.	1650 Port Drive	Burlington	WA	98233	25	$144,969
Housing Authority of the City of Milwaukee.	Clement J. Zablocki VAMC	PO Box 324	Milwaukee	WI	53201	25	$111,898
Madison Community Development Authority.	Wm. S. Middleton VAMC	PO Box 1785	Madison	WI	53701	25	$152,457
CDA of the City of West Allis	Clement J. Zablocki VAMC	7525 West Greenfield Avenue.	West Allis	WI	53214	25	$149,095
CDA of the City of West Allis	Clement J. Zablcoki VAMC Milwaukee.	7525 West Greenfield Avenue.	West Allis	WI	53214	25	$149,095
Charleston/Kanawha Housing Authority.	Huntington VAMC	PO Box 86	Charleston	WV	25321	10	$49,166
Housing Authority of the City of Huntington.	Huntington VAMC	PO Box 2183	Huntington	WV	25722	15	$62,509
Housing Authority of Raleigh County.	Beckley VAMC	PO Box 2618	Beckley	WV	25802	15	$53,812
Housing Authority of the City of Cheyenne.	Cheyenne VAMC	3304 Sheridan Street.	Cheyenne	WY	82009	10	$45,205
FY2012 HUD VASH Total						Total Vouchers Awarded 10,450	1 Year Budget Authority For Vouchers Awarded $75,145,092

Appendix B

Fiscal Year 2013 Funding Awards for the HUD-Veterans Affairs Supportive Housing (VASH) Program

Recipient	Partnering VA medical facility	Address	City	State	Zip code	Number of vouchers awarded	1 year budget authority for vouchers awarded
Alaska Housing Finance Corporation.	Alaska VA Health Care System, Anchorage Campus.	PO Box 101020 ...	Anchorage	AK	99510	15	$105,718.
The Housing Authority of the City of Huntsville.	Birmingham VA Medical Center VA Medical Center (VAMC), Huntsville VA Clinic.	PO Box 486	Huntsville	AL	35804	25	$113,438.
Jefferson County Housing Authority.	Birmingham VA Medical Center (VAMC).	3700 Industrial Parkway.	Birmingham	AL	35217	50	$363,118.
Housing Authority of the City of Montgomery.	Central Alabama Veterans Health Care System, Montgomery Campus.	525 S Lawrence St.	Montgomery	AL	36104	30	$159,500.
Tuscaloosa Housing Authority	Tuscaloosa VA Medical Center.	PO Box 2281	Tuscaloosa	AL	35403	20	$87,868.
Fayetteville Housing Authority	Fayetteville, AR VA Medical Center (VAMC).	#1 North School Avenue.	Fayetteville	AR	72701	30	$112,125.
Metropolitan Housing Alliance (Little Rock).	Little Rock VA Medical Center	100 South Arch Street.	Little Rock	AR	72201	75	$424,606.
City of Phoenix Housing Department.	Phoenix VA Health Care System (HCS), Thunderbird Community-Based Outreach Clinic (CBOC).	251 W Washington Street.	Phoenix	AZ	85003	25	$156,661.
City of Phoenix Housing Department.	Phoenix VA Health Care System (HCS).	251 W Washington Street.	Phoenix	AZ	85003	75	$469,982.
Housing and Community Development Tucson.	Southern Arizona VA Health Care System (HCS), Tucson VA Medical Center (VAMC).	PO Box 27210	Tucson	AZ	85726	75	$434,862.
City of Mesa Housing Authority.	Phoenix VA Health Care System (HCS), Mesa Community-Based Outreach Clinic (CBOC).	PO Box 1466	Mesa	AZ	85211	50	$303,785.
Housing Authority of Cochise County.	Southern Arizona VA Health Care System (HCS), Sierra Vista Community-Based Outreach Clinic (CBOC).	PO Box 167	Bisbee	AZ	85603	15	$97,265.
Arizona Department of Housing.	Northern Arizona VA Health Care System (HCS), Prescott VA Medical Center (VAMC).	1110 W. Washington.	Phoenix	AZ	85007	10	$57,202.
Mohave County	Northern AZ VA Health Care System, Prescott.	PO Box 7000	Kingman	AZ	86402	25	$148,446.
Housing Authority of the County of Los Angeles.	VA Greater Los Angeles Health Care System (HCS), GLA Campus.	2 S Coral Circle ...	Monterey Park	CA	91755	175	$1,591,401.
Oakland Housing Authority	VA Northern California Health Care System (HCS), Oakland Behavioral Health Clinic (BHC).	1619 Harrison Street.	Oakland	CA	94612	60	$581,263.
Housing Authority of the City of Los Angeles.	VA Greater Los Angeles Health Care System (HCS), Greater LA Campus.	2600 Wilshire Blvd	Los Angeles	CA	90057	525	$4,923,261.
Housing Authority City of Fresno.	VA Central CA Health Care System (HCS), Fresno VA Medical Center (VAMC).	PO Box 11985	Fresno	CA	93776	70	$378,840.
County of Sacramento Housing Authority.	VA Northern California Health Care System (HCS), Sacramento VA Medical Center (VAMC).	801 12th Street	Sacramento	CA	95814	50	$368,568.
Housing Authority of the County of San Mateo.	San Francisco VA Medical Center (VAMC).	264 Harbor Boulevard.	Belmont	CA	94002	35	$414,372.
Housing Authority of the County of San Bernardino.	VA Loma Linda Health Care System (HCS), Loma Linda Campus.	715 E. Brier Dr	San Bernardino	CA	92408	55	$371,804.
County of San Joaquin Housing Authority.	VA Palo Alto Health Care System (HCS), Stockton Community-Based Outreach Clinic (CBOC).	PO Box 447	Stockton	CA	95201	25	$125,259.
County of Stanislaus Housing Authority.	VA Palo Alto Health Care System (HCS), Modesto Community-Based Outreach Clinic (CBOC).	PO Box 581918 ...	Modesto	CA	95358	15	$99,826.
Housing Authority of the County of Riverside.	VA Loma Linda Health Care System (HCS), Loma Linda Campus.	5555 Arlington Avenue.	Riverside	CA	92504	75	$575,847.

FISCAL YEAR 2013 FUNDING AWARDS FOR THE HUD-VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) PROGRAM—Continued

Recipient	Partnering VA medical facility	Address	City	State	Zip code	Number of vouchers awarded	1 year budget authority for vouchers awarded
County of Monterey Housing Authority.	VA Palo Alto Health Care System (HCS), Seaside Community-Based Outreach Clinic (CBOC).	123 Rico Street	Salinas	CA	93907	30	$247,219.
County of Butte Housing Authority.	VA Northern California Health Care System (HCS), Chico Community-Based Outreach Clinic (CBOC).	2039 Forest Ave Suite #10.	Chico	CA	95928	15	$80,975.
Housing Authority of the County Santa Clara.	VA Palo Alto Health Care System (HCS), Menlo Park Campus.	505 W Julian Street.	San Jose	CA	95110	100	$1,192,956.
San Diego Housing Commission.	VA San Diego Health Care System (HCS), San Diego Campus.	1122 Broadway Suite 300.	San Diego	CA	92101	185	$1,569,607.
Housing Authority of the City of San Luis Obispo.	VA Greater Los Angeles Health Care System (HCS), San Luis Obispo Community-Based Outreach Clinic (CBOC).	PO Box 1289	San Luis Obispo ..	CA	93406	15	$106,839.
Alameda County Housing Authority.	VA Palo Alto Health Care System (HCS)/Fremont CBOC.	22941 Atherton Street.	Hayward	CA	94541	10	$108,425.
City of Long Beach Housing Authority.	VA Long Beach Health Care System (HCS), Long Beach Campus.	521 East 4th Street.	Long Beach	CA	90802	110	$938,150.
Santa Cruz County Housing Authority.	VA Palo Alto Health Care System (HCS), Menlo Park Campus.	2931 Mission Street.	Santa Cruz	CA	95060	25	$287,208.
City of Santa Rosa Housing Authority.	San Francisco VA Medical Center (VAMC), Santa Rosa Community-Based Outreach Clinic (CBOC).	PO Box 1806	Santa Rosa	CA	95402	50	$467,519.
Orange County Housing Authority.	VA Long Beach Health Care System (HCS), Long Beach Campus.	1770 North Broadway.	Santa Ana	CA	92706	100	$1,117,272.
County of Shasta Housing Authority.	VA Northern California Health Care System (HCS), Redding Community-Based Outreach Clinic (CBOC).	1450 Court Street, Suite 108.	Redding	CA	96001	10	$47,528.
Housing Authority of the County of San Diego.	VA San Diego Health Care System (HCS), San Diego Campus.	3989 Ruffin Road	San Diego	CA	92123	40	$332,731.
Housing Authority of San Francisco.	San Francisco VA Medical Center.	1815 Egbert Avenue.	San Francisco	CA	94124	70	$875,826.
Housing Authority of the County of Santa Barbara.	VA Greater Los Angeles Health Care System, Santa Barbara Community-Based Outreach Clinic.	PO Box 397	Lompoc	CA	93438	15	$153,299.
Housing Authority of the City and County of Denver.	VA Eastern Colorado Health Care System (HCS), Denver VA Medical Center (VAMC).	Box 40305, Mile High Station.	Denver	CO	80204	40	$251,018.
Fort Collins Housing Authority	Cheyenne VA Medical Center (VAMC).	1715 W. Mountain Ave.	Ft. Collins	CO	80758	30	$188,698.
Grand Junction Housing Authority.	Grand Junction VA Medical Center (VAMC).	1011 North Tenth Street.	Grand Junction	CO	81501	25	$108,048.
Aurora Housing Authority	VA Eastern Colorado Health Care System (HCS), Denver VA Medical Center (VAMC).	2280 S Xanadu Way.	Aurora	CO	80014	10	$61,665.
Boulder County Housing Authority.	VA Eastern Colorado Health Care System (HCS), Denver VA Medical Center (VAMC).	PO Box 471	Boulder	CO	80306	10	$65,912.
Colorado Division of Housing	VA Eastern Colorado Health Care System (HCS), Denver VA Medical Center (VAMC).	1313 Sherman Street.	Denver	CO	80203	25	$157,602.
Colorado Division of Housing	VA Eastern Colorado Health Care System (HCS), Colorado Springs Community-Based Outreach Clinic (CBOC).	1313 Sherman Street.	Denver	CO	80203	25	$157,602.
Colorado Division of Housing	New Mexico VA Health Care System (HCS), Durango.	1313 Sherman Street.	Denver	CO	80203	15	$94,561.
Housing Authority of the City of Bridgeport.	VA Connecticut Health Care System (HCS), West Haven Campus.	150 Highland Avenue.	Bridgeport	CT	06604	15	$159,059.

FISCAL YEAR 2013 FUNDING AWARDS FOR THE HUD-VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) PROGRAM—Continued

Recipient	Partnering VA medical facility	Address	City	State	Zip code	Number of vouchers awarded	1 year budget authority for vouchers awarded
West Haven Housing Authority	VA Connecticut Health Care System (HCS), West Haven Campus.	15 Glade Street ...	West Haven	CT	06516	15	$117,274.
Connecticut Department of Social Services.	VA Connecticut Health Care System (HCS), Newington Campus.	25 Sigourney Street.	Hartford	CT	06106	10	$85,482.
Connecticut Department of Social Services.	VA Connecticut Health Care System (HCS), West Haven Campus.	25 Sigourney Street.	Hartford	CT	06106	15	$128,223.
D.C. Housing Authority	Washington, DC VA Medical Center (VAMC).	1133 N Capitol Street NE.	Washington	DC	20002	65	$733,543.
Wilmington Housing Authority	Wilmington VA Medical Center (VAMC).	400 Walnut Street	Wilmington	DE	19801	20	$133,339.
Jacksonville Housing Authority	Northern FL/Southern GA VA Health Care System (HCS), Jacksonville Campus.	1300 Broad Street	Jacksonville	FL	32202	50	$250,787.
Housing Authority of the City of St. Petersburg.	Bay Pines VA Health Care System (HCS), St. Petersburg Community-Based Outreach Clinic (CBOC).	2001 Gandy Boulevard North.	St. Petersburg	FL	33702	35	$207,005.
Tampa Housing Authority	Tampa VA Medical Center (VAMC).	1529 W Main Street.	Tampa	FL	33607	205	$1,286,531.
Orlando Housing Authority	Orlando VA Medical Center (VAMC).	390 North Bumby Avenue.	Orlando	FL	32803	110	$741,708.
Miami Dade Public Housing and Community Development.	Miami VA Health Care System (HCS).	701 NW 1st Court	Miami	FL	33136	45	$327,024.
Housing Authority of City of Daytona Beach.	Orlando VA Medical Center (VAMC), Daytona Beach Community-Based Outreach Clinic (CBOC).	211 N. Ridgewood Ave.	Daytona Beach	FL	32114	20	$104,984.
Sarasota Housing Authority	Bay Pines VA Health Care System (HCS), Sarasota Community-Based Outreach Clinic (CBOC).	40 South Pineapple Avenue.	Sarasota	FL	34236	25	$160,403.
West Palm Beach Housing Authority.	West Palm Beach VA Medical Center (VAMC).	1715 Division Avenue.	West Palm Beach	FL	33407	35	$260,719.
Housing Authority of the City of Titusville.	Orlando VA Medical Center (VAMC), Viero Community-Based Outreach Clinic (CBOC).	524 S Hopkins Avenue.	Titusville	FL	32796	30	$149,258.
Ocala Housing Authority	Northern FL/Southern GA VA Health Care System (HCS), Ocala Community-Based Outreach Clinic (CBOC).	Post Office Box 2468.	Ocala	FL	34478	15	$60,908.
Seminole County Housing Authority.	Orlando VA Medical Center (VAMC).	662 Academy Place.	Oviedo	FL	32765	15	$99,143.
Housing Authority of the City of Stuart.	West Palm Beach VA Medical Center (VAMC), Fort Pierce Community-Based Outreach Clinic (CBOC).	611 Church Street	Stuart	FL	34994	15	$113,421.
Housing Authority of the City of Fort Myers.	Bay Pines VA Health Care System (HCS), Port Charlotte Community-Based Outreach Clinic (CBOC).	4224 Renaissance Preserve Way.	Fort Myers	FL	33916	20	$117,076.
Housing Authority of the City of Fort Myers.	Bay Pines VA Health Care System (HCS), Lee County VA HC Center.	4224 Renaissance Preserve Way.	Fort Myers	FL	33916	35	$204,884.
Pinellas County Housing Authority.	Bay Pines VA Health Care System (HCS), St. Petersburg Community-Based Outreach Clinic (CBOC).	11479 Ulmerton Road.	Largo	FL	33778	35	$251,168.
Alachua County Housing Authority.	Northern FL/Southern GA VA Health Care System (HCS), Gainesville Campus.	703 NE First Street.	Gainesville	FL	32601	65	$378,397.
Tallahassee Housing Authority	Northern FL/Southern GA VA Health Care System (HCS), Tallahassee Campus.	2940 Grady Road	Tallahassee	FL	32312	60	$391,246.
Broward County Housing Authority.	Miami VA Health Care System (HCS), Broward County Community-Based Outreach Clinic (CBOC).	4780 N State Road 7.	Lauderdale Lakes	FL	33319	100	$895,956.
Fort Walton Beach	Gulf Coast Health Care System, Pensacola Community-Based Outreach Clinic.	27 Robinwood Drive SW.	Fort Walton Beach	FL	32548	45	$241,333.
Housing Authority of the City of Augusta.	Augusta VA Medical Center (VAMC).	PO Box 3246	Augusta	GA	30914	15	$72,840.

FISCAL YEAR 2013 FUNDING AWARDS FOR THE HUD-VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) PROGRAM—Continued

Recipient	Partnering VA medical facility	Address	City	State	Zip code	Number of vouchers awarded	1 year budget authority for vouchers awarded
Housing Authority of Savannah.	Charleston VA Medical Center (VAMC), Savannah VA Clinic.	PO Box 1179	Savannah	GA	31402	15	$95,225.
Housing Authority of the City of Atlanta Georgia.	Atlanta VA Medical Center (VAMC).	230 John Wesley Dobbs N.E.	Atlanta	GA	30303	110	$1,046,866.
Housing Authority of the City of Marietta.	Atlanta VA Medical Center (VAMC), Austell VA Clinic.	PO Box K	Marietta	GA	30061	15	$91,202.
Housing Authority of the City of Decatur.	Atlanta VA Medical Center (VAMC).	750 Commerce Drive.	Decatur	GA	30030	75	$407,178.
Housing Authority of the County of Dekalb, GA.	Atlanta VA Medical Center (VAMC).	750 Commerce Drive, Suite 201.	Decatur	GA	30030	50	$281,622.
Savannah	Charleston VA Medical Center, Savannah Community-Based Outreach Clinic.	PO Box 1179	Savannah	GA	31402	10	$63,483.
Atlanta Housing Authority	Atlanta VA Medical Center	230 John Wesley Dobbs N.E.	Atlanta	GA	30303	75	$713,772.
Georgia Residential Finance	Charleston VAMC/Hinesville CBOC.	60 Executive Parkway South, NE.	Atlanta	GA	30329	25	$126,703.
Hawaii Public Housing Authority.	VA Pacific Islands Health Care System (HCS), Hawaii VA Medical Center (VAMC).	PO Box 17907	Honolulu	HI	96817	65	$569,431.
Des Moines Municipal Housing Agency.	VA Central Iowa Health Care System (HCS), Des Moines VA Medical Center (VAMC).	Park Fair Mall	Des Moines	IA	50313	15	$64,798.
Davenport Housing Commission.	Iowa City VA Medical Center (VAMC).	501 W 3rd Street	Davenport	IA	52801	15	$70,666.
City of Iowa City Housing Authority.	Iowa City VA Medical Center	410 E Washington Street.	Iowa City	IA	52240	15	$65,147.
Housing Authority of the City of Pocatello.	VA Salt Lake City Health Care System (HCS), Pocatello Community-Based Outreach Clinic (CBOC).	PO Box 4161	Pocatello	ID	83205	15	$76,452.
Boise City Housing Authority	Boise VA Medical Center (VAMC).	1276 River Street	Boise	ID	83702	25	$118,371.
Chicago Housing Authority	Jesse Brown VA Medical Center (VAMC).	60 E. Van Buren St.	Chicago	IL	60605	150	$1,210,176.
Housing Authority of Champaign County.	VA Illiana Health Care System (HCS), Illiana VA Medical Center (VAMC).	205 W Park Avenue.	Champaign	IL	61820	15	$109,876.
Housing Authority Cook County.	Hines VA Medical Center (VAMC).	175 W. Jackson	Chicago	IL	60604	70	$566,336.
Housing Authority of the City of Waukegan.	Captain James A Lovell Federal Health Care Center (FHCC).	215 S Utica Street	Waukegan	IL	60085	15	$110,515.
McHenry County Housing Authority.	Captain James A Lovell Federal Health Care Center (FHCC), McHenry VA Clinic.	PO Box 1109	Woodstock	IL	60098	15	$100,723.
Chicago Housing Authority	Jesse Brown VA Medical Center.	60 E. Van Buren St.	Chicago	IL	60605	15	$121,018.
Bloomington Housing Authority	VA Illiana Health Care System, Peoria Outpatient Clinic.	104 E Wood Street.	Bloomington	IL	61701	15	$84,525.
Indianapolis Housing Agency	Indianapolis VA Medical Center (VAMC).	1919 North Meridian Street.	Indianapolis	IN	46202	50	$245,334.
Housing Authority of the City of Marion, In.	Marion VA Medical Center (VAMC).	601 S Adams Street.	Marion	IN	46953	20	$64,846.
Indiana Housing and Community Development Au.	Indianapolis VA Medical Center (VAMC).	30 South Meridian	Indianapolis	IN	46204	15	$80,870.
Indiana Housing and Community Development Authority.	Northern Indiana Health Care System (HCS), South Bend Community-Based Outreach Clinic (CBOC).	30 South Meridian	Indianapolis	IN	46204	15	$80,870.
Indiana Housing and Community Development Authority.	Northern Indiana Health Care System (HCS), Ft. Wayne and Marion Campuses.	30 South Meridian	Indianapolis	IN	46204	25	$134,784.
Lawrence/Douglas County Housing Authority.	Eastern KS Health Care System (HCS) Topeka Division.	1600 Haskell Ave	Lawrence	KS	66044	20	$137,758.
Salina Housing Authority	Robert J. Dole VA Medical Center.	PO Box 1202	Salina	KS	67402	15	$46,114.
Louisville Housing Authority	Louisville VA Medical Center (VAMC).	420 S 8th Street	Louisville	KY	40203	35	$170,490.
Louisville Housing Authority	Louisville VA Medical Center (VAMC), New Albany Community-Based Outreach Clinic (CBOC).	420 S 8th Street	Louisville	KY	40203	10	$48,711.
Housing Authority of Lexington	Lexington VA Medical Center (VAMC).	300 West New Circle Road.	Lexington	KY	40505	25	$114,137.

Fiscal Year 2013 Funding Awards for the HUD-Veterans Affairs Supportive Housing (VASH) Program—Continued

Recipient	Partnering VA medical facility	Address	City	State	Zip code	Number of vouchers awarded	1 year budget authority for vouchers awarded
Kentucky Housing Corporation	Louisville VA Medical Center	1231 Louisville Road.	Frankfort	KY	40601	5	$30,233.
Housing Authority of New Orleans.	New Orleans VA Medical Center (VAMC).	4100 Touro Street	New Orleans	LA	70122	90	$625,358.
Housing Authority of the City of Kenner.	New Orleans VA Medical Center (VAMC).	1013 31st Street ..	Kenner	LA	70065	15	$87,789.
Housing Authority of Rapides Parish.	Alexandria VA Medical Center (VAMC).	119 Boyce Garden Drive.	Boyce	LA	71409	30	$111,367.
Bossier Parish Section 8	Shreveport VA Medical Center (VAMC).	3022 Old Minden Road.	Bossier City	LA	71112	40	$172,523.
New Bedford Housing Authority.	Providence VA Medical Center (VAMC).	134 South Second Street.	New Bedford	MA	02741	15	$94,900.
Lynn Housing Authority	Bedford VA Medical Center (VAMC), Lynn Community-Based Outreach Clinic (CBOC).	10 Church Street	Lynn	MA	01902	15	$146,564.
Boston Housing Authority	VA Boston Health Care System, Causeway Street Outpatient Clinic.	52 Chauncy Street	Boston	MA	02111	50	$517,924.
Cambridge Housing Authority	VA Boston Health Care System, Causeway Street Outpatient Clinic.	675 Massachusetts Avenue.	Cambridge	MA	02139	15	$169,647.
MA Department of Housing & Community Development.	Bedford VA Medical Center, Lowell Community-Based Outreach Clinic.	100 Cambridge Street, Suite 300.	Boston	MA	02114	15	$135,360.
MA Department of Housing & Community Development.	Bedford VA Medical Center, Haverhill Community-Based Outreach Clinic.	100 Cambridge Street, Suite 300.	Boston	MA	02114	15	$135,360.
MA Department of Housing & Community Development.	Bedford VA Medical Center ...	100 Cambridge Street, Suite 300.	Boston	MA	02114	15	$135,360.
MA Department of Housing & Community Development.	VA Central Western Massachusetts Health Care System, Pittsfield Community-Based Outreach Clinic.	100 Cambridge Street, Suite 300.	Boston	MA	02114	35	$315,840.
Housing Authority of Baltimore City.	VA Maryland Health Care System (HCS), Baltimore Campus.	417 E Fayette Street.	Baltimore	MD	21202	80	$744,586.
Housing Opportunity Commission of Montgomery County.	Washington, DC VA Medical Center (VAMC).	10400 Detrick Avenue.	Kensington	MD	20895	15	$196,835.
Housing Authority of Prince Georges County.	Washington, DC VA Medical Center (VAMC).	9400 Peppercorn Place.	Largo	MD	20774	25	$301,182.
Portland Housing Authority	Maine VA Health Care System (HCS), Portland Community-Based Outreach Clinic (CBOC).	14 Baxter Boulevard.	Portland	ME	04101	20	$140,062.
Flint Housing Commission	VA Ann Arbor Health Care System (HCS), Flint VA Outpatient Clinic (OPC).	3820 Richfield Road.	Flint	MI	48506	15	$57,725.
Flint Housing Commission	Detroit VA Medical Center (VAMC), Yale VA Outpatient Clinic (OPC).	3820 Richfield Road.	Flint	MI	48506	15	$57,725.
Battle Creek Housing Commission.	Battle Creek VA Medical Center (VAMC).	250 Champion Street.	Battle Creek	MI	49017	15	$47,493.
Lansing Housing Commission	Battle Creek VA Medical Center (VAMC), Lansing VA Outpatient Clinic (OPC).	310 Seymour Avenue.	Lansing	MI	48933	25	$129,117.
Ann Arbor Housing Commission.	VA Ann Arbor Health Care System (HCS).	727 Miller Avenue	Ann Arbor	MI	48103	20	$108,197.
Muskegon Housing Commission.	Battle Creek VA Medical Center (VAMC), Muskegon Outpatient Clinic (OPC).	1080 Terrace	Muskegon	MI	49442	10	$36,136.
Kent County Housing Commission.	Battle Creek VA Medical Center (VAMC), Grand Rapids VA Outpatient Clinic (OPC).	82 Ionia Avenue, NW.	Grand Rapids	MI	49503	25	$137,241.
Michigan State Housing Development Authority.	Detroit VA Medical Center (VAMC).	735 E. Michigan Avenue.	Lansing	MI	48912	65	$355,649.
Michigan State Housing Development Authority.	Detroit VA Medical Center (VAMC), Pontiac VA Outpatient Clinic (OPC).	735 E. Michigan Avenue.	Lansing	MI	48912	10	$54,715.
Michigan State Housing Development Authority.	Saginaw VA Medical Center (VAMC), Bad Axe VA Community-Based Outreach Clinic (CBOC).	735 E. Michigan Avenue.	Lansing	MI	48912	15	$82,073.
Michigan State Housing Development Authority.	Saginaw VA Medical Center (VAMC).	735 E. Michigan Avenue.	Lansing	MI	48912	15	$82,073.
Public Housing Agency of the City of St Paul.	Minneapolis VA Health Care System (HCS).	555 N. Wabasha Street.	Saint Paul	MN	55102	15	$81,920.

FISCAL YEAR 2013 FUNDING AWARDS FOR THE HUD-VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) PROGRAM—Continued

Recipient	Partnering VA medical facility	Address	City	State	Zip code	Number of vouchers awarded	1 year budget authority for vouchers awarded
Dakota County Community Development Authority.	Minneapolis VA Health Care System (HCS).	1228 Town Centre Drive.	Eagan	MN	55123	25	$174,182.
Metropolitan Council	Minneapolis VA Medical Center.	390 North Robert Street.	St. Paul	MN	55101	15	$96,800.
St. Louis Housing Authority	St. Louis VA Medical Center (VAMC).	3520 Page Boulevard.	Saint Louis	MO	63106	30	$175,387.
Housing Authority of Kansas City, Missouri.	Kansas City VA Medical Center (VAMC).	920 Main Street, Suite 701.	Kansas City	MO	64106	55	$308,326.
St. Joseph Housing Authority	Eastern KS Health Care System (HCS) Leavenworth Division.	PO Box 1153	Saint Joseph	MO	64502	35	$151,608.
Housing Authority of St. Louis County.	St. Louis VA Medical Center (VAMC).	8865 Natural Bridge Road.	Saint Louis	MO	63121	30	$201,374.
Housing Authority of the City of Columbia, MO.	Columbia, MO VA Medical Center (VAMC).	201 Switzler Street	Columbia	MO	65203	15	$57,550.
St. Francois County Public Housing Agency.	Poplar Bluff VA Medical Center (VAMC).	Box N	Park Hills	MO	63601	10	$13,553.
The Housing Authority of the City of Biloxi.	Biloxi VA Medical Center (VAMC).	PO Box 447	Biloxi	MS	39533	55	$356,403.
Mississippi Regional Housing Authority No. VI.	Jackson VA Medical Center (VAMC).	PO Drawer 8746	Jackson	MS	39284	10	$62,957.
The Housing Authority of the City of Jackson.	Jackson VA Medical Center (VAMC).	PO Box 11327	Jackson	MS	39283	30	$164,447.
Mississippi Regional Housing Authority No. VIII.	Jackson VA Medical Center	PO Box 2347	Gulfport	MS	39505	15	$67,810.
Housing Authority of Billings	VA Montana Health Care System (HCS), Billings Community-Based Outreach Clinic (CBOC).	2415 1st Avenue N.	Billings	MT	59101	15	$67,187.
Montana Department of Commerce.	VA Montana Health Care System (HCS), Fort Harrison VA Medical Center (VAMC).	PO Box 200545	Helena	MT	59620	55	$257,994.
Housing Authority of the City of Charlotte.	Salisbury VA Medical Center (VAMC), Charlotte Community-Based Outreach Clinic (CBOC).	PO Box 36795	Charlotte	NC	28236	40	$250,024.
Housing Authority of the City of Asheville.	Asheville VA Medical Center (VAMC).	PO Box 1898	Asheville	NC	28802	50	$284,433.
Fayetteville Metropolitan Housing Authority.	Fayetteville, NC VA Medical Center (VAMC).	PO Box 2349	Fayetteville	NC	28302	45	$268,196.
Housing Authority of the City of Winston-Salem.	Salisbury VA Medical Center (VAMC), Winston-Salem Community-Based Outreach Clinic (CBOC).	500 West Fourth Street, Suite 300.	Winston-Salem	NC	27101	20	$80,624.
Housing Authority of the County of Wake.	Durham VA Medical Center (VAMC).	PO Box 399	Zebulon	NC	27597	35	$215,058.
Housing Authority of the City of Wilmington.	Fayetteville, NC VA Medical Center, Wilmington Community-Based Outreach Clinic.	PO Box 899	Wilmington	NC	28402	15	$94,652.
The Housing Authority of the City of Durham.	Durham VA Medical Center	PO Box 1726	Durham	NC	27702	10	$61,073.
Rowan County Housing Authority.	Salisbury VA Medical Center	310 Long Meadow Drive.	Salisbury	NC	28147	20	$98,597.
Fargo Housing and Redevelopment Authority.	Fargo VA Health Care System, Fargo VA Medical Center.	325 Broadway	Fargo	ND	58107	15	$51,217.
Minot Housing Authority	Fargo VA Health Care System (HCS)/Minot CBOC.	108 Burdick Expy East.	Minot	ND	58107	15	$84,721.
Lincoln Housing Authority	Nebraska/Western Iowa VA Health Care System (HCS), Lincoln Community-Based Outreach Clinic (CBOC).	5700 R St	Lincoln	NE	68505	10	$35,735.
Douglas County Housing Authority.	Nebraska/Western Iowa VA Health Care System (HCS), Omaha VA Medical Center (VAMC).	5404 N 107th Plaza.	Omaha	NE	68134	50	$270,678.
Manchester Housing & Redevelopment Authority.	Manchester VA Medical Center (VAMC).	198 Hanover Street.	Manchester	NH	03104	20	$168,584.
State of NJ Dept. of Comm. Affairs.	New Jersey Health Care System (HCS), Lyons VA Medical Center (VAMC).	101 South Broad Street.	Trenton	NJ	08625	75	$665,055.
State of NJ Dept. of Comm. Affairs.	Philadelphia VA Medical Center.	101 South Broad Street.	Trenton	NJ	08625	15	$133,011.

FISCAL YEAR 2013 FUNDING AWARDS FOR THE HUD-VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) PROGRAM—Continued

Recipient	Partnering VA medical facility	Address	City	State	Zip code	Number of vouchers awarded	1 year budget authority for vouchers awarded
City of Albuquerque Housing Authority.	New Mexico VA Health Care System (HCS), Albuquerque VA Medical Center (VAMC).	1840 University Blvd SE.	Albuquerque	NM	87106	20	$82,356.
City of Albuquerque Housing Authority.	New Mexico VA Health Care System (HCS), NW Metro Community-Based Outreach Clinic (CBOC).	1840 University Blvd SE.	Albuquerque	NM	87106	15	$61,767.
Bernalillo County Housing Department.	New Mexico VA Health Care System (HCS), Albuquerque VA Medical Center (VAMC).	1900 Bridge Boulevard SW.	Albuquerque	NM	87105	30	$137,563.
Housing Authority of the County of San Juan.	New Mexico VA Health Care System (HCS), Farmington Community-Based Outreach Clinic (CBOC).	7450 East Main	Farmington	NM	87402	15	$65,305.
Housing Authority of the County of Socorro.	New Mexico VA Health Care System (HCS), Albuquerque VA Medical Center (VAMC).	PO Box 00	Socorro,	NM	87801	15	$78,478.
City of Reno Housing Authority	VA Sierra Nevada Health Care System (HCS), Reno Campus.	1525 E 9th Street	Reno	NV	89512	45	$279,493.
Southern Nevada Regional Housing Authority.	VA Southern Nevada Health Care System (HCS), Las Vegas VA Medical Center (VAMC).	PO Box 1897	Las Vegas	NV	89125	250	$1,831,710.
New York City Housing Authority.	Bronx VA Medical Center (VAMC).	250 Broadway	New York	NY	10007	100	$1,042,524.
New York City Housing Authority.	New York Harbor Health Care System (HCS).	250 Broadway	New York	NY	10007	150	$1,563,786.
Albany Housing Authority	Albany VA Medical Center (VAMC), Albany VA Medical Center (VAMC).	200 South Pearl St.	Albany	NY	12202	30	$137,581.
Rochester Housing Authority	Canandaigua VA Medical Center (VAMC), Rochester Outpatient Clinic (OPC).	675 West Main St	Rochester	NY	14611	30	$147,496.
Town of Amherst	VA Western NY Health Care System (HCS), Buffalo VA Medical Center (VAMC).	1195 Main St	Buffalo	NY	14209	40	$174,230.
NYC Dept of Housing Preservation and Development.	Bronx VA Medical Center (VAMC), Bronx VA Medical Center (VAMC).	100 Gold Street	New York	NY	10038	25	$313,185.
NYC Dept of Housing Preservation and Development.	New York Harbor Health Care System (HCS).	100 Gold Street	New York	NY	10038	50	$626,369.
NYS Housing Trust Fund Corporation.	Bath VA Medical Center (VAMC), Elmira Community-Based Outreach Clinic (CBOC).	NYS Hcr Statewide Sec. 8 Voucher Program.	New York	NY	10004	20	$185,988.
NYS Housing Trust Fund Corporation.	Northport VA Medical Center (VAMC).	NYS Hcr Statewide Sec. 8 Voucher Program.	New York	NY	10004	65	$604,461.
NYS Housing Trust Fund Corporation.	Bronx VA Medical Center (VAMC).	NYS Hcr Statewide Sec. 8 Voucher Program.	New York	NY	10004	25	$232,485.
Christopher Community, Village of Manlius.	Syracuse VA Medical Center (VAMC).	990 James St	Syracuse	NY	13203	15	$74,505.
Columbus Metropolitan Housing Authority.	Columbus VA Medical Center (VAMC).	880 East 11th Ave	Columbus	OH	43211	60	$320,854.
Youngstown Metropolitan Housing Authority.	Cleveland VA Medical Center (VAMC), Youngstown Outpatient Clinic (OPC).	131 W 131 Boardman St.	Youngstown	OH	44503	20	$100,748.
Cuyahoga Metropolitan Housing Authority.	Cleveland VA Medical Center (VAMC).	1441 W 25th Street.	Cleveland	OH	44113	75	$389,340.
Cincinnati Metropolitan Housing Authority.	Cincinnati VA Medical Center (VAMC).	1044 West Liberty	Cincinnati	OH	45214	30	$144,554.
Dayton Metropolitan Housing Authority.	Dayton VA Medical Center (VAMC).	400 Wayne Ave	Dayton	OH	45401	20	$81,888.
Lorain Metropolitan Housing Authority.	Cleveland VA Medical Center (VAMC), Lorain Community-Based Outreach Clinic (CBOC).	1600 Kansas Avenue.	Lorain	OH	44052	25	$129,780.
Chillicothe Metropolitan Housing Authority.	Chillicothe VA Medical Center (VAMC).	178 W 4th Street	Chillicothe	OH	45601	15	$63,695.

FISCAL YEAR 2013 FUNDING AWARDS FOR THE HUD-VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) PROGRAM—Continued

Recipient	Partnering VA medical facility	Address	City	State	Zip code	Number of vouchers awarded	1 year budget authority for vouchers awarded
Clermont Metropolitan Housing Authority.	Cincinnati VA Medical Center (VAMC), Clermont County Community-Based Outreach Clinic (CBOC).	65 S Market Street	Batavia	OH	45103	10	$45,509.
Fairfield Metropolitan Housing Authority.	Chillicothe VA Medical Center (VAMC), Lancaster Community-Based Outreach Clinic (CBOC).	315 N. Columbus Street.	Lancaster	OH	43130	15	$76,253.
Lucas Metropolitan Housing Authority.	VA Ann Arbor Health Care System, Toledo VA Outpatient Clinic.	PO Box 477	Toledo	OH	43697	25	$109,533.
Stark County	Cleveland VA Medical Center, Akron Community-Based Outreach Clinic.	400 Tuscarawas Street E.	Canton	OH	44702	25	$117,391.
Ashtabula Metropolitan Housing Authority.	Erie VA Medical Center	PO Box 2350	Ashtabula	OH	44005	15	$90,417.
Cincinnati Metropolitan Housing Authority.	Cincinnati VA Medical Center (VAMC), Hamilton VA HC Associates.	1044 West Liberty	Cincinnati	OH	45214	10	$48,185.
Darke County Metropolitan Housing Authority.	Dayton VA Medical Center (VAMC).	1469 Sweizer Street.	Greenville	OH	45331	15	$53,921.
Housing Authority of the City of Oklahoma City.	Oklahoma City VA Medical Center (VAMC).	1700 NE 4th Street.	Oklahoma City	OK	73117	25	$97,755.
Housing Authority of the City of Muskogee.	Muskogee VA Medical Center (VAMC).	220 North 40th Street.	Muskogee	OK	74401	25	$86,033.
Oklahoma Housing Finance Agency.	Oklahoma City VA Medical Center (VAMC).	Oklahoma Housing Finance Agency.	Oklahoma City	OK	73126	15	$79,628.
Housing Authority of Portland	Portland VA Medical Center (VAMC).	135 SW Ash Street.	Portland	OR	97204	55	$349,483.
Housing Authority of Douglas County.	VA Roseburg Health Care System (HCS).	902 West Stanton Street.	Roseburg	OR	97470	20	$49,397.
Housing Authority & Community Services of Lane County.	VA Roseburg Health Care System (HCS), Eugene Community-Based Outreach Clinic (CBOC).	177 Day Island Road.	Eugene	OR	97401	25	$111,210.
Housing Authority of Jackson County.	Southern Oregon—White City VA Rehab Center and Clinics.	2231 Table Rock Road.	Medford	OR	97501	45	$194,443.
Klamath Housing Authority	Southern Oregon—White City VA Rehab Center and Clinics.	1445 Avalon St Office.	Klamath Falls	OR	97603	15	$69,766.
Linn-Benton Housing Authority	VA Roseburg Health Care System (HCS).	1250 SE Queen Ave.	Albany	OR	97322	15	$66,015.
Housing Authority of Washington County.	Portland VA Medical Center (VAMC), Hillsboro Community-Based Outreach Clinic (CBOC).	111 NE Lincoln, Suite 200–L.	Hillsboro	OR	97124	35	$203,897.
Josephine Housing Community Development Council.	Southern Oregon—White City VA Rehab Center and Clinics.	PO Box 1630	Grants Pass	OR	97528	15	$72,947.
Central Oregon Regional Housing Authority.	Portland VA Medical Center (VAMC), Bend Community-Based Outreach Clinic (CBOC).	405 SW 6th Street	Redmond	OR	97756	15	$97,148.
Philadelphia Housing Authority	Philadelphia VA Medical Center (VAMC).	12 S 23rd Street	Philadelphia	PA	19103	50	$349,362.
Allegheny County Housing Authority.	VA Pittsburgh Health Care System (HCS).	625 Stanwix Street	Pittsburgh	PA	15222	50	$216,147.
Housing Authority of the County of Butler.	Butler VA Medical Center (VAMC).	114 Woody Drive	Butler	PA	16001	15	$85,310.
Housing Authority of the County of Chester.	Coatesville VA Medical Center (VAMC).	30 W 30 Barnard St.	West Chester	PA	19382	35	$250,261.
Wilkes Barre Housing Authority.	Wilkes-Barre VA Medical Center (VAMC).	50 Lincoln Plaza	Wilkes Barre	PA	18702	25	$131,007.
Housing Authority Providence	Providence VA Medical Center (VAMC).	100 Broad Street	Providence	RI	02903	15	$99,016.
Puerto Rico Dept of Housing	VA Caribbean Health Care System, San Juan Campus.	PO Box 21365	San Juan	RQ	00928	25	$125,135.
Housing Authority of the City of Charleston.	Charleston VA Medical Center (VAMC).	550 Meeting Street.	Charleston	SC	29403	35	$182,128.
Housing Authority of the City of Columbia.	Columbia, SC VA Medical Center (VAMC).	1917 Harden Street.	Columbia	SC	29204	50	$222,003.
Housing Authority of Myrtle Beach.	Charleston VA Medical Center (VAMC), Myrtle Beach Community-Based Outreach Clinic (CBOC).	PO Box 2468	Myrtle Beach	SC	29578	15	$75,192.

FISCAL YEAR 2013 FUNDING AWARDS FOR THE HUD-VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) PROGRAM—Continued

Recipient	Partnering VA medical facility	Address	City	State	Zip code	Number of vouchers awarded	1 year budget authority for vouchers awarded
Sioux Falls Housing and Redevelopment Commission.	Sioux Falls VA Health Care System (HCS).	630 S Minnesota Avenue.	Sioux Falls	SD	57104	10	$56,112.
Memphis Housing Authority	Memphis VA Medical Center (VAMC).	PO Box 3664	Memphis	TN	38103	65	$358,506.
Knoxville's Community Development Corp.	Mountain Home VA Medical Center (VAMC), Knoxville Community-Based Outreach Clinic (CBOC).	PO Box 3550	Knoxville	TN	37927	25	$113,217.
Metropolitan Development & Housing Agency.	TN Valley Health Care System (HCS), Nashville Campus.	701 6th St	Nashville	TN	37202	55	$269,162.
Murfreesboro Housing Authority.	TN Valley Health Care System (HCS), Murfreesboro Campus.	415 North Maple Street.	Murfreesboro	TN	37130	25	$111,351.
Memphis Housing Authority	Memphis VA Medical Center	PO Box 3664	Memphis	TN	38103	15	$82,732.
Austin Housing Authority	Temple VA Medical Center (VAMC).	PO Box 6159	Austin	TX	78762	50	$350,946.
Housing Authority of the City of El Paso, TX.	El Paso VA Health Care System (HCS).	5300 E. Paisano Dr.	El Paso	TX	79905	25	$114,626.
Housing Authority of Fort Worth.	Dallas VA Medical Center (VAMC).	1201 13th St	Fort Worth	TX	76101	45	$248,492.
Houston Housing Authority	Houston VA Medical Center (VAMC).	2640 Fountain View.	Houston	TX	77057	100	$595,944.
San Antonio Housing Authority	San Antonio VA Medical Center (VAMC).	PO Drawer 1300	San Antonio	TX	78295	25	$137,352.
Corpus Christi Housing Authority.	VA Texas Valley Coastal Bend Health Care System (HCS).	3701 Ayers Street	Corpus Christi	TX	78415	15	$77,637.
Tarrant County Housing Assistance Office.	Dallas VA Medical Center (VAMC).	2100 Circle Drive #200.	Fort Worth	TX	76119	15	$104,965.
Bexar County Housing Authority.	San Antonio VA Medical Center (VAMC).	1017 N. Main Avenue.	San Antonio	TX	78212	80	$361,039.
City of Amarillo	Amarillo VA Medical Center (VAMC).	PO Box 1971	Amarillo	TX	79101	20	$106,173.
Central Texas Council of Governments.	Temple VA Medical Center (VAMC).	PO Box 729	Belton	TX	76513	70	$307,802.
Deep East Texas Council of Governments.	Houston VA Medical Center (VAMC).	210 Premier Drive	Jasper	TX	75951	25	$113,997.
Fort Worth HA	Dallas VA Medical Center, Fort Worth Community-Based Outreach Clinic.	1201 13th St	Fort Worth	TX	76101	15	$82,831.
Housing Authority of the City of Dallas, Texas.	Dallas VA Medical Center	3939 N. Hampton Road.	Dallas	TX	75212	80	$473,155.
Harris County Housing Authority.	Houston VA Medical Center	8933 Interchange	Houston	TX	77054	130	$827,845.
Amarillo	Amarillo VA Medical Center	PO Box 1971	Amarillo	TX	79101	15	$79,630.
Housing Authority of the County of Salt Lake.	VA Salt Lake City Health Care System (HCS).	3595 S Main Street.	Salt Lake City	UT	84115	25	$149,628.
Housing Authority of Salt Lake City.	VA Salt Lake City Health Care System (HCS).	1776 S West Temple.	Salt Lake City	UT	84115	25	$142,176.
Norfolk Redevelopment & Housing Authority.	Hampton VA Medical Center (VAMC), Virginia Beach Community-Based Outreach Clinic (CBOC).	PO Box 968	Norfolk	VA	23501	15	$125,835.
Richmond Redevelopment & Housing Authority.	Richmond VA Medical Center (VAMC).	PO Box 26887	Richmond	VA	23261	15	$102,834.
Hampton Redevelopment & Housing Authority.	Hampton VA Medical Center (VAMC).	PO Box 280	Hampton	VA	23669	35	$244,096.
Virginia Beach Dept. of Housing & Neighborhood Preservation.	Hampton VA Medical Center (VAMC), Virginia Beach Community-Based Outreach Clinic (CBOC).	Princess Anne Park.	Virginia Beach	VA	23456	30	$234,594.
Prince William County Office of Housing and Community Development.	Washington, DC VA Medical Center (VAMC), Ft. Belvoir Outpatient Clinic (OPC).	15941 Donald Curtis Drive, Suite 112.	Woodbridge	VA	22191	15	$170,129.
Virginia Housing Development Authority.	Richmond VA Medical Center (VAMC).	PO Box 4545	Richmond	VA	23220	35	$280,209.
Fairfax County Redevelopment & Housing Authority.	Washington, DC VA Medical Center, Ft. Belvoir Outpatient Clinic.	3700 Pender Drive	Fairfax	VA	22030	15	$168,417.
Prince William County Office of Hcd.	Washington DC VA Medical Center, Alexandria Community-Based Outreach Clinic.	15941 Donald Curtis Drive, Suite 112.	Woodbridge	VA	22191	5	$56,710.
Vermont State Housing Authority.	White River Junction VA Medical Center (VAMC).	1 Prospect Street	Montpelier	VT	05602	20	$120,468.
Seattle Housing Authority	VA Puget Sound, Seattle Campus.	190 Queen Anne Ave N.	Seattle	WA	98109	35	$252,294.

FISCAL YEAR 2013 FUNDING AWARDS FOR THE HUD-VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) PROGRAM—Continued

Recipient	Partnering VA medical facility	Address	City	State	Zip code	Number of vouchers awarded	1 year budget authority for vouchers awarded
HA of King County	VA Puget Sound, Seattle Campus.	600 Andover Park West.	Seattle	WA	98188	40	$324,163.
HA City of Tacoma	VA Puget Sound, American Lake Campus.	902 S L Street	Tacoma	WA	98405	15	$89,950.
Housing Authority of the City of Vancouver.	Portland VA Medical Center (VAMC), Vancouver Campus.	2500 Main Street	Vancouver	WA	98660	30	$155,347.
Housing Authority of Snohomish County.	VA Puget Sound VA Medical Center (VAMC), Everett Community-Based Outreach Clinic (CBOC).	12625 4th Avenue W.	Everett	WA	98204	15	$118,359.
HA of Pierce County	VA Puget Sound VA Medical Center (VAMC), American Lake Campus.	PO Box 45410	Tacoma	WA	98445	15	$103,198.
HA City of Spokane	Spokane VA Medical Center (VAMC).	55 W Mission Avenue.	Spokane	WA	99201	75	$332,397.
HA City of Walla Walla	Walla Walla VA Medical Center (VAMC), Richland Community-Based Outreach Clinic (CBOC).	501 Cayuse Street	Walla Walla	WA	99362	35	$140,763.
Madison Community Development Authority.	Madison VA Medical Center (VAMC).	PO Box 1785	Madison	WI	53701	25	$146,028.
Wisconsin Housing & Economic Development Authority.	Clement J. Zablocki VAMC	PO Box 1728	Madison	WI	53701	25	$120,153.
Housing Authority of the City of Milwaukee.	Clement J. Zablocki VAMC	PO Box 324	Milwaukee	WI	53201	30	$136,998.
Wisconsin Housing & Economic Development Authority.	Tomah VA Medical Center (VAMC).	PO Box 1728	Madison	WI	53701	30	$144,184.
Charleston/Kanawha Housing Authority.	Huntington VA Medical Center (VAMC).	PO Box 86	Charleston	WV	25321	20	$96,229.
Raleigh County	Beckley VA Medical Center	PO Box 2618	Beckley	WV	25802	30	$105,953.
Housing Authority of the City of Cheyenne.	Sheridan VA Medical Center (VAMC), Gillette Community-Based Outreach Clinic (CBOC).	3304 Sheridan Street.	Cheyenne	WY	82009	15	$66,735.
Housing Authority of the City of Cheyenne.	Cheyenne VA Medical Center (VAMC).	3304 Sheridan Street.	Cheyenne	WY	82009	15	$66,735.
Rock Springs Housing Authority.	Sheridan VA Medical Center (VAMC), Rock Springs Community-Based Outreach Clinic (CBOC).	233 C Street	Rock Springs	WY	82901	15	$73,452.
FY2013 HUD VASH						Total vouchers	1 Year Budget Authority For Vouchers Awarded.
Grand Total						Awarded 9,820	$68,039,758.

[FR Doc. 2014–25268 Filed 10–22–14; 8:45 am]
BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[DR.5B711.IA000815]

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Approved Tribal-State Class III Gaming Compact.

SUMMARY: This notice publishes the approval of the Compact between the Yerington Paiute Tribe (Tribe) and the State of Nevada (State) Governing Class III Gaming.

DATES: *Effective Date:* October 23, 2014.

FOR FURTHER INFORMATION CONTACT: Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act (IGRA) Public Law 100–497, 25 U.S.C. 2701 *et seq.*, the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. As required by 25 CFR 293.4, all compacts are subject to review and approval by the Secretary. The Compact allows the Tribal Gaming Commission to determine the number of casinos, mix of games, number of gaming devices, wager, and prize limits. The Compact also allows the Tribe to operate "Slots Only Locations" totaling 300 slot machines, provided that no more than 65 slot machines are operated at each location. The term of the Compact is for 6 years from the commencement of gaming operations, can be extended for additional periods up to 20 years, and the term can be extended to be coterminous with a financing agreement. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, is publishing notice that the Tribal-State Compact between the State and the Tribe is now in effect.

Dated: October 17, 2014.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2014–25297 Filed 10–22–14; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[DR.5B711.IA000814]

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Approved Tribal-State Class III Gaming Compact.

SUMMARY: This notice publishes the approval of the Compact between the Te-Moak Tribe of Western Shoshone (Tribe) and the State of Nevada (State) Governing Class III Gaming.

DATES: *Effective Date:* October 23, 2014.

FOR FURTHER INFORMATION CONTACT: Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act (IGRA) Public Law 100–497, 25 U.S.C. 2701 *et seq.*, the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. As required by 25 CFR 293.4, all compacts are subject to review and approval by the Secretary. The Compact allows the Tribal Gaming Commission to determine the number of casinos, mix of games, number of gaming devices, wager, and prize limits. The Compact allows the Tribe to operate "Slots Only Locations" totaling 300 slot machines, provided that no more than 65 slot machines are operated at each location. The term of the Compact is 20 years, and the term can be amended to be coterminous with a financing agreement. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, is publishing notice that the Tribal-State Compact between the State and the Tribe is now in effect.

Dated: October 17, 2014.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2014–25296 Filed 10–22–14; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2014–0001; MMAA104000]

Outer Continental Shelf, Alaska Region, Cook Inlet Program Area, Proposed Oil and Gas Lease Sale 244

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of intent to prepare an environmental impact statement and hold public scoping meetings.

SUMMARY: Consistent with the regulations implementing the National Environmental Policy Act (NEPA), the Bureau of Ocean Energy Management (BOEM) is announcing its intent to prepare an Environmental Impact Statement (EIS) for proposed Lease Sale 244 in the Cook Inlet Program Area. The EIS will focus on the potential effects of leasing, exploration, development and production of oil and natural gas in the proposed lease sale area. In addition to the no-action alternative (i.e., not holding the lease sale), other alternatives may be considered, such as deferring additional areas within the Cook Inlet proposed lease sale area.

DATES: Comments should be submitted by December 8, 2014 through *http://www.regulations.gov/.*

FOR FURTHER INFORMATION CONTACT: For information on the Lease Sale 244 EIS, the submission of comments, or BOEM's policies associated with this notice, please contact Michael Rolland, Regional Supervisor, BOEM, Alaska OCS Region, 3801 Centerpoint Drive, Suite 500, Anchorage, AK 99503, telephone (907) 334–5271.

SUPPLEMENTARY INFORMATION: On August 27, 2012, the Secretary of the Interior approved the June 2012 *Proposed Final Outer Continental Shelf Oil & Gas Leasing Program 2012–2017* (Five Year Program). The Five Year Program includes proposed Lease Sale 244.

There are currently no Federal leases in the Cook Inlet Planning Area. The proposed Lease Sale 244 leasing area is located offshore of the State of Alaska in the northern portion of the Federal waters of Cook Inlet and consists of 224 lease blocks and covers roughly 437,613 hectares (approximately 1.07 million acres of the total Cook Inlet Planning Area of 5.3 million acres). The lease sale area was identified in the November 27, 2013, Area Identification (Area ID) available at *www.boem.gov/Sale-244/.* While including most of the areas identified by industry in their responses to the March 27, 2012, Request for Interest, the proposed lease sale area in the Area ID also:

- Excludes the majority of the designated critical habitat areas for beluga whale and northern sea otter, and excludes the critical habitat areas for Steller sea lions and the North Pacific right whale;
- reduces potential effects to parks, preserves, and wildlife refuges by placing a buffer between the area considered for leasing and the Katmai National Park and Preserve, the Kodiak National Wildlife Refuge, and the Alaska Maritime National Wildlife Refuge; and
- excludes many of the subsistence use areas for the Native Villages of Nanwalek and Port Graham identified during the Cook Inlet Lease Sale 191 process.

This notice of intent is not an announcement to hold a proposed lease sale, but is a continuation of the information gathering process and is published early in the environmental review process in furtherance of the goals of NEPA. The comments received during scoping will help inform the content of the Lease Sale 244 EIS. If, after completion of the EIS, the Department of the Interior's Assistant Secretary for Land and Minerals Management chooses to hold the proposed lease sale, that decision and the details related to the lease sale (including, the lease sale area and any mitigation) will be announced in a Record of Decision and Final Notice of Sale.

Scoping Process: This notice of intent also serves to announce the scoping process for identifying key issues for the Lease Sale 244 EIS. Throughout the scoping process, Federal, State, Tribal and local governments and the general public have the opportunity to provide input to BOEM in determining significant resources, issues, impacting factors, reasonable alternatives, and potential mitigation measures to be analyzed in the Lease Sale 244 EIS. BOEM will evaluate additional alternatives, deferral and/or mitigation suggestions identified during scoping meetings and the comment period initiated by this notice of intent in the preparation of the EIS.

BOEM will use the NEPA process to satisfy the public comment requirements of section 106 of the National Historic Preservation Act (16 U.S.C. 470f), as provided for in 36 CFR 800.2(d)(3).

Scoping Meetings: Pursuant to the regulations implementing the procedural provisions of NEPA, BOEM will hold public scoping meetings. The purpose of these meetings is to solicit

comments on the scope of the Lease Sale 244 EIS. These meetings are scheduled as follows:

- November 12, 2014, Tribal Conference Center, Seldovia, Alaska;
- November 13, 2014, Tribal Community Center, Nanwalek, Alaska;
- November 13, 2014, Best Western Bidarka Inn, 575 Sterling Highway, Homer, Alaska;
- November 14, 2014, Kenai Peninsula College, 156 College Road, Soldotna, Alaska; and
- November 24, 2014, Loussac Library Complex, 3600 Denali Street, Anchorage, Alaska.

All meetings will start at 7:00 p.m. (except Nanwalek, which will begin at 12:00 p.m.).

Written Comments: All interested parties, including Federal, State, Tribal, and local governments, and the general public, may submit written comments on the scope of the Lease Sale 244 EIS, significant issues that should be addressed, alternatives that should be considered, potential mitigation measures, and the types of oil and gas activities of interest in the proposed Lease Sale 244 area.

Scoping comments may be made through the regulations.gov web portal: Navigate to *http://www.regulations.gov* and search for Docket BOEM–2014–0001, or "Oil and Gas Lease Sales: Alaska Outer Continental Shelf; Cook Inlet Program Area Lease Sale 244". Click on the "Comment Now!" button to the right of the document link. Enter your information and comment, and then click "Submit."

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.

Cooperating Agency: BOEM invites qualified government entities, such as other Federal Agencies, State, Tribal, and local governments, to consider becoming cooperating agencies for the preparation of Lease Sale 244 EIS. Following the guidelines at 40 CFR 1501.6 and 1508.5 from the Council on Environmental Quality (CEQ), qualified agencies and governments are those with "jurisdiction by law or special expertise." Potential cooperating agencies should consider their authority and capacity to assume the responsibilities of a cooperating agency and remember that an agency's role in the environmental analysis neither enlarges nor diminishes the final decision-making authority of any other agency involved in the NEPA process. Upon request, BOEM will provide potential cooperating agencies with a written summary of guidelines for cooperating agencies, including time schedules and critical action dates, milestones, responsibilities, scope and detail of cooperating agencies' contributions, and availability of pre-decisional information. BOEM anticipates this summary will form the basis for a Memorandum of Understanding between BOEM and any cooperating agency. BOEM, as the lead agency, will not provide financial assistance to cooperating agencies. In addition to becoming a cooperating agency, other opportunities will exist to provide information and comments to BOEM during the public comment period for the EIS. For additional information about cooperating agencies, please contact Michael Rolland, Regional Supervisor, BOEM, at telephone (907) 334–5271.

Authority: This notice of intent is published pursuant to the regulation at 40 CFR 1501.7 implementing the provisions of NEPA.

Walter D. Cruickshank,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2014–25255 Filed 10–22–14; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–524–525 and 731–TA–1260–1261 (Preliminary)]

Certain Welded Line Pipe From Korea and Turkey; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701–TA–524–525 and 731–TA–1260–1261 (Preliminary) under sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Korea and Turkey of certain welded line pipe, provided for in subheadings 7305.11, 7305.12, 7305.19, and 7306.19 of the Harmonized Tariff Schedule of the United States, that are alleged to be subsidized by the Governments of Korea and Turkey and are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to sections 702(c)(1)(B) or 732(c)(1)(B) of the Act (19 U.S.C. 1671a(c)(1)(B) or 1673a(c)(1)(B)), the Commission must reach its preliminary determinations in these antidumping and countervailing duty investigations in 45 days, or in this case by Monday, December 1, 2014. The Commission's views must be transmitted to Commerce within five business days thereafter, or by Monday, December 8, 2014.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

DATES: *Effective Date:* Thursday, October 16, 2014.

FOR FURTHER INFORMATION CONTACT: Michael Szustakowski (202–205–3169), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background. These investigations are being instituted in response to a petition filed on Thursday, October 16, 2014, by American Cast Iron Pipe Company, Birmingham, AL; Energex, a division of JMC Steel Group, Chicago, IL; Maverick Tube Corporation, Houston, TX; Northwest Pipe Company, Vancouver, WA; Stupp Corporation, Baton Rouge, LA; Tex-Tube Company, Houston, TX; TMK IPSCO, Houston, TX; and Welspun Tubular LLC USA, Little Rock, AR.

Participation in the investigations and public service list. Persons (other than

petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list. Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference. The Commission's Director of Investigations has scheduled a conference in connection with these investigations for 9:30 a.m. on Thursday, November 6, 2014, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the conference should be emailed to *William.bishop@usitc.gov* and *Sharon.bellamy@usitc.gov* (DO NOT FILE ON EDIS) on or before Tuesday, November 4, 2014. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions. As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before Wednesday, November 12, 2014, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. Please consult the Commission's rules, as amended, 76 FR 61937 (Oct. 6, 2011) and the Commission's Handbook on Filing Procedures, 76 FR 62092 (Oct. 6, 2011), available on the Commission's Web site at *http://edis.usitc.gov.*

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

Issued: October 17, 2014.

By order of the Commission.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–25156 Filed 10–22–14; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On October 16, 2014 the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Northern District of New York in the lawsuit entitled *United States* v. *Niagara Mohawk Power Corporation*, Civil Action No. 1:14–cv–1266.

The proposed Consent Decree would resolve alleged claims of the United States against Niagara Mohawk Power Corporation under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act.

The proposed settlement addresses the Niagara Mohawk Power Corporation Superfund Site in the City of Saratoga Springs, New York. The consent decree will require Niagara Mohawk to perform the Operable Unit 2 remedial action in accordance with the Record of Decision issued by the Environmental Protection Agency in 2013.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Niagara Mohawk Power Corporation*, D.J. Ref. No. 90–11–3–1570/3. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By e-mail	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General U.S. DOJ—ENRD P.O. Box 7611 Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.htnl.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $90.75 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the exhibits and signature pages, the cost is $11.25.

Robert E. Maher Jr.,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2014–25211 Filed 10–22–14; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

Program for Adjudication: Commencement of Claims Program

AGENCY: Foreign Claims Settlement Commission of the United States, DOJ.

ACTION: Notice.

SUMMARY: This notice announces the commencement by the Foreign Claims Settlement Commission ("Commission") of a program for adjudication of certain categories of claims of United States nationals against

the Republic of Iraq, as defined below, within the scope of the "Claims Settlement Agreement Between the Government of the United States of America and the Government of the Republic of Iraq," dated September 2, 2010 ("Claims Settlement Agreement").

DATES: These claims can now be filed with the Commission and the deadline for filing will be October 23, 2015.

FOR FURTHER INFORMATION CONTACT: Brian M. Simkin, Chief Counsel, Foreign Claims Settlement Commission of the United States, 600 E Street NW., Room 6002, Washington, DC 20579, Tel. (202) 616–6975, FAX (202) 616–6993.

Notice of Commencement of Claims Adjudication Program

Pursuant to the authority conferred upon the Secretary of State and the Commission under subsection 4(a)(1)(C) of Title I of the International Claims Settlement Act of 1949 (Pub. L. 455, 81st Cong., approved March 10, 1950, as amended by Pub. L. 105–277, approved October 21, 1998 (22 U.S.C. 1623(a)(1)(C)), the Foreign Claims Settlement Commission hereby gives notice of the commencement of a program for adjudication of certain categories of claims of United States nationals against the Republic of Iraq. These claims, which have been referred to the Commission by the Department of State by letter dated October 7, 2014, are defined as follows:

Category A: This category shall consist of claims by U.S. nationals for hostage-taking [1] by Iraq [2] in violation of international law prior to October 7, 2004, provided that the claimant was not a plaintiff in pending litigation against Iraq for hostage taking [3] at the time of the entry into force of the Claims Settlement Agreement and has not received compensation under the Claims Settlement Agreement from the U.S. Department of State.

Category B: This category shall consist of claims of U.S. nationals for death while being held hostage by Iraq in violation of international law prior to October 7, 2004.

Category C: This category shall consist of claims of U.S. nationals for any personal injury resulting from physical harm to the claimant caused by Iraq in violation of international law prior to October 7, 2004, provided that the claimant: 1) had pending litigation against Iraq arising out of acts other than hostage taking; 2) has not already been compensated pursuant to the Claims Settlement Agreement; and 3) does not have a valid claim under and has not received compensation pursuant to category B of this referral.

In conformity with the terms of the referral, the Commission will determine the claims in accordance with the provisions of 22 U.S.C. 1621 *et seq.*, which comprises Title I of the International Claims Settlement Act of 1949, as amended. The Commission will then certify to the Secretary of the Treasury those claims that it finds to be valid, for payment out of the claims fund established under the Claims Settlement Agreement.

The Commission will administer this claims adjudication program in accordance with its regulations, which are published in Chapter V of Title 45, Code of Federal Regulations (45 CFR 500 *et seq.*). In particular, attention is directed to subsection 500.3(a) of these regulations which, based on 22 U.S.C. 1623(f), limits the amount of attorney's fees that may be charged for legal representation before the Commission. These regulations are also available over the Internet at *http://www.gpoaccess.gov/cfr/index.html.*

Approval has been obtained from the Office of Management and Budget for the collection of this information. Approval No. 1105–0100, expiration date 11/30/2016.

Brian M. Simkin,

Chief Counsel.

[FR Doc. 2014–25152 Filed 10–22–14; 8:45 am]

BILLING CODE 4410–01–P

[1] For purposes of this referral, hostage-taking would include unlawful detention by Iraq that resulted in an inability to leave Iraq or Kuwait after Iraq invaded Kuwait on August 2, 1990.

[2] For purposes of this referral, "Iraq" shall mean the Republic of Iraq, the Government of the Republic of Iraq, any agency or instrumentality of the Republic of Iraq, and any official, employee or agent of the Republic of Iraq acting within the scope of his or her office, employment or agency.

[3] For purposes of this category, pending litigation against Iraq for hostage taking refers to the following matters: *Acree v. Iraq,* D.D.C. 02–cv–00632 and 06–cv–00723, *Hill v. Iraq,* D.D.C. 99–cv–03346, *Vine v. Iraq,* D.D.C. 0 l–cv–02674; *Seyam (Islamic Society of Wichita) v. Iraq,* D.D.C. 03–cv–00888; *Simon v. Iraq,* D.D.C. 03–cv–00691.

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by November 24, 2014. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Division of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Li Ling Hamady, ACA Permit Officer, at the above address or *ACApermits@nsf.gov* or (703) 292–7149.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Application Details

1. *Applicant:* Dr. Ari Friedlaender, Permit Application: 2015–011, 2030 Marine Science Drive, Hatfield Marine Science Center, Oregon State University, Newport, OR 97365.

Activity for Which Permit is Requested: Take, Import into USA. The applicants propose to satellite tag and collect skin and blubber biopsy samples of minke, humpback and Arnoux's beaked whales. The applicants would address the following basic hypotheses that require collecting of genetic and blubber samples from biopsies. They will investigate the stock structure of whales that inhabit the nearshore waters of the AP which requires genetic information contained in skin samples. These samples can be processed and compared against voucher samples from breeding populations in the Pacific Ocean to determine the population structure of animals feeding in Antarctic waters. Likewise, the sex of individual whales can be determined from genetic markers from the skin samples. Knowing the ratios of males: females can provide information about the growth and structure of the cetacean communities. In order to understand the diet of different marine mammals and if/how these change spatially or over the course of a season, they can compare the stable isotope signatures in blubber to those of their known prey items. This

common analysis is potent and can greatly inform studies on the feeding behavior of whales in the region. The applicants would use standard dart-biopsy methods that have been used for more than 2 decades and are proven to be both humane and appropriate. A small sterilized stainless steel tip would be attached to the end of a customized crossbow bolt that has a flotation stopper engineered on to it. When the dart hits the whale, it penetrates the outermost skin and collects a ~10×5 mm sample of both skin and blubber. These samples are placed in sterilized cryovials and kept in −20 °C freezers until they are shipped frozen back to the labs for analysis. For satellite tagging, they are testing specific hypotheses regarding how the movement and behavior of humpback whales relates to that of their prey, Antarctic krill, and sea ice in the Antarctic environment. Satellite-transmitting tags offer the opportunity to track the movement of individual whales over long time periods and in relation to physical processes in their environment. They will deploy 10 satellite-linked implantable tags, designed to a maximum of 290mm into the back of the whale (generally just forward and to the left or right side of the dorsal fin). The tag is designed to penetrate just beneath the skin and hypodermis to anchor the tag. All external components of the tag are built from stainless steel and the tag is surgically sterilized prior to deployment. Each tag is deployed with the use of a compressed air gun. Once deployed, each tag turns on during the subsequent dive of the whale. Tags will then transmit upon each initial surfacing, and each 30 seconds of subsequent 'dry time' until the tag falls off the whale, malfunctions or the single AA lithium battery is exhausted. Investigators with significant experience in these methods would conduct both biopsy and satellite tagging.

Location: Antarctic Peninsula between Marguerite Bay and the Gerlache Strait, inshore waters.

Dates: January 1, 2015–December 31, 2018.

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2014–25235 Filed 10–22–14; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for International Science and Engineering; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub., L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for International Science and Engineering Meeting. #25104.

Date/Time: November 6, 2014: 11 a.m. to 2 p.m.

Place: National Science Foundation, 4121 Wilson Boulevard, Stafford II—Suite 1155, Arlington, Virginia 22230.

Type of Meeting: OPEN, VIRTUAL.

Contact Person: Diane Drew, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230 703–292–7220.

Minutes: Meeting minutes and other information may be obtained from the AC–ISE Designated Federal Official at the above address or the Web site at *http://www.nsf.gov/od/iia/ise/advisory.jsp.*

Purpose of Meeting: To provide advice and recommendations on major goals and policies pertaining to International programs and activities.

Agenda

Thursday, November 6, 2014 11 a.m.–2 p.m.

- Welcome and Opening Remarks
- Update on the Status of the ISE Section
- Presentation and Discussion of the Report from the ISE Committee of Visitors
- Presentation and Discussion of the Strategic Framework for International Engagement
- Discussion of Other Recent Evaluations of NSF International Activities
- (Tentative) Meeting with France Córdova, NSF Director
- Closing Remarks and Wrap Up

Dated: October 17, 2014.

Suzanne Plimpton,

Acting Committee Management Officer.

[FR Doc. 2014–25153 Filed 10–22–14; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2014–0155]

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on July 2, 2014.

1. *Type of submission, new, revision, or extension:* Extension.

2. *The title of the information collection:* NRC Form 483, "Registration Certificate—*In Vitro* Testing with Byproduct Material Under General License."

3. *Current OMB approval number:* 3150–0038.

4. *How often the collection is required:* There is a one-time submittal of information to receive a validated copy of NRC Form 483 with an assigned registration number. In addition, any changes in the information reported on NRC Form 483 must be reported in writing to the NRC within 30 days after the effective date of such change.

5. *Who will be required or asked to report:* Any physician, veterinarian in the practice of veterinary medicine, clinical laboratory or hospital which desires a general license to receive, acquire, possess, transfer, or use specified units of byproduct material in certain *in vitro* clinical or laboratory tests.

6. *An estimate of the number of annual responses:* 8 responses.

7. *The estimated number of annual respondents:* 8 respondents.

8. *An estimate of the total number of hours needed annually to complete the requirement or request:* 1.18 hours (1.07 hours reporting + 0.11 hour recordkeeping).

9. *Abstract:* Section 31.11 of Title 10 of the *Code of Federal Regulations* (10

CFR), establishes a general license authorizing any physician, clinical laboratory, veterinarian in the practice of veterinary medicine, or hospital to possess certain small quantities of byproduct material for *in vitro* clinical or laboratory test not involving the internal or external administration of the byproduct material or the radiation therefrom to human beings or animals. Possession of byproduct material under 10 CFR 31.11 is not authorized until the physician, clinical laboratory, veterinarian in the practice of veterinary medicine, or hospital has filed NRC Form 483 and received from the Commission a validated copy of NRC Form 483 with a registration number.

The public may examine and have copied for a fee publicly-available documents, including the final supporting statement, at the NRC's Public Document Room, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. The OMB clearance requests are available at the NRC's Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/*. The document will be available on the NRC's home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by November 24, 2014. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date. Vlad Dorjets, Desk Officer, Office of Information and Regulatory Affairs (3150–0038), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be emailed to *Vladik_Dorjets@omb.eop.gov* or submitted by telephone at 202–395–7315.

The NRC Clearance Officer is Tremaine Donnell, telephone: 301–415–6258.

Dated at Rockville, Maryland, this 20th day of October 2014.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2014–25252 Filed 10–22–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–3098; NRC–2014–0235]

Shaw AREVA MOX Services; Mixed Oxide Fuel Fabrication Facility

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering extending the expiration date for Construction Authorization (CA) CAMOX–001 issued to Shaw AREVA MOX Services for the Mixed Oxide Fuel Fabrication Facility on the Savannah River Site in Aiken, South Carolina.

ADDRESSES: Please refer to Docket ID NRC–2014–0235 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this action by the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0235. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select "ADAMS Public Documents" and then select "*Begin Web-based ADAMS Search*." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. The request to extend the construction authorization expiration date, dated May 16, 2014, is available in ADAMS under Accession No. ML14132A342.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: David Tiktinsky, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission; Washington, DC 20555–0001; telephone: 301–287–9155; email: *David.Tiktinsky@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering extending the CA expiration date specified in CA CAMOX–001 issued to Shaw AREVA MOX Services (MOX Services) for the Mixed Oxide Fuel Fabrication Facility. The facility is located on the Department of Energy's Savannah River Site in Aiken, South Carolina. Therefore, as required by § 51.21 of Title 10 of the *Code of Federal Regulations* (10 CFR), the NRC performed an environmental assessment. Based on the results of the environmental assessment that follows, the NRC has determined not to prepare an environmental impact statement for the action of extending the expiration date of the construction authorization, and is issuing a finding of no significant impact.

II. Environmental Assessment

Identification of the Proposed Action

The proposed action would extend the expiration date of CA CAMOX–001 from March 30, 2015, to March 30, 2025. MOX Services submitted the CA extension request by letter dated May 12, 2014 (ADAMS Accession No. ML14132A342). MOX Services submitted the request to extend the CA at least 90 days before the expiration of the existing CA, therefore, in accordance with 10 CFR 2.109(a), the existing CA will remain in effect until the NRC staff has completed the review of the request.

The proposed extension will not expand the scope of any work to be performed that is not already allowed by the existing construction authorization. The extension will grant the MOX Services additional time to complete construction in accordance with the previously approved CA.

The Need for the Proposed Action

The proposed action is necessary to give the CA holder adequate time to complete construction of the Mixed Oxide Fuel Fabrication Facility. The CA for the MFFF was originally issued on March 30, 2005, with an expiration date of March 31, 2015. MOX Services has stated in their May 12, 2014, request that various factors have contributed to the need for an extension of the CA. The factors include: (a) The MFFF is a unique first of a kind facility of this type to be licensed in the United States under 10 CFR part 70; (b) annual funding/appropriations supporting construction activities have been less

that the projected funding profile for several years; (c) requirements of nuclear procurements coupled with a shortage of qualified vendors have resulted in delayed delivery of components; (d) a shortage of qualified construction workers have resulted in longer durations for key construction activities, and (e) a 2-year delay between issuance of the CA and the start of nuclear construction.

In May 2014, MOX Services determined that in order to bound the potential completion date of the facility, with respect to the dependence of annual congressional funding, that the CA should be extended to March 31, 2025.

Environmental Impacts of the Proposed Action

The environmental impacts associated with the construction of the facility have been previously discussed and evaluated in MOX Services Mixed Oxide Fuel Fabrication Facility Environmental Report, Revision 5, dated June 10, 2004.

The NRC staff previously evaluated the environmental impacts of construction and operation of this facility. In January 2005, the NRC staff issued NUREG–1767, ''Final Environmental Impact Statement on the Construction and Operation of a Proposed Mixed Oxide Fuel Fabrication Facility at the Savannah River Site, South Carolina (Vol. 1: ML050240233; Vol. 2: ML050240250) (FEIS). The FEIS stated that after weighing the costs and benefits of the proposed action and comparing alternatives, the staff concluded that (a) the applicable environmental requirements set forth in FEIS Chapter 6, and (b) the proposed mitigation measures discussed in FEIS Chapter 5 would eliminate or substantially lessen any potential environmental impacts associated with the proposed action. The staff also concluded that the overall benefits of the proposed MOX facility outweigh its disadvantages and costs.

As part of the application for extension of the CA, MOX Services has concluded that activities conducted to date are still bounded by the MOX Services Environmental Report. MOX Services has also concluded that the extension of the CA expiration would not authorize or result in any new activities or result in changes of significance as defined 10 CFR Part 51.60(b)(2).

Under the authorization within CAMOX–001 Rev 3, MOX Services has made substantial progress in the construction of the MFFF with overall construction status in excess of 60 percent complete. Significant progress has been made in construction of Principal Structures, Systems, and Components (PSSCs) and other non-PSSCs. For example, the MOX Fuel Fabrication Building (PSSC–036) is substantially complete, including the roof and the exterior structure, with only temporary construction openings remaining. More than 200,000 pounds of ventilation system ductwork (PSSC–004, –005, –006, –041, –050) has been installed. Seventy of 73 tanks have been installed (PSSC–003, –009, –010, –023, –041, 043, –045). Approximately 20 gloveboxes (PSSC–024) have been installed. Installation of approximately 1000 fire dampers (PSSC–021) has commenced. These PSSC activities have been completed in accordance with MOX Services' NRC-approved Quality Assurance Plan. Construction activities that are not related to PSSCs include completion of the Administration Building, Technical Support Building, Craft Support Building, and Secured Warehouse as well as the installation of more than 70,000 linear feet of non-PSSC electrical cable. In addition, MOX Services has completed in-advance testing of 27 process units.

While significant progress has been made on construction of the MFFF, additional time is required for completion of construction. Key structures remaining to be constructed include the Emergency Generator Building (PSSC–016) and the Reagents Processing Building (non-PSSC). Other key PSSC related construction activities remaining include completing installation of ventilation systems (PSSC–004, –005, –006, –041, –050), including fire dampers (PSSC–021), fire detection and suppression system (PSSC–022), diesel generator and support systems (PSSC–012, –017, –018), process units (various PSSCs), and gloveboxes (PSSC–024). These activities are authorized under CAMOX–001 Rev. 3 and will be constructed in accordance with the MOX Project Quality Assurance Plan.

MOX Services has made substantial progress in the construction of the MOX Fuel Fabrication building and other support buildings. Most of the remaining construction activities will take place within the existing buildings. Therefore, most of the environmental impacts discussed in MOX Services' Environmental Report have occurred and the impacts are consistent with the staff's FEIS. The requested extension of the CA is for the time needed to complete construction and does not impact the scope of activities. Accordingly, the extension does not involve any additional impacts or represent a significant change to those impacts described and analyzed in the previous environmental report. Based on the foregoing, the NRC staff has concluded that the proposed action would have no significant environmental impact.

Environmental Impacts of the Alternatives to the Proposed Action

A possible alternative to the proposed action would be to deny the request, or the no-action alternative. If the NRC denies the extension request, then MOX Services will need to cease construction activities in 2015 when the CA expires. Because most of the construction activities have already taken place, the impacts of this alternative would not be significantly different that if NRC approved the extension request.

Alternative Use of Resources

Since the CA holder has no plans to perform any new activities that were not considered in previous environmental reviews, the spreading out of time for the construction of the remainder of the facility does not involve the use of resources not previously considered in the environmental documents for the MFFF.

Agencies and Persons Consulted

In accordance with its stated policy, on July 29, 2014, the NRC staff consulted with officials from the South Carolina Department of Health and Environmental Control regarding the environmental impact of the proposed action. The State officials had no comments.

III. Finding of No Significant Impact

Based on the details provided in this environmental assessment, the NRC staff concludes that the proposed action of extending the expiration date of CA from March 30, 2015, to March 30, 2025, does not involve any different impacts or a significant change to those impacts described and analyzed in the original environmental impact statement. Therefore, the NRC staff has determined that extending the CA completion date will not have a significant effect on the quality of the human environment because it does not involve any additional impacts or represent a significant change to those impacts described and analyzed in the previous environmental report and FEIS. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

This finding and documents related to this action such as the CA holder's request for extension dated May 12, 2014 (ADAMS Accession No.

ML14132A342) and related environmental documents (FEIS: Vol. 1: ML050240233; Vol. 2: ML050240250) are available electronically at the NRC Library 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."*

Dated at Rockville, Maryland, this 16th day of October 2014.

For the Nuclear Regulatory Commission.

Robert Johnson,

Chief, Fuel Manufacturing Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2014–25274 Filed 10–22–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–08; NRC–2011–0085]

Exelon Generation Corporation, LLC; Calvert Cliffs Nuclear Power Plant; Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; re-issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is re-issuing an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the proposed renewal of NRC License SNM–2505 for the continued operation of the Independent Spent Fuel Storage Installation (ISFSI) at the Exelon Generation Corporation, LLC (Exelon Generation), Calvert Cliffs Nuclear Power Plant site in Calvert County, Maryland. The re-issued EA includes the NRC staff's consideration of the impacts of continued storage of spent nuclear fuel (as documented in NUREG–2157, "Generic Environmental Impact Statement for Continued Storage of Spent Fuel") as an appendix to the EA. The re-issued EA also includes an update to the cumulative impacts assessment to address new information about reasonably foreseeable future actions in the vicinity of or associated with the ISFSI site.

DATES: The re-issued EA and FONSI are available as of October 23, 2014.

ADDRESSES: Please refer to Docket ID NRC–2011–0085 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2011–0085. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select *"ADAMS Public Documents"* and then select *"Begin Web-based ADAMS Search."* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: James Park, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6935; email: *James.Park@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

On September 17, 2010, Exelon Generation submitted an application (ADAMS Accession No. ML102650247) to the NRC to renew NRC License SNM–2505 for the Calvert Cliffs ISFSI in Calvert County, Maryland, for a period of 40 years. Exelon Generation supplemented its application by submittals dated February 10, 2011, March 9, 2011, June 28, 2011, and December 15, 2011 (ADAMS Accession Nos. ML110620120, ML110730731, ML11180A270, and ML11364A024). The NRC staff prepared an EA in accordance with § 51.30(a) of Title 10 of the *Code of Federal Regulations* (10 CFR), publishing a notice of issuance for the EA and a FONSI in the **Federal Register** on June 8, 2012 (77 FR 34093).

The NRC's licensing proceedings for nuclear reactors and ISFSIs have historically relied upon a generic determination codified in the NRC's regulations (10 CFR Part 51) to satisfy the agency's obligations under the National Environmental Policy Act of 1969, as amended (NEPA), with respect to the narrow area of the environmental impacts of storage of spent nuclear fuel (spent fuel) beyond a reactor's licensed life for operation and prior to ultimate disposal (continued storage). The Court of Appeals for the District of Columbia Circuit, in *New York* v. *NRC,* 681 F. 3d 471 (D.C. Cir. 2012), vacated the NRC's 2010 update to that rule (75 FR 81031; December 23, 2010) and remanded it to the NRC. Thereafter, the Commission determined on August 7, 2012, that the NRC would not issue licenses dependent upon the formerly known Waste Confidence Decision and Temporary Storage Rule until the Court of Appeals' was appropriately addressed (Commission Order CLI–12–16, ADAMS Accession No. ML12220A199).

On September 19, 2014 (79 FR 56238), the NRC published a final rule at 10 CFR 51.23, "Environmental impacts of continued storage of spent nuclear fuel beyond the licensed life for operations of a reactor" (RIN 3150–AJ20; NRC–2012–0246). That rule, effective October 20, 2014, codifies the NRC's generic determinations in NUREG–2157 (ADAMS Accession Nos. ML14196A105 and ML14196A107) regarding the environmental impacts of the continued storage of spent fuel. In CLI–14–08 (ADAMS Accession No. ML14238A213), the Commission held that the revised 10 CFR 51.23 and associated NUREG–2157 cure the deficiencies identified by the court in *New York* v. *NRC,* 681 F.3d 471 (D.C. Cir. 2012) and stated that the rule satisfies the NRC's NEPA obligations with respect to continued storage. The rule, however, does not authorize the storage of spent fuel.

In EAs prepared for future relevant licensing actions related to a reactor's spent nuclear fuel, 10 CFR 51.23(b) now requires the NRC to consider the environmental impacts of continued storage, if the impacts of continued storage of spent fuel are relevant to the proposed action. An appendix to the re-issued EA (ADAMS Accession No. ML14282A278) prepared for the proposed renewal of the Calvert Cliffs ISFSI license provides the NRC staff's consideration of the impact determinations in NUREG–2157 regarding continued storage.

The NRC staff has also updated its assessment of cumulative impacts to include new information about reasonably foreseeable future actions (RFFAs) in the vicinity of or associated with the ISFSI site. These RFFAs include Exelon Generation's proposed expansion of the ISFSI and updates to the Cove Point liquefied natural gas

(LNG) export project in Lusby, Calvert County, Maryland.

The NRC staff also updated the EA to reflect Exelon Generation's additional supplements to its license renewal application as submitted by letters dated July 27, 2012, April 24, 2013, and September 18, 2014 (ADAMS Accession Nos. ML12212A216, ML13119A242, ML13119A243, ML13119A244, and ML14267A065).

II. Summary of the Environmental Assessment

Description of the Proposed Action

Exelon Generation is requesting that NRC License SNM–2505 for the Calvert Cliffs site-specific ISFSI be renewed for 40 years. Under its current license, Exelon Generation is authorized to receive, acquire, and possess the spent fuel from the Calvert Cliffs, Units 1 and 2, nuclear generating units on the Calvert Cliffs site, and other radioactive materials associated with spent fuel storage at the ISFSI located in Calvert County, Maryland, in accordance with the requirements of 10 CFR Part 72.

Need for the Proposed Action

Exelon Generation is requesting renewal of the ISFSI operating license to provide the option of continued temporary dry storage of spent nuclear fuel assemblies generated by operation of Calvert Cliffs, Units 1 and 2.

Environmental Impacts of the Proposed Action

In its 2012 EA for the Calvert Cliffs ISFSI license renewal, the NRC staff determined that impacts from the proposed renewal for 40 years would be SMALL and not significant for all environmental resource areas. This is due to the passive nature of the ISFSI in that it emits no gaseous or liquid effluents during operation. Also, the ISFSI is designed to minimize radiological doses to workers and members of the public. Finally, the ISFSI is located at a distance sufficient from both the Chesapeake Bay and Maryland State Route 2/4, in wooded, rolling topography, so as to minimize its impact on air quality, noise levels, federally-listed threatened and endangered species, and scenic/visual resources.

In addition, as discussed in the 2012 EA, archaeological investigations conducted in association with the proposed Calvert Cliffs Unit 3 project identified previously surveyed, inventoried, and recorded cultural resources within a 16-kilometer (10-mile) radius of the existing Calvert Cliffs site. As part of these archeological investigations, five architectural resources on the Calvert Cliffs site and one archaeological site were identified as eligible for listing on the National Register of Historic Places. These sites, however, are located outside the ISFSI facility footprint and areas of ISFSI operations. Therefore, the NRC staff concluded in the 2012 EA that the impacts to historic and cultural resources were not significant.

The NRC staff also evaluated whether cumulative environmental impacts could result from the incremental impact of the proposed action when added to the past, present, or reasonably foreseeable future actions in the area. The NRC staff concluded that the proposed action would have a SMALL incremental contribution to cumulative impacts on environmental resources that would not be significant.

Updates From the 2012 Environmental Assessment

The NRC staff has added an appendix to the re-issued EA that provides the NRC's consideration of the impact determinations in NUREG–2157 regarding continued storage. The NRC staff's evaluation of the potential environmental impacts of continued storage of spent fuel presented in NUREG–2157 identifies an impact level, or a range of impacts, for each resource area for a range of site conditions and timeframes. The timeframes analyzed in NUREG–2157 include the short-term timeframe (60 years beyond the licensed life of a reactor), the long-term timeframe (an additional 100 years after the short-term timeframe), and an indefinite timeframe. Taking into account the SMALL impacts from at-reactor continued storage in the short-term timeframe, which the NRC considers most likely, the greater uncertainty reflected in the ranges in the long-term and indefinite timeframes compared to the greater certainty in the SMALL findings as discussed in NUREG–2157, and the relative likelihood of the timeframes, the NRC staff finds that the impact determinations for at-reactor storage from NUREG–2157 do not change the NRC staff's evaluation of the potential environmental impacts from the proposed renewal of the Calvert Cliffs site-specific ISFSI license.

Additionally, the NRC staff has updated the cumulative impacts analysis in the re-issued EA to reflect new information about (1) the Federal Energy Regulatory Commission's (FERC's) authorization of the Dominion Cove Point LNG, LP proposal to construct and operate facilities to liquefy and export domestically produced natural gas from its existing liquefied natural gas import terminal located in Lusby, Maryland; and (2) Exelon Generation's license amendment request to change the Calvert Cliffs ISFSI Technical Specifications to allow the storage of approved Westinghouse and AREVA Combustion Engineering 14x14 fuel designs in the Nutech Horizontal Modular Storage (NUHOMS)-32PHB dry shielded canister and expand the Calvert Cliffs ISFSI's capacity to continue to support operation of the Calvert Cliffs, Units 1 and 2, through the end of the currently licensed life of the plant.

The FERC performed a cumulative impacts analysis from the construction and operation of the proposed Dominion Cove Point LNG, LP project as part of its NEPA environmental review. In its EA, FERC concluded that the proposed project, in association with other projects in the area, would not result in significant cumulative impacts.

For the purposes of the cumulative impacts analysis in the re-issued EA, the NRC staff expects that the construction activities associated with the proposed expansion of the Calvert Cliffs ISFSI would continue to occur on an as-needed basis. Therefore, although construction activities associated with the expansion of the ISFSI could overlap with the construction activities for the other projects discussed in the cumulative impact analysis, construction of the horizontal storage modules would be staggered and only conducted when more storage is needed. Therefore, potential environmental impacts from the construction of the additional horizontal storage modules would not all be experienced at the same time. In addition, operation of the ISFSI with an increased capacity is required to be conducted in a manner that meets occupational and public annual radiological dose regulatory limits in 10 CFR Parts 20 and 72. The NRC staff determined in the 2012 EA that the proposed ISFSI license renewal would not have a significant impact on environmental resources. Therefore, the NRC staff concluded that the proposed action would not have a significant incremental contribution to cumulative impacts.

Environmental Impacts of the Alternatives to the Proposed Action

In the 2012 EA, the NRC staff evaluated two alternatives to the proposed action: (1) The no-action alternative, and (2) renewing the ISFSI license for 20 years. The NRC staff concluded that the potential impacts

from these two alternatives did not differ significantly from the impacts associated with the proposed action, and the NRC staff has determined that the information in this update does not change that conclusion.

Agencies and Persons Consulted

In preparing the 2012 EA, the NRC staff consulted with other agencies regarding the proposed action. These consultations are intended to (1) ensure that the requirements of Section 7 of the Endangered Species Act (ESA) and Section 106 of the National Historic Preservation Act (NHPA) are met; (2) fulfill the NRC's requirements in meeting the provisions of Section 307 of the Coastal Zone Management Act of 1972, as amended; and (3) provide the designated state liaison agencies the opportunity to comment on the proposed action.

Based on that consultation, none of the agencies identified concerns with the proposed action. Because the proposed action is unchanged from the 2012 EA and consultation, the NRC staff has not reinitiated consultation with these agencies and persons for this update.

III. Finding of No Significant Impact

After considering the impacts from continued storage presented in NUREG–2157 and the updated information concerning reasonably foreseeable future actions, the NRC staff concludes that these do not change the NRC staff's finding of no significant impact for the proposed renewal for Exelon Generation's Calvert Cliffs ISFSI license, as published. Therefore, preparation of an Environmental Impact Statement is not warranted.

Dated at Rockville, Maryland, this ___ day of October 2014.

For the Nuclear Regulatory Commission.

Marissa Bailey,

Director, Division of Fuel Cycle Safety, Safeguards and Environmental Review, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2014–25249 Filed 10–22–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0232]

Applicability of ASME Code Case N–770–1, as Conditioned by Federal Regulation, to Branch Connection Butt Welds

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory issue summary; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is seeking public comment on draft regulatory issue summary (RIS) 2014–XX. This draft RIS is addressed to all holders of an operating license or construction permit for a pressurized water nuclear power reactor under the NRC's regulations, except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel. This draft RIS would inform these entities about reactor coolant system Alloy 82/182 branch connection dissimilar metal nozzle weld that may be of a butt weld configuration and therefore require inspection under the NRC's regulations. This RIS also informs these entities of a licensee's recent misclassification and missed inspections to Alloy 82/182 dissimilar metal butt welds in branch connections of primary coolant loop piping.

DATES: Submit comments by December 8, 2014. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

ADDRESSES: You may submit comment 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–2014–0232. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: 3WFN, 06–44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Tanya Mensah, telephone: 301–415–3610, email: *Tanya.Mensah@nrc.gov;* or Jay Collins, telephone: 301–415–4038, email: *Jay.Collins@nrc.gov,* both are staff of the Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2014–0232 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0232.
- *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 draft RIS is available in ADAMS under Accession No. ML14196A065.
- *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–2014–0232 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. Background

The NRC issues RISs to communicate with stakeholders on a broad range of regulatory matters. This may include communicating staff technical positions on matters that have not been communicated to or are not broadly understood by the nuclear industry. The NRC staff has developed draft RIS 2014–XX, "Applicability of ASME Code Case N–770–1 As Conditioned In 10 CFR 50.55a, "Codes and Standards," To Branch Connection Butt Welds," to inform addresses about reactor coolant system Alloy 82/182 branch connection dissimilar metal nozzle welds that may be of a butt weld configuration and therefore require inspection under 10 CFR 50.55a(g)(6)(ii)(F). The RIS, if issued in final form, would be used by all holders of an operating license or construction permit for a pressurized water nuclear power reactor under 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel. The draft RIS explains that these entities should review this information for applicability to their Alloy 600 management plan to ensure all applicable butt welds are being inspected.

Dated at Rockville, Maryland, this 20th day of October, 2014.

For the Nuclear Regulatory Commission.

Tanya Mensah,

Acting Chief, Generic Communications Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. 2014–25227 Filed 10–22–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS), Meeting of the ACRS Subcommittee on Rellability & PRA; Notice of Meeting

The ACRS Subcommittee on Reliability & PRA will hold a meeting on November 3, 2014, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance with the exception of portions that may be closed to protect information that is unclassified safeguards pursuant to 5 U.S.C. 552b(c)(3). The agenda for the subject meeting shall be as follows:

Monday, November 3, 2014—8:30 a.m. Until 5:00 p.m.

The Subcommittee will discuss the status of the staff's response to Commission direction on its proposed initiative to improve nuclear safety and regulatory efficiency and potential implementation of draft industry guidance to support safety focused prioritization and scheduling of plant activities. The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Michael Snodderly (Telephone 301–415–2241 or Email: *Michael.Snodderly@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 13, 2014 (79 FR 59307–59308).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs*. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: October 17, 2014.

Cayetano Santos,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2014–25285 Filed 10–22–14; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

National Council on Federal Labor-Management Relations Meeting

AGENCY: Office of Personnel Management.

ACTION: Notice of meeting.

SUMMARY: The National Council on Federal Labor-Management Relations plans to meet on Wednesday, November 19, 2014.

The meeting will start at 10:00 a.m. EST and will be held in the Main Conference Room (3102), U.S. Department of Justice, Office of Justice Programs, 810 Seventh Street NW., Washington, DC 20531. Visitors can enter on either the 7th Street or 9th Street side of the building. Interested parties should consult the Council Web site at *www.lmrcouncil.gov* for the latest information on Council activities, including changes in meeting dates.

The Council is an advisory body composed of representatives of Federal employee organizations, Federal management organizations, and senior Government officials. The Council was established by Executive Order 13522, entitled, "Creating Labor-Management Forums to Improve Delivery of Government Services," which was signed by the President on December 9, 2009. Along with its other responsibilities, the Council assists in the implementation of Labor Management Forums throughout the Government and makes recommendations to the President on innovative ways to improve delivery of services and products to the public while cutting costs and advancing employee interests. The Council is co-chaired by the Director of the Office of Personnel Management and the Deputy Director for Management of the Office of Management and Budget.

At its meetings, the Council will continue its work in promoting cooperative and productive relationships between labor and management in the executive branch, by carrying out the responsibilities and functions listed in Section 1(b) of the

Executive Order. The meetings are open to the public. Please contact the Office of Personnel Management at the address shown below if you wish to present material to the Council at the meeting. The manner and time prescribed for presentations may be limited, depending upon the number of parties that express interest in presenting information.

FOR FURTHER INFORMATION CONTACT: Tim Curry, Deputy Associate Director for Partnership and Labor Relations, Office of Personnel Management, 1900 E Street NW., Room 7H28, Washington, DC 20415. Phone (202) 606–2930 or email at *PLR@opm.gov*.

For the National Council.

Katherine Archuleta,

Director.

[FR Doc. 2014–25291 Filed 10–22–14; 8:45 am]

BILLING CODE 6325–39–P

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Achieving Interoperability for Latent Fingerprint Identification: A Report

ACTION: Request for public comment.

SUMMARY: The National Science and Technology Council's Committee on Science requests public comment on the draft report *Achieving Interoperability for Latent Fingerprint Identification in the United States*. The draft report will be posted at *www.whitehouse.gov/administration/eop/ostp/library/shareyourinput*. Comments of approximately three pages or fewer in length (12,000 characters) are requested and must be received by November 26, 2014 to be considered.

DATES: Responses must be received by November 26, 2014 to be considered.

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

- *Email: NSTC_latent@ostp.gov.* Include [*AFIS Interoperability*] in the subject line of the message.
- *Fax:* (202) 456–6040, Attn: Tania Simoncelli.
- *Mail:* Attn: Tania Simoncelli, Office of Science and Technology Policy, Eisenhower Executive Office Building, 1650 Pennsylvania Ave. NW., Washington, DC 20504.

Instructions: Respondents may submit their comments (3 pages or fewer) through one of the above methods. Submission via email is preferred. Responses to this request for public comment may be posted without change online. OSTP therefore requests that no business proprietary information, copyrighted information, or sensitive personally identifiable information be submitted in response to this request. Please note that the U.S. Government will not pay for response preparation, or for the use of any information contained in the response.

FOR FURTHER INFORMATION CONTACT: Tania Simoncelli, (202) 456–4444, *NSTC_latent@ostp.eop.gov*, OSTP.

SUPPLEMENTARY INFORMATION: This request for public comment offers the opportunity for interested individuals and organizations to comment on the National Science and Technology Council's Committee on Science draft report entitled *Achieving Interoperability for Latent Fingerprint Identification in the United States*. The report is available at *www.whitehouse.gov/administration/eop/ostp/library/shareyourinput*.

In 2010, the NSTC created a Subcommittee on Forensic Science (SoFS) to assess the challenges of and opportunities for implementing recommendations made by the National Research Council (NRC) in its 2009 report, *Strengthening Forensic Science in the United States: A Path Forward www.ncjrs.gov/pdffiles1/nij/grants/228091.pdf*. Among its recommendations, the NRC called on the Federal Government to launch a "broad-based effort to achieve nationwide fingerprint data interoperability." In response to this recommendation, the SoFS chartered the AFIS Interoperability Task Force with the goal of coordinating the development of a strategic plan for achieving this goal. This report, *Achieving Interoperability for Latent Fingerprint Identification in the United States*, evolved out of the work of the Task Force. The report describes the current state of latent interoperability among Automated Fingerprint Identification Systems (AFIS) and identifies a series of actions that can be taken by Federal agencies to implement the standards needed to achieve interoperability, develop an overarching national connectivity strategy and infrastructure, and support State and local agencies in building connections across jurisdictions.

Ted Wackler,

Deputy Chief of Staff and Assistant Director.

[FR Doc. 2014–25298 Filed 10–22–14; 8:45 am]

BILLING CODE 3270–F5–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73383; File No. 4–678]

Program for Allocation of Regulatory Responsibilities Pursuant to Rule 17d–2; Notice of Filing of Proposed Plan for the Allocation of Regulatory Responsibilities Between the Financial Industry Regulatory Authority, Inc. and Miami International Securities Exchange, LLC

October 17, 2014.

Pursuant to Section 17(d) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 17d–2 thereunder,[2] notice is hereby given that on October 14, 2014, Miami International Securities Exchange, LLC ("MIAX") and the Financial Industry Regulatory Authority, Inc. ("FINRA") (together with MIAX, the "Parties") filed with the Securities and Exchange Commission ("Commission" or "SEC") a plan for the allocation of regulatory responsibilities, dated October 13, 2014 ("17d–2 Plan" or the "Plan"). The Commission is publishing this notice to solicit comments on the 17d–2 Plan from interested persons.

I. Introduction

Section 19(g)(1) of the Act,[3] among other things, requires every self-regulatory organization ("SRO") registered as either a national securities exchange or national securities association to examine for, and enforce compliance by, its members and persons associated with its members with the Act, the rules and regulations thereunder, and the SRO's own rules, unless the SRO is relieved of this responsibility pursuant to Section 17(d) or Section 19(g)(2) of the Act.[4] Without this relief, the statutory obligation of each individual SRO could result in a pattern of multiple examinations of broker-dealers that maintain memberships in more than one SRO ("common members"). Such regulatory duplication would add unnecessary expenses for common members and their SROs.

Section 17(d)(1) of the Act [5] was intended, in part, to eliminate unnecessary multiple examinations and regulatory duplication.[6] With respect to

[1] 15 U.S.C. 78q(d).

[2] 17 CFR 240.17d–2.

[3] 15 U.S.C. 78s(g)(1).

[4] 15 U.S.C. 78q(d) and 15 U.S.C. 78s(g)(2), respectively.

[5] 15 U.S.C. 78q(d)(1).

[6] *See* Securities Act Amendments of 1975, Report of the Senate Committee on Banking, Housing, and Urban Affairs to Accompany S. 249, S. Rep. No. 94–75, 94th Cong., 1st Session 32 (1975).

a common member, Section 17(d)(1) authorizes the Commission, by rule or order, to relieve an SRO of the responsibility to receive regulatory reports, to examine for and enforce compliance with applicable statutes, rules, and regulations, or to perform other specified regulatory functions.

To implement Section 17(d)(1), the Commission adopted two rules: Rule 17d–1 and Rule 17d–2 under the Act.[7] Rule 17d–1 authorizes the Commission to name a single SRO as the designated examining authority ("DEA") to examine common members for compliance with the financial responsibility requirements imposed by the Act, or by Commission or SRO rules.[8] When an SRO has been named as a common member's DEA, all other SROs to which the common member belongs are relieved of the responsibility to examine the firm for compliance with the applicable financial responsibility rules. On its face, Rule 17d–1 deals only with an SRO's obligations to enforce member compliance with financial responsibility requirements. Rule 17d–1 does not relieve an SRO from its obligation to examine a common member for compliance with its own rules and provisions of the federal securities laws governing matters other than financial responsibility, including sales practices and trading activities and practices.

To address regulatory duplication in these and other areas, the Commission adopted Rule 17d–2 under the Act.[9] Rule 17d–2 permits SROs to propose joint plans for the allocation of regulatory responsibilities with respect to their common members. Under paragraph (c) of Rule 17d–2, the Commission may declare such a plan effective if, after providing for appropriate notice and comment, it determines that the plan is necessary or appropriate in the public interest and for the protection of investors; to foster cooperation and coordination among the SROs; to remove impediments to, and foster the development of, a national market system and a national clearance and settlement system; and is in conformity with the factors set forth in Section 17(d) of the Act. Commission approval of a plan filed pursuant to Rule 17d–2 relieves an SRO of those regulatory responsibilities allocated by the plan to another SRO.

[7] 17 CFR 240.17d–1 and 17 CFR 240.17d–2, respectively.

[8] *See* Securities Exchange Act Release No. 12352 (April 20, 1976), 41 FR 18808 (May 7, 1976).

[9] *See* Securities Exchange Act Release No. 12935 (October 28, 1976), 41 FR 49091 (November 8, 1976).

II. Proposed Plan

The proposed 17d–2 Plan is intended to reduce regulatory duplication for firms that are common members of both MIAX and FINRA.[10] Pursuant to the proposed 17d–2 Plan, FINRA would assume certain examination and enforcement responsibilities for common members with respect to certain applicable laws, rules, and regulations. The text of the Plan delineates the proposed regulatory responsibilities with respect to the Parties. Included in the proposed Plan is an exhibit (Miami International Securities Exchange, LLC Rules Certification for 17d–2 Agreement with FINRA, referred to herein as the "Certification") that lists every MIAX rule for which FINRA would bear responsibility under the Plan for overseeing and enforcing with respect to MIAX members that are also members of FINRA and the associated persons therewith ("Dual Members").

Specifically, under the 17d–2 Plan, FINRA would assume examination and enforcement responsibility relating to compliance by Dual Members with the rules of MIAX that are substantially similar to the applicable rules of FINRA,[11] as well as any provisions of the federal securities laws and the rules and regulations thereunder delineated in the Certification ("Common Rules"). In the event that a Dual Member is the subject of an investigation relating to a transaction on MIAX, the plan acknowledges that MIAX may, in its discretion, exercise concurrent jurisdiction and responsibility for such matter.[12]

Under the Plan, MIAX would retain full responsibility for surveillance, examination and enforcement with respect to trading activities or practices involving MIAX's own marketplace, including, without limitation, registration pursuant to its applicable rules of associated persons (*i.e.*, registration rules that are not Common Rules); its duties and obligations as a DEA pursuant to Rule 17d–1 under the Act; and any MIAX rules that are not Common Rules.[13]

The text of the proposed 17d–2 Plan is as follows:

AGREEMENT BETWEEN FINANCIAL INDUSTRY REGULATORY AUTHORITY, INC. AND MIAMI INTERNATIONAL SECURITIES EXCHANGE, LLC PURSUANT TO RULE 17d–2 UNDER THE SECURITIES EXCHANGE ACT OF 1934

This Agreement, by and between the Financial Industry Regulatory Authority, Inc. ("FINRA") and Miami International Securities Exchange, LLC ("MIAX"), is made this 13th day of October, 2014 (the "Agreement"), pursuant to Section 17(d) of the Securities Exchange Act of 1934 (the "Exchange Act") and Rule 17d–2 thereunder, which permits agreements between self-regulatory organizations to allocate regulatory responsibility to eliminate regulatory duplication. FINRA and MIAX may be referred to individually as a "party" and together as the "parties."

WHEREAS, FINRA and MIAX desire to reduce duplication in the examination of their Dual Members (as defined herein) and in the filing and processing of certain registration and membership records; and

WHEREAS, FINRA and MIAX desire to execute an agreement covering such subjects pursuant to the provisions of Rule 17d–2 under the Exchange Act and to file such agreement with the Securities and Exchange Commission (the "SEC" or "Commission") for its approval.

NOW, THEREFORE, in consideration of the mutual covenants contained hereinafter, FINRA and MIAX hereby agree as follows:

1. Definitions. Unless otherwise defined in this Agreement or the context otherwise requires, the terms used in this Agreement shall have the same meaning as they have under the Exchange Act and the rules and regulations thereunder. As used in this Agreement, the following terms shall have the following meanings:

(a) "*MIAX Rules*" or "*FINRA Rules*" shall mean: (i) the rules of MIAX, or (ii) the rules of FINRA, respectively, as the rules of an exchange or association are defined in Exchange Act Section 3(a)(27).

(b) "*Common Rules*" shall mean MIAX Rules that are substantially similar to the applicable FINRA Rules and certain provisions of the Exchange Act and SEC rules set forth on *Exhibit 1* in that examination for compliance

[10] The proposed 17d–2 Plan refers to these common members as "Dual Members." *See* Paragraph 1(c) of the proposed 17d–2 Plan.

[11] *See* paragraph 1(b) of the proposed 17d–2 Plan (defining Common Rules). *See also* paragraph 1(f) of the proposed 17d–2 Plan (defining Regulatory Responsibilities). Paragraph 2 of the Plan provides that annually, or more frequently as required by changes in either MIAX rules or FINRA rules, the parties shall review and update, if necessary, the list of Common Rules. Further, paragraph 3 of the Plan provides that MIAX shall furnish FINRA with a list of Dual Members, and shall update the list no less frequently than once each calendar quarter.

[12] *See* paragraph 6 of the proposed 17d–2 Plan.

[13] *See* paragraph 2 of the proposed 17d–2 Plan.

with such provisions and rules would not require FINRA to develop one or more new examination standards, modules, procedures, or criteria in order to analyze the application of the provision or rule, or a Dual Member's activity, conduct, or output in relation to such provision or rule.

(c) *"Dual Members"* shall mean those MIAX members that are also members of FINRA and the associated persons therewith.

(d) *"Effective Date"* shall be the date this Agreement is approved by the Commission.

(e) *"Enforcement Responsibilities"* shall mean the conduct of appropriate proceedings, in accordance with FINRA's Code of Procedure (the Rule 9000 Series) and other applicable FINRA procedural rules, to determine whether violations of Common Rules have occurred, and if such violations are deemed to have occurred, the imposition of appropriate sanctions as specified under FINRA's Code of Procedure and sanctions guidelines.

(f) *"Regulatory Responsibilities"* shall mean the examination responsibilities and Enforcement Responsibilities relating to compliance by the Dual Members with the Common Rules and the provisions of the Exchange Act and the rules and regulations thereunder, and other applicable laws, rules and regulations, each as set forth on *Exhibit 1* attached hereto.

2. Regulatory and Enforcement Responsibilities. FINRA shall assume Regulatory Responsibilities and Enforcement Responsibilities for Dual Members. Attached as *Exhibit 1* to this Agreement and made part hereof, MIAX furnished FINRA with a current list of Common Rules and certified to FINRA that such rules that are MIAX Rules are substantially similar to the corresponding FINRA Rules (the "Certification"). FINRA hereby agrees that the rules listed in the Certification are Common Rules as defined in this Agreement. Each year following the Effective Date of this Agreement, or more frequently if required by changes in either the rules of MIAX or FINRA, MIAX shall submit an updated list of Common Rules to FINRA for review which shall add MIAX Rules not included in the current list of Common Rules that qualify as Common Rules as defined in this Agreement; delete MIAX Rules included in the current list of Common Rules that no longer qualify as Common Rules as defined in this Agreement; and confirm that the remaining rules on the current list of Common Rules continue to be MIAX Rules that qualify as Common Rules as defined in this Agreement. Within 30 days of receipt of such updated list, FINRA shall confirm in writing whether the rules listed in any updated list are Common Rules as defined in this Agreement. Notwithstanding anything herein to the contrary, it is explicitly understood that the term "Regulatory Responsibilities" does not include, and MIAX shall retain full responsibility for (unless otherwise addressed by separate agreement or rule) (collectively, the "Retained Responsibilities") the following:

(a) surveillance, examination, investigation and enforcement with respect to trading activities or practices involving MIAX's own marketplace;

(b) registration pursuant to its applicable rules of associated persons (i.e., registration rules that are not Common Rules);

(c) discharge of its duties and obligations as a Designated Examining Authority pursuant to Rule 17d-1 under the Exchange Act; and

(d) any MIAX Rules that are not Common Rules as provided in paragraph 6.

3. Dual Members. Prior to the Effective Date, MIAX shall furnish FINRA with a current list of Dual Members, which shall be updated no less frequently than once each quarter.

4. No Charge. There shall be no charge to MIAX by FINRA for performing the Regulatory Responsibilities and Enforcement Responsibilities under this Agreement except as hereinafter provided. FINRA shall provide MIAX with ninety (90) days advance written notice in the event FINRA decides to impose any charges to MIAX for performing the Regulatory Responsibilities under this Agreement. If FINRA determines to impose a charge, MIAX shall have the right at the time of the imposition of such charge to terminate this Agreement; provided, however, that FINRA's Regulatory Responsibilities under this Agreement shall continue until the Commission approves the termination of this Agreement.

5. Applicability of Certain Laws, Rules, Regulations or Orders. Notwithstanding any provision hereof, this Agreement shall be subject to any statute, or any rule or order of the SEC. To the extent such statute, rule or order is inconsistent with one or more provisions of this Agreement, the statute, rule or order shall supersede the provision(s) hereof to the extent necessary to be properly effectuated and the provision(s) hereof in that respect shall be null and void.

6. Notification of Violations. In the event that FINRA becomes aware of apparent violations of any MIAX Rules, which are not listed as Common Rules, discovered pursuant to the performance of the Regulatory Responsibilities assumed hereunder, FINRA shall notify MIAX of those apparent violations for such response as MIAX deems appropriate. In the event that MIAX becomes aware of apparent violations of any Common Rules, discovered pursuant to the performance of the Retained Responsibilities, MIAX shall notify FINRA of those apparent violations and such matters shall be handled by FINRA as provided in this Agreement. Apparent violations of Common Rules shall be processed by, and enforcement proceedings in respect thereto shall be conducted by FINRA as provided hereinbefore; provided, however, that in the event a Dual Member is the subject of an investigation relating to a transaction on MIAX, MIAX may in its discretion assume concurrent jurisdiction and responsibility. Each party agrees to make available promptly all files, records and witnesses necessary to assist the other in its investigation or proceedings.

7. Continued Assistance.

(a) FINRA shall make available to MIAX all information obtained by FINRA in the performance by it of the Regulatory Responsibilities hereunder with respect to the Dual Members subject to this Agreement. In particular, and not in limitation of the foregoing, FINRA shall furnish MIAX any information it obtains about Dual Members which reflects adversely on their financial condition. MIAX shall make available to FINRA any information coming to its attention that reflects adversely on the financial condition of Dual Members or indicates possible violations of applicable laws, rules or regulations by such firms.

(b) The parties agree that documents or information shared shall be held in confidence, and used only for the purposes of carrying out their respective regulatory obligations. Neither party shall assert regulatory or other privileges as against the other with respect to documents or information that is required to be shared pursuant to this Agreement.

(c) The sharing of documents or information between the parties pursuant to this Agreement shall not be deemed a waiver as against third parties of regulatory or other privileges relating to the discovery of documents or information.

8. Statutory Disqualifications. When FINRA becomes aware of a statutory disqualification as defined in the Exchange Act with respect to a Dual Member, FINRA shall determine

pursuant to Sections 15A(g) and/or Section 6(c) of the Exchange Act the acceptability or continued applicability of the person to whom such disqualification applies and keep MIAX advised of its actions in this regard for such subsequent proceedings as MIAX may initiate.

9. Customer Complaints. MIAX shall forward to FINRA copies of all customer complaints involving Dual Members received by MIAX relating to FINRA's Regulatory Responsibilities under this Agreement. It shall be FINRA's responsibility to review and take appropriate action in respect to such complaints.

10. Advertising. FINRA shall assume responsibility to review the advertising of Dual Members subject to the Agreement, provided that such material is filed with FINRA in accordance with FINRA's filing procedures and is accompanied with any applicable filing fees set forth in FINRA Rules.

11. No Restrictions on Regulatory Action. Nothing contained in this Agreement shall restrict or in any way encumber the right of either party to conduct its own independent or concurrent investigation, examination or enforcement proceeding of or against Dual Members, as either party, in its sole discretion, shall deem appropriate or necessary.

12. Termination. This Agreement may be terminated by MIAX or FINRA at any time upon the approval of the Commission after one (1) year's written notice to the other party (or such shorter time as agreed by the parties), except as provided in paragraph 4.

13. Arbitration. In the event of a dispute between the parties as to the operation of this Agreement, MIAX and FINRA hereby agree that any such dispute shall be settled by arbitration in Washington, DC in accordance with the rules of the American Arbitration Association then in effect, or such other procedures as the parties may mutually agree upon. Judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction. Each party acknowledges that the timely and complete performance of its obligations pursuant to this Agreement is critical to the business and operations of the other party. In the event of a dispute between the parties, the parties shall continue to perform their respective obligations under this Agreement in good faith during the resolution of such dispute unless and until this Agreement is terminated in accordance with its provisions. Nothing in this Section 13 shall interfere with a party's right to terminate this Agreement as set forth herein.

14. Separate Agreement. This Agreement is wholly separate from the following agreement: (1) the multiparty Agreement made pursuant to Rule 17d–2 of the Exchange Act among BATS Exchange, Inc., BOX Options Exchange, LLC, Chicago Board Options Exchange, Incorporated, C2 Options Exchange, Incorporated, the International Securities Exchange, LLC, FINRA, MIAX, the New York Stock Exchange LLC, NYSE MKT LLC, the NYSE Arca, Inc., The NASDAQ Stock Market LLC, NASDAQ OMX BX, Inc., NASDAQ OMX PHLX LLC, and MIAX Exchange, LLC involving the allocation of regulatory responsibilities with respect to common members for compliance with common rules relating to the conduct by broker-dealers of accounts for listed options or index warrants entered as approved by the SEC on July 26, 2013, and as may be amended from time to time; and (2) the multiparty Agreement made pursuant to Rule 17d–2 of the Exchange Act among NYSE MKT LLC, BATS Exchange, Inc., BOX Options Exchange LLC, NASDAQ OMX BX, Inc., C2 Options Exchange, Incorporated, Chicago Board Options Exchange, Incorporated, International Securities Exchange LLC, FINRA, NYSE Arca, Inc., The NASDAQ Stock Market LLC, NASDAQ OMX PHLX, Inc., MIAX, and MIAX Exchange, LLC involving the allocation of regulatory responsibilities with respect to SRO market surveillance of common members activities with regard to certain common rules relating to listed options approved by the SEC on July 26, 2013, and as may be amended from time to time.

15. Notification of Members. MIAX and FINRA shall notify Dual Members of this Agreement after the Effective Date by means of a uniform joint notice.

16. Amendment. This Agreement may be amended in writing provided that the changes are approved by both parties. All such amendments must be filed with and approved by the Commission before they become effective.

17. Limitation of Liability. Neither FINRA nor MIAX nor any of their respective directors, governors, officers or employees shall be liable to the other party to this Agreement for any liability, loss or damage resulting from or claimed to have resulted from any delays, inaccuracies, errors or omissions with respect to the provision of Regulatory Responsibilities as provided hereby or for the failure to provide any such responsibility, except with respect to such liability, loss or damages as shall have been suffered by one or the other of FINRA or MIAX and caused by the willful misconduct of the other party or their respective directors, governors, officers or employees. No warranties, express or implied, are made by FINRA or MIAX with respect to any of the responsibilities to be performed by each of them hereunder.

18. Relief from Responsibility. Pursuant to Sections 17(d)(1)(A) and 19(g) of the Exchange Act and Rule 17d–2 thereunder, FINRA and MIAX join in requesting the Commission, upon its approval of this Agreement or any part thereof, to relieve MIAX of any and all responsibilities with respect to matters allocated to FINRA pursuant to this Agreement; provided, however, that this Agreement shall not be effective until the Effective Date.

19. Severability. Any term or provision of this Agreement that is invalid or unenforceable in any jurisdiction shall, as to such jurisdiction, be ineffective to the extent of such invalidity or unenforceability without rendering invalid or unenforceable the remaining terms and provisions of this Agreement or affecting the validity or enforceability of any of the terms or provisions of this Agreement in any other jurisdiction.

20. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and such counterparts together shall constitute one and the same instrument.

IN WITNESS WHEREOF, each party has executed or caused this Agreement to be executed on its behalf by a duly authorized officer as of the date first written above.

MIAMI INTERNATIONAL SECURITIES EXCHANGE, LLC.

By: _____

Name:
Title:

FINANCIAL INDUSTRY REGULATORY AUTHORITY, INC.

By: _____

Name:
Title:

EXHIBIT 1

Miami International Securities Exchange, LLC Rules Certification for 17d–2 Agreement with FINRA

Miami International Securities Exchange, LLC ("MIAX") hereby certifies that the requirements contained in the rules listed below are identical to, or substantially similar to, the comparable FINRA (NASD) Rule, Exchange Act provision or SEC rule identified ("Common Rules").

MIAX rules	FINRA (NASD) rules, exchange act provision or SEC rule
Rule 301 Just and Equitable Principles of Trade[14].	FINRA Rule 2010 Standards of Commercial Honor and Principles of Trade.*
Rule 303 Prevention of the Misuse of Material Nonpublic Information[1][15].	Section 15(g) of the Exchange Act.
Rule 315 Anti-Money Laundering Compliance Program[2].	FINRA Rule 3310 Anti-Money Laundering Compliance Program.
Rule 318(a) Manipulation	FINRA Rule 2020 Use of Manipulative, Deceptive or other Fraudulent Devices.*
Rule 318(b) Manipulation	FINRA Rule 6140 Other Trading Practices.
Rule 319 Forwarding of Proxy and Other Issuer-Related Materials[16].	FINRA Rule 2251 Processing and Forwarding of Proxy and Other Issuer-Related Materials.
Rule 320 Trading Ahead of Research Reports.	FINRA Rule 5280 Trading Ahead of Research Reports.
Rule 800(a), (b) and (d) Maintenance, Retention and Furnishing of Books, Records and Other Information[1][17].	FINRA Rule 4511 General Requirements* and Section 17 of the Exchange Act and the rules thereunder.
Rule 1304 Continuing Education for Registered Persons[18].	FINRA Rule 1250(a)(1)–(4) and (b) Continuing Education Requirements.
Rule 1321 Transfer of Accounts	FINRA Rule 11870 Customer Account Transfer Contracts.
Rule 1325 Telemarketing	FINRA Rule 3230 Telemarketing.

[14] FINRA shall only have Regulatory Responsibilities regarding the rule and not the interpretations and policies.
[15] FINRA shall not have Regulatory Responsibilities regarding the rule to the extent it requires notification to MIAX.
[16] FINRA shall not have Regulatory Responsibilities regarding subsection (c) of Rule 319.
[17] FINRA shall not have Regulatory Responsibilities regarding maintaining books and records as may be prescribed by MIAX to the extent it makes the rule inconsistent with the FINRA or SEC rule.
[18] FINRA shall not have Regulatory Responsibilities for exercise of exemptive or other discretionary authority by MIAX to the extent it makes the rule inconsistent with the FINRA rule. In addition, FINRA shall only have Regulatory Responsibilities to the extent the category of persons subject to MIAX registration is the same as FINRA.

In addition, the following provisions shall be part of this 17d–2 Agreement:
SEA Rule 200 of Regulation SHO—Definition of "Short Sale" and Marking Requirements and
SEA Rule 203 of Regulation SHO—Borrowing and Delivery Requirements
* FINRA shall not have Regulatory Responsibilities for these rules as they pertain to violations of insider trading activities, which is covered by a separate 17d–2 Agreement by and among BATS Exchange, Inc., BATS Y-Exchange, Inc., Chicago Board Options Exchange, Inc., Chicago Stock Exchange, Inc., EDGA Exchange, Inc., EDGX Exchange, Inc., Financial Industry Regulatory Authority, Inc., NASDAQ OMX BX, Inc., NASDAQ OMX PHLX LLC, the NASDAQ Stock Market LLC, National Stock Exchange, Inc., New York Stock Exchange LLC, NYSE Amex LLC, and NYSE Arca Inc., effective December 16, 2011, as may be amended from time to time.

III. Date of Effectiveness of the Proposed Plan and Timing for Commission Action

Pursuant to Section 17(d)(1) of the Act [194] and Rule 17d–2 thereunder,[15] after November 13, 2014, the Commission may, by written notice, declare the plan submitted by MIAX and FINRA, File No. 4–678, to be effective if the Commission finds that the plan is necessary or appropriate in the public interest and for the protection of investors, to foster cooperation and coordination among self-regulatory organizations, or to remove impediments to and foster the development of the national market system and a national system for the clearance and settlement of securities transactions and in conformity with the factors set forth in Section 17(d) of the Act.

[194] 15 U.S.C. 78q(d)(1).
[15] 17 CFR 240.17d–2.

IV. Solicitation of Comments

In order to assist the Commission in determining whether to approve the proposed 17d–2 Plan and to relieve MIAX of the responsibilities which would be assigned to FINRA, interested persons are invited to submit written data, views, and arguments concerning the foregoing. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number 4–678 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, Station Place, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number 4–678. 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/other.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed plan that are filed with the Commission, and all written communications relating to the proposed plan 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 the plan also will be available for inspection and copying at the principal offices of MIAX and FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number 4–678 and should be submitted on or before November 7, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–25203 Filed 10–22–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73384; File No. SR–ICC–2014–14]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change To Add Rules Related to the Clearing of Standard Western European Sovereign CDS Contracts

October 17, 2014.

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 has not received comments on the proposed rule change. The Commission is publishing this notice to designate a longer period for Commission action on the proposed rule change.

Section 19(b)(2) of the Act[4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day from the publication of notice of filing of this proposed rule change is October 19, 2014. The Commission is extending this 45-day time period.

ICC proposes to adopt new clearing rules and amend the ICC Risk Management Framework to provide for the clearance of Standard Western European Sovereign credit default swap ("CDS") contracts, specifically the Republic of Ireland, the Italian Republic, the Portuguese Republic, and the Kingdom of Spain. Given that ICC does not currently provide clearing services for Western European Sovereign CDS, and it is proposing a new General Wrong Way Risk methodology to address the potential wrong way risk associated with the clearing of sovereign contracts, the Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the complex issues under the proposed rule change.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates December 3, 2014, as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–ICC–2014–14).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–25204 Filed 10–22–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73385; File No. SR–CFE–2014–003]

Self-Regulatory Organizations; CBOE Futures Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Regarding Exchange of Contract for Related Position Transactions and Minor Rule Violations

October 17, 2014.

Pursuant to Section 19(b)(7) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on October 1, 2014 CBOE Futures Exchange, LLC ("CFE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change described in Items I, II, and III below, which Items have been prepared by CFE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. CFE also has filed this proposed rule change with the Commodity Futures Trading Commission ("CFTC"). CFE filed a written certification with the CFTC under Section 5c(c) of the Commodity Exchange Act ("CEA")[2] on October 1, 2014.

I. Self-Regulatory Organization's Description of the Proposed Rule Change

The Exchange proposes to amend two rules related to Exchange of Contract for Related Position ("ECRP") transactions and minor rule violations, respectively. The only security futures currently traded on CFE are traded under Chapter 16 of CFE's Rulebook which is applicable to Individual Stock Based and Exchange-Traded Fund Based Volatility Index security futures. The text of the proposed rule change is attached as Exhibit 4 to the filing but is not attached to the publication of this notice.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CFE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. CFE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed CFE rule amendments included as part of this rule change is to amend: (i) CFE Rule 414 (Exchange of Contract for Related Position) to clarify that any parties to or Authorized Reporters for an ECRP transaction are obligated to comply with the requirements set forth in Rule 414; and (ii) CFE Rule 714 (Imposition of Fines for Minor Rule Violations), referred to herein sometimes as "Minor Rule Violation Rule," to add new categories of rules for which the Exchange may impose summary fines for violations of the applicable rule(s) as well as to clarify the application of minor rule violation categories that contain more than one CFE Rule subsection. The rule amendments included as part of this rule change are to apply to all products traded on CFE, including both non-security futures and security futures. CFE is making these

[16] 17 CFR 200.30–3(a)(34).

[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] 15 U.S.C. 78s(b)(2).

[5] 15 U.S.C. 78s(b)(2).

[6] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78s(b)(7).

[2] 7 U.S.C. 7a–2(c).

rule amendments in conjunction with other rule amendments to CFE Rule 714 that are not required to be submitted to the Commission pursuant to Section 19(b)(7) of the Act [3] and thus are not included as part of this rule change.

ECRP Transactions

CFE is proposing to amend CFE Rule 414 (Exchange of Contract for Related Position) to clarify the obligations and responsibilities of parties to and Authorized Reporters for ECRP transactions. Rule 414(h) currently provides that each Trading Privilege Holder ("TPH") that executes an ECRP transaction must designate at least one Authorized Reporter, which reports the ECRP transaction to the Exchange. The Amendment clarifies that both the parties to and Authorized Reporters for an ECRP transaction are obligated to comply with the requirements set forth in Rule 414, and any of these parties or Authorized Reporters may be held responsible by the Exchange for noncompliance with those requirements.

Minor Rule Violation Rule

CFE is proposing to amend CFE Rule 714 (Imposition of Fines for Minor Rule Violations) to add new categories of rules for which the Exchange may impose summary fines for violations of the applicable rule(s). Rule 714(f) currently provides for ten categories of Exchange rule violations that are considered minor rule violations for purposes of Rule 714 and corresponding summary fine schedules. The proposed CFE rule amendment would (i) identify nine new categories of rules for which the Exchange may impose summary fines for violations of the applicable rule(s), (ii) enumerates the specific rule(s) within each category, and (iii) sets forth a summary fine schedule for violations of the rule(s) within each category.[4] Below are general descriptions of areas covered by the nine categories:

- Account Designation in Orders
- Order Form Preparation and Recordkeeping for Orders Which Cannot Be Immediately Entered into the CBOE System
- Notification Provisions for Position Accountability
- Reporting Requirements for Reportable Positions
- Exchange of Contract for Related Position Transaction Order Marking and Reporting Requirements
- Block Trade Order Marking and Reporting Requirements
- Provision of Books and Records

The Exchange will have the ability to impose fines for the new violation types covered in the Minor Rule Violation Rule both for matters that are currently pending for which a statement of charges has not yet been issued under CFE Rule 704(b) (Charges) and for future matters. Subsection (c) of the Minor Rule Violation Rule currently provides that any Person against whom a fine is imposed pursuant to the Minor Rule Violation Rule may contest the determination in accordance with the procedure described in that subsection, which includes the ability to have the fine reviewed by a Business Conduct Committee Panel. The Exchange believes that these violations are suitable for incorporation into the Exchange's Minor Rule Violation Rule because they are generally technical in nature. Further, CFE will be able to carry out its regulatory responsibility more quickly and efficiently by incorporating these violations into its Minor Rule Violation Rule. CFE may, whenever it determines that any violation of a rule covered in the Minor Rule Violation Rule is intentional, egregious or otherwise not minor in nature, proceed under the Exchange's formal disciplinary rules.[5]

CFE is proposing to make the following modifications to CFE Rule 714 with the number of offenses being calculated on a rolling twelve (12) month period (with the exception of the first category discussed below where the number of offenses will be calculated on a rolling twenty-four (24) month period):

Account Designation in Orders

CFE is proposing to modify its Minor Rule Violation Rule to cover violations of requirements for Account Designation in Orders. Specifically, the Exchange is proposing to modify the Minor Rule Violation Rule to add CFE Rule 403(a)(viii), which requires that each Order must contain information about account designation. A first offense will result in the issuance of a letter of caution. The second offense will be subject to a $2,500 fine. The third offense will be subject to a $10,000 fine. Subsequent offenses will be referred to CFE's Business Conduct Committee.

Order Form Preparation and Recordkeeping for Orders Which Cannot Be Immediately Entered Into the CBOE System

CFE is proposing to modify its Minor Rule Violation Rule to cover violations of requirements for Order Form Preparation and Recordkeeping for Orders Which Cannot Be Immediately Entered into the CBOE System (*i.e.*, CFE's trading system). Specifically, the Exchange is proposing to modify the Minor Rule Violation Rule to add CFE Rule 403(b), which sets forth preparation and recordkeeping requirements relating to orders which cannot be immediately entered into the CBOE System. A first offense will result in the issuance of a letter of caution. The second offense will be subject to a $2,500 fine. The third offense will be subject to a $10,000 fine. Subsequent offenses will be referred to CFE's Business Conduct Committee.

Notification Provisions for Position Accountability

CFE is proposing to modify its Minor Rule Violation Rule to cover violations of requirements for Notification Provisions for Position Accountability.

First, the Exchange is proposing to modify the Minor Rule Violation Rule to add CFE Rule 412A(c), which provides notification requirements for all-expirations-combined position accountability levels. A first offense will result in the issuance of a letter of caution. The second offense will be subject to a $7,500 fine. The third offense will be subject to a $15,000 fine. Subsequent offenses will be referred to CFE's Business Conduct Committee.

Second, the Exchange is proposing to modify the Minor Rule Violation Rule to add CFE Rule 412A(d), which provides notification requirements for position accountability levels for expiring contracts. A first offense will result in the issuance of a letter of caution. The second offense will be subject to a $7,500 fine. The third offense will be subject to a $15,000 fine. Subsequent offenses will be referred to CFE's Business Conduct Committee.

At the present time, the security futures listed for trading on CFE are all subject to position limits instead of position accountability. However, it is possible that CFE could amend its rules in the future to apply position accountability instead of position limits to one or more security futures.

Reporting Requirements for Reportable Positions

CFE is proposing to modify its Minor Rule Violation Rule to cover violations

[3] 15 U.S.C. 78s(b)(7).

[4] The proposed number of offenses leading up to a CFE Business Conduct Committee referral and the proposed fine amounts vary depending on the nature of the underlying violative conduct. This is because CFE regards violations of certain rule provisions under the Minor Rule Violation Rule to be more serious relative to violations of other rule provisions under the Minor Rule Violation Rule.

[5] *See* CFE Rule 714(d).

of Reporting Requirements for Reportable Positions.

First, the Exchange is proposing to modify the Minor Rule Violation Rule to add CFE Rule 412B(a), which requires TPHs to report to the Exchange reportable positions and related information relating to Exchange Contracts that TPHs are required to report to the CFTC pursuant to CFTC regulations. A first offense will result in the issuance of a letter of caution. The second offense will be subject to a $7,500 fine. The third offense will be subject to a $15,000 fine. Subsequent offenses will be referred to CFE's Business Conduct Committee.

Second, the Exchange is proposing to modify the Minor Rule Violation Rule to add CFE Rule 412B(b), which requires any Person that is not a TPH and that is required to report to the CFTC pursuant to CFTC regulations reportable positions and related information relating to Exchange Contracts to report the foregoing reportable positions and related information to the Exchange. A first offense will result in the issuance of a letter of caution. The second offense will be subject to a $7,500 fine. The third offense will be subject to a $15,000 fine. Subsequent offenses will be referred to CFE's Business Conduct Committee.

Exchange of Contract for Related Position Transaction Order Marking and Reporting Requirements

CFE is proposing to modify its Minor Rule Violation Rule to cover violations of ECRP Order Marking and Transaction Reporting Requirements.

First, the Exchange is proposing to modify the Minor Rule Violation Rule to add CFE Rule 414(f), which requires every TPH that handles, executes, clears, or carries ECRP transactions or positions to identify and mark as such by appropriate symbol or designation all ECRP transactions or positions and all orders, records, and memoranda pertaining thereto. A first offense will be subject to a $2,500 fine. The second offense will be subject to a $10,000 fine. Subsequent offenses will be referred to CFE's Business Conduct Committee.

Second, the Exchange is proposing to modify the Minor Rule Violation Rule to add CFE Rule 414(i), which sets forth notification requirements for a party that executes an ECRP transaction. A first offense will result in the issuance of a letter of caution. The second offense will be subject to a $7,500 fine. The third offense will be subject to a $15,000 fine. Subsequent offenses will be referred to CFE's Business Conduct Committee.

Third, the Exchange is proposing to modify the Minor Rule Violation Rule to add CFE Rule 414(j), which requires a party that executes an ECRP transaction to include certain information when notifying the Exchange of an ECRP transaction. A first offense will result in the issuance of a letter of caution. The second offense will be subject to a $7,500 fine. The third offense will be subject to a $15,000 fine. Subsequent offenses will be referred to CFE's Business Conduct Committee.

Block Trade Order Marking and Reporting Requirements

CFE is proposing to modify its Minor Rule Violation Rule to cover violations of Block Trade Order Marking and Reporting Requirements.

First, the Exchange is proposing to modify the Minor Rule Violation Rule to add CFE Rule 415(a)(i)(A), which requires that each buy or sell order underlying a Block Trade must state explicitly that it is to be, or may be, executed by means of a Block Trade. A first offense will be subject to a $2,500 fine. The second offense will be subject to a $10,000 fine. Subsequent offenses will be referred to CFE's Business Conduct Committee.

Second, the Exchange is proposing to modify the Minor Rule Violation Rule to add CFE Rule 415(g), which sets forth notification requirements for a party to a Block Trade. A first offense will result in the issuance of a letter of caution. The second offense will be subject to a $7,500 fine. The third offense will be subject to a $15,000 fine. Subsequent offenses will be referred to CFE's Business Conduct Committee.

Third, the Exchange is proposing to modify the Minor Rule Violation Rule to add CFE Rule 415(h), which requires a party to a Block Trade to include certain information when notifying the Exchange of a Block Trade. A first offense will result in the issuance of a letter of caution. The second offense will be subject to a $7,500 fine. The third offense will be subject to a $15,000 fine. Subsequent offenses will be referred to CFE's Business Conduct Committee.

Provision of Books and Records

CFE is proposing to modify its Minor Rule Violation Rule to cover violations of requirements for Provision of Books and Records. Specifically, the Exchange is proposing to modify the Minor Rule Violation Rule to add both CFE Rule 502, which sets forth CFE's general inspection, delivery, and retention requirements for books and records, as well as other CFE rules allowing CFE to request books and records in specific circumstances. For each business day late past the due date of the Exchange's request for books and records up until 15 business days late, the TPH will be subject to a $1,000 per business day. After 15 business days late, the TPH will be referred to CFE's Business Conduct Committee.

Clarification

CFE is proposing to modify CFE Rule 714(e) to clarify how the Exchange will apply minor rule violation categories listed that contain more than one Rule subsection. For these categories, the applicable fine schedule will apply separately with respect to violations of each of those Rule subsections. Therefore, if conduct violates only one of those Rule subsections, it would be considered an offense with respect to that subsection but not with respect to the other Rule subsection(s) to which the fine schedule also applies. For example, if the same fine schedule applies to Rule subsection (a) and Rule subsection (b) and conduct violates only Rule subsection (a) for the first time in a twelve-month rolling period, that conduct would be considered a first offense under the schedule with respect to Rule subsection (a). A later violation in that period of Rule subsection (b) would be considered a first offense under the schedule with respect to Rule subsection (b). If conduct violates more than one of those Rule subsections for the first time in a twelve-month rolling period, it would be considered an offense with respect to each of those subsections. For example, if the same fine schedule applies to Rule subsection (a) and Rule subsection (b) and the same conduct violates both Rule subsection (a) and Rule subsection (b) for the first time in a twelve-month rolling period, that would be considered a first offense under the schedule with respect to Rule subsection (a) and a first offense under the schedule with respect to Rule subsection (b). If the first offense is to receive a fine under the schedule, that fine amount would be assessed twice, once in relation to Rule subsection (a) and also once in relation to Rule subsection (b). Each Rule subsection listed in the Minor Rule Violation Rule is intended to address a different type of misconduct.

CFE is also making technical, non-substantive changes to Rule 714 that pertain solely to formatting.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with

Section 6(b) of the Act,[6] in general, and furthers the objectives of Sections 6(b)(5)[7] and 6(b)(7)[8] in particular in that it is designed:

- To prevent fraudulent and manipulative acts and practices,
- to promote just and equitable principles of trade,
- to foster cooperation and coordination with persons engaged in facilitating transactions in securities,
- to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest, and
- to provide a fair procedure for the disciplining of members.

The Exchange believes that the proposed rule change will strengthen its ability to carry out its responsibilities as a self-regulatory organization by clarifying that CFE may hold any parties to and Authorized Reporters for an ECRP transaction responsible for compliance with the related rule depending on the facts and circumstances and by adding violations to its Minor Rule Violation Rule. CFE also believes that the additions to the Minor Rule Violation Rule will serve as an effective deterrent to future violative conduct and as an effective and efficient means of disciplining for infractions that do not warrant a regular disciplinary proceeding. CFE additionally believes that these additions will promote consistent application of sanctions by the Exchange for minor rule violations, establish a fair procedure for the disciplining of TPHs for minor rule violations and reinforce its surveillance and enforcement functions.

B. Self-Regulatory Organization's Statement on Burden on Competition

CFE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, in that the rule change makes enhancements to CFE's ability to deter and discipline certain infractions. The Exchange believes that the proposed rule change is equitable and not unfairly discriminatory because the clarification of compliance responsibilities with respect to ECRP transactions and all of the additions to the Minor Rule Violation Rule would apply equally to all parties that are subject to the applicable requirements.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78f(b)(7).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change will become effective on October 16, 2014.

At any time within 60 days of the date of effectiveness of the proposed rule change, the Commission, after consultation with the CFTC, may summarily abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of Section 19(b)(1) of the Act.[9]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CFE–2014–003 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CFE–2014–003. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CFE–2014–003, and should be submitted on or before November 13, 2014.

[9] 15 U.S.C. 78s(b)(1).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–25201 Filed 10–22–14; 8:45 am]

BILLING CODE 8011–01–P

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73389; File No. SR–FICC–2014–01]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Order Approving Proposed Rule Change To Amend the Government Securities Division Rulebook in Order To Establish an Early Unwind Intraday Charge in Connection With the Inclusion of GCF Repo® Positions in GSD's Intraday Participant Clearing Fund Requirement, and GSD's Hourly Internal Surveillance Cycles

October 17, 2014.

I. Introduction

On August 11, 2014, the Fixed Income Clearing Corporation ("FICC") filed with the Securities and Exchange Commission ("Commission") proposed rule change SR–FICC–2014–01 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder.[2] The proposed rule

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4. FICC also filed a proposed change as an advance notice concerning GSD's inclusion of GCF® repo positions in its intraday participant clearing fund requirement calculation and its hourly internal surveillance cycles under Section 806(e)(1) of the Payment, Clearing, and Settlement Supervision Act of 2010 ("Payment, Clearing and Settlement Supervision Act"). 12 U.S.C. 5465(e)(1). Securities Exchange Act Release No. 71469 (February 4, 2014), 79 FR 7722 (February 10, 2014) (SR–FICC–2014–801). FICC subsequently amended the advance notice to establish the Early Unwind Intraday Charge described herein. Securities Exchange Act Release No. 73187

change was published for comment in the **Federal Register** on August 29, 2014.[3] The Commission received no comment letters in response to the proposed rule change. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description

FICC proposed to amend the Government Securities Division ("GSD") Rulebook (the "Rules") in order to establish an Early Unwind Intraday Charge ("EUIC") to protect against the exposure that may result from a member's intraday substitution of cash for securities that were used as collateral for a GCF Repo® position the prior day ("Cash Substitution") or a clearing bank unwind of the cash lending side of the transaction for an inter-bank GCF Repo transaction at 7:30 a.m. (ET) ("Early Unwind")[4] in connection with including the underlying collateral pertaining to the GCF Repo®[5] positions in GSD's noon intraday[6] participant Clearing Fund requirement ("CFR") calculation, and its hourly internal surveillance cycles.

Background

On January 10, 2014, FICC filed advance notice SR–FICC–2014–801[7] ("Advance Notice") with the Commission. This filing describes FICC's proposal to include the underlying collateral pertaining to the GCF Repo® positions in its noon intraday participant CFR calculation, and its hourly internal surveillance cycles. FICC intended this enhancement to align GSD's risk management calculations and monitoring with the changes that have been implemented to the tri-party infrastructure by the Tri-Party Repo Infrastructure Reform Task Force ("Task Force"),[8] specifically, with respect to locking up of GCF Repo® collateral until 3:30 p.m. (ET) rather than 7:30 a.m. (ET). Subsequent to the initial Advance Notice filing, FICC discovered that under the proposed change, a potential exposure may result from a GCF Repo® participant's Cash Substitutions and Early Unwinds. As a result, on August 11, 2014, FICC filed this proposed rule change.[9]

Specifically, FICC discovered that there were instances where exposure to FICC arose as a result of certain Cash Substitutions or Early Unwind. This is because the noon intraday underlying collateral pertaining to the GCF Repo® positions of impacted participants may exhibit a different risk profile than their same end-of-day ("EOD")[10] positions. The impact could be to increase or decrease the Value-at-Risk ("VaR") component of the CFR.

In certain instances, Cash Substitutions, for repo and reverse repo positions and Early Unwinds for reverse repo positions, could result in higher cash balances in the underlying collateral pertaining to GCF Repo® positions at noon intraday than the same EOD, and could present a potential under-margin condition because cash collateral is not margined. In addition, FICC noted that it is likely that the cash will be replaced by securities in the next GCF Repo® allocation of collateral. The under-margin condition will exist overnight because the VaR on the GCF Repo® collateral in the same EOD cycle will not be calculated until after Fedwire is closed thus precluding members from satisfying margin deficits until the morning of the next business day.

(b) Proposed Change

FICC's rule change amends GSD's Rules to establish the EUIC to protect against the exposure that may result from a member's Cash Substitutions or Early Unwinds.[11] GSD will adjust the noon intraday CFR in the form of an EUIC to address this risk. In order to determine whether an EUIC should be applied, GSD will take the following steps:

1. At noon, GSD will compare the prior EOD VaR component of the CFR calculation with the current day's noon intraday VaR component of the CFR calculation.

2. If the current day's noon intraday VaR calculation is equal to or higher than the prior EOD's VaR calculation then GSD will not apply an EUIC. If however, the current day's noon calculation is lower, then GSD will proceed to the step 3 below.

3. GSD will review the GCF Repo® participant's DVP and GCF Repo® portfolio to determine whether the reduction in the noon calculation may be attributable to Cash Substitutions or Early Unwinds. If so, then GSD will apply the EUIC.

4. At the participant level, the EUIC[12] will be the lesser of (i) the net VaR decrease that may be deemed to be attributable to either cash substitutions and/or early unwind of interbank allocations or (ii) the prior EOD VaR minus the noon intraday VaR.[13]

The EUIC for Cash Substitutions will apply to the repo side (cash borrower) and the reverse repo side (cash lender) of the transaction. As such, the reverse repo side is subject to the EUIC notwithstanding its inability to control the Cash Substitutions. The EUIC for Cash Substitutions applies to the reverse repo side because although they do not initiate the Cash Substitutions, the Cash Substitutions change the participant's risk profile and as a result, their noon

(September 23, 2014), 79 FR 58007 (September 26, 2014) (SR–FICC–2014–801).

[3] Securities Exchange Act Release No. 72908 (August 25, 2014), 79 FR 51630 (August 29, 2014) (SR–FICC–2014–01).

[4] The Early Unwind refers to the automatic return of the collateral from the reverse repo side (cash lender) to FICC's account at the repo side's (cash borrower's) settlement bank and the return of cash to the reverse repo side, which typically occurs before the opening of Fedwire.

[5] The GCF Repo® service enables dealers to trade general collateral repos, based on rate, term, and underlying product, throughout the day without requiring intra-day, trade-for- trade settlement on a Deliver-versus-Payment ("DVP") basis. The service fosters a highly liquid market for securities financing. GCF Repo® is a registered trademark of The Depository Trust & Clearing Corporation.

[6] Noon intraday refers to the routine intraday margining cycle which is based on a 12:00 p.m. (ET) position snap shot. Pursuant to Rule 4, FICC may request additional margin outside of the formal intraday margin calls.

[7] *See supra* note 2.

[8] The Task Force was formed in September 2009 under the auspices of the Payments Risk Committee, a private-sector body sponsored by the Federal Reserve Bank of New York. The Task Force's goal is to enhance the repo market's ability to navigate stressed market conditions by implementing changes that help better safeguard the market. DTCC, FICC's parent company, has worked in close collaboration with the Task Force on their reform initiatives.

[9] At the same time, FICC filed Amendment No. 1 to the Advance Notice with the Commission, which contains the same change. *See supra* note 2.

[10] As used herein, "prior EOD" refers to the end of day cycle immediately preceding the current noon intraday cycle and "same EOD" refers to the end of day cycle immediately subsequent to the current noon intraday cycle.

[11] If, however, a member is assessed an EUIC under circumstances that were not initially contemplated and the EUIC charge is deemed unnecessary, FICC management has the discretion to waive such charge.

[12] The EUIC will be included in the noon intraday participant CFR, but not the same EOD CFR. This is because the risk associated with cash lockups exists at intraday, that is, at any time before at EOD. At EOD in the normal course of business, GCF Repo® positions consist of 100% eligible non-cash securities. GCF Repo® is used for overnight financing of securities inventory. Absent extraordinary circumstances, participants do not use cash to collateralized overnight cash loans. Cash Substitutions occur at intraday as participants substitute in cash to withdraw securities they need for intraday deliveries.

[13] In the event that a Cash Substitution or Early Unwind impacts the CFR, the prior end of day CFR is used as a proxy for the same end of day CFR for the portion of the portfolio that is impacted by such Cash Substitutions or Early Unwind of interbank allocations. The EUIC is designed to prevent the impact of Cash Substitutions and Early Unwind of interbank allocations from unduly reducing noon intraday CFR relative to the prior EOD CFR calculation, thus the EUIC will not increase the noon intraday CFR above the prior EOD CFR calculation. (But the noon intraday CFR calculation exclusive of EUIC could be higher than the prior EOD CFR calculation).

intraday CFR could be unduly reduced. The EUIC for Early Unwinds will only apply to the reverse repo side (cash lender) since it is only the reverse side whose lockup is unwound early. The securities subject to the Early Unwind are not returned to the repo side (cash borrower) in connection with Early Unwinds. Early Unwinds are performed on the reverse repo side to ensure that the underlying collateral is available to the repo side at its settlement bank. As such, the reverse repo side is subject to the EUIC notwithstanding its inability to control the Early Unwind as their noon intraday CFR could be unduly reduced as a result of such Early Unwinds. GSD has discussed the EUIC with the participants that are likely to be materially impacted by this proposed charge. These participants did not express any concerns about the EUIC.

There is no automatic unwind (return of securities) to the repo side. If the repo side needs its securities before the 3:30 p.m. (ET) scheduled unwind, it may perform a securities-for-securities substitution or a cash-for-securities substitution (in which case it may be subject to the EUIC).

III. Discussion

Section 19(b)(2)(C) of the Act [14] directs the Commission to approve a self-regulatory organization's proposed rule change 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 organization. Section 17A(b)(3)(F) of the Act [15] requires, among other things, that the rules of a clearing agency are designed 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.

The Commission finds that the proposed rule change to establish the EUIC to protect against the exposure that may result from intraday Cash Substitutions and Early Unwinds in connection with FICC's proposal to include the underlying collateral pertaining to the GCF Repo® positions in GSD's noon intraday participant CFR calculation and hourly internal surveillance cycles is consistent with Section 17A(b)(3)(F) of the Act.[16] Although the inclusion of GCF Repo® positions into intraday participant CFR calculations and hourly surveillance cycles may better reflect the actual risk in its members' portfolios, the inclusion of the EUIC may allow FICC to use even more accurate and current position information in its margin calculations and mitigate the effects of Cash Substitutions and Early Unwinds that occur during the intraday period. This more accurate margin calculation may allow FICC to better safeguard and secure securities and funds which are in its custody or control or for which it is responsible.

The proposed change is also consistent with Rule 17Ad–22 [17] of the Clearing Agency Standards which establishes the minimum requirements regarding how registered clearing agencies must maintain effective risk management procedures and controls. Specifically, Rule 17Ad–22(b)(1) requires a clearing agency that performs CCP services to establish, implement, maintain, and enforce written policies reasonably designed to measure its credit exposures at least daily and to limit exposures to potential losses from defaults by participants under normal market conditions so that the operations of the clearing agency should not be disrupt and non-defaulting participants would not be exposed to losses that they cannot anticipate or control.[18] Rule 17Ad–22(b)(2) requires FICC to establish, implement, maintain, and enforce written policies and procedures reasonably designed to use margin requirements to limit its credit exposures to participants under normal market conditions and use risk-based models and parameters to set margin requirements.[19] To these ends, the change may provide FICC with a more accurate measurement of daily credit exposure using a risk-based model and is designed to address exposures that may occur from intraday activity. In sum, FICC's more accurate and timely calculations around and monitoring of GCF Repo® activity should better enable FICC to respond in the event that a member defaults.

IV. Conclusion

On the basis of the foregoing, the Commission concludes that the proposal is consistent with the requirements of the Act, particularly the requirements of Section 17A of the Act,[20] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[21] that the proposed rule change (File No. SR–FICC–2014–01) be and hereby is *approved.*[22]

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[23]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–25207 Filed 10–22–14; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78s(b)(2)(C).

[15] 15 U.S.C. 78q–1(b)(3)(F).

[16] 15 U.S.C. 78q–1(b)(3)(F).

[17] 17 CFR 240.17Ad–22.

[18] 17 CFR 240.17Ad–22(b)(1).

[19] 17 CFR 240.17Ad–22(b)(2).

[20] 15 U.S.C. 78q–1.

[21] 15 U.S.C. 78s(b)(2).

[22] 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).

[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73388; File No. SR–FICC–2014–801]

Self-Regulatory Organizations; The Fixed Income Clearing Corporation; Notice of No Objection to Advance Notice Filing, as Amended by Amendment No. 1, Concerning the Government Security Division's Inclusion of GCF Repo® Positions in Its Intraday Participant Clearing Fund Requirement Calculation, and Its Hourly Internal Surveillance Cycles

October 17, 2014.

On January 10, 2014, The Fixed Income Clearing Corporation ("FICC") filed with the Securities and Exchange Commission ("Commission") advance notice SR–FICC–2014–801 ("Advance Notice") pursuant to Section 806(e)(1)(A) of the Payment, Clearing, and Settlement Supervision Act of 2010 ("Payment, Clearing and Settlement Supervision Act" or "Title VIII") [1] and Rule 19b–4(n)(1)(i) of the Securities Exchange Act of 1934 ("Act").[2] The Advance Notice was published for comment in the **Federal Register** on February 10, 2014.[3] On March 10, 2014, the Commission staff sent FICC a letter, pursuant to Section 806(e)(1)(D) [4] and Commission authorization, requesting additional information regarding this advance notice.[5] FICC filed an amendment to the Advance Notice on August 11, 2014, which was published

[1] 12 U.S.C. 5465(e)(1)(A). The Financial Stability Oversight Council designated FICC a systemically important financial market utility on July 18, 2012. *See* Financial Stability Oversight Council 2012 Annual Report, Appendix A, *http://www.treasury.gov/initiatives/fsoc/Documents/2012%20Annual%20Report.pdf.* Therefore, FICC is required to comply with Title VIII of the Payment, Clearing and Settlement Supervision Act.

[2] 17 CFR 240.19b–4(n)(1)(i).

[3] Securities Exchange Act Release No. 71469 (Feb. 4, 2014), 79 FR 7722 (Feb. 10, 2014) (SR–FICC–2014–801).

[4] 12 U.S.C. 5465(e)(1)(D).

[5] The Commission received a response to this request for additional information August 19, 2014, at which time a 60 day review period for the Advance Notice began pursuant to Section 806(e)(1)(G). 12 U.S.C. 5465(e)(1)(G).

for comment in the **Federal Register** on September, 26, 2014.[6] The Commission received no comments on the Advance Notice. This publication serves as a notice of no objection to the changes proposed in the Advance Notice.

I. Description of the Advance Notice

The Advance Notice concerns a proposal by FICC's Government Securities Division ("GSD") to include GCF Repo® [7] positions in its intraday (i.e., noon) participant Clearing Fund requirement calculation ("CFR"), and its hourly internal surveillance cycles. FICC intends for this enhancement to align GSD's risk management calculations and monitoring with the changes that have been implemented to the tri-party infrastructure by the Tri-Party Repo Infrastructure Reform Task Force ("Task Force") [8] specifically, with respect to locking up of GCF Repo® collateral until 3:30 p.m. (ET) rather than 7:30 a.m. (ET). The Advance Notice also provides FICC the ability to account for an altered intraday risk profile of members as a result of a member's substitution of cash for securities that were used as collateral for a GCF Repo® position the prior day ("Cash Substitution") or a clearing bank unwind of the cash lending side of the transaction for an inter-bank GCF Repo® transaction at 7:30 a.m. (ET) ("Early Unwind") by implementing an Early Unwind Intraday Charge ("EUIC") where appropriate.

(i) Historical Background

Prior to the changes implemented by the Task Force, the underlying collateral pertaining to the GCF Repo® positions was locked up each afternoon (approximately 4:30 p.m. (ET)) and unwound at the beginning of the next business day (approximately 7:30 a.m. (ET)). Thus, the GCF Repo® positions were included in the end of day ("EOD") CFR calculations but not included in FICC's noon intraday CFR calculations. Because the GCF Repo® positions were not included in FICC's noon intraday CFR calculation, the noon calculation could result in an under-margined condition relative to the same EOD [9] CFR. Thus, FICC imposed a "higher-of" standard on GCF Repo® participants, whereby their noon intraday CFR was the higher of the actual noon intraday CFR calculation or its prior EOD CFR calculation.[10]

With the advent of the Task Force's reform, which resulted in moving the unwind from 7:30 a.m. (ET) to 3:30 p.m. (ET), details on the underlying collateral pertaining to GCF Repo® positions are now received from the clearing banks on an hourly basis and can be incorporated into the noon intraday CFR calculation. Substitutions of underlying collateral are now permitted between 8:30 a.m. (ET) and 3:30 p.m. (ET).[11]

(ii) Proposed Change

Because GCF Repo® collateral remains locked-up until 3:30 p.m. (ET), FICC proposed incorporating the underlying collateral pertaining to GCF Repo® positions in its noon intraday participant CFR calculation, and its hourly internal surveillance cycles.[12] This enhancement is intended to align FICC's risk management calculations and monitoring with the changes that have been implemented to the tri-party infrastructure by the Task Force.

In certain instances, Cash Substitutions, for repo and reverse repo positions and the Early Unwind of interbank allocations for reverse repo positions, could result in higher cash balances in the underlying collateral pertaining to GCF Repo® positions at noon intraday than the same EOD, and could present a potential under-margin condition because cash collateral is not margined but the cash likely will be replaced by securities in the next GCF Repo® allocation of collateral. The under-margin condition will exist overnight because the VaR on the GCF Repo® collateral in the same EOD cycle will not be calculated until after Fedwire is closed, thus precluding members from satisfying margin deficits until the morning of the next business day.

As a result, FICC amended its proposal [13] to include the EUIC to account for the altered intraday risk profile created by Cash Substitutions and Early Unwinds.[14] In order to determine whether an EUIC should be applied, FICC will take the following steps:

1. At noon, FICC will compare the prior EOD VaR component of the CFR calculation with the current day's noon intraday VaR component of the CFR calculation.
2. If the current day's noon intraday VaR calculation is equal to or higher than the prior EOD's VaR calculation then GSD will not apply an EUIC. If however, the current day's noon calculation is lower, then FICC will proceed to the step 3 below.
3. FICC will review the GCF Repo® participant's DVP and GCF Repo® portfolio to determine whether the reduction in the noon calculation may be attributable to the GCF Repo® participant's intraday cash substitutions or early unwind of interbank allocations. If so, then FICC will apply the EUIC.
4. At the participant level, the EUIC [15] will be the lesser of (i) the net VaR decrease that may be deemed to be attributable to either Cash Substitutions

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[6] Securities Exchange Act Release No. 73187 (September 23), 79 FR 58007 (September 26, 2014) (SR–FICC–2014–801).

[7] The GCF Repo® service enables dealers to trade general collateral repos, based on rate, term, and underlying product, throughout the day without requiring intra-day, trade-for-trade settlement on a Deliver-versus-Payment ("DVP") basis. The service fosters a highly liquid market for securities financing.

[8] The Task Force was formed in September 2009 under the auspices of the Payments Risk Committee, a private-sector body sponsored by the Federal Reserve Bank of New York. The Task Force's goal is to enhance the repo market's ability to navigate stressed market conditions by implementing changes that help better safeguard the market. FICC has worked in close collaboration with the Task Force on its reform initiatives.

[9] As used herein "prior EOD" refers to the end of day cycle immediately preceding the current noon intraday cycle and "same EOD" refers to the cycle immediately subsequent to the current noon intraday cycle.

[10] For example, in the extreme case where a participant's portfolio was comprised entirely of GCF Repo® positions, at each EOD margining cycle FICC could calculate a substantial margin requirement which had to be met by 9:30 a.m. (ET) the next morning. But at each intraday margining cycle, FICC would calculate a negligible margin requirement (because GCF Repo® positions were not included at intraday). This would allow the participant to withdraw substantially all its margin collateral before the same EOD. In this case, if the participant defaulted overnight, FICC would hold almost no margin collateral from the participant while having the exposure of liquidating losses on a substantial GCF Repo® portfolio. To prevent this potential under-margin condition, FICC imposed the "higher of" standard.

[11] A key aspect of the GCF Repo® service is to give the repo side (cash borrower) the ability to retrieve its securities during the business day and deliver those securities to meet a delivery obligation. As a result, GCF Repo® was unwound in the morning. With the Tri-Party Reform's change in the unwind from 7:30 a.m. (ET) to 3:30 p.m. (ET), participants now have access to their securities during the day via collateral substitutions.

[12] In the ordinary course of business, the "higher of" standard will not apply. However, this standard will remain available in the event that one or both clearing banks do not provide intraday underlying collateral pertaining to the GCF Repo® position data because such clearing bank, as applicable, is unable to provide the data.

[13] *See* Securities Exchange Act Release No. 73187 (September 23), 79 FR 58007 (September 26, 2014) (SR–FICC–2014–801).

[14] If a member is assessed an EUIC that is deemed unnecessary, FICC management will have the discretion to waive such charge.

[15] The EUIC will be included in the noon intraday participant CFR, but not the same EOD CFR. This is because the risk associated with cash lockups exists at intraday, that is, at any time before at EOD. At EOD in the normal course of business, GCF Repo® positions consist of 100% eligible non-cash securities. GCF Repo® is used for overnight financing of securities inventory. Absent extraordinary circumstances, participants do not use cash to collateralized overnight cash loans. Cash Substitutions occur at intraday as participants substitute in cash to withdraw securities they need for intraday deliveries.

and/or Early Unwinds of interbank allocations or (ii) the prior EOD VaR minus the noon intraday VaR.[16] The EUIC for Cash Substitutions will apply to both the repo side (cash borrower) and the reverse repo side (cash lender) of the transaction and the EUIC for the Early Unwinds of interbank allocations will apply to the reverse repo side only. The EUIC applies to the reverse repo side because although that side does not initiate the Cash Substitution or the Early Unwind of interbank allocations, these events change the reverse repo participants' risk profile and as a result, their noon intraday CFR could be unduly reduced. The EUIC for the Early Unwind of interbank allocations will only apply to the reverse repo side (cash lender) since it is only the reverse side whose lockup is unwound early. The securities subject to the Early unwind are not returned to the repo side (cash borrower) in connection with the early unwind of interbank allocations. The Early Unwind of interbank allocations is performed on the reverse repo side to ensure that the underlying collateral is available to the repo side at its settlement bank. Cash is returned to the reverse repo side and thus unwound early. There is no automatic unwind (return of securities) to the repo side. If the repo side needs its securities before the 3:30 p.m. (ET) scheduled unwind, it may perform a securities-for-securities substitution or a cash-for-securities substitution (in which case it may be subject to the EUIC).

II. Discussion and Commission Findings

Although the Payment, Clearing and Settlement Supervision Act does not specify a standard of review for an advance notice, the Commission believes its stated purpose is instructive.[17] The stated purpose is to mitigate systemic risk in the financial system and promote financial stability by, among other things, promoting uniform risk management standards for systemically-important financial market utilities ("FMU") and strengthening the liquidity of systemically important FMUs.[18]

Section 805(a)(2) of the Payment, Clearing, and Settlement Supervision Act[19] authorizes the Commission to prescribe risk management standards for the payment, clearing, and settlement activities of designated clearing entities and financial institutions engaged in designated activities for which it is the supervisory agency or the appropriate financial regulator. Section 805(b) of the Payment, Clearing, and Settlement Supervision Act[20] states that the objectives and principles for the risk management standards prescribed under Section 805(a) shall be to:

- Promote robust risk management;
- promote safety and soundness;
- reduce systemic risks; and
- support the stability of the broader financial system.

The Commission has adopted risk management standards under Section 805(a)(2) of the Payment, Clearing and Settlement Supervision Act[21] ("Clearing Agency Standards").[22] The Clearing Agency Standards became effective on January 2, 2013 and require registered clearing agencies that perform central counterparty ("CCP") services to establish, implement, maintain, and enforce written policies and procedures that are reasonably designed to meet certain minimum requirements for their operations and risk management practices on an ongoing basis.[23] As such, it is appropriate for the Commission to review advance notices against these Clearing Agency Standards and the objectives and principles of these risk management standards as described in Section 805(b) of the Payment, Clearing and Settlement Supervision Act.[24]

Because it was based on the previous pre-reform unwinding process described above, FICC's intraday risk calculation does not currently capture the GCF Repo® positions on an intraday basis. The change to incorporate the underlying collateral pertaining to the GCF Repo® positions in its noon intraday participant CFR calculation, and its hourly internal surveillance cycles, should improve FICC's risk management by providing a more accurate and timely view of member positions and their corresponding exposures and may help ensure that FICC collects sufficient clearing fund deposits to safeguard itself in the event of a member default. Further, incorporating GCF Repo® positions into intraday participant CFR calculations and hourly surveillance cycles may better reflect the actual risk in its members' portfolios. Moreover, the inclusion of the EUIC may allow FICC to use more accurate position information in its margin calculations and mitigate the effects of Cash Substitutions and Early Unwinds that occur during the intraday period.

The Commission believes that including GCF Repo® positions in FICC's intraday participant clearing fund calculations and hourly internal surveillance meets the objectives and principles for the risk management standards prescribed under Section 805(a). The inclusion of GCF® Repo positions may provide FICC with a more accurate view of members' intraday exposures and more accurate risk profiles. Additionally, the EUIC allows FICC to account for risks posed by intraday VaR fluctuations that are caused by Cash Substitutions and Early Unwinds and may allow FICC to better manage intraday risk. Thus, the proposal promotes robust risk management and safety and soundness of FICC's risk management systems, reduces systemic risk, and supports the stability of the broader financial system.[25]

The proposed change is also consistent with Rule 17Ad–22[26] of the Clearing Agency Standards which establishes the minimum requirements regarding how registered clearing agencies must maintain effective risk management procedures and controls. Specifically, Rule 17Ad–22(b)(1) requires a clearing agency that performs CCP services to establish, implement, maintain and enforce written policies reasonably designed to measure its credit exposures at least daily and to limit exposures to potential losses from defaults by participants under normal market conditions so that the operations of the clearing agency should not be disrupt and non-defaulting participants would not be exposed to losses that they cannot anticipate or control.[27] Rule

[16] In the event that cash substitutions or early unwind of interbank allocations impacts the CFR, the prior end of day CFR is used as a proxy for the same end of day CFR for the portion of the portfolio that is impacted by such cash substitutions or early unwind of interbank allocations. The EUIC is designed to prevent the impact of cash substitutions and early unwind of interbank allocations from unduly reducing noon intraday CFR relative to the prior EOD CFR calculation, thus the EUIC will not increase the noon intraday CFR above the prior EOD CFR calculation. (But the noon intraday CFR calculation exclusive of EUIC could be higher than the prior EOD CFR calculation.)

[17] *See* 12 U.S.C. 5461(b).

[18] *Id.*

[19] 12 U.S.C. 5464(a)(2).

[20] 12 U.S.C. 5464(b).

[21] 12 U.S.C. 5464(a)(2).

[22] Rule 17Ad–22, 17 CFR 240.17Ad–22. Exchange Act Release No. 68080 (October 22, 2012), 77 FR 66220 (November 2, 2012) (S7–08–11).

[23] The Clearing Agency Standards are substantially similar to the risk management standards established by the Board of Governors of the Federal Reserve System (*"Federal Reserve"*) governing the operations of designated DFMUs that are not clearing entities and financial institutions engaged in designated activities for which the Commission or the Commodity Futures Trading Commission is the Supervisory Agency. See Financial Market Utilities, 77 FR 45907 (August 2, 2012).

[24] 12 U.S.C. 5464(b).

[25] 12 U.S.C. 5464(b).

[26] 17 CFR 240.17Ad–22.

[27] 17 CFR 240.17Ad–22(b)(1).

17Ad–22(b)(2) requires FICC to establish, implement, maintain and enforce written policies and procedures reasonably designed to use margin requirements to limit its credit exposures to participants under normal market conditions and use risk-based models and parameters to set margin requirements.[28] To these ends, the change may provide FICC with a more accurate measurement of daily credit exposure using a risk-based model and is designed to address exposures that may occur from intraday activity. In sum, FICC's more accurate and timely calculations around and monitoring of GCF Repo® activity may better enable FICC to respond in the event that a member defaults.

III. Conclusion

It is therefore noticed, pursuant to Section 806(e)(1)(I) of the Payment, Clearing and Settlement Supervision Act,[29] that the Commission *does not object* to advance notice proposal (SR–FICC2014–801) and that FICC is *authorized* to implement the proposal as of the date of this notice or the date of an order by the Commission approving a proposed rule change that reflects rule changes that are consistent with this advance notice proposal (SR–FICC–2014–01), whichever is later.

By the Commission.

Kevin O'Neill,

Deputy Secretary.

[FR Doc. 2014–25202 Filed 10–22–14; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 8919]

30-Day Notice of Proposed Information Collection: Individual, Corporate or Foundation, and Government Donor Letter Applications

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATE(S): Submit comments directly to the Office of Management and Budget (OMB) up to November 24, 2014.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Ronda Harvey, who may be reached on (202) 647–6009 or at *HarveyRJ2@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Individual, Corporate or Foundation and Government Donor Letter Application.
- *OMB Control Number:* None.
- *Type of Request:* Collection in use without an OMB control number.
- *Originating Office:* Office of Emergencies in the Diplomatic and Consular Service (EDCS).
- *Form Numbers:* Donor Form—Individual (DS–4273), Donor Form—Corporate or Foundation (DS–4272), Donor Form—Government (DS–4271).
- *Respondents:* Individuals, corporations, or foundations that make donations to the Department.
- *Estimated Number of Respondents:* 3665.
- *Estimated Number of Responses:* 3665.
- *Average Time per Response:* 5 minutes per form.
- *Total Estimated Burden Time:* 305 hours.
- *Frequency:* On occasion.
- *Obligation to Respond:* Mandatory.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of proposed collection:

The Office of Emergencies in the Diplomatic and Consular Service (EDCS) manages the solicitation and acceptance of gifts to the U.S. Department of State. The information requested via donor letters is a necessary first step to accepting donations. The information is sought pursuant to 22 U.S.C. 2697, 5 U.S.C. 7324 and 22 CFR Part 3) and will be used by EDCS's Gift Fund Coordinator to demonstrate the donor's intention to donate either an in-kind or monetary gift to the Department. This information is mandatory and must be completed before the gift is received by the Department.

Methodology:

The information collection forms will be available electronically via the State Department's Internet Web site (*http://eforms.state.gov*). Donors can also complete hard-copies of the form and mail them to EDCS if internet access is not available.

Dated: October 14, 2014.

Frances Gidez,

Gift Funds Coordinator, M/EDCS, Department of State.

[FR Doc. 2014–25263 Filed 10–22–14; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF STATE

[Public Notice 8930]

Overseas Security Advisory Council (Osac) Renewal

The Department of State has renewed the Charter of the Overseas Security Advisory Council. This federal advisory committee will continue to interact on overseas security matters of mutual interest between the U.S. Government and the American private sector. The Council's initiatives and security publications provide a unique contribution to protecting American private sector interests abroad. The Under Secretary for Management determined that renewal of the Charter is necessary and in the public interest.

The Council consists of representatives from three (3) U.S. Government agencies and thirty-one (31) American private sector companies

[28] 17 CFR 240.17Ad–22(b)(2).

[29] 12 U.S.C. 5465(e)(1)(I).

and organizations. The Council follows the procedures prescribed by the Federal Advisory Committee Act (FACA) (Pub. Law 92–463). Meetings will be open to the public unless a determination is made in accordance with Section 10(d) of the FACA and 5 U.S.C. 552b(c)(4), that a meeting or a portion of the meeting should be closed to the public. Notice of each meeting will be provided in the **Federal Register** at least 15 days prior to the meeting.

For more information contact Marsha Thurman, Overseas Security Advisory Council, Bureau of Diplomatic Security, U.S. Department of State, Washington, DC 20522–2008, phone: 571–345–2214.

Dated: September 26, 2014.

Bill A. Miller,

Director of the Diplomatic, Security Service.

[FR Doc. 2014–25262 Filed 10–22–14; 8:45 am]

BILLING CODE 4710–30–P

DEPARTMENT OF STATE

[Public Notice 8929]

U.S. Department of State Advisory Committee on Private International Law (ACPIL): Public Meeting on the Judgments Project

The Office of the Assistant Legal Adviser for Private International Law, Department of State, gives notice of a public meeting to discuss the judgments project. The public meeting will take place on Monday, November 10, 2014, from 10:00 a.m. until 12:30 p.m. EST. This is not a meeting of the full Advisory Committee.

A Working Group of the Hague Conference has met three times thus far to discuss the structure and provisions of a convention on the recognition and enforcement of foreign judgments.

The purpose of the public meeting is to obtain the views of concerned stakeholders on the different approaches to a convention that have been proposed, and to discuss the relative advantages and disadvantages of the different approaches. Among other things, we would like to receive views and thoughts on the use of jurisdictional criteria or filters in determining which judgments should be recognized and enforced.

Time and Place: The meeting will take place from 10:00 a.m. until 12:30 p.m. EST on November 10th, in Room 240, South Building, State Department Annex 4, Washington, DC 20037. Participants should plan to arrive at the Navy Hill gate on the west side of 23rd Street NW., at the intersection of 23rd Street NW., and D Street NW., by 9:30 a.m. for visitor screening. If you are unable to attend the public meeting and would like to participate from a remote location, teleconferencing will be available. Those who cannot attend but wish to comment are welcome to do so by email to John Kim at *kimmjj@state.gov*.

Public Participation: This meeting is open to the public, subject to the capacity of the meeting room. Access to the building is strictly controlled. For pre-clearance purposes, those planning to attend should email *pil@state.gov* providing full name, address, date of birth, citizenship, driver's license or passport number, and email address. This information will greatly facilitate entry into the building. A member of the public needing reasonable accommodation should email *pil@state.gov* not later than November 3, 2014. Requests made after that date will be considered, but might not be able to be fulfilled. If you would like to participate by telephone, please email *pil@state.gov* to obtain the call-in number and other information.

Data from the public is requested pursuant to Public Law 99–399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law 107–56 (USA PATRIOT Act); and Executive Order 13356. The purpose of the collection is to validate the identity of individuals who enter Department facilities.

The data will be entered into the Visitor Access Control System (VACS–D) database. Please see the Security Records System of Records Notice (State-36) at *http://www.state.gov/documents/organization/103419.pdf* for additional information.

Dated: October 17, 2014.

John J. Kim,

Assistant Legal Adviser, Office of Private International Law, Office of the Legal Adviser, U.S. Department of State.

[FR Doc. 2014–25260 Filed 10–22–14; 8:45 am]

BILLING CODE 7410–08–P

STATE JUSTICE INSTITUTE

Grant Guideline; Notice

AGENCY: State Justice Institute.

ACTION: Grant Guideline for FY 2015.

SUMMARY: This Guideline sets forth the administrative, programmatic, and financial requirements attendant to Fiscal Year 2015 State Justice Institute grants, cooperative agreements, and contracts.

DATES: October 23, 2014.

FOR FURTHER INFORMATION CONTACT: Jonathan Mattiello, Executive Director, State Justice Institute, 11951 Freedom Drive, Suite 1020, Reston, VA 20190, 571–313–8843, *jonathan.mattiello@sji.gov*.

SUPPLEMENTARY INFORMATION: Pursuant to the State Justice Institute Act of 1984 (42 U.S.C. 10701, et seq.), SJI is authorized to award grants, cooperative agreements, and contracts to state and local courts, nonprofit organizations, and others for the purpose of improving the quality of justice in the state courts of the United States.

The following Grant Guideline is adopted by the State Justice Institute for FY 2015.

Table of Contents

I. The Mission of the State Justice Institute

SJI was established by State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et seq.) to improve the administration of justice in the state courts of the United States. Incorporated in the State of Virginia as a private, nonprofit corporation, SJI is charged, by statute, with the responsibility to:

- Direct a national program of financial assistance designed to assure that each citizen of the United States is provided ready access to a fair and effective system of justice;
- Foster coordination and cooperation with the federal judiciary;
- Promote recognition of the importance of the separation of powers doctrine to an independent judiciary; and
- Encourage education for judges and support personnel of state court systems through national and state organizations.

To accomplish these broad objectives, SJI is authorized to provide funding to state courts, national organizations which support and are supported by state courts, national judicial education organizations, and other organizations that can assist in improving the quality of justice in the state courts. SJI is supervised by a Board of Directors appointed by the President, with the advice and consent of the Senate. The Board is statutorily composed of six judges; a state court administrator; and four members of the public, no more than two of the same political party.

Through the award of grants, contracts, and cooperative agreements,

SJI is authorized to perform the following activities:

A. Support technical assistance, demonstrations, special projects, research and training to improve the administration of justice in the state courts;

B. Provide for the preparation, publication, and dissemination of information regarding state judicial systems;

C. Participate in joint projects with federal agencies and other private grantors;

D. Evaluate or provide for the evaluation of programs and projects to determine their impact upon the quality of criminal, civil, and juvenile justice and the extent to which they have contributed to improving the quality of justice in the state courts;

E. Encourage and assist in furthering judicial education; and,

F. Encourage, assist, and serve in a consulting capacity to state and local justice system agencies in the development, maintenance, and coordination of criminal, civil, and juvenile justice programs and services.

II. Eligibility for Award

SJI is authorized by Congress to award grants, cooperative agreements, and contracts to the following entities and types of organizations:

A. *State and local courts and their agencies (42 U.S.C. 10705(b)(1)(A)).*

B. *National nonprofit organizations controlled by, operating in conjunction with, and serving the judicial branches of state governments (42 U.S.C. 10705(b)(1)(B)).*

C. *National nonprofit organizations for the education and training of judges and support personnel of the judicial branch of state governments (42 U.S.C. 10705(b)(1)(C)).* An applicant is considered a national education and training applicant under section 10705(b)(1)(C) if:

1. The principal purpose or activity of the applicant is to provide education and training to state and local judges and court personnel; and

2. The applicant demonstrates a record of substantial experience in the field of judicial education and training.

D. *Other eligible grant recipients (42 U.S.C. 10705(b)(2)(A)–(D)).*

1. Provided that the objectives of the project can be served better, the Institute is also authorized to make awards to:

a. Nonprofit organizations with expertise in judicial administration;

b. Institutions of higher education;

c. Individuals, partnerships, firms, corporations (for-profit organizations must waive their fees); and

d. Private agencies with expertise in judicial administration.

2. SJI may also make awards to state or local agencies and institutions other than courts for services that cannot be adequately provided through nongovernmental arrangements (42 U.S.C. 10705(b)(3)).

E. *Inter-agency Agreements.* SJI may enter into inter-agency agreements with federal agencies (42 U.S.C. 10705(b)(4)) and private funders to support projects consistent with the purposes of the State Justice Institute Act.

SJI is prohibited from awarding grants to federal, tribal, and international courts.

III. Scope of the Program

SJI is offering six types of grants in FY 2015: Project Grants, Technical Assistance (TA) Grants, Curriculum Adaptation and Training (CAT) Grants, Partner Grants, Strategic Initiatives Grants (SIG) Program, and the Education Support Program (ESP).

The SJI Board of Directors has established Priority Investment Areas for grant funding. SJI will allocate significant financial resources through grant-making for these Priority Investment Areas (in no ranking order):

- Language Access and the State Courts—improving language access in the state courts through remote interpretation (outside the courtroom), interpreter certification, and courtroom services (plain language forms, Web sites, etc.).
- Self-Represented Litigation—promoting court-based self-help centers, online services, and increasing the use of court-based volunteer attorney programs.
- Reengineering in Response to Budget Reductions—assisting courts with the process of reengineering, regionalization or centralization of services, structural changes, and reducing costs to taxpayers while providing access to justice.
- Remote Technology—supporting the innovative use of technology to improve the business operations of courts and enhance services outside the courtroom. This includes videoconferencing, online access, educational services, and remote court proceedings.
- Human Trafficking and the State Courts—addressing the impact of federal and state human trafficking laws on the state courts, and the challenges faced by state courts in dealing with cases involving trafficking victims and their families.
- Immigration Issues and the State Courts—addressing the impact of federal and state immigration law and policies on the state courts.
- Guardianship, Conservatorship, and Elder Issues—assisting courts in improving and increasing use of court-based volunteer attorney programs.
- Juvenile Justice—innovative projects that have no other existing or potential funding sources (federal, state, or private) that will advance best practices in handling dependency and delinquency cases; promote effective court oversight of juveniles in the justice system; address the impact of trauma on juvenile behavior; assist the courts in identification of appropriate provision of services for juveniles; and address juvenile re-entry.

A. Project Grants

Project Grants are intended to support innovative education and training, research and evaluation, demonstration, and technical assistance projects that can improve the administration of justice in state courts locally or nationwide. Project Grants may ordinarily not exceed $300,000. Examples of expenses not covered by Project Grants include the salaries, benefits, or travel of full-or part-time court employees. Grant periods for Project Grants ordinarily may not exceed 36 months.

Applicants for Project Grants will be required to contribute a cash match of not less than 50 percent of the total cost of the proposed project. In other words, grant awards by SJI must be matched at least dollar for dollar by grant applicants. Applicants may contribute the required cash match directly or in cooperation with third parties. Prospective applicants should carefully review Section VI.8. (matching requirements) and Section VI.16.a. (non-supplantation) of the Guideline prior to beginning the application process. Funding from other federal departments or agencies may not be used for cash match. If questions arise, applicants are strongly encouraged to consult SJI.

A temporary reduced cash match process is available for state courts submitting Project Grant applications. The use of this cash match reduction authority is intended to help the state courts in this climate of severe budget reductions. The process requires the state court to formally request a reduced cash match, and that the request be certified by the chief justice of that state. The state court must explain in detail how it is facing budgetary cutbacks that will result in significant reductions in other services, and why it will be unable to undertake the project without a cash match reduction. This must be described in detail in the application and verified by the chief justice of that

state. Only state courts may apply for a cash match reduction.

Applicants should examine their projected project costs closely, and if they are unable to cover half the costs of the project, they may apply for a reduction in cash match. Applicants are strongly encouraged to provide as much cash match as possible in their application, as some cash match contribution is still required.

Applicants are also encouraged to provide the percentage of budget reductions in their court(s), and the measures that have been taken by the jurisdiction/state to handle the budget shortfalls. This may include staff reductions, as well as reductions in services and programs. Some cash contribution is still required for Project Grants, and should be reflected in the budget proposal for the project. For example, if the total cost of the proposed project is $100,000, the normal cash match would be $50,000. However, if the applicant is unable to provide $50,000 for the activities, but is able to contribute $25,000, the budget should show the request to SJI totaling $75,000, with the cash match of $25,000.

As set forth in Section I., SJI is authorized to fund projects addressing a broad range of program areas. Funding will not be made available for the ordinary, routine operations of court systems.

B. Technical Assistance (TA) Grants

TA Grants are intended to provide state or local courts, or regional court associations, with sufficient support to obtain expert assistance to diagnose a problem, develop a response to that problem, and implement any needed changes. TA Grants may not exceed $50,000. Examples of expenses not covered by TA Grants include the salaries, benefits, or travel of full-or part-time court employees. Grant periods for TA Grants ordinarily may not exceed 24 months. In calculating project duration, applicants are cautioned to fully consider the time required to issue a request for proposals, negotiate a contract with the selected provider, and execute the project.

Applicants for TA Grants will be required to contribute a *total* match of not less than 50 percent of the grant amount requested, of which 20 percent must be cash. In other words, an applicant seeking a $50,000 TA grant must provide a $25,000 match, of which up to $20,000 can be in-kind and not less than $5,000 must be cash. Funding from other federal departments and agencies may not be used for cash match. TA Grant application procedures can be found in section IV.B.

C. Curriculum Adaptation and Training (CAT) Grants

CAT Grants are intended to: 1) Enable courts and regional or national court associations to modify and adapt model curricula, course modules, or conference programs to meet states' or local jurisdictions' educational needs; train instructors to present portions or all of the curricula; and pilot-test them to determine their appropriateness, quality, and effectiveness, or 2) conduct judicial branch education and training programs, led by either expert or in-house personnel, designed to prepare judges and court personnel for innovations, reforms, and/or new technologies recently adopted by grantee courts. CAT Grants may not exceed $30,000. Examples of expenses not covered by CAT Grants include the salaries, benefits, or travel of full-or part-time court employees. Grant periods for CAT Grants ordinarily may not exceed 12 months.

Applicants for CAT Grants will be required to contribute a match of not less than 50 percent of the grant amount requested, of which 20 percent must be cash. In other words, an applicant seeking a $30,000 CAT grant must provide a $15,000 match, of which up to $12,000 can be in-kind and not less than $3,000 must be cash. Funding from other federal departments and agencies may not be used for cash match. CAT Grant application procedures can be found in section IV.C.

D. Partner Grants

Partner Grants are intended to allow SJI and federal, state, or local agencies or foundations, trusts, or other private entities to combine financial resources in pursuit of common interests. SJI and its financial partners may set any level for Partner Grants, subject to the entire amount of the grant being available at the time of the award. Grant periods for Partner Grants ordinarily may not exceed 36 months.

Partner Grants are subject to the same cash match requirement as Project Grants. In other words, grant awards by SJI must be matched at least dollar-for-dollar. Partner Grants are initiated and coordinated by the funding organizations. More information on Partner Grants can be found in section IV.D.

E. Strategic Initiatives Grants

The Strategic Initiatives Grants (SIG) program provides SJI with the flexibility to address national court issues as they occur, and develop solutions to those problems. This is an innovative approach where SJI uses its expertise and the expertise and knowledge of its grantees to address key issues facing state courts across the United States.

The funding is used for grants or contractual services, and any remaining balance not used for the SIG program will become available for SJI's other grant programs. The program is handled at the discretion of the SJI Board of Directors and staff outside the normal grant application process (i.e., SJI will initiate the project).

F. Education Support Program (ESP) for Judges and Court Managers

The Education Support Program (ESP) is intended to enhance the skills, knowledge, and abilities of state court judges and court managers by enabling them to attend out-of-state, or to enroll in online, educational and training programs sponsored by national and state providers that they could not otherwise attend or take online because of limited state, local, and personal budgets. An ESP award only covers the cost of tuition up to a maximum of $1,000 per award. ESP application procedures can be found in section IV.E.

IV. Grant Applications

A. Project Grants

An application for a Project Grant must include an application form; budget forms (with appropriate documentation); a project abstract and program narrative; a disclosure of lobbying form, when applicable; and certain certifications and assurances (see below). See *www.sji.gov/forms* for Project Grant application forms.

1. Forms

a. Application Form (Form A).

The application form requests basic information regarding the proposed project, the applicant, and the total amount of funding requested from SJI. It also requires the signature of an individual authorized to certify on behalf of the applicant that the information contained in the application is true and complete; that submission of the application has been authorized by the applicant; and that if funding for the proposed project is approved, the applicant will comply with the requirements and conditions of the award, including the assurances set forth in Form D.

b. Certificate of State Approval (Form B)

An application from a state or local court must include a copy of Form B signed by the state's chief justice or state court administrator. The signature

denotes that the proposed project has been approved by the state's highest court or the agency or council it has designated. It denotes further that, if applicable, a cash match reduction has been requested, and that if SJI approves funding for the project, the court or the specified designee will receive, administer, and be accountable for the awarded funds.

c. Budget Form (Form C)

Applicants must submit a Form C. In addition, applicants must provide a detailed budget narrative providing an explanation of the basis for the estimates in each budget category (see subsection A.4. below).

If funds from other sources are required to conduct the project, either as match or to support other aspects of the project, the source, current status of the request, and anticipated decision date must be provided.

d. Assurances (Form D)

This form lists the statutory, regulatory, and policy requirements with which recipients of Institute funds must comply.

e. Disclosure of Lobbying Activities (Form E)

Applicants other than units of state or local government are required to disclose whether they, or another entity that is part of the same organization as the applicant, have advocated a position before Congress on any issue, and to identify the specific subjects of their lobbying efforts (see section VI.A.7.).

2. Project Abstract

The abstract should highlight the purposes, goals, methods, and anticipated benefits of the proposed project. It should not exceed 1 single-spaced page.

3. Program Narrative

The program narrative for an application may not exceed 25 double-spaced pages. The pages should be numbered. This page limit does not include the forms, the abstract, the budget narrative, and any appendices containing resumes and letters of cooperation or endorsement. Additional background material should be attached only if it is essential to impart a clear understanding of the proposed project. Numerous and lengthy appendices are strongly discouraged.

The program narrative should address the following topics:

a. Project Objectives

The applicant should include a clear, concise statement of what the proposed project is intended to accomplish. In stating the objectives of the project, applicants should focus on the overall programmatic objective (e.g., to enhance understanding and skills regarding a specific subject, or to determine how a certain procedure affects the court and litigants) rather than on operational objectives.

The applicant must describe how the proposed project addresses one or more Priority Investment Areas. If the project does not address one or more Priority Investment Areas, the applicant must provide an explanation why not.

b. Need for the Project

If the project is to be conducted in any specific location(s), the applicant should discuss the particular needs of the project site(s) to be addressed by the project and why those needs are not being met through the use of existing programs, procedures, services, or other resources.

If the project is not site-specific, the applicant should discuss the problems that the proposed project would address, and why existing programs, procedures, services, or other resources cannot adequately resolve those problems. In addition, the applicant should describe how, if applicable, the project will be sustained in the future through existing resources.

The discussion should include specific references to the relevant literature and to the experience in the field. SJI continues to make all grant reports and most grant products available online through the National Center for State Courts (NCSC) Library and Digital Archive. Applicants are required to conduct a search of the NCSC Library and Digital Archive on the topic areas they are addressing. This search should include SJI-funded grants, and previous projects not supported by SJI. Searches for SJI grant reports and other state court resources begin with the NCSC Library section. Applicants must discuss the results of their research; how they plan to incorporate the previous work into their proposed project; and if the project will differentiate from prior work.

c. Tasks, Methods and Evaluations

(1) Tasks and Methods. The applicant should delineate the tasks to be performed in achieving the project objectives and the methods to be used for accomplishing each task. For example:

(a) *For research and evaluation projects,* the applicant should include the data sources, data collection strategies, variables to be examined, and analytic procedures to be used for conducting the research or evaluation and ensuring the validity and general applicability of the results. For projects involving human subjects, the discussion of methods should address the procedures for obtaining respondents' informed consent, ensuring the respondents' privacy and freedom from risk or harm, and protecting others who are not the subjects of research but would be affected by the research. If the potential exists for risk or harm to human subjects, a discussion should be included that explains the value of the proposed research and the methods to be used to minimize or eliminate such risk.

(b) *For education and training projects,* the applicant should include the adult education techniques to be used in designing and presenting the program, including the teaching/learning objectives of the educational design, the teaching methods to be used, and the opportunities for structured interaction among the participants; how faculty would be recruited, selected, and trained; the proposed number and length of the conferences, courses, seminars, or workshops to be conducted and the estimated number of persons who would attend them; the materials to be provided and how they would be developed; and the cost to participants.

(c) *For demonstration projects,* the applicant should include the demonstration sites and the reasons they were selected, or if the sites have not been chosen, how they would be identified and their cooperation obtained; and how the program or procedures would be implemented and monitored.

(d) *For technical assistance projects,* the applicant should explain the types of assistance that would be provided; the particular issues and problems for which assistance would be provided; the type of assistance determined; how suitable providers would be selected and briefed; and how reports would be reviewed.

(2) Evaluation. Projects should include an evaluation plan to determine whether the project met its objectives. The evaluation should be designed to provide an objective and independent assessment of the effectiveness or usefulness of the training or services provided; the impact of the procedures, technology, or services tested; or the validity and applicability of the research conducted. The evaluation plan should be appropriate to the type of project proposed.

d. Project Management

The applicant should present a detailed management plan, including the starting and completion date for each task; the time commitments to the project of key staff and their responsibilities regarding each project task; and the procedures that would ensure that all tasks are performed on time, within budget, and at the highest level of quality. In preparing the project time line, Gantt Chart, or schedule, applicants should make certain that all project activities, including publication or reproduction of project products and their initial dissemination, would occur within the proposed project period. The management plan must also provide for the submission of Quarterly Progress and Financial Reports within 30 days after the close of each calendar quarter (i.e., no later than January 30, April 30, July 30, and October 30), per section VI.A.13.

Applicants should be aware that SJI is unlikely to approve a limited extension of the grant period without strong justification. Therefore, the management plan should be as realistic as possible and fully reflect the time commitments of the proposed project staff and consultants.

e. Products

The program narrative in the application should contain a description of the product(s) to be developed (e.g., training curricula and materials, Web sites or other electronic multimedia, articles, guidelines, manuals, reports, handbooks, benchbooks, or books), including when they would be submitted to SJI. The budget should include the cost of producing and disseminating the product to the state chief justice, state court administrator, and other appropriate judges or court personnel. If final products involve electronic formats, the applicant should indicate how the product would be made available to other courts. Discussion of this dissemination process should occur between the grantee and SJI prior to the final selection of the dissemination process to be used.

(1) Dissemination Plan. The application must explain how and to whom the products would be disseminated; describe how they would benefit the state courts, including how they could be used by judges and court personnel; identify development, production, and dissemination costs covered by the project budget; and present the basis on which products and services developed or provided under the grant would be offered to the court community and the public at large (i.e., whether products would be distributed at no cost to recipients, or if costs are involved, the reason for charging recipients and the estimated price of the product) (see section VI.A.11.b.). Ordinarily, applicants should schedule all product preparation and distribution activities within the project period.

Applicants proposing to develop web-based products should provide for sending a notice and description of the document to the appropriate audiences to alert them to the availability of the Web site or electronic product (i.e., a written report with a reference to the Web site).

Three (3) copies of all project products should be submitted to SJI, along with an electronic version in HTML or PDF format. Discussions of final product dissemination should be conducted with SJI prior to the end of the grant period.

(2) Types of Products. The type of product to be prepared depends on the nature of the project. For example, in most instances, the products of a research, evaluation, or demonstration project should include an article summarizing the project findings that is publishable in a journal serving the courts community nationally, an executive summary that would be disseminated to the project's primary audience, or both. Applicants proposing to conduct empirical research or evaluation projects with national import should describe how they would make their data available for secondary analysis after the grant period (see section VI.A.14.a.).

The curricula and other products developed through education and training projects should be designed for use by others and again by the original participants in the course of their duties.

(3) SJI Review. Applicants must submit a final draft of all written grant products to SJI for review and approval at least 30 days before the products are submitted for publication or reproduction. For products in Web site or multimedia format, applicants must provide for SJI review of the product at the treatment, script, rough-cut, and final stages of development, or their equivalents. No grant funds may be obligated for publication or reproduction of a final grant product without the written approval of SJI (see section VI.A.11.f.).

(4) Acknowledgment, Disclaimer, and Logo. Applicants must also include in all project products a prominent acknowledgment that support was received from SJI and a disclaimer paragraph based on the example provided in section VI.A.11.a.2. in the Grant Guideline. The "SJI" logo must appear on the front cover of a written product, or in the opening frames of a Web site or other multimedia product, unless SJI approves another placement. The SJI logo can be downloaded from SJI's Web site: *www.sji.gov.*

f. Applicant Status

An applicant that is not a state or local court and has not received a grant from SJI within the past three years should indicate whether it is either a national non-profit organization controlled by, operating in conjunction with, and serving the judicial branches of state governments, or a national non-profit organization for the education and training of state court judges and support personnel (see section II). If the applicant is a non-judicial unit of federal, state, or local government, it must explain whether the proposed services could be adequately provided by non-governmental entities.

g. Staff Capability

The applicant should include a summary of the training and experience of the key staff members and consultants that qualify them for conducting and managing the proposed project. Resumes of identified staff should be attached to the application. If one or more key staff members and consultants are not known at the time of the application, a description of the criteria that would be used to select persons for these positions should be included. The applicant also should identify the person who would be responsible for managing and reporting on the financial aspects of the proposed project.

h. Organizational Capacity

Applicants that have not received a grant from SJI within the past three years should include a statement describing their capacity to administer grant funds, including the financial systems used to monitor project expenditures (and income, if any), and a summary of their past experience in administering grants, as well as any resources or capabilities that they have that would particularly assist in the successful completion of the project.

Unless requested otherwise, an applicant that has received a grant from SJI within the past three years should describe only the changes in its organizational capacity, tax status, or financial capability that may affect its capacity to administer a grant.

If the applicant is a non-profit organization (other than a university), it must also provide documentation of its 501(c) tax-exempt status as determined

by the Internal Revenue Service and a copy of a current certified audit report. For purposes of this requirement, "current" means no earlier than two years prior to the present calendar year.

If a current audit report is not available, SJI will require the organization to complete a financial capability questionnaire, which must be signed by a certified public accountant. Other applicants may be required to provide a current audit report, a financial capability questionnaire, or both, if specifically requested to do so by the Institute.

i. Statement of Lobbying Activities

Non-governmental applicants must submit SJI's Disclosure of Lobbying Activities Form E, which documents whether they, or another entity that is a part of the same organization as the applicant, have advocated a position before Congress on any issue, and identifies the specific subjects of their lobbying efforts.

j. Letters of Cooperation or Support

If the cooperation of courts, organizations, agencies, or individuals other than the applicant is required to conduct the project, the applicant should attach written assurances of cooperation and availability to the application, or send them under separate cover. Letters of general support for a project are also encouraged.

4. Budget Narrative

In addition to Project Grant applications, the following section also applies to Technical Assistance and Curriculum Adaptation and Training grant applications.

The budget narrative should provide the basis for the computation of all project-related costs. When the proposed project would be partially supported by grants from other funding sources, applicants should make clear what costs would be covered by those other grants. Additional background information or schedules may be attached if they are essential to obtaining a clear understanding of the proposed budget. Numerous and lengthy appendices are strongly discouraged.

The budget narrative should cover the costs of all components of the project and clearly identify costs attributable to the project evaluation.

a. Justification of Personnel Compensation

The applicant should set forth the percentages of time to be devoted by the individuals who would staff the proposed project, the annual salary of each of those persons, and the number of work days per year used for calculating the percentages of time or daily rates of those individuals. The applicant should explain any deviations from current rates or established written organizational policies. No grant funds or cash match may be used to pay the salary and related costs for a current or new employee of a court or other unit of government because such funds would constitute a supplantation of state or local funds in violation of 42 U.S.C. 10706(d)(1); this includes new employees hired specifically for the project. The salary and any related costs for a current or new employee of a court or other unit of government may only be accepted as in-kind match.

b. Fringe Benefit Computation

For non-governmental entities, the applicant should provide a description of the fringe benefits provided to employees. If percentages are used, the authority for such use should be presented, as well as a description of the elements included in the determination of the percentage rate.

c. Consultant/Contractual Services and Honoraria

The applicant should describe the tasks each consultant would perform, the estimated total amount to be paid to each consultant, the basis for compensation rates (e.g., the number of days multiplied by the daily consultant rates), and the method for selection. Rates for consultant services must be set in accordance with section VII.I.2.c. Prior written SJI approval is required for any consultant rate in excess of $800 per day; SJI funds may not be used to pay a consultant more than $1,100 per day. Honorarium payments must be justified in the same manner as consultant payments.

d. Travel

Transportation costs and per diem rates must comply with the policies of the applicant organization. If the applicant does not have an established travel policy, then travel rates must be consistent with those established by the federal government. The budget narrative should include an explanation of the rate used, including the components of the per diem rate and the basis for the estimated transportation expenses. The purpose of the travel should also be included in the narrative.

e. Equipment

Grant funds may be used to purchase only the equipment necessary to demonstrate a new technological application in a court or that is otherwise essential to accomplishing the objectives of the project. In other words, grant funds cannot be used strictly for the purpose of purchasing equipment. Equipment purchases to support basic court operations ordinarily will not be approved. The applicant should describe the equipment to be purchased or leased and explain why the acquisition of that equipment is essential to accomplish the project's goals and objectives. The narrative should clearly identify which equipment is to be leased and which is to be purchased. The method of procurement should also be described. Purchases of automated data processing equipment must comply with section VII.I.2.b.

f. Supplies

The applicant should provide a general description of the supplies necessary to accomplish the goals and objectives of the grant. In addition, the applicant should provide the basis for the amount requested for this expenditure category.

g. Construction

Construction expenses are prohibited except for the limited purposes set forth in section VI.A.16.b. Any allowable construction or renovation expense should be described in detail in the budget narrative.

h. Postage

Anticipated postage costs for project-related mailings, including distribution of the final product(s), should be described in the budget narrative. The cost of special mailings, such as for a survey or for announcing a workshop, should be distinguished from routine operational mailing costs. The bases for all postage estimates should be included in the budget narrative.

i. Printing/Photocopying

Anticipated costs for printing or photocopying project documents, reports, and publications should be included in the budget narrative, along with the bases used to calculate these estimates.

j. Indirect Costs

Indirect costs are only applicable to organizations that are not state courts or government agencies. Recoverable indirect costs are limited to no more than 75 percent of a grantee's direct personnel costs, i.e. salaries plus fringe benefits (see section VII.I.4.).

Applicants should describe the indirect cost rates applicable to the grant in detail. If costs often included

within an indirect cost rate are charged directly (e.g., a percentage of the time of senior managers to supervise project activities), the applicant should specify that these costs are not included within its approved indirect cost rate. These rates must be established in accordance with section VII.I.4. If the applicant has an indirect cost rate or allocation plan approved by any federal granting agency, a copy of the approved rate agreement must be attached to the application.

5. Submission Requirements

a. Every applicant must submit an original and three copies of the application package consisting of Form A; Form B, if the application is from a state or local court, or a Disclosure of Lobbying Form (Form E), if the applicant is not a unit of state or local government; Form C; the Application Abstract; the Program Narrative; the Budget Narrative; and any necessary appendices.

Letters of application may be submitted at any time. However, applicants are encouraged to review the grant deadlines available on the SJI Web site. Receipt of each application will be acknowledged by letter or email.

b. Applicants submitting more than one application may include material that would be identical in each application in a cover letter. This material will be incorporated by reference into each application and counted against the 25-page limit for the program narrative. A copy of the cover letter should be attached to each copy of the application.

B. Technical Assistance (TA) Grants

1. Application Procedures

Applicants for TA Grants may submit an original and three copies of a detailed letter describing the proposed project, as well as a Form A—State Justice Institute Application; Form B—Certificate of State Approval from the State Supreme Court, or its designated agency; and Form C—Project Budget in Tabular Format (see *www.sji.gov/forms*).

2. Application Format

Although there is no prescribed form for the letter, or a minimum or maximum page limit, letters of application should include the following information:

a. Need for Funding. The applicant must explain the critical need facing the applicant, and the proposed technical assistance that will enable the applicant meet this critical need. The applicant must also explain why state or local resources are not sufficient to fully support the costs of the project. In addition, the applicant should describe how, if applicable, the project will be sustained in the future through existing resources.

The discussion should include specific references to the relevant literature and to the experience in the field. SJI continues to make all grant reports and most grant products available online through the National Center for State Courts (NCSC) Library and Digital Archive. Applicants are required to conduct a search of the NCSC Library and Digital Archive on the topic areas they are addressing. This search should include SJI-funded grants, and previous projects not supported by SJI. Searches for SJI grant reports and other state court resources begin with the NCSC Library section. Applicants must discuss the results of their research; how they plan to incorporate the previous work into their proposed project; and if the project will differentiate from prior work.

b. Project Description. The applicant must describe how the proposed project addressed one or more Priority Investment Areas. If the project does not address one or more Priority Investment Areas, the applicant must provide an explanation why not.

The applicant must describe the tasks the consultant will perform, and how would they be accomplished. In addition, the applicant must identify which organization or individual will be hired to provide the assistance, and how the consultant was selected. If a consultant has not yet been identified, what procedures and criteria would be used to select the consultant (applicants are expected to follow their jurisdictions' normal procedures for procuring consultant services)? What specific tasks would the consultant(s) and court staff undertake? What is the schedule for completion of each required task and the entire project? How would the applicant oversee the project and provide guidance to the consultant, and who at the court or regional court association would be responsible for coordinating all project tasks and submitting quarterly progress and financial status reports?

If the consultant has been identified, the applicant should provide a letter from that individual or organization documenting interest in and availability for the project, as well as the consultant's ability to complete the assignment within the proposed time frame and for the proposed cost. The consultant must agree to submit a detailed written report to the court and SJI upon completion of the technical assistance.

c. Likelihood of Implementation. What steps have been or would be taken to facilitate implementation of the consultant's recommendations upon completion of the technical assistance? For example, if the support or cooperation of specific court officials or committees, other agencies, funding bodies, organizations, or a court other than the applicant would be needed to adopt the changes recommended by the consultant and approved by the court, how would they be involved in the review of the recommendations and development of the implementation plan?

3. Budget and Matching State Contribution

Applicants must follow the same guidelines provided under Section IV.A.4. A completed Form C—Project Budget, Tabular Format and budget narrative must be included with the letter requesting technical assistance.

The budget narrative should provide the basis for all project-related costs, including the basis for determining the estimated consultant costs, if compensation of the consultant is required (e.g., the number of days per task times the requested daily consultant rate). Applicants should be aware that consultant rates above $800 per day must be approved in advance by SJI, and that no consultant will be paid more than $1,100 per day from SJI funds. In addition, the budget should provide for submission of two copies of the consultant's final report to the SJI.

Recipients of TA Grants do not have to submit an audit report but must maintain appropriate documentation to support expenditures (see section VI.A.3.).

4. Submission Requirements

Letters of application should be submitted according to the grant deadlines provided on the SJI Web site.

If the support or cooperation of agencies, funding bodies, organizations, or courts other than the applicant would be needed in order for the consultant to perform the required tasks, written assurances of such support or cooperation should accompany the application letter. Letters of general support for the project are also encouraged. Support letters may be submitted under separate cover; however, they should be received by the same date as the application.

C. Curriculum Adaptation and Training (CAT) Grants

1. Application Procedures

In lieu of formal applications, applicants should submit an original

and three photocopies of a detailed letter as well as a Form A—State Justice Institute Application; Form B—Certificate of State Approval; and Form C—Project Budget, Tabular Format (see *www.sji.gov/forms*).

2. Application Format

Although there is no prescribed format for the letter, or a minimum or maximum page limit, letters of application should include the following information.

a. For adaptation of a curriculum:

(1) Project Description. The applicant must describe how the proposed project addresses one or more Priority Investment Areas. If the project does not address one or more Priority Investment Areas, the applicant must provide an explanation why not. Due to the high costs of travel to attend training events, the innovative use of distance learning is highly encouraged.

The applicant must provide the title of the curriculum that will be adapted, and identify the entity that originally developed the curriculum. The applicant must also address the following questions: Why is this education program needed at the present time? What are the project's goals? What are the learning objectives of the adapted curriculum? What program components would be implemented, and what types of modifications, if any, are anticipated in length, format, learning objectives, teaching methods, or content? Who would be responsible for adapting the model curriculum? Who would the participants be, how many would there be, how would they be recruited, and from where would they come (e.g., from a single local jurisdiction, from across the state, from a multi-state region, from across the nation)?

(2) Need for Funding. The discussion should include specific references to the relevant literature and to the experience in the field. SJI continues to make all grant reports and most grant products available online through the National Center for State Courts (NCSC) Library and Digital Archive. Applicants are required to conduct a search of the NCSC Library and Digital Archive on the topic areas they are addressing. This search should include SJI-funded grants, and previous projects not supported by SJI. Searches for SJI grant reports and other state court resources begin with the NCSC Library section. Applicants must discuss the results of their research; how they plan to incorporate the previous work into their proposed project; and if the project will differentiate from prior work.

The applicant should explain why state or local resources are unable to fully support the modification and presentation of the model curriculum. The applicant should also describe the potential for replicating or integrating the adapted curriculum in the future using state or local funds, once it has been successfully adapted and tested. In addition, the applicant should describe how, if applicable, the project will be sustained in the future through existing resources.

(3) Likelihood of Implementation. The applicant should provide the proposed timeline, including the project start and end dates, the date(s) the judicial branch education program will be presented, and the process that will be used to modify and present the program. The applicant should also identify who will serve as faculty, and how they were selected, in addition to the measures taken to facilitate subsequent presentations of the program. Ordinarily, an independent evaluation of a curriculum adaptation project is not required; however, the results of any evaluation should be included in the final report.

(4) Expressions of Interest by Judges and/or Court Personnel. Does the proposed program have the support of the court system or association leadership, and of judges, court managers, and judicial branch education personnel who are expected to attend? Applicants may demonstrate this by attaching letters of support.

b. For training assistance:

(1) Need for Funding. The applicant must describe how the proposed project addresses one or more Priority Investment Areas. If the project does not address one or more Priority Investment Areas, the applicant must provide an explanation why not.

The discussion should include specific references to the relevant literature and to the experience in the field. SJI continues to make all grant reports and most grant products available online through the National Center for State Courts (NCSC) Library and Digital Archive. Applicants are required to conduct a search of the NCSC Library and Digital Archive on the topic areas they are addressing. This search should include SJI-funded grants, and previous projects not supported by SJI. Searches for SJI grant reports and other state court resources begin with the NCSC Library section. Applicants must discuss the results of their research; how they plan to incorporate the previous work into their proposed project; and if the project will differentiate from prior work.

The applicant should describe the court reform or initiative prompting the need for training. The applicant should also discuss how the proposed training will help the applicant implement planned changes at the court, and why state or local resources are not sufficient to fully support the costs of the required training. In addition, the applicant should describe how, if applicable, the project will be sustained in the future through existing resources.

(2) Project Description. The applicant must identify the tasks the trainer(s) will be expected to perform, which organization or individual will be hired, and, if in-house personnel are not the trainers, how the trainer will be selected. If a trainer has not yet been identified, the applicant must describe the procedures and criteria that will be used to select the trainer. In addition, the applicant should address the following questions: What specific tasks would the trainer and court staff or regional court association members undertake? What presentation methods will be used? What is the schedule for completion of each required task and the entire project? How will the applicant oversee the project and provide guidance to the trainer, and who at the court or affiliated with the regional court association would be responsible for coordinating all project tasks and submitting quarterly progress and financial status reports?

If the trainer has been identified, the applicant should provide a letter from that individual or organization documenting interest in and availability for the project, as well as the trainer's ability to complete the assignment within the proposed time frame and for the proposed cost.

(3) Likelihood of Implementation. The applicant should explain what steps have been or will be taken to coordinate the implementation of the training. For example, if the support or cooperation of specific court or regional court association officials or committees, other agencies, funding bodies, organizations, or a court other than the applicant will be needed to adopt the reform and initiate the training proposed, how will the applicant secure their involvement in the development and implementation of the training?

3. Budget and Matching State Contribution

Applicants must also follow the same guidelines provided under Section IV.A.4. Applicants should attach a copy of budget Form C and a budget narrative (see subsection A.4. above) that describes the basis for the computation

of all project-related costs and the source of the match offered.

4. Submission Requirements

For curriculum adaptation requests, applicants should allow at least 90 days between the Board meeting and the date of the proposed program to allow sufficient time for needed planning. Letters of support for the project are also encouraged. Applicants are encouraged to call SJI to discuss concerns about timing of submissions.

D. Partner Grants

SJI and its funding partners may meld, pick and choose, or waive their application procedures, grant cycles, or grant requirements to expedite the award of jointly-funded grants targeted at emerging or high priority problems confronting state and local courts. SJI may solicit brief proposals from potential grantees to fellow financial partners as a first step. Should SJI be chosen as the lead grant manager, Project Grant application procedures will apply to the proposed Partner Grant.

E. Education Support Program (ESP)

1. Limitations

Applicants may not receive more than one ESP award in a two-year fiscal year period unless the course specifically assumes multi-year participation, such as a certification program or a graduate degree program in judicial studies in which the applicant is currently enrolled (neither exception should be taken as a commitment on the part of the SJI Board of Directors to approve serial ESP awards). If the course assumes multi-year participation, awards will be limited to one per fiscal year. Attendance at annual or mid-year meetings or conferences of a state or national organization does not qualify as an out-of-state educational program for the ESP, even though it may include workshops or other training sessions.

The ESP only covers the cost of tuition up to a maximum of $1,000 per award, per course. Awards will be made for the exact amount requested for tuition. Funds to pay tuition in excess of $1,000, and other cost of attending the program such as travel, lodging, meals, materials, transportation to and from airports (including rental cars) must be obtained from other sources or borne by the ESP award recipient. Applicants are encouraged to check other sources of financial assistance and to combine aid from various sources whenever possible. An ESP award is not transferable to another individual. It may be used only for the course specified in the application unless the applicant's request to attend a different course that meets the eligibility requirements is approved in writing by SJI.

2. Eligibility Requirements

a. Recipients. Because of the limited amount of funding available, only full-time judges of state or local trial and appellate courts; full-time professional, state, or local court personnel with management and supervisory responsibilities; and supervisory and management probation personnel in judicial branch probation offices are eligible for the program. Senior judges, part-time judges, quasi-judicial hearing officers including referees and commissioners, administrative law judges, staff attorneys, law clerks, line staff, law enforcement officers, and other executive branch personnel are not eligible.

b. Courses. An ESP award is only for: (1) A course presented in a state other than the one in which the applicant resides or works, or (2) an online course. The course must be designed to enhance the skills of new or experienced judges and court managers; or be offered by a recognized graduate program for judges or court managers.

Applicants are encouraged not to wait for the decision on an ESP application to register for an educational program they wish to attend. SJI does not submit the names of ESP award recipients to educational organizations, nor provide the funds to the educational organization. ESP funds are provided as reimbursements directly to the recipient.

3. Forms

a. Education Support Program Application—Form ESP–1 (see *www.sji.gov/forms*). The application requests basic information about the applicant and the educational program the applicant would like to attend. It also addresses the applicant's commitment to share the skills and knowledge gained with state and local court colleagues. The application must bear the original signature of the applicant. Faxed or photocopied signatures will not be accepted. SJI will not supplant state funds with these awards.

b. Education Support Program Concurrence—Form ESP–2. Judges and court managers applying for the program must submit the original written concurrence of the chief justice of the state's supreme court (or the chief justice's designee) on Form ESP–2. The signature of the presiding judge of the applicant's court may not be substituted for that of the state's chief justice or the chief justice's designee. The chief justice or state court administrator must notify SJI of the designees within the state for ESP purposes.

4. Submission Requirements

Applications may be submitted at any time but will be reviewed on a quarterly basis. This means ESP awards will be on a "first-come, first-considered" basis. The dates for applications to be received by SJI for consideration in FY 2015 are November 1, February 1, May 1, and August 1. These are *not* mailing deadlines. The applications must be received by SJI on or before each of these dates. No exceptions or extensions will be granted. All the required items must be received for an application to be considered. If the Concurrence form or letter of support is sent separately from the application, the postmark date of the last item sent will be used in determining the review date. All applications should be sent by mail or courier (not fax or email).

V. Application Review Procedures

A. Preliminary Inquiries

SJI staff will answer inquiries concerning application procedures.

B. Selection Criteria

1. Project Grant Applications

a. Project Grant applications will be rated on the basis of the criteria set forth below. SJI will accord the greatest weight to the following criteria:

(1) The soundness of the methodology;

(2) The demonstration of need for the project;

(3) The appropriateness of the proposed evaluation design;

(4) If applicable, the key findings and recommendations of the most recent evaluation and the proposed responses to those findings and recommendations;

(5) The applicant's management plan and organizational capabilities;

(6) The qualifications of the project's staff;

(7) The products and benefits resulting from the project, including the extent to which the project will have long-term benefits for state courts across the nation;

(8) The degree to which the findings, procedures, training, technology, or other results of the project can be transferred to other jurisdictions;

(9) The reasonableness of the proposed budget; and,

(10) The demonstration of cooperation and support of other agencies that may be affected by the project.

b. In determining which projects to support, SJI will also consider whether

the applicant is a state court, a national court support or education organization, a non-court unit of government, or other type of entity eligible to receive grants under SJI's enabling legislation (see section II.); the availability of financial assistance from other sources for the project; the amount of the applicant's match; the extent to which the proposed project would also benefit the federal courts or help state courts enforce federal constitutional and legislative requirements; and the level of appropriations available to SJI in the current year and the amount expected to be available in succeeding fiscal years.

2. Technical Assistance (TA) Grant Applications

TA Grant applications will be rated on the basis of the following criteria:

a. Whether the assistance would address a critical need of the applicant;

b. The soundness of the technical assistance approach to the problem;

c. The qualifications of the consultant(s) to be hired or the specific criteria that will be used to select the consultant(s);

d. The commitment of the court or association to act on the consultant's recommendations; and,

e. The reasonableness of the proposed budget.

SJI also will consider factors such as the level and nature of the match that would be provided, diversity of subject matter, geographic diversity, the level of appropriations available to SJI in the current year, and the amount expected to be available in succeeding fiscal years.

3. Curriculum Adaptation and Training (CAT) Grant Applications

CAT Grant applications will be rated on the basis of the following criteria:

a. For curriculum adaptation projects:

(1) The goals and objectives of the proposed project;

(2) The need for outside funding to support the program;

(3) The appropriateness of the approach in achieving the project's educational objectives;

(4) The likelihood of effective implementation and integration of the modified curriculum into ongoing educational programming; and,

(5) Expressions of interest by the judges and/or court personnel who would be directly involved in or affected by the project.

b. For training assistance:

(1) Whether the training would address a critical need of the court or association;

(2) The soundness of the training approach to the problem;

(3) The qualifications of the trainer(s) to be hired or the specific criteria that will be used to select the trainer(s);

(4) The commitment of the court or association to the training program; and

(5) The reasonableness of the proposed budget.

SJI will also consider factors such as the reasonableness of the amount requested; compliance with match requirements; diversity of subject matter, geographic diversity; the level of appropriations available to SJI in the current year; and the amount expected to be available in succeeding fiscal years.

4. Partner Grants

The selection criteria for Partner Grants will be driven by the collective priorities of SJI and other organizations and their collective assessments regarding the needs and capabilities of court and court-related organizations. Having settled on priorities, SJI and its financial partners will likely contact the courts or court-related organizations most acceptable as pilots, laboratories, consultants, or the like.

5. Education Support Program (ESP)

ESP awards are only for programs that either: (1) Enhance the skills of judges and court managers; or (2) are part of a graduate degree program for judges or court personnel. Awards are provided on the basis of:

a. The date on which the application and concurrence (and support letter, if required) were sent ("first-come, first-considered");

b. The unavailability of state or local funds, or funding from another source to cover the costs of attending the program, or participating online;

c. The absence of educational programs in the applicant's state addressing the topic(s) covered by the educational program for which the award is being sought;

d. Geographic balance among the recipients;

e. The balance of ESP awards among educational providers and programs;

f. The balance of ESP awards among the types of courts and court personnel (trial judge, appellate judge, trial court administrator) represented; and

g. The level of appropriations available to SJI in the current year and the amount expected to be available in succeeding fiscal years.

The postmark or courier receipt will be used to determine the date on which the application form and other required items were sent.

C. Review and Approval Process

1. Project Grant Applications

SJI's Board of Directors will review the applications competitively. The Board will review all applications and decide which projects to fund. The decision to fund a project is solely that of the Board of Directors. The Chairman of the Board will sign approved awards on behalf of SJI.

2. Technical Assistance (TA) and Curriculum Adaptation and Training (CAT) Grant Applications

The Board will review the applications competitively. The Board will review all applications and decide which projects to fund. The decision to fund a project is solely that of the Board of Directors. The Chairman of the Board will sign approved awards on behalf of SJI.

3. Education Support Program (ESP)

A committee of the Board of Directors will review ESP applications quarterly. The committee will review the applications competitively. The Chairman of the Board will sign approved awards on behalf of SJI.

4. Partner Grants

SJI's internal process for the review and approval of Partner Grants will depend on negotiations with fellow financiers. SJI may use its procedures, a partner's procedures, a mix of both, or entirely unique procedures. All Partner Grants will be approved by the Board of Directors.

D. Return Policy

Unless a specific request is made, unsuccessful applications will not be returned. Applicants are advised that SJI records are subject to the provisions of the Federal Freedom of Information Act, 5 U.S.C. 552.

E. Notification of Board Decision

SJI will send written notice to applicants concerning all Board decisions to approve, defer, or deny their respective applications. For all applications (except ESP applications), if requested, SJI will convey the key issues and questions that arose during the review process. A decision by the Board to deny an application may not be appealed, but it does not prohibit resubmission of a proposal based on that application in a subsequent funding cycle.

F. Response to Notification of Approval

With the exception of those approved for ESP awards, applicants have 30 days from the date of the letter notifying

them that the Board has approved their application to respond to any revisions requested by the Board. If the requested revisions (or a reasonable schedule for submitting such revisions) have not been submitted to SJI within 30 days after notification, the approval may be rescinded and the application presented to the Board for reconsideration. In the event an issue will only be resolved after award, such as the selection of a consultant, the final award document will include a Special Condition that will require additional grantee reporting and SJI review and approval. Special Conditions, in the form of incentives or sanctions, may also be used in other situations.

VI. Compliance Requirements

The State Justice Institute Act contains limitations and conditions on grants, contracts, and cooperative agreements awarded by SJI. The Board of Directors has approved additional policies governing the use of SJI grant funds. These statutory and policy requirements are set forth below.

A. Recipients of Project Grants

1. Advocacy

No funds made available by SJI may be used to support or conduct training programs for the purpose of advocating particular non-judicial public policies or encouraging non-judicial political activities (42 U.S.C. 10706(b)).

2. Approval of Key Staff

If the qualifications of an employee or consultant assigned to a key project staff position are not described in the application or if there is a change of a person assigned to such a position, the recipient must submit a description of the qualifications of the newly assigned person to SJI. Prior written approval of the qualifications of the new person assigned to a key staff position must be received from the Institute before the salary or consulting fee of that person and associated costs may be paid or reimbursed from grant funds (see section VIII.A.7.).

3. Audit

Recipients of project grants must provide for an annual fiscal audit which includes an opinion on whether the financial statements of the grantee present fairly its financial position and its financial operations are in accordance with generally accepted accounting principles (see section VII.K. for the requirements of such audits). ESP award recipients, Curriculum Adaptation and Training Grants, and Technical Assistance Grants are not required to submit an audit, but they must maintain appropriate documentation to support all expenditures (see section VIII.K.).

4. Budget Revisions

Budget revisions among direct cost categories that: (a) Transfer grant funds to an unbudgeted cost category, or (b) individually or cumulatively exceed five percent of the approved original budget or the most recently approved revised budget require prior SJI approval (see section VIII.A.1.).

5. Conflict of Interest

Personnel and other officials connected with SJI-funded programs must adhere to the following requirements:

a. No official or employee of a recipient court or organization shall participate personally through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in any proceeding, application, request for a ruling or other determination, contract, grant, cooperative agreement, claim, controversy, or other particular matter in which SJI funds are used, where, to his or her knowledge, he or she or his or her immediate family, partners, organization other than a public agency in which he or she is serving as officer, director, trustee, partner, or employee or any person or organization with whom he or she is negotiating or has any arrangement concerning prospective employment, has a financial interest.

b. In the use of SJI project funds, an official or employee of a recipient court or organization shall avoid any action which might result in or create the appearance of:

(1) Using an official position for private gain; or

(2) Affecting adversely the confidence of the public in the integrity of the Institute program.

c. Requests for proposals or invitations for bids issued by a recipient of Institute funds or a subgrantee or subcontractor will provide notice to prospective bidders that the contractors who develop or draft specifications, requirements, statements of work, and/or requests for proposals for a proposed procurement will be excluded from bidding on or submitting a proposal to compete for the award of such procurement.

6. Inventions and Patents

If any patentable items, patent rights, processes, or inventions are produced in the course of SJI-sponsored work, such fact shall be promptly and fully reported to the Institute. Unless there is a prior agreement between the grantee and SJI on disposition of such items, SJI shall determine whether protection of the invention or discovery shall be sought. SJI will also determine how the rights in the invention or discovery, including rights under any patent issued thereon, shall be allocated and administered in order to protect the public interest consistent with "Government Patent Policy" (President's Memorandum for Heads of Executive Departments and Agencies, February 18, 1983, and statement of Government Patent Policy).

7. Lobbying

a. Funds awarded to recipients by SJI shall not be used, indirectly or directly, to influence Executive Orders or similar promulgations by federal, state or local agencies, or to influence the passage or defeat of any legislation by federal, state or local legislative bodies (42 U.S.C. 10706(a)).

b. It is the policy of the Board of Directors to award funds only to support applications submitted by organizations that would carry out the objectives of their applications in an unbiased manner. Consistent with this policy and the provisions of 42 U.S.C. 10706, SJI will not knowingly award a grant to an applicant that has, directly or through an entity that is part of the same organization as the applicant, advocated a position before Congress on the specific subject matter of the application.

8. Matching Requirements

All grantees other than ESP award recipients are required to provide a match. A match is the portion of project costs not borne by the Institute. Match includes both cash and in-kind contributions. Cash match is the direct outlay of funds by the grantee or a third party to support the project. In-kind match consists of contributions of time and/or services of current staff members, new employees, space, supplies, etc., made to the project by the grantee or others (e.g., advisory board members) working directly on the project or that portion of the grantee's federally-approved indirect cost rate that exceeds the Guideline's limit of permitted charges (75 percent of salaries and benefits).

Under normal circumstances, allowable match may be incurred only during the project period. When appropriate, and with the prior written permission of SJI, match may be incurred from the date of the Board of Directors' approval of an award. The amount and nature of required match depends on the type of grant (see section III.).

The grantee is responsible for ensuring that the total amount of match proposed is actually contributed. If a proposed contribution is not fully met, SJI may reduce the award amount accordingly, in order to maintain the ratio originally provided for in the award agreement (see section VII.E.1.). Match should be expended at the same rate as SJI funding.

The Board of Directors looks favorably upon any unrequired match contributed by applicants when making grant decisions. The match requirement may be waived in exceptionally rare circumstances upon the request of the chief justice of the highest court in the state or the highest ranking official in the requesting organization and approval by the Board of Directors (42 U.S.C. 10705(d)). The Board of Directors encourages all applicants to provide the maximum amount of cash and in-kind match possible, even if a waiver is approved. The amount and nature of match are criteria in the grant selection process (see section V.B.1.b.).

Other federal department and agency funding may not be used for cash match.

9. Nondiscrimination

No person may, on the basis of race, sex, national origin, disability, color, or creed be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity supported by SJI funds. Recipients of SJI funds must immediately take any measures necessary to effectuate this provision.

10. Political Activities

No recipient may contribute or make available SJI funds, program personnel, or equipment to any political party or association, or the campaign of any candidate for public or party office. Recipients are also prohibited from using funds in advocating or opposing any ballot measure, initiative, or referendum. Officers and employees of recipients shall not intentionally identify SJI or recipients with any partisan or nonpartisan political activity associated with a political party or association, or the campaign of any candidate for public or party office (42 U.S.C. 10706(a)).

11. Products

a. Acknowledgment, Logo, and Disclaimer

(1) Recipients of SJI funds must acknowledge prominently on all products developed with grant funds that support was received from the SJI. The "SJI" logo must appear on the front cover of a written product, or in the opening frames of a multimedia product, unless another placement is approved in writing by SJI. This includes final products printed or otherwise reproduced during the grant period, as well as re-printings or reproductions of those materials following the end of the grant period. A camera-ready logo sheet is available on SJI's Web site: *www.sji.gov/forms.*

(2) Recipients also must display the following disclaimer on all grant products: "This [document, film, videotape, etc.] was developed under [grant/cooperative agreement] number SJI-[insert number] from the State Justice Institute. The points of view expressed are those of the [author(s), filmmaker(s), etc.] and do not necessarily represent the official position or policies of the State Justice Institute."

(3) In addition to other required grant products and reports, recipients must provide a one page executive summary of the project. The summary should include a background on the project, the tasks undertaken, and the outcome. In addition, the summary should provide the performance metrics that were used during the project, and how performance will be measured in the future.

b. Charges for Grant-Related Products/ Recovery of Costs

(1) SJI's mission is to support improvements in the quality of justice and foster innovative, efficient solutions to common issues faced by all courts. SJI has recognized and established procedures for supporting research and development of grant products (e.g., a report, curriculum, video, software, database, or Web site) through competitive grant awards based on merit review of proposed projects. To ensure that all grants benefit the entire court community, projects SJI considers worthy of support (in whole or in part), are required to be disseminated widely and available for public consumption. This includes open-source software and interfaces. Costs for development, production, and dissemination are allowable as direct costs to SJI.

(2) Applicants should disclose their intent to sell grant-related products in the application. Grantees must obtain SJI's prior written approval of their plans to recover project costs through the sale of grant products. Written requests to recover costs ordinarily should be received during the grant period and should specify the nature and extent of the costs to be recouped, the reason that such costs were not budgeted (if the rationale was not disclosed in the approved application), the number of copies to be sold, the intended audience for the products to be sold, and the proposed sale price. If the product is to be sold for more than $25, the written request also should include a detailed itemization of costs that will be recovered and a certification that the costs were not supported by either SJI grant funds or grantee matching contributions.

(3) In the event that the sale of grant products results in revenues that exceed the costs to develop, produce, and disseminate the product, the revenue must continue to be used for the authorized purposes of SJI-funded project or other purposes consistent with the State Justice Institute Act that have been approved by SJI (see section VII.G.).

c. Copyrights

Except as otherwise provided in the terms and conditions of a SJI award, a recipient is free to copyright any books, publications, or other copyrightable materials developed in the course of a SJI-supported project, but SJI shall reserve a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the materials for purposes consistent with the State Justice Institute Act.

d. Due Date

All products and, for TA and CAT grants, consultant and/or trainer reports (see section VI.B.1 & 2) are to be completed and distributed (see below) not later than the end of the award period, not the 90-day close out period. The latter is only intended for grantee final reporting and to liquidate obligations (see section VII.L.).

e. Distribution

In addition to the distribution specified in the grant application, grantees shall send:

(1) Three (3) copies of each final product developed with grant funds to SJI, unless the product was developed under either a Technical Assistance or a Curriculum Adaptation and Training Grant, in which case submission of 2 copies is required; and

(2) An electronic version of the product in HTML or PDF format to SJI.

f. SJI Approval

No grant funds may be obligated for publication or reproduction of a final product developed with grant funds without the written approval of SJI. Grantees shall submit a final draft of each written product to SJI for review and approval. The draft must be submitted at least 30 days before the product is scheduled to be sent for

publication or reproduction to permit SJI review and incorporation of any appropriate changes required by SJI. Grantees must provide for timely reviews by the SJI of Web site or other multimedia products at the treatment, script, rough cut, and final stages of development or their equivalents.

g. Original Material

All products prepared as the result of SJI-supported projects must be originally-developed material unless otherwise specified in the award documents. Material not originally developed that is included in such products must be properly identified, whether the material is in a verbatim or extensive paraphrase format.

12. Prohibition Against Litigation Support

No funds made available by SJI may be used directly or indirectly to support legal assistance to parties in litigation, including cases involving capital punishment.

13. Reporting Requirements

a. Recipients of SJI funds other than ESP awards must submit Quarterly Progress and Financial Status Reports within 30 days of the close of each calendar quarter (that is, no later than January 30, April 30, July 30, and October 30). The Quarterly Progress Reports shall include a narrative description of project activities during the calendar quarter, the relationship between those activities and the task schedule and objectives set forth in the approved application or an approved adjustment thereto, any significant problem areas that have developed and how they will be resolved, and the activities scheduled during the next reporting period. Failure to comply with the requirements of this provision could result in the termination of a grantee's award.

b. The quarterly Financial Status Report must be submitted in accordance with section VII.H.2. of this Guideline. A final project Progress Report and Financial Status Report shall be submitted within 90 days after the end of the grant period in accordance with section VII.L.1. of this Guideline.

14. Research

a. Availability of Research Data for Secondary Analysis

Upon request, grantees must make available for secondary analysis backup files containing research and evaluation data collected under an SJI grant and the accompanying code manual. Grantees may recover the actual cost of duplicating and mailing or otherwise transmitting the data set and manual from the person or organization requesting the data. Grantees may provide the requested data set in the format in which it was created and analyzed.

b. Confidentiality of Information

Except as provided by federal law other than the State Justice Institute Act, no recipient of financial assistance from SJI may use or reveal any research or statistical information furnished under the Act by any person and identifiable to any specific private person for any purpose other than the purpose for which the information was obtained. Such information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings.

c. Human Subject Protection

Human subjects are defined as individuals who are participants in an experimental procedure or who are asked to provide information about themselves, their attitudes, feelings, opinions, and/or experiences through an interview, questionnaire, or other data collection technique. All research involving human subjects shall be conducted with the informed consent of those subjects and in a manner that will ensure their privacy and freedom from risk or harm and the protection of persons who are not subjects of the research but would be affected by it, unless such procedures and safeguards would make the research impractical. In such instances, SJI must approve procedures designed by the grantee to provide human subjects with relevant information about the research after their involvement and to minimize or eliminate risk or harm to those subjects due to their participation.

15. State and Local Court Applications

Each application for funding from a state or local court must be approved, consistent with state law, by the state supreme court, or its designated agency or council. The supreme court or its designee shall receive, administer, and be accountable for all funds awarded on the basis of such an application (42 U.S.C. 10705(b)(4)). See section VII.C.2.

16. Supplantation and Construction

To ensure that SJI funds are used to supplement and improve the operation of state courts, rather than to support basic court services, SJI funds shall not be used for the following purposes:

a. To supplant state or local funds supporting a program or activity (such as paying the salary of court employees who would be performing their normal duties as part of the project, or paying rent for space which is part of the court's normal operations);

b. To construct court facilities or structures, except to remodel existing facilities or to demonstrate new architectural or technological techniques, or to provide temporary facilities for new personnel or for personnel involved in a demonstration or experimental program; or

c. Solely to purchase equipment.

17. Suspension or Termination of Funding

After providing a recipient reasonable notice and opportunity to submit written documentation demonstrating why fund termination or suspension should not occur, SJI may terminate or suspend funding of a project that fails to comply substantially with the Act, the Guideline, or the terms and conditions of the award (42 U.S.C. 10708(a)).

18. Title to Property

At the conclusion of the project, title to all expendable and nonexpendable personal property purchased with SJI funds shall vest in the recipient court, organization, or individual that purchased the property if certification is made to and approved by SJI that the property will continue to be used for the authorized purposes of the SJI-funded project or other purposes consistent with the State Justice Institute Act. If such certification is not made or SJI disapproves such certification, title to all such property with an aggregate or individual value of $1,000 or more shall vest in SJI, which will direct the disposition of the property.

B. Recipients of Technical Assistance (TA) and Curriculum Adaptation and Training (CAT) Grants

Recipients of TA and CAT Grants must comply with the requirements listed in section VI.A. (except the requirements pertaining to audits in subsection A.3. above and product dissemination and approval in subsection A.11.e. and f. above) and the reporting requirements below:

1. Technical Assistance (TA) Grant Reporting Requirements

Recipients of TA Grants must submit to SJI one copy of a final report that explains how it intends to act on the consultant's recommendations, as well as two copies of the consultant's written report.

2. Curriculum Adaptation and Training (CAT) Grant Reporting Requirements

Recipients of CAT Grants must submit one copy of the agenda or schedule, outline of presentations and/or relevant instructor's notes, copies of overhead transparencies, power point presentations, or other visual aids, exercises, case studies and other background materials, hypotheticals, quizzes, and other materials involving the participants, manuals, handbooks, conference packets, evaluation forms, and suggestions for replicating the program, including possible faculty or the preferred qualifications or experience of those selected as faculty, developed under the grant at the conclusion of the grant period, along with a final report that includes any evaluation results and explains how the grantee intends to present the educational program in the future, as well as two copies of the consultant's or trainer's report.

C. Education Support Program (ESP) Recipients

1. ESP award recipients are responsible for disseminating the information received from the course to their court colleagues locally and, if possible, throughout the state.

Recipients also must submit to SJI a certificate of attendance from the program and a copy of the notice of any funding received from other sources. A state or local jurisdiction may impose additional requirements on ESP award recipients.

2. To receive the funds authorized by an ESP award, recipients must submit an ESP Payment Request (Form ESP–3) together with a paid tuition statement from the program sponsor.

ESP Payment Requests must be submitted within 90 days after the end of the course, which the recipient attended.

3. ESP recipients are encouraged to check with their tax advisors to determine whether an award constitutes taxable income under federal and state law.

D. Partner Grants

The compliance requirements for Partner Grant recipients will depend upon the agreements struck between the grant financiers and between lead financiers and grantees. Should SJI be the lead, the compliance requirements for Project Grants will apply, unless specific arrangements are determined by the Partners.

VII. Financial Requirements

A. Purpose

The purpose of this section is to establish accounting system requirements and offer guidance on procedures to assist all grantees, sub-grantees, contractors, and other organizations in:

1. Complying with the statutory requirements for the award, disbursement, and accounting of funds;

2. Complying with regulatory requirements of SJI for the financial management and disposition of funds;

3. Generating financial data to be used in planning, managing, and controlling projects; and

4. Facilitating an effective audit of funded programs and projects.

B. References

Except where inconsistent with specific provisions of this Grant Guideline, the following circulars are applicable to SJI grants and cooperative agreements under the same terms and conditions that apply to federal grantees. The circulars supplement the requirements of this section for accounting systems and financial record-keeping and provide additional guidance on how these requirements may be satisfied (circulars may be obtained on the OMB Web site at *www.whitehouse.gov/omb*).

1. *Office of Management and Budget (OMB) Circular A–21*, Cost Principles for Educational Institutions.

2. *Office of Management and Budget (OMB) Circular A–87*, Cost Principles for State and Local Governments.

3. *Office of Management and Budget (OMB) Circular A–102*, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments.

4. *Office of Management and Budget (OMB) Circular A–110*, Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations.

5. *Office of Management and Budget (OMB) Circular A–122*, Cost Principles for Non-profit Organizations.

6. *Office of Management and Budget (OMB) Circular A–133*, Audits of States, Local Governments and Non-profit Organizations.

C. Supervision and Monitoring Responsibilities

1. Grantee Responsibilities

All grantees receiving awards from SJI are responsible for the management and fiscal control of all funds. Responsibilities include accounting for receipts and expenditures, maintaining adequate financial records, and refunding expenditures disallowed by audits.

2. Responsibilities of the State Supreme Court

a. Each application for funding from a state or local court must be approved, consistent with state law, by the state supreme court, or its designated agency or council.

b. The state supreme court or its designee shall receive all SJI funds awarded to such courts; be responsible for assuring proper administration of SJI funds; and be responsible for all aspects of the project, including proper accounting and financial record-keeping by the subgrantee. These responsibilities include:

(1) Reviewing Financial Operations. The state supreme court or its designee should be familiar with, and periodically monitor, its sub-grantee's financial operations, records system, and procedures. Particular attention should be directed to the maintenance of current financial data.

(2) Recording Financial Activities. The sub-grantee's grant award or contract obligation, as well as cash advances and other financial activities, should be recorded in the financial records of the state supreme court or its designee in summary form. Sub-grantee expenditures should be recorded on the books of the state supreme court or evidenced by report forms duly filed by the sub-grantee. Matching contributions provided by sub-grantees should likewise be recorded, as should any project income resulting from program operations.

(3) Budgeting and Budget Review. The state supreme court or its designee should ensure that each sub-grantee prepares an adequate budget as the basis for its award commitment. The state supreme court should maintain the details of each project budget on file.

(4) Accounting for Match. The state supreme court or its designee will ensure that sub-grantees comply with the match requirements specified in this Grant Guideline (see section VI.A.8.).

(5) Audit Requirement. The state supreme court or its designee is required to ensure that sub-grantees meet the necessary audit requirements set forth by SJI (see sections K. below and VI.A.3.).

(6) Reporting Irregularities. The state supreme court, its designees, and its sub-grantees are responsible for promptly reporting to SJI the nature and circumstances surrounding any financial irregularities discovered.

D. Accounting System

The grantee is responsible for establishing and maintaining an adequate system of accounting and internal controls and for ensuring that an adequate system exists for each of its sub-grantees and contractors. An acceptable and adequate accounting system:

1. Properly accounts for receipt of funds under each grant awarded and the expenditure of funds for each grant by category of expenditure (including matching contributions and project income);

2. Assures that expended funds are applied to the appropriate budget category included within the approved grant;

3. Presents and classifies historical costs of the grant as required for budgetary and evaluation purposes;

4. Provides cost and property controls to assure optimal use of grant funds;

5. Is integrated with a system of internal controls adequate to safeguard the funds and assets covered, check the accuracy and reliability of the accounting data, promote operational efficiency, and assure conformance with any general or special conditions of the grant;

6. Meets the prescribed requirements for periodic financial reporting of operations; and

7. Provides financial data for planning, control, measurement, and evaluation of direct and indirect costs.

E. Total Cost Budgeting and Accounting

Accounting for all funds awarded by SJI must be structured and executed on a "Total Project Cost" basis. That is, total project costs, including SJI funds, state and local matching shares, and any other fund sources included in the approved project budget serve as the foundation for fiscal administration and accounting. Grant applications and financial reports require budget and cost estimates on the basis of total costs.

1. Timing of Matching Contributions

Matching contributions should be applied at the same time as the obligation of SJI funds. Ordinarily, the full matching share must be obligated during the award period; however, with the written permission of SJI, contributions made following approval of the grant by the Board of Directors, but before the beginning of the grant, may be counted as match. If a proposed cash or in-kind match is not fully met, SJI may reduce the award amount accordingly to maintain the ratio of grant funds to matching funds stated in the award agreement.

2. Records for Match

All grantees must maintain records that clearly show the source, amount, and timing of all matching contributions. In addition, if a project has included, within its approved budget, contributions which exceed the required matching portion, the grantee must maintain records of those contributions in the same manner as it does SJI funds and required matching shares. For all grants made to state and local courts, the state supreme court has primary responsibility for grantee/sub-grantee compliance with the requirements of this section (see subsection C.2. above).

F. Maintenance and Retention of Records

All financial records, including supporting documents, statistical records, and all other information pertinent to grants, sub-grants, cooperative agreements, or contracts under grants, must be retained by each organization participating in a project for at least three years for purposes of examination and audit. State supreme courts may impose record retention and maintenance requirements in addition to those prescribed in this section.

1. Coverage

The retention requirement extends to books of original entry, source documents supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, canceled checks, and related documents and records. Source documents include copies of all grant and sub-grant awards, applications, and required grantee/sub-grantee financial and narrative reports. Personnel and payroll records shall include the time and attendance reports for all individuals reimbursed under a grant, sub-grant or contract, whether they are employed full-time or part-time. Time and effort reports are required for consultants.

2. Retention Period

The three-year retention period starts from the date of the submission of the final expenditure report.

3. Maintenance

Grantees and sub-grantees are expected to see that records of different fiscal years are separately identified and maintained so that requested information can be readily located. Grantees and sub-grantees are also obligated to protect records adequately against fire or other damage. When records are stored away from the grantee's/sub-grantee's principal office, a written index of the location of stored records should be on hand, and ready access should be assured.

4. Access

Grantees and sub-grantees must give any authorized representative of SJI access to and the right to examine all records, books, papers, and documents related to an SJI grant.

G. Project-Related Income

Records of the receipt and disposition of project-related income must be maintained by the grantee in the same manner as required for the project funds that gave rise to the income and must be reported to SJI (see subsection H.2. below). The policies governing the disposition of the various types of project-related income are listed below.

1. Interest

A state and any agency or instrumentality of a state, including institutions of higher education and hospitals, shall not be held accountable for interest earned on advances of project funds. When funds are awarded to sub-grantees through a state, the sub-grantees are not held accountable for interest earned on advances of project funds. Local units of government and nonprofit organizations that are grantees must refund any interest earned. Grantees shall ensure minimum balances in their respective grant cash accounts.

2. Royalties

The grantee/sub-grantee may retain all royalties received from copyrights or other works developed under projects or from patents and inventions, unless the terms and conditions of the grant provide otherwise.

3. Registration and Tuition Fees

Registration and tuition fees may be considered as cash match with prior written approval from SJI. Estimates of registration and tuition fees, and any expenses to be offset by the fees, should be included in the application budget forms and narrative.

4. Income From the Sale of Grant Products

If the sale of products occurs during the project period, the income may be treated as cash match with the prior written approval of SJI. The costs and income generated by the sales must be reported on the Quarterly Financial Status Reports (Form F) and documented in an auditable manner. Whenever possible, the intent to sell a product should be disclosed in the application or reported to SJI in writing

once a decision to sell products has been made. The grantee must request approval to recover its product development, reproduction, and dissemination costs as specified in section VI.A.11.b.

5. Other

Other project income shall be treated in accordance with disposition instructions set forth in the grant's terms and conditions.

H. Payments and Financial Reporting Requirements

1. Payment of Grant Funds

The procedures and regulations set forth below are applicable to all SJI grant funds and grantees.

a. Request for Reimbursement of Funds. Grantees will receive funds on a U.S. Treasury "check-issued" or electronic funds transfer (EFT) basis. Upon receipt, review, and approval of a Request for Reimbursement (Form R) by SJI, payment will be issued directly to the grantee or its designated fiscal agent. The Form R, along with the instructions for its preparation, and the SF 3881 Automated Clearing House (ACH/ Miscellaneous Payment Enrollment Form for EFT) are available on the Institute's Web site: *www.sji.gov/forms.*

b. Principle of Minimum Cash on Hand. Grantees should request funds based upon immediate disbursement requirements. Grantees should time their requests to ensure that cash on hand is the minimum needed for disbursements to be made immediately or within a few days.

2. Financial Reporting

a. General Requirements. To obtain financial information concerning the use of funds, the Institute requires that grantees/sub-grantees submit timely reports for review.

b. Due Dates and Contents. A Financial Status Report is required from all grantees, other than ESP award recipients, for each active quarter on a calendar-quarter basis. This report is due within 30 days after the close of the calendar quarter. It is designed to provide financial information relating to SJI funds, state and local matching shares, project income, and any other sources of funds for the project, as well as information on obligations and outlays. A copy of the Financial Status Report (Form F), along with instructions, are provided at *www.sji.gov/forms.* If a grantee requests substantial payments for a project prior to the completion of a given quarter, SJI may request a brief summary of the amount requested, by object class, to support the Request for Reimbursement.

3. Consequences of Non-Compliance With Submission Requirement

Failure of the grantee to submit required financial and progress reports may result in suspension or termination of grant payments.

I. Allowability of Costs

1. General

Except as may be otherwise provided in the conditions of a particular grant, cost allowability is determined in accordance with the principles set forth in *OMB Circulars A–21,* Cost Principles Applicable to Grants and Contracts with Educational Institutions; *A–87,* Cost Principles for State and Local Governments; and *A–122,* Cost Principles for Non-profit Organizations.

No costs may be recovered to liquidate obligations incurred after the approved grant period. Circulars may be obtained on the OMB Web site at *http://www.whitehouse.gov/omb.*

2. Costs Requiring Prior Approval

a. Pre-agreement Costs. The written prior approval of SJI is required for costs considered necessary but which occur prior to the start date of the project period.

b. Equipment. Grant funds may be used to purchase or lease only that equipment essential to accomplishing the goals and objectives of the project. The written prior approval of SJI is required when the amount of automated data processing (ADP) equipment to be purchased or leased exceeds $10,000 or software to be purchased exceeds $3,000.

c. Consultants. The written prior approval of SJI is required when the rate of compensation to be paid a consultant exceeds $800 a day. SJI funds may not be used to pay a consultant more than $1,100 per day.

d. Budget Revisions. Budget revisions among direct cost categories that (i) transfer grant funds to an unbudgeted cost category or (ii) individually or cumulatively exceed five percent (5%) of the approved original budget or the most recently approved revised budget require prior SJI approval (see section VIII.A.1.).

3. Travel Costs

Transportation and per diem rates must comply with the policies of the grantee. If the grantee does not have an established written travel policy, then travel rates must be consistent with those established by the federal government. SJI funds may not be used to cover the transportation or per diem costs of a member of a national organization to attend an annual or other regular meeting, or conference of that organization.

4. Indirect Costs

Indirect costs are only applicable to organizations that are not state courts or government agencies. These are costs of an organization that are not readily assignable to a particular project but are necessary to the operation of the organization and the performance of the project. The cost of operating and maintaining facilities, depreciation, and administrative salaries are examples of the types of costs that are usually treated as indirect costs. Although SJI's policy requires all costs to be budgeted directly, it will accept indirect costs if a grantee has an indirect cost rate approved by a federal agency. However, recoverable indirect costs are limited to no more than 75 percent of a grantee's direct personnel costs (salaries plus fringe benefits).

a. Approved Plan Available

(1) A copy of an indirect cost rate agreement or allocation plan approved for a grantee during the preceding two years by any federal granting agency on the basis of allocation methods substantially in accord with those set forth in the applicable cost circulars must be submitted to SJI.

(2) Where flat rates are accepted in lieu of actual indirect costs, grantees may not also charge expenses normally included in overhead pools, e.g., accounting services, legal services, building occupancy and maintenance, etc., as direct costs.

J. Procurement and Property Management Standards

1. Procurement Standards

For state and local governments, SJI has adopted the standards set forth in Attachment O of *OMB Circular A–102.* Institutions of higher education, hospitals, and other non-profit organizations will be governed by the standards set forth in Attachment O of *OMB Circular A–110.*

2. Property Management Standards

The property management standards as prescribed in Attachment N of *OMB Circulars A–102* and *A–110* apply to all SJI grantees and sub-grantees except as provided in section VI.A.18. All grantees/sub-grantees are required to be prudent in the acquisition and management of property with grant funds. If suitable property required for the successful execution of projects is already available within the grantee or subgrantee organization, expenditures of grant funds for the acquisition of new

property will be considered unnecessary.

K. Audit Requirements

1. Implementation

Each recipient of a Project Grant must provide for an annual fiscal audit. This requirement also applies to a state or local court receiving a sub-grant from the state supreme court. The audit may be of the entire grantee or sub-grantee organization or of the specific project funded by the Institute. Audits conducted in accordance with the Single Audit Act of 1984 and *OMB Circular A–133,* will satisfy the requirement for an annual fiscal audit. The audit must be conducted by an independent Certified Public Accountant, or a state or local agency authorized to audit government agencies. Grantees must send two copies of the audit report to the Institute. Grantees that receive funds from a federal agency and satisfy audit requirements of that federal agency must submit two copies of the audit report prepared for that federal agency to SJI in order to satisfy the provisions of this section.

2. Resolution and Clearance of Audit Reports

Timely action on recommendations by responsible management officials is an integral part of the effectiveness of an audit. Each grantee must have policies and procedures for acting on audit recommendations by designating officials responsible for: (1) Follow-up, (2) maintaining a record of the actions taken on recommendations and time schedules, (3) responding to and acting on audit recommendations, and (4) submitting periodic reports to SJI on recommendations and actions taken.

3. Consequences of Non-Resolution of Audit Issues

Ordinarily, SJI will not make a subsequent grant award to an applicant that has an unresolved audit report involving SJI awards. Failure of the grantee to resolve audit questions may also result in the suspension or termination of payments for active SJI grants to that organization.

L. Close-Out of Grants

1. Grantee Close-Out Requirements

Within 90 days after the end date of the grant or any approved extension thereof (see subsection L.2. below), the following documents must be submitted to SJI by grantees (other than ESP award recipients):

a. Financial Status Report. The final report of expenditures must have no unliquidated obligations and must indicate the exact balance of unobligated funds. Any unobligated/unexpended funds will be deobligated from the award by SJI. Final payment requests for obligations incurred during the award period must be submitted to the Institute prior to the end of the 90-day close-out period. Grantees who have drawn down funds in excess of their obligations/expenditures, must return any unused funds as soon as it is determined that the funds are not required. In no instance should any unused funds remain with the grantee beyond the submission date of the final Financial Status Report.

b. Final Progress Report. This report should describe the project activities during the final calendar quarter of the project and the close-out period, including to whom project products have been disseminated; provide a summary of activities during the entire project; specify whether all the objectives set forth in the approved application or an approved adjustment have been met and, if any of the objectives have not been met, explain why not; and discuss what, if anything, could have been done differently that might have enhanced the impact of the project or improved its operation. These reporting requirements apply at the conclusion of every grant other than an ESP award.

2. Extension of Close-Out Period

Upon the written request of the grantee, SJI may extend the close-out period to assure completion of the grantee's close-out requirements. Requests for an extension must be submitted at least 14 days before the end of the close-out period and must explain why the extension is necessary and what steps will be taken to assure that all the grantee's responsibilities will be met by the end of the extension period.

VIII. Grant Adjustments

All requests for programmatic or budgetary adjustments requiring Institute approval must be submitted by the project director in a timely manner (ordinarily 30 days prior to the implementation of the adjustment being requested). All requests for changes from the approved application will be carefully reviewed for both consistency with this Grant Guideline and the enhancement of grant goals and objectives. Failure to submit adjustments in a timely manner may result in the termination of a grantee's award.

A. Grant Adjustments Requiring Prior Written Approval

The following grant adjustments require the prior written approval of SJI:

1. Budget revisions among direct cost categories that (a) transfer grant funds to an unbudgeted cost category or (b) individually or cumulatively exceed five percent (5%) of the approved original budget or the most recently approved revised budget (see section VII.I.2.d.).

2. A change in the scope of work to be performed or the objectives of the project (see subsection D. below).

3. A change in the project site.

4. A change in the project period, such as an extension of the grant period and/or extension of the final financial or progress report deadline (see subsection E. below).

5. Satisfaction of special conditions, if required.

6. A change in or temporary absence of the project director (see subsections F. and G. below).

7. The assignment of an employee or consultant to a key staff position whose qualifications were not described in the application, or a change of a person assigned to a key project staff position (see section VI.A.2.).

8. A change in or temporary absence of the person responsible for managing and reporting on the grant's finances.

9. A change in the name of the grantee organization.

10. A transfer or contracting out of grant-supported activities (see subsection H. below).

11. A transfer of the grant to another recipient.

12. Pre-agreement costs (see section VII.I.2.a.).

13. The purchase of automated data processing equipment and software (see section VII.I.2.b.).

14. Consultant rates (see section VII.I.2.c.).

15. A change in the nature or number of the products to be prepared or the manner in which a product would be distributed.

B. Requests for Grant Adjustments

All grantees must promptly notify SJI, in writing, of events or proposed changes that may require adjustments to the approved project design. In requesting an adjustment, the grantee must set forth the reasons and basis for the proposed adjustment and any other information the program manager determines would help SJI's review.

C. Notification of Approval/Disapproval

If the request is approved, the grantee will be sent a Grant Adjustment signed

by the SJI Executive Director. If the request is denied, the grantee will be sent a written explanation of the reasons for the denial.

D. Changes in the Scope of the Grant

Major changes in scope, duration, training methodology, or other significant areas must be approved in advance by SJI. A grantee may make minor changes in methodology, approach, or other aspects of the grant to expedite achievement of the grant's objectives with subsequent notification to SJI.

E. Date Changes

A request to change or extend the grant period must be made at least 30 days in advance of the end date of the grant. A revised task plan should accompany a request for an extension of the grant period, along with a revised budget if shifts among budget categories will be needed. A request to change or extend the deadline for the final financial report or final progress report must be made at least 14 days in advance of the report deadline (see section VII.L.2.).

F. Temporary Absence of the Project Director

Whenever an absence of the project director is expected to exceed a continuous period of one month, the plans for the conduct of the project director's duties during such absence must be approved in advance by the Institute. This information must be provided in a letter signed by an authorized representative of the grantee/sub-grantee at least 30 days before the departure of the project director, or as soon as it is known that the project director will be absent. The grant may be terminated if arrangements are not approved in advance by SJI.

G. Withdrawal of/Change in Project Director

If the project director relinquishes or expects to relinquish active direction of the project, SJI must be notified immediately. In such cases, if the grantee/sub-grantee wishes to terminate the project, SJI will forward procedural instructions upon notification of such intent. If the grantee wishes to continue the project under the direction of another individual, a statement of the candidate's qualifications should be sent to SJI for review and approval. The grant may be terminated if the qualifications of the proposed individual are not approved in advance by SJI.

H. Transferring or Contracting Out of Grant-Supported Activities

No principal activity of a grant-supported project may be transferred or contracted out to another organization without specific prior approval by SJI. All such arrangements must be formalized in a contract or other written agreement between the parties involved. Copies of the proposed contract or agreement must be submitted for prior approval of SJI at the earliest possible time. The contract or agreement must state, at a minimum, the activities to be performed, the time schedule, the policies and procedures to be followed, the dollar limitation of the agreement, and the cost principles to be followed in determining what costs, both direct and indirect, will be allowed. The contract or other written agreement must not affect the grantee's overall responsibility for the direction of the project and accountability to SJI.

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Jonathan D. Mattiello,

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[FR Doc. 2014–25215 Filed 10–22–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Twenty-Eighth Meeting: RTCA Special Committee 224, Airport Security Access Control Systems

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

ACTION: Meeting Notice of RTCA Special Committee 224, Airport Security Access Control Systems.

SUMMARY: The FAA is issuing this notice to advise the public of the twenty-eighth meeting of the RTCA Special Committee 224, Airport Security Access Control Systems.

DATES: The meeting will be held on November 6, 2014 from 10:00 a.m.–2:00 p.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1150 18th Street NW., Suite 910, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 224. The agenda will include the following:

November 6, 2014

- Welcome/Introductions/Administrative Remarks
- Report from the TSA
- Report on Safe Skies Document Distribution
- Individual Document Section Reports
- Action Items for Next Meeting
- Time and Place of Next Meeting
- Any Other Business
- Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on October 16, 2014.

Mohannad Dawoud,

Management Analyst, NextGen, Business Operations Group, Federal Aviation Administration.

[FR Doc. 2014–25159 Filed 10–22–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Third Meeting: RTCA Special Committee 229, 406 MHz Emergency Locator Transmitters (ELTs) Joint With EUROCAE WG–98 Committee

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

ACTION: Third Meeting 406 MHz Emergency Locator Transmitters (ELTs) Joint with EUROCAE WG–98 Committee.

SUMMARY: The FAA is issuing this notice to advise the public of the third meeting of the 406 MHz Emergency Locator Transmitters (ELTs) Joint with EUROCAE WG–98 Committee.

DATES: The meeting will be held January 13–15, 2015 from 9:00 a.m.–5:00 p.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1150 18th Street NW., Suite 910, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org* or you may contact Sophie Bousquet, *sobousquet@rtca.org*, 202–330–0663.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 224. The agenda will include the following:

Tuesday January 13th 2015

- Welcome/Introductions/ Administrative Remarks
- Agenda overview and approval
- Minutes Toulouse meeting review and approval
- Briefing of ICAO and COSPAS–SARSAT activities
- WG 1 to 4 status and week's plan
- Other Industry coordination and presentations (if any)
- WG meetings (rest of the day)

Wednesday January 14th 2015

- WG 1 to 4 meetings

Thursday January 15th 2015

- WGs' reports
- Action item review
- Future meeting plans and dates
- Industry coordination and presentations (if any)
- Other business
- Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on October 16, 2014.

Mohannad Dawoud,

Management Analyst, NextGen, Business Operations Group, Federal Aviation Administration.

[FR Doc. 2014–25157 Filed 10–22–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2005–22842]

Notice of Opportunity To Participate; Criteria and Application Procedures for Participation in the Military Airport Program

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of criteria and application procedures.

SUMMARY: This document announces the criteria, application procedures, and schedule to be applied by the Secretary of Transportation in designating or redesignating, and funding capital development for up to 15 current joint-use or former military airports seeking first time designation or redesignation to participate in the MAP.

DATES: Applications must be received on or before December 22, 2014.

ADDRESSES: Submit an original and two copies of Standard Form (SF) 424, "Application for Federal Assistance," prescribed by the Office of Management and Budget Circular A–102, available at *http://www.faa.gov/airports/aip/* along with all supporting and justifying documentation required by this notice. Applicant should specifically request to be considered for designation or redesignation to participate in the fiscal year 2015 MAP. Submission should be sent to the Regional FAA Airports Division or Airports District Office that serves the airport. Applicants may find the proper office on the *FAA* Web site *http://www.faa.gov/airports/news_information/contact_info/regional/* or may contact the office below.

FOR FURTHER INFORMATION CONTACT: Mr. Kendall Ball (*Kendall.Ball@faa.gov*), Airports Financial Assistance Division (APP–500), Office of Airport Planning and Programming, Federal Aviation Administration (FAA), 800 Independence Avenue SW., Washington, DC 20591, (202) 267–7436.

SUPPLEMENTARY INFORMATION:

General Description of the Program

The MAP allows the Secretary to designate current joint-use or former military airports to receive grants from the Airport Improvement Program (AIP). The Secretary is authorized to designate an airport (other than an airport designated before August 24, 1994) only if:

(1) The airport is a former military installation closed or realigned under the Title 10 U.S.C. Sec. 2687 (announcement of closures of large Department of Defense installations after September 30, 1977), or under Section 201 or 2905 of the Defense Authorization Amendments and Base Closure and Realignment Acts; or

(2) the airport is a military installation with both military and civil aircraft operations.

The Secretary shall consider for designation only those current joint-use or former military airports, at least partly converted to civilian airports as part of the national air transportation system, that will reduce delays at airports with more than 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings, or will enhance airport and air traffic control system capacity in metropolitan areas, or reduce current and projected flight delays (49 U.S.C. 47118(c)).

The MAP provides capital development assistance to civil airport sponsors of designated current joint-use military airfields or former military airports that are included in the FAA's National Plan of Integrated Airport Systems (NPIAS). Airports designated to the MAP may be able to receive grant funds from a set-aside (currently four percent of AIP discretionary funds) for airport development, including certain projects not otherwise eligible for AIP assistance. These airports are also eligible to receive grants from other categories of AIP funding.

Number of Airports

A maximum of 15 airports per fiscal year may participate in the MAP, of

which three may be General Aviation (GA) airports. There are nine slots available for designation or redesignation in FY 2015. There are no GA slots available in FY 2015.

Term of Designation

The maximum term is five fiscal years following designation. The FAA can designate airports for a period of less than five years. The FAA will evaluate the conversion needs of the airport in its capital development plan to determine the appropriate length of designation.

Redesignation

Previously designated airports may apply for redesignation of an additional term not to exceed five years. Those airports must meet current eligibility requirements in 49 U.S.C. 47118(a) at the beginning of each grant period and have MAP eligible projects. The FAA will evaluate applications for redesignation primarily in terms of warranted projects fundable only under the MAP as these candidates tend to have fewer conversion needs than new candidates. The FAA's goal is to graduate MAP airports to regular AIP participation by successfully converting these airports to civilian airport operations.

Eligible Projects

In addition to eligible AIP projects, MAP can fund fuel farms, utility systems, surface automobile parking lots, hangars, and air cargo terminals up to 50,000 square feet. A designated or redesignated military airport can receive not more than $7,000,000 each fiscal year to construct, improve, and repair terminal building facilities. In addition a designated or redesignated military airport can receive not more than $7,000,000 each fiscal year for MAP eligible projects that include hangars, cargo facilities, fuel farms, automobile surface parking, and utility work.

Designation Considerations

In making designations of new candidate airports, the Secretary of Transportation may only designate an airport (other than an airport so designated before August 24, 1994) if it meets the following general requirements:

(1) The airport is a former military installation closed or realigned under:

(A) Section 2687 of Title 10;

(B) Section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (BRAC) (10 U.S.C. 2687 note); or

(C) Section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note); or

(2) The airport is a military installation with both military and civil aircraft operations; and

(3) The airport is classified as a commercial service or reliever airport in the NPIAS. (See 49 U.S.C. 47105(b)(2)). In addition, three of the designated airports, if included in the NPIAS, may be a GA airport that was a former military installation closed or realigned under BRAC, as amended, or 10 U.S.C. 2687. (See 49 U.S.C. 47118(g)). Therefore, a GA airport can only qualify under (1) above. "General aviation airport" means a public airport that is located in a State that, as determined by the Secretary: (A) Does not have scheduled service; or (B) has scheduled service with less than 2,500 passenger boardings each year. However, as noted under "Number of Airports," there are no GA slots available in FY 2015.

In designating new candidate airports, the Secretary shall consider if a grant will:

(1) Reduce delays at an airport with more than 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings; or

(2) Enhance airport and air traffic control system capacity in a metropolitan area or reduce current and projected flight delays.

The application for new designations will be evaluated in terms of how the proposed projects will contribute to reducing delays and/or how the airport will enhance air traffic or airport system capacity and provide adequate user services.

Project Evaluation

Recently realigned or closed military airports, as well as active military airfields with new joint-use agreements, have the greatest need of funding to convert to, or to incorporate, civil airport operations. Newly converted airports and new joint-use locations frequently have minimal capital development resources and will therefore receive priority consideration for designation and MAP funding. The FAA will evaluate the need for eligible projects based upon information in the candidate airport's five-year Capital Improvement Plan (CIP).

1. The FAA will evaluate candidate airports and/or the airports such candidate airports will relieve based on the following specific factors:

- Compatibility of airport roles and the ability of the airport to provide an adequate airport facility;
- The capability of the candidate airport and its airside and landside complex to serve aircraft that otherwise must use a congested airport;
- Landside surface access;
- Airport operational capability, including peak hour and annual capacities of the candidate airport;
- Potential of other metropolitan area airports to relieve the congested airport;
- Ability to satisfy, relieve, or meet air cargo demand within the metropolitan area;
- Forecasted aircraft and passenger levels, type of commercial service anticipated, i.e., scheduled or charter commercial service;
- Type and capacity of aircraft projected to serve the airport and level of operations at the congested airport and the candidate airport;
- The potential for the candidate airport to be served by aircraft or users, including the airlines, serving the congested airport;
- Ability to replace an existing commercial service or reliever airport serving the area; and
- Any other documentation to support the FAA designation of the candidate airport.

2. The FAA will evaluate the extent to which development needs funded through MAP will make the airport a viable civil airport that will enhance system capacity or reduce delays.

Application Procedures and Required Documentation

Airport sponsors applying for designation or redesignation must complete and submit an SF 424, Application for Federal Assistance, and provide supporting documentation to the appropriate FAA Airports regional or district office serving that airport.

Standard Form 424:

Sponsors may obtain this fillable form at *http://www.faa.gov/airports/aip.* Applicants should fill this form out completely, including the following:

- Mark Item 1, Type of Submission as a "pre-application" and indicate it is for "construction".
- Mark item 8, Type of Application as "new", and in "other", fill in "Military Airport Program".
- Fill in Item 11, Descriptive Title of Applicant's Project. "Designation (or redesignation) to the Military Airport Program".
- In Item 15a, Estimated Funding, indicate the total amount of funding requested from the MAP during the entire term for which you are applying.

Supporting Documentation

(A) Identification as a Current or Former Military Airport. The application must identify the airport as either a current or former military airport and indicate whether it was:

(1) Closed or realigned under Section 201 of the Defense Authorization

Amendments and Base Closure and Realignment Act, and/or Section 2905 of the Defense Base Closure and Realignment Act of 1990 (Installations Approved for Closure by the Defense Base Realignment and Closure Commissions), or

(2) Closed or realigned pursuant to 10 U.S.C. 2687 as excess property (bases announced for closure by Department of Defense (DOD) pursuant to this title after September 30, 1977 (this is the date of announcement for closure)), or

(3) A military installation with both military and civil aircraft operations. A general aviation airport applying for the MAP may be joint-use but must also qualify under (1) or (2) above.

(B) Qualifications for MAP:

Submit documents for (1) through (8) below:

(1) Documentation that the airport meets the definition of a "public airport" as defined in 49 U.S.C. 47102(20).

(2) Documentation indicating the required environmental review for civil reuse or joint-use of the military airfield has been completed. This environmental review need not include review of the individual projects to be funded by the MAP. Rather, the documentation should reflect that the environmental review necessary to convey the property, enter into a long-term lease, or finalize a joint-use agreement has been completed. The military department conveying or leasing the property, or entering into a joint-use agreement, has the lead responsibility for this environmental review. To meet AIP requirements the environmental review and approvals must indicate that the operator or owner of the airport has good title, satisfactory to the Secretary, or assures to the FAA's satisfaction that good title will be acquired.

(3) For a former military airport, documentation that the eligible airport sponsor holds or will hold satisfactory title, a long-term lease in furtherance of conveyance of property for airport purposes, or a long-term interim lease for 25 years or longer to the property on which the civil airport is being located. Documentation that an application for surplus or BRAC airport property has been accepted by the Federal Government is sufficient to indicate the eligible airport sponsor holds or will hold satisfactory title or a long-term lease.

(4) For a current military airport, documentation that the airport sponsor has an existing joint-use agreement with the military department having jurisdiction over the airport. For all first time applicants a copy of the existing joint-use agreement must be submitted with the application. This is necessary so the FAA can legally issue grants to the sponsor. Here and in (3) directly above, the airport must possess the necessary property rights in order to accept a grant for its proposed projects during FY 2015.

(5) Documentation that the airport is classified as a "commercial service airport" or a "reliever airport" as defined in 49 U.S.C. 47102(7) and 47102(23).

(6) Documentation that the airport owner is an eligible airport "sponsor" as defined in 49 U.S.C. 47102(26).

(7) Documentation that the airport has a five-year Capital Improvement Plan (CIP) indicating all eligible grant projects requested to be funded either from the MAP or other portions of the AIP and an FAA approved Airport Layout Plan (ALP).

(8) For commercial service airports a business/marketing plan or equivalent must be submitted with the application. For relievers or general aviation airports other planning documents may be submitted.

(C) Evaluation Factors:

Submit information on the items below to assist in our evaluation:

(1) Information identifying the existing and potential levels of visual or instrument operations and aeronautical activity at the current or former military airport and, if applicable, the congested airport. Also, if applicable, information on how the airport contributes to air traffic system or airport system capacity. If served by commercial air carriers, the revenue passenger and cargo levels should be provided.

(2) A description of the airport's projected civil role and development needs for transitioning from use as a military airfield to a civil airport. Include how development projects would serve to reduce delays at an airport with more than 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings; or enhance capacity in a metropolitan area or reduce current and projected flight delays.

(3) A description of the existing airspace capacity. Describe how anticipated new operations would affect the surrounding airspace and air traffic flow patterns in the metropolitan area in or near the airport. Include a discussion of whether operations at this airport create airspace conflicts that may cause congestion or whether air traffic works into the flow of other air traffic in the area.

(4) A description of the airport's five-year CIP, including a discussion of major projects, their priorities, projected schedule for project accomplishment, and estimated costs. The CIP must specifically identify the safety, capacity, and conversion related projects, associated costs, and projected five-year schedule of project construction, including those requested for consideration for MAP funding.

(5) A description of those projects that are consistent with the role of the airport and effectively contribute to the joint-use or conversion of the airfield to a civil airport. The projects can be related to various improvement categories depending on what is needed to convert from military to civil airport use, to meet required civil airport standards, and/or to provide capacity to the airport and/or airport system. The projects selected (e.g., safety-related, conversion-related, and/or capacity-related), must be identified and fully explained based on the airport's planned use. Those projects that may be eligible under MAP, if needed for conversion or capacity-related purposes, must be clearly indicated, and include the following information:

Airside:

- Modification of airport or military airfield for safety purposes, including airport pavement modifications, marking, lighting, strengthening, drainage or modifying other structures or features in the airport environs to meet civil standards for approach, departure and other protected airport surfaces as described in *14 CFR part 77* or standards set forth in FAA Advisory Circular 150/5300–13.
- Construction of facilities or support facilities such as passenger terminal gates, aprons for passenger terminals, taxiways to new terminal facilities, aircraft parking, and cargo facilities to accommodate civil use.
- Modification of airport or military utilities (electrical distribution systems, communications lines, water, sewer, storm drainage) to meet civil standards. Also, modifications that allow utilities on the civil airport to operate independently, where other portions of the base are conveyed to entities other than the airport sponsor or retained by the Government.
- Purchase, rehabilitation, or modification of airport and airport support facilities and equipment, including snow removal, aircraft rescue, firefighting buildings and equipment, airport security, lighting vaults, and reconfiguration or relocation of eligible buildings for more efficient civil airport operations.
- Modification of airport or military airfield fuel systems and fuel farms to accommodate civil aviation use.

• Acquisition of additional land for runway protection zones, other approach protection, or airport development.
• Cargo facility requirements.
• Modifications, which will permit the airfield to accommodate general aviation users.
Landside:
• Construction of surface parking areas and access roads to accommodate automobiles in the airport terminal and air cargo areas and provide an adequate level of access to the airport.
• Construction or relocation of access roads to provide efficient and convenient movement of vehicular traffic to, on, and from the airport, including access to passenger, air cargo, fixed base operations, and aircraft maintenance areas.
• Modification or construction of facilities such as passenger terminals, surface automobile parking lots, hangars, air cargo terminal buildings, and access roads to cargo facilities to accommodate civil use.

(6) An evaluation of the ability of surface transportation facilities (e.g., road, rail, high-speed rail, and/or maritime) to provide intermodal connections.

(7) A description of the type and level of aviation and community interest in the civil use of a current or former military airport.

(8) One copy of the FAA-approved ALP for each copy of the application. The ALP or supporting information should clearly show capacity and conversion related projects. Other information such as project costs, schedule, project justification, other maps and drawings showing the project locations, and any other supporting documentation that would make the application easier to understand should also be included. You may also provide photos, which would further describe the airport, projects, and otherwise clarify certain aspects of this application. These maps and ALP's should be cross-referenced with the project costs and project descriptions.

Redesignation of Airports Previously Designated and Applying for Up to an Additional Five Years in the Program

Airports applying for redesignation to the Military Airport Program must submit the same information required by new candidate airports applying for a new designation. On the SF 424, Application for Federal Assistance, prescribed by the Office of Management and Budget Circular A–102, airports must indicate their application is for redesignation to the MAP. In addition to the information required for new candidates, airports requesting redesignation must also explain:

(1) Why a redesignation and additional MAP eligible project funding is needed to accomplish the conversion to meet the civil role of the airport and the preferred time period for redesignation not to exceed five years;

(2) Why funding of eligible work under other categories of AIP or other sources of funding would not accomplish the development needs of the airport; and

(3) Why, based on the previously funded MAP projects, the projects and/or funding level were insufficient to accomplish the airport conversion needs and development goals.

In addition to the information requested above, airports applying for redesignation must provide a reanalysis of their original business/marketing plans (for example, a plan previously funded by the Office of Economic Adjustment or the original Master Plan for the airport) and prepare a report. If there is not an existing business/marketing plan a business/marketing plan or strategy must be developed. The report must contain:

(1) Whether the original business/marketing plan is still appropriate;

(2) Is the airport continuing to work towards the goals established in the business/marketing plan;

(3) Discuss how the MAP projects contained in the application contribute to the goals of the sponsor and their plans; and

(4) If the business/marketing plan no longer applies to the current goals of the airport, how has the airport altered the business/marketing plan to establish a new direction for the facility and how do the projects contained in the MAP application aid in the completion of the new direction and goals and by what date does the sponsor anticipate graduating from the MAP.

This notice is issued pursuant to Title 49 U.S.C. 47118.

Issued at Washington, DC, on October 17, 2014.

Elliott Black,

Director, Office of Airport Planning and Programming.

[FR Doc. 2014–25161 Filed 10–22–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Environmental Impact Statement for the Southeast High Speed Rail Project From Washington, DC to Richmond, VA

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of intent to prepare an Environmental Impact Statement (EIS).

SUMMARY: FRA is issuing this notice to advise the public that the FRA and the Virginia Department of Rail and Public Transportation (DRPT) will be preparing a Tier II Environmental Impact Statement (EIS) for a 123-mile portion of the Southeast High Speed Rail (SEHSR) Corridor from Washington, DC to Richmond, Virginia. The EIS will evaluate environmental and related impacts of upgrading the rail system and associated infrastructure between the Long Bridge over the Potomac River in Arlington, Virginia and Centralia, Virginia, to implement higher speed passenger rail service, increase rail capacity, and improve passenger train reliability. FRA is issuing this notice to solicit public and agency input into the development of the scope of the EIS and to advise the public that outreach activities conducted by FRA and DRPT will be considered in the preparation of the EIS. To ensure all significant issues are identified and considered, the public is invited to comment on the scope of the EIS, including the purpose and need, alternatives to be considered, impacts to be evaluated, and methodologies to be used in the evaluation.

DATES: The public, governmental agencies, and all other interested parties are invited to comment on the scope of the EIS. All such comments should be provided to DRPT, in writing, within thirty (30) days of the publication of this notice, at the address listed below. Comments may also be provided in writing at the scoping meetings for the Project. Scoping meeting dates, times and locations, in addition to Project information can be found online on the FRA Web site at *www.fra.dot.gov* and on the Project Web site at *www.DC2RVArail.com*. An agency scoping meeting will take place on November 3, 2014. Four public scoping meetings will also be held in November 2014. See the **SUPPLEMENTARY INFORMATION** section for the public scoping meeting dates.

ADDRESSES: Written comments on the scope of the EIS may be mailed or

emailed within thirty (30) days of the publication of this notice to Ms. Emily Stock, DRPT Project Manager, Virginia Department of Rail and Public Transportation (DRPT), 600 East Main Street, Suite 2102, Richmond, VA 23219, *Emily.Stock@drpt.virginia.gov.* Additionally, see the **SUPPLEMENTARY INFORMATION** section for the public scoping meeting locations.

FOR FURTHER INFORMATION CONTACT: Mr. John Winkle, Transportation Industry Analyst, Office of Railroad Policy and Development, Federal Railroad Administration, 1200 New Jersey Avenue SE., MS–20, Room W38–311, Washington, DC 20590, *John.Winkle@dot.gov,* or Ms. Emily Stock, DRPT Project Manager, Virginia Department of Rail and Public Transportation (DRPT), 600 East Main Street, Suite 2102, Richmond, VA 23219, *Emily.Stock@drpt.virginia.gov.* Information and documents regarding the EIS process will also be made available through the FRA Web site at *www.fra.dot.gov* and on the Project Web site at *www.DC2RVArail.com.*

SUPPLEMENTARY INFORMATION: FRA, in cooperation with the Virginia Department of Rail and Public Transportation (DRPT), is beginning a Tier II Environmental Impact Statement (EIS) for the 123-mile portion of the SEHSR Corridor from Washington, DC to Richmond, VA. The environmental study area begins at the southern terminus of the Long Bridge over the Potomac River in Arlington, Virginia and continues south to Centralia, Virginia at the CSXT A-Line/CSXT S-Line junction. This study will evaluate alternatives and environmental impacts within the preferred corridor described in the Tier I Record of Decision for the SEHSR Corridor from Washington, DC to Charlotte, North Carolina. The Tier II EIS will be prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and will also address compliance under Section 106 of the National Historic Preservation Act, Section 4(f) of the U.S. Department of Transportation Act of 1966, and Section 6(f) of the Land and Water Conservation Fund Act.

The Southeast High Speed Rail Corridor, one of eleven Federal high speed passenger rail corridors, was designated by the U.S. Department of Transportation (DOT) in 1992. The corridor was designated as running from Washington, DC through Richmond, VA and Raleigh, NC to Charlotte, NC, with maximum speeds of 110 mph. It is part of an overall plan to extend service from the existing high speed rail on the Northeast Corridor (Boston to Washington) to points in the Southeast. In 1995, DOT extended the SEHSR corridor to Hampton Roads, VA. In 1998, DOT created two more extensions: (1) From Charlotte through Spartanburg and Greenville, SC to Atlanta, GA and on through Macon, GA to Jacksonville, FL; and (2) from Raleigh through Columbia, SC and Savannah, GA to Jacksonville, FL and from Atlanta to Birmingham, AL.

A "tiered" approach was adopted for the SEHSR environmental studies because of the length of the corridor. The original SEHSR Tier I EIS and Record of Decision (2002) (available at: *http://www.fra.dot.gov/Page/P0427*) covered the entire Washington, DC to Charlotte, NC corridor at a program level, establishing the overall project purpose and need and modal alternative along with the preferred corridor. A separate Tier I EIS was completed in 2012 for the Richmond to Hampton Roads extension (available at: *http://www.fra.dot.gov/Page/P0481*).

Several Tier II environmental documents will examine the various segments of the preferred corridor on a more detailed, local level. A Tier II EIS is currently underway for the Richmond to Raleigh portion of the SEHSR corridor. The Tier II EIS that is the subject of this notice will examine the Washington, DC to Richmond portion of the SEHSR corridor and will include preliminary engineering in addition to the Tier II EIS.

Additionally, this project will include preliminary engineering and environmental analyses for related capacity improvements on the CSXT Peninsula Subdivision in the Richmond area between AM Junction and Beulah to the east, and on the Buckingham Branch Railroad from AM Junction through Doswell, VA, to the north, as well as two localities where specific improvements have not been identified: Elmont to North Doswell (through Ashland, VA) and Fredericksburg to Dahlgren (through Fredericksburg, VA and the Rappahannock River Bridge). These areas will be evaluated for station, track, and safety improvements as well as the feasibility of a third track.

This project will involve further analysis of the alignment of the route selected through the 2002 Tier I EIS and Record of Decision, including the Buckingham Branch Railroad and the CSXT S-Line and A-Line routes from Greendale north of Richmond to Centralia south of Richmond.

This Tier II environmental process has four basic goals: (1) Update and confirm the purpose and need as established in the Tier I EIS for the Washington, DC to Richmond, VA portion of the SEHSR corridor; (2) Develop site-specific rail alternatives for placement of a third track and other improvements; (3) Conduct a detailed evaluation of environmental impacts for the alternatives; and (4) Select a preferred alternative. The project also will include preliminary engineering for projects from Arlington to Centralia that are required to deliver SEHSR service at a maximum authorized speed (MAS) of 90 miles per hour (mph) along the corridor, as well as updating the existing service development plan (SDP) for operations along the corridor.

Environmental Review Process

The Tier II EIS will be developed in accordance with the Council on Environmental Quality (CEQ) regulations (40 CFR part 1500 et seq.) implementing the National Environmental Policy Act of 1969 (42 U.S.C. 321 et seq.) (NEPA) and FRA's Procedures for Considering Environmental Impacts (64 FR 28545, May 26, 1999). In addition to NEPA, the EIS will address other applicable statutes, regulations and executive orders, including the 1980 Clean Air Act Amendments, Section 404 of the Clean Water Act, the National Historic Preservation Act, Section 4(f) of the Department of Transportation Act, the Endangered Species Act, and Executive Order 12898 on Environmental Justice.

The purpose of the Tier II EIS will be to provide the FRA, reviewing and cooperating agencies, and the public with information to assess alternatives that will meet the Project's purpose and need; to evaluate the potential environmental impacts; and to identify potential avoidance/mitigation measures, associated with the proposed Project alternatives.

The Project may affect historic properties and may be subject to the requirements of Section 106 of the National Historic Preservation Act of 1966 (NHPA) (16 U.S.C. 470(f)). In accordance with regulations issued by the Advisory Council on Historic Preservation (36 CFR part 800), FRA intends to coordinate compliance with Section 106 of the NHPA with the preparation of the EIS, beginning with the identification of consulting parties through the scoping process, in a manner consistent with the standards set out in 36 CFR 800.8.

Scoping and Public Involvement

FRA encourages broad participation in the Tier II EIS process during scoping and review of the resulting environmental documents. Comments are invited from all interested agencies

and the public to ensure the full range of issues related to the Project are addressed, reasonable alternatives are considered, and significant issues are identified. In particular, FRA is interested in identifying areas of environmental concern where there might be a potential for significant impacts. Public agencies with jurisdiction are requested to advise FRA and DRPT of the applicable permit and environmental review requirements of each agency, and the scope and content of the environmental information that is germane to the agency's statutory responsibilities in connection with the proposed Project. Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies in Virginia. Public agencies are requested to advise FRA if they anticipate taking a major action in connection with the proposed Project and if they wish to cooperate in the preparation of the EIS.

Public scoping opportunities and meetings will be scheduled as described below and are an important component of the scoping process for Federal environmental review. FRA is seeking participation and input of interested Federal, State, and local agencies, Native American groups, and other concerned private organizations and individuals on the scope of the EIS. A continual public involvement/information program will support the process. The program will involve newsletters, a project hotline, informational workshops, small group meetings, social media, and other methods to solicit and incorporate public input throughout the EIS process. Comments and questions concerning the proposed action should be directed to DRPT or to FRA at the addresses provided above. Additional information can be obtained by visiting the project Web site at *www.DC2RVArail.com* or calling the toll-free project number 1–888–832–0900.

Public Scoping Meeting Dates and Locations

The public scoping meetings will be advertised locally and are scheduled for the following locations on the dates indicated below from 5:00–7:30 p.m.

November 5, 5:00–7:30 p.m., Hanover Arts and Activities Center, 500 South Center Street, Ashland, VA

November 6, 5:00–7:30 p.m., Department of Motor Vehicles, 2300 W. Broad Street, Richmond, VA

November 12, 5:00–7:30 p.m., National Museum of the Marine Corps-Quantico, 18900 Jefferson Davis Highway, Quantico, VA

November 13, 5:00–7:30, Westin Crystal City, 1800 Jefferson Davis Highway, Arlington, VA

In addition, an online meeting will also be available from October 27, 2014 through December 5, 2014. The public can review materials at the meetings or online and provide comments by December 5, 2014.

Authority: 42 U.S.C. 4321 et seq.

Issued in Washington, DC, on October 17, 2014.

Corey W. Hill,

Director, Office of Program Delivery.

[FR Doc. 2014–25219 Filed 10–22–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Application for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of Applications for Special Permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the "Nature of Application" portion of the table, below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before November 24, 2014.

ADDRESS COMMENTS TO: Record Center, Pipeline and Hazardous Materials, Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on October 9, 2014.

Donald Burger,

Chief, General Approvals and Permits.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permit thereof
New Special Permits				
16249–N	.....	Optimized Energy Solutions, LLC, Durango, CO.	49 CFR 172.101 Table, Column (8C), 173.315.	To authorize the transportation in commerce of ethane, refrigerated liquid in DOT 113C120W tank cars, (mode 2).
16251–N	.....	Air Liquide America Specialty Gases, LLC, Plumsteadville, PA.	49 173.302a(a)(1), 173.302a(a)(3).	To authorize the transportation in commerce of certain non-liquefied flammable gases in non-DOT specification cylinders and certain non-liquefied flammable gases in cylinders authorized under DOT–SP 10788 with a volume not to exceed 1.6 L. (modes 1, 2, 3, 4, 5).

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permit thereof
16253–N		Trinity Manufacturing, Inc., Hamlet, NC.	49 CFR 171.23(a)(4)(i)	To authorize the transportation in commerce of non-DOT specification cylinders (ADR foreign cylinders) requalified in accordance with European Standard BS EN 1803:2002 "Transportable Gas Cylinders—Periodic Inspection and Testing of Welded Carbon Steel Gas Cylinders" in lieu of the requalification requirements in 49 CFR part 180, subpart C. (modes 1, 3).
16261–N		Dexsil Corporation, Hamden, CT.	49 CFR 172.101(c)(2), Special Provision A3, 173.13(c)(1)(ii), 173.13(c)(1)(iii), 173.13(c)(1)(iv).	To authorize the transportation in commerce of small quantities of certain Division 4.3 materials in specially-designed packagings shipped without labels. (modes 1, 2, 4).
16274–N		Matheson Tri-Gas, Inc., Longmont, CO.	49 CFR 173.13(c)(2)(i), 173.13(c)(2)(ii), 173.13(c)(2)(iii), 5;3.1.1 of the ICAO TI.	To authorize the transportation in commerce of certain Division 4.2 and 4.3 materials in specially-designed packagings shipped without labels. (modes 1, 4).

[FR Doc. 2014–25167 Filed 10–22–14; 8:45 am]
BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Applications for Modification of Special Permit

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of Applications for Modification of Special Permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Requests for modification of special permits (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix "M" denote a modification request. These applications have been separated from the new application for special permits to facilitate processing.

DATES: Comments must be received on or before November 7, 2014.

Address Comments to: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC or at *http://regulations.gov.*

This notice of receipt of applications for modification of special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on October 9, 2014.

Donald Burger,

Chief, General Approvals and Permits.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permit thereof
Modification Special Permits				
10232–M		ITW Sexton, Decatur, AL	49 CFR 173.304(d) and 173.306(a)(3).	To modify the special permit to authorize additional hazardous materials.
11914–M		Cascade Designs, Inc., Seattle, WA.	49 CFR 173.304(d)(3)(ii); 178.33.	To modify the special permit to authorize 16 oz. camping fuel canisters.
15393–M		Savannah Acid Plant LLC, Savannah, GA.	49 CFR 173.31(d)(1)(vi) ...	To modify the special permit to discontinue tracking 10% of the fleet individual railcars, and instead monitor the annual change out for the entire fleet.

[FR Doc. 2014–25166 Filed 10–22–14; 8:45 am]
BILLING CODE 4909–60–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Advisory Council to the Internal Revenue Service; Meeting

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: The Internal Revenue Service Advisory Council (IRSAC) will hold a public meeting on Wednesday, November 19, 2014.

FOR FURTHER INFORMATION CONTACT: Ms. Lorenza Wilds, IRSAC Program Manager, National Public Liaison, CL:

NPL, 7559, 1111 Constitution Avenue NW., Washington, DC 20224. Telephone: 202–317–6851 (not a toll-free number). Email address: *PublicLiaison@irs.gov*.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988), a public meeting of the IRSAC will be held on Wednesday, November 19, 2014, from 9:20 a.m. to 1:15 p.m. at the Embassy Suites Hotel, 1250 22nd Street NW., Consulate/Ambassador Ballroom, Washington, DC 20037. Issues to be discussed include, but not limited to: *The IRS Needs Sufficient Funding to Operate Efficiently and Effectively, Provide Timely and Useful Guidance to Taxpayers and Enforce Current Law, so that Respect for our Voluntary Tax System is Maintained, Changing Taxpayers' Behavior for Taxpayers that Electronically Prepare their Tax Returns but Paper File, Improving Automated Underreporter (AUR) Customer Satisfaction, Risk Assessing Large Taxpayers, Rules of Engagement and Escalation of Issues, Business Identity Theft, Fresh Start Initiative, Tax Assistance to Marijuana Businesses, Guidance to Practitioners Regarding Professional Obligations.* Reports from the four IRSAC subgroups, Large Business and International, Small Business/Self-Employed, Wage & Investment, and the Office of Professional Responsibility will also be presented and discussed. Last minute agenda changes may preclude advanced notice. The meeting room accommodates approximately 80 people, IRSAC members and Internal Revenue Service officials inclusive. Due to limited seating, please call Lorenza Wilds to confirm your attendance. Ms. Wilds can be reached at 202–317–6851. Attendees are encouraged to arrive at least 30 minutes before the meeting begins. Should you wish the IRSAC to consider a written statement, please write to Internal Revenue Service, Office of National Public Liaison, CL: NPL: 7559, 1111 Constitution Avenue NW., Washington, DC 20224, or email *PublicLiaison@irs.gov*.

Dated: October 17, 2014.

Candice Cromling,

Director, National Public Liaison.

[FR Doc. 2014–25281 Filed 10–22–14; 8:45 am]

BILLING CODE 4830–01–P

FEDERAL REGISTER

Vol. 79 Thursday,
No. 205 October 23, 2014

Part II

The President

Federal Register
Vol. 79, No. 205
Thursday, October 23, 2014

Presidential Documents

Title 3—

The President

Executive Order 13681 of October 17, 2014

Improving the Security of Consumer Financial Transactions

Given that identity crimes, including credit, debit, and other payment card fraud, continue to be a risk to U.S. economic activity, and given the economic consequences of data breaches, the United States must take further action to enhance the security of data in the financial marketplace. While the U.S. Government's credit, debit, and other payment card programs already include protections against fraud, the Government must further strengthen the security of consumer data and encourage the adoption of enhanced safeguards nationwide in a manner that protects privacy and confidentiality while maintaining an efficient and innovative financial system.

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to improve the security of consumer financial transactions in both the private and public sectors, it is hereby ordered as follows:

Section 1. *Secure Government Payments.* In order to strengthen data security and thereby better protect citizens doing business with the Government, executive departments and agencies (agencies) shall, as soon as possible, transition payment processing terminals and credit, debit, and other payment cards to employ enhanced security features, including chip-and-PIN technology. In determining enhanced security features to employ, agencies shall consider relevant voluntary consensus standards and specifications, as appropriate, consistent with the National Technology Transfer and Advancement Act of 1995 and Office of Management and Budget Circular A–119.

(a) The Secretary of the Treasury shall take necessary steps to ensure that payment processing terminals acquired by agencies through the Department of the Treasury or through alternative means authorized by the Department of the Treasury have enhanced security features. No later than January 1, 2015, all new payment processing terminals acquired in these ways shall include hardware necessary to support such enhanced security features. By January 1, 2015, the Department of the Treasury shall develop a plan for agencies to install enabling software that supports enhanced security features.

(b) The Administrator of General Services shall take necessary steps to ensure that credit, debit, and other payment cards provided through General Services Administration (GSA) contracts have enhanced security features, and shall begin replacing credit, debit, and other payment cards without enhanced security features no later than January 1, 2015.

(c) The Secretary of the Treasury shall take necessary steps to ensure that Direct Express prepaid debit cards for administering Government benefits have enhanced security features, and by January 1, 2015, the Department of the Treasury shall develop a plan for the replacement of Direct Express prepaid debit cards without enhanced security features.

(d) By January 1, 2015, other agencies with credit, debit, and other payment card programs shall provide to the Office of Management and Budget (OMB) plans for ensuring that their credit, debit, and other payment cards have enhanced security features.

(e) Nothing in this order shall be construed to preclude agencies from adopting additional standards or upgrading to more effective technology

and standards to improve the security of consumer financial transactions as technologies and threats evolve.

Sec. 2. *Improved Identity Theft Remediation.* To reduce the burden on consumers who have been victims of identity theft, including by substantially reducing the amount of time necessary for a consumer to remediate typical incidents:

(a) by February 15, 2015, the Attorney General, in coordination with the Secretary of Homeland Security, shall issue guidance to promote regular submissions, as appropriate and permitted by law, by Federal law enforcement agencies of compromised credentials to the National Cyber-Forensics and Training Alliance's Internet Fraud Alert System;

(b) the Department of Justice, the Department of Commerce, and the Social Security Administration shall identify all publicly available agency resources for victims of identity theft, and shall provide to the Federal Trade Commission (FTC) information about such resources no later than March 15, 2015, with updates thereafter as necessary. These agencies shall work in consultation with the FTC to streamline these resources and consolidate them wherever possible at the FTC's public Web site, IdentityTheft.gov; and

(c) OMB and GSA shall assist the FTC in enhancing the functionality of IdentityTheft.gov, including by coordinating with the credit bureaus to streamline the reporting and remediation process with credit bureaus' systems to the extent feasible, and in making the enhanced site available to the public by May 15, 2015.

Sec. 3. *Securing Federal Transactions Online.* To help ensure that sensitive data are shared only with the appropriate person or people, within 90 days of the date of this order, the National Security Council staff, the Office of Science and Technology Policy, and OMB shall present to the President a plan, consistent with the guidance set forth in the 2011 National Strategy for Trusted Identities in Cyberspace, to ensure that all agencies making personal data accessible to citizens through digital applications require the use of multiple factors of authentication and an effective identity proofing process, as appropriate. Within 18 months of the date of this order, relevant agencies shall complete any required implementation steps set forth in the plan prepared pursuant to this section.

Sec. 4. *General Provisions.* (a) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(b) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of OMB relating to budgetary, administrative, or legislative proposals.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE,
October 17, 2014.

[FR Doc. 2014–25439
Filed 10–22–14; 11:15 am]
Billing code 3295–F5

Presidential Documents

Notice of October 21, 2014

Continuation of the National Emergency With Respect to the Situation in or in Relation to the Democratic Republic of the Congo

On October 27, 2006, by Executive Order (E.O.) 13413, the President declared a national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo and, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706), ordered related measures blocking the property of certain persons contributing to the conflict in that country. The President took this action to deal with the unusual and extraordinary threat to the foreign policy of the United States constituted by the situation in or in relation to the Democratic Republic of the Congo, which has been marked by widespread violence and atrocities that continue to threaten regional stability. I took additional steps pursuant to this national emergency in E.O. 13671 of July 8, 2014.

This situation continues to pose an unusual and extraordinary threat to the foreign policy of the United States. For this reason, the national emergency declared in E.O. 13413 of October 27, 2006, as amended by E.O. 13671 of July 8, 2014, and the measures adopted to deal with that emergency, must continue in effect beyond October 27, 2014. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo declared in E.O. 13413, as amended by E.O. 13671.

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

THE WHITE HOUSE,

October 21, 2014.

[FR Doc. 2014–25441

Filed 10–22–14; 11:15 am]

Billing code 3295–F5

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